

Tuesday, 16 September 1997

The **SPEAKER (Hon. S. J. Plowman)** took the chair at 2.07 p.m. and read the prayer.

CONDOLENCES

Hon. Leslie George Norman

Mr KENNETT (Premier) — I move:

That this house expresses its sincere sorrow at the death of the Honourable Leslie George Norman and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Assembly for the electoral district of Glen Iris from November 1947 to October 1952 and Minister without Portfolio in 1950, Leader of the Opposition December 1951 to July 1952 and member of the Printing Committee 1947-48, 1949.

Leslie George Norman was a remarkable individual and a very principled man. He is remembered for his contribution to the Victorian Parliament and the Liberal Party, and also for his contribution to improving relationships between Australia and Japan after the Second World War. He passed away on 5 July this year at the age of 83.

Mr Norman was a member of this house for five years from 1947. His service included one year as leader of the then Liberal Country Party during a relatively turbulent period in Victoria's political history, when governments changed on average every 15 months as opposed to every 15 years, which seems to be the current trend. In 1951, at the age of 38, Mr Norman ousted former Premier Tom Hollway to gain the leadership, only to be defeated at the 1952 election, when Mr Hollway stood against him in the seat of Glen Iris and won.

Mr Norman was born in Melbourne in September 1913. He was the son of a tramways inspector, who was an active unionist. After matriculating at age 15 from University High School he worked as a clerk with an accounting firm while studying accounting at night. At age 23 he established his own chartered accounting practice, Norman and Cartledge, with offices in Melbourne, Sydney and Morwell.

When the Second World War broke out Mr Norman enlisted with the Australian Imperial Force. He

served in Malaya with the 8th division and rose to the rank of lieutenant. From 1942 until 1945 he was imprisoned at the infamous Changi prisoner of war camp. I understand that while there he even debated the merits of different political theories with other prisoners, including two former members of this house, Sir Wilfrid Kent Hughes and Sir William Leggatt, and Tom Mitchell, a former member of the other place. Sir William and Mr Mitchell both served as ministers in the early 1950s.

After the war Mr Norman resumed his accounting practice. In November 1947 he stood for and won the seat of Glen Iris. As a devout Methodist and staunch conservative Mr Norman was bitterly opposed to socialism. He advocated less government involvement in hospitals and the then State Electricity Commission.

Mr Norman was appointed government whip in the Hollway government, a difficult position to hold in a minority government where every vote in the house counted. I understand that he once intercepted the then Attorney-General, who was about to board a plane bound for Western Australia, to ensure his party had the numbers it required in the house at the time. In 1950 Mr Norman was appointed an assistant minister in the then Hollway Liberal-Country party government. After the defeat of the Hollway government he became leader of the party in December 1951, with Henry Bolte as his deputy.

Mr Norman was sometimes described as a man true to his principles, as was evident when he argued against Mr Hollway's proposed electoral redistribution scheme of two state seats for each federal seat. That scheme aimed to reduce the influence of country voters. Mr Hollway was convinced that the political instability in Victoria at that time was the result of an electoral system that gave undue weight to country votes. The issue came to a head in July 1952 at a meeting of the Liberal Party when Mr Norman gave his casting vote against a tied motion to accept government with the support of the Country Party. His vote denied him the premiership of the state.

Mr Hollway still sought support for his scheme and approached Mr Norman with a guarantee that there would be Labor Party support for a Norman government which introduced a redistribution scheme. Mr Norman again rejected the proposal and again denied himself the premiership of Victoria.

Mr Hollway stood against Mr Norman in the 1952 election, believing that his electoral redistribution scheme would be more popular in a city electorate

than in his Ballarat seat. After his defeat Mr Norman declined an offer of a blue-ribbon seat.

After politics Mr Norman returned to his accounting practice. He also engaged in a wide range of business, financial and charitable activities. He was particularly active as Vice-president of Red Cross Australia. In 1955, as a member of Moral Rearmament, Mr Norman undertook a unique reconciliation mission to Japan to ease the bitterness which had developed between Australia and Japan because of the war. This mission was particularly difficult for Mr Norman given that he then faced the people who had caused him so much suffering while he was with his colleagues in Changi. His delegation to Japan established regular exchange visits of parliamentarians, unionists, students and businessmen. As a member of this house he served on the Printing Committee.

Mr Norman was a singularly important individual, not so much because of what he did in this house but for what he did in the community at large. I extend the condolences of the government to the family of Mr Norman including his wife Nina, his first wife Rosa and his children Douglas, Anne and their families.

Mr BRUMBY (Leader of the Opposition) — On behalf of the Victorian parliamentary Labor Party I join with the Premier in extending condolences to the family of the late Honourable Leslie George Norman. He represented the district of Glen Iris in this house from November 1947 until October 1952. As the Premier has said, he served in this place as Leader of the Opposition from December 1951 until July 1952 and was leader of the parliamentary Liberal-Country party from December 1951 until December 1952 at which time he was defeated in Glen Iris by Tom Hollway. Therefore, his political career was short.

A former President of the Legislative Council, the Honourable Alan Hunt, noted in an obituary for Mr Norman in the *Age* of 25 August 1997:

Les Norman's brief but remarkable career in state Parliament occurred during the post-war decade, perhaps the most tumultuous period in Victoria's political history. Chronic political instability reigned and governments changed on average about every 15 months.

Mr Norman was a devout Methodist and a member of Moral Rearmament. In his inaugural speech in this place the extent to which his strong Christian

Methodist views influenced his public policy views, particularly on issues such as public housing, was obvious.

He was born in 1913 and was educated at Malvern primary school and at University High School before leaving school at age 14. He commenced employment as a clerk with an accountancy firm and pursued further accountancy studies at night. As the Premier said, after leaving Parliament he established his own accountancy practice which ultimately became part of one of the big six accounting firms that dominate the industry today.

It is important to highlight the fact that during the Second World War Leslie Norman enlisted in the 2nd AIF as a private and was later commissioned as a lieutenant. He was incarcerated at the Changi prisoner of war camp at the same time as at least three other members of Parliament, Sir Wilfrid Kent Hughes, Tom Mitchell and Sir William Leggatt and, I also suspect, at the same time as the later federal member and minister Tom Uren would have been imprisoned at Changi.

Much of the background information on Leslie Norman highlights the influence that the incarceration at Changi had on his life and his views about the world. There is no doubt he later showed great courage in being part of the delegation which travelled to Japan in the post-war period to try to improve relationships between Australia and Japan.

Leslie Norman's rise through the Liberal-Country party was meteoric. He was government whip in 1948, party whip in May 1950 and minister without portfolio in June 1950. He became Leader of the Opposition in December 1951 after toppling Tom Hollway from that position. A reading of his inaugural speech in this house demonstrates that he was particularly resolute in his call for greater state involvement in public housing. That call of his featured in many of his speeches. He was concerned about material being used for the construction of projects such as the Kooyong tennis club. He asked, 'Why could those building materials not be used to address the housing crisis in Victoria?'

As the Premier said, the early 1950s was a tumultuous period in Victorian politics with a number of parties filling government benches on a variety of occasions. Today the Premier referred to the then gerrymander situation, to Leslie Norman's views on how country voters should be given some favouritism in their representation in this Parliament and to Tom Hollway's view that there should be a

redistribution so that every federal seat would be divided into two state seats. He believed that would have given Victorian voters a more equal balance across the state.

The Premier referred to what occurred then. Leslie Norman was twice offered the premiership of this state if he would support the two-for-one proposition being pursued by Tom Hollway. On both occasions he rejected that proposition and remained as Leader of the Opposition. Bitterness between the two grew and Tom Hollway subsequently vacated his seat of Ballarat, moved to Melbourne and contested the seat of Glen Iris against Leslie Norman. Tom Hollway ran on the platform of two-for-one, then popular with metropolitan voters, while Leslie Norman continued to press for his policy of more equal representation for the Country Party.

Mr Norman is survived by his second wife, Nina, and two children from his first marriage, Douglas and Anne. Mr Norman made a significant contribution to the Victorian Parliament and to the Victorian community. On behalf of the opposition I join with the Premier and the house in extending condolences to Mr Norman's family.

Mr McNAMARA (Minister for Agriculture and Resources) — I join with the Premier and Leader of the Opposition in contributing to the condolence motion on the death of Leslie Norman. As the Premier and the Leader of the Opposition have said, Mr Norman was a member of this place when the political scene in Victoria was rather turbulent. It was certainly an interesting period in Australia's history.

Mr Norman's background makes interesting reading. His father was a tramways inspector and an active unionist. Leslie Norman, a person with conservative views, was concerned about creeping socialism, the need to ensure that industries were as productive as possible and that we got the best value for capital expenditure. In fact, he advocated less government involvement in hospitals and in the then State Electricity Commission, but greater funding for roads. Interestingly, some of those issues are being addressed today.

Leslie Norman was born in Melbourne in 1913 and left school at either 14 or 15 years of age — I have two conflicting reports. He then undertook accountancy studies independently and went on to establish his own accountancy practice. At the outbreak of the Second World War he enlisted as a

private soldier. He was commissioned in the field and was later incarcerated as a prisoner of war at Changi. It was amazing how Australians who served under those particularly harsh conditions made such substantial contributions to public life on their return.

Leslie Norman was in this Parliament for only four years, yet the qualities he obviously possessed resulted in his elevation to the leadership of the Liberal Party at the very early age of 38 during a period of not only close balances but also huge divisions between the political parties in this Parliament — the differences between Norman and Hollway have been well recorded. At one stage a Labor Premier, Ned Hogan, left the Labor Party to become Deputy Premier in a Country Party government! There were some very interesting alliances in that period.

Through all his public life Leslie Norman was a person of great principle, and was strengthened by the strong Methodist teachings he followed devoutly. He always stood by issues of principle first and last, which at times resulted in a loss of personal elevation. On one occasion he effectively rejected the premiership of Victoria through the use of his casting vote.

I join with the Premier and the Leader of the Opposition in extending the condolences of the National Party to Mr Norman's widow, Nina, to their children, Douglas and Anne, and to his former wife, Rosa.

The SPEAKER — Clearly, Leslie Norman was a man of the highest principles who demonstrated great courage, leadership, determination and integrity. I join with the Premier, the Leader of the Opposition and the Leader of the National Party in passing on our condolences to his widow, his daughter and son-in-law, and his two grandchildren, who are in the gallery today, and to other succeeding members of his family.

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

ABSENCE OF MINISTER

The SPEAKER — Order! The Treasurer will be absent during question time today on government business. The Premier will deal with questions concerning the Treasury and multimedia.

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Unemployment: mini-budget

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to what is clearly the most serious issue facing Victorians today — unemployment. It is a problem that apparently everyone knows about except the man responsible, the Treasurer, who in July did not even know the state's unemployment rate!

In the absence of the Treasurer, I ask the Premier whether he is aware, unlike his Treasurer, of these appalling facts: Victoria's unemployment rate is 9.3 per cent, which is a far worse result than in New South Wales; unemployment in country Victoria is the highest in mainland Australia; and in some areas 50 per cent of our young people are out of work? Will the Premier make up for his Treasurer's failure to deal with the unemployment crisis by immediately agreeing to bring down an October mini-budget to restore confidence and boost jobs in this state?

Mr KENNETT (Premier) — That must have come as a surprise to every observer of this house! The Leader of the Opposition has raised many issues in his question. Importantly, unemployment in Victoria is now substantially lower than it was in the last months of the Labor government. More importantly youth unemployment in Victoria fell from more than 40 per cent in Labor's last year of office to 24 per cent in July 1997 — the second-best figure after the figure for Western Australia.

No-one in this house or anywhere around Australia derives any joy from the current levels of unemployment. One has only to remember the policies of the Labor Party and what it is now advocating to understand that if it were given the opportunity to govern again, it would simply repeat the mistakes of the past. One only has to take on board the comments of the honourable member for Williamstown, who apologised on radio last week, when he said:

And I accept, and I think I have to apologise to Victorians as a member of the Labor Party, that we had the high unemployment level at that stage.

Opposition members interjecting.

The SPEAKER — Order! I appeal to honourable members on my left to remain orderly during question time.

Mr KENNETT — The Leader of the Opposition obviously woke up this morning asking himself, 'What do I have to say today to get some coverage?'. He came up with the idea that Victoria needs a mini-budget. He does not say what the government should try to do with a mini-budget — he has no ideas and absolutely no policies. He could only say, 'We will slow down debt retirement.' He has not said what he will do!

Let us take today as a normal day in Victoria. Parliament has resumed and this question has been asked by the opposition. Our policies have resulted in the latest ABS figures, which were released this morning and which show that Victoria has recorded the strongest growth of all the states in investment expenditure on plant and equipment in the 1997 June quarter.

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition interjects, 'We want to know about jobs.' He does not understand that unless industry reinvests in capital equipment, you do not have jobs. Which state is growing faster than any other state? Victoria! Victoria grew by 20 per cent! This is a question without notice, so let me give the other figures. New South Wales grew by only 2 per cent, Queensland by 2.6 per cent, South Australia by 13.2 per cent and Western Australia declined by 2.8 per cent. Average growth in Australia was 8 per cent and Victoria grew by 20 per cent.

When the Leader of the Opposition bleats, he shows he has no understanding at all about the importance of investor confidence in providing us with the capital and the equipment we need to generate the jobs that are necessary. I said there are two things that have happened today, a typical day in Victoria. The other is the decision by Hewlett Packard — and the Leader of the Opposition obviously knows of Hewlett Packard.

Mr Brumby interjected.

Mr KENNETT — Whereabouts is it?

Mr Brumby interjected.

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

Mr KENNETT — You had a one in four chance of being right, and this time you picked it. The company is in the eastern suburbs on the Burwood industrial estate — and yes, I have been there. Today Hewlett Packard announced in Sydney that its world headquarters for its calculator operation will be moving from Singapore to, importantly, Melbourne.

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition says, 'Woo, woo!'. As usual he has come into this place grizzling, moaning, without a policy but wanting action. That is why I mention to him that Hewlett Packard is coming down to Melbourne, which will generate \$100 million per annum in exports — yet all the Leader of the Opposition can say is 'Woo, woo!'. I can only say that this is the first day of what will no doubt be, like every other, a thrilling session of Parliament.

Until the Leader of the Opposition and his colleagues frame their questions so they are more relevant, and until they understand what is happening in Victoria, I am sure we and the public will remain somewhat disenchanted with their style of leadership. Until members of the Labor Party issue one policy that is costed, they will not be well served by going around saying today, Tuesday, that we need a mini-budget or by coming out yesterday and complaining about some other issue. Labor represents no alternative; it has absolutely no plan at all.

Through the policies we not only have implemented but are acting on, we are delivering growth to this state — and we will continue to do it day after day, week after week, month after month and year after year. Thank you for the question!

Education: literacy skills

Ms BURKE (Pahran) — Will the Minister for Education inform the house of the government's approach to literacy skills in Victoria.

Mr GUDE (Minister for Education) — I thank the honourable member for her beautifully read question! I am proud to say that in its commitment to literacy Victoria is clearly leading Australia. Unlike the Labor Party, which, when in government had no benchmark and no curriculum standards, this government has introduced a curriculum standards framework. It has also introduced an important measure — the learning assessment

program — that is the subject of considerable public debate at present. Over the past three years the performance of over 100 000 youngsters in years 3 and 5 has been examined, and that particular approach has been supported by all other states and the commonwealth.

More importantly, at a meeting of education ministers earlier this year, Victoria was able to take the leadership role because of the energetic policies which were put in place by my predecessor and which have been continued in this term of government to establish a Victorian secondary assessment monitor for years 7 and 9. I am pleased to say that all other states have decided to pick up that approach, so now not only Victorian but all Australian students will be assessed in years 3, 5, 7 and 9.

As a consequence of the work that has been done through the learning assessment program, we have discovered that a small but important percentage of Victorians — it could be as much as 10 per cent — are having difficulties in the area of literacy. The government has embarked on a pilot program, the Keys to Life early learning literacy program, to which \$52 million has been committed. It has been so effective that the government has determined to put in recurrent expenditure. In other words, it is a continuing commitment.

Another unique program in Victoria that is being watched by the other states and countries around the world is the Parents as Tutors program. It is remarkable in that some 20 000 mums and dads out there are working with their children, both in and outside schools. It is a very comprehensive program — and it takes me to the issue of benchmarking.

As honourable members will be aware, in recent times there has been some discussion about the process involved in the release by my federal colleague of a couple of reports. We support him, we support the process of benchmarking, and we support the commitment to literacy. There is no argument or debate about that: we are on all fours with him. However, we have some disagreement with the federal minister — indeed all the states have some disagreement with him — about the way in which he has developed this. The benchmarks are in the process of being developed, they have not been concluded. Notwithstanding that, two reports have been put out. There has been no agreement whatsoever between any of the states and the commonwealth about those benchmarks.

When the benchmarks were translated into a report by the Australian Council of Educational Research, the results that came out were basically in line with the work we have been doing in Victoria. However, the federal minister then decided that that did not suit him and that he would draw a new line — a cut score, as he called it. That matter had been discussed about two and half months ago at the officers meeting, and it was rejected by all the states. Notwithstanding that process, and without advising any of the states, the federal minister produced a report with cut scores. In my view, and, I believe, in the view of most responsible people who have an interest in education, the minister has effectively — if unwittingly, perhaps — denigrated not only the tremendously fine work that has been carried out in our schools by our teachers and our principals but also the efforts of parents right across Australia.

It is interesting to note that at the same time as he is doing that, the federal minister is also taking out funds at the other end. He giveth and he taketh away. Between now and 2000 he will take \$8 million out of the special purpose grants for literacy. Another \$10 million will come out as a consequence of his program of enrolment benchmarking. The federal government has removed \$60 million from the commonwealth youth allowance program. It is estimated that the commonwealth efficiency dividend on the allocation of vocational education and training funds will cost Victoria around \$5 million in one year; and of course, the removal of growth funds under the Australian National Training Authority agreement is costing Victoria at least \$17 million a year.

If you look at the reductions in real terms in the general purposes grant against the backlog since 1984-85, you will see that education's share of that is a further \$150 million. It is the ultimate hypocrisy for the federal minister to make the sorts of remarks he has made.

The SPEAKER — Order! The minister has been speaking for just on 6 minutes. It is an important question, but I ask him to wind up his answer.

Mr GUDE — The other point I would like to make is that as of yesterday I understand the federal minister has been indicating —

Mr Mildenhall — On a point of order, Mr Speaker, it is quite clear that the minister is reading from a document. I ask that you, Sir, direct him to table the document so that it can be established whether it contains the rest of the facts,

including the \$350 million he has pulled out of the state system, which affects literacy standards.

The SPEAKER — Order! The latter part of the point of order does not endear to me the notion of upholding the first part of the point of order. The honourable member should not make a statement when raising a point of order. I have been observing the minister. He is quoting from notes, and if he wishes to make the notes available to the honourable member at the end of his answer that is the minister's prerogative. I do not uphold the point of order.

Mr GUDE — I will pick up from where I was before the unwonted interjection. I simply make the point for the honourable member that since 1992-93 there has been a \$300 million increase in recurrent expenditure in education in this state, which is the opposite of what the honourable member is saying — but he is so often wrong!

One of the interesting remarks that have been made recently by the federal minister is that he will benchmark the process to ensure that only schools that meet his benchmark will get funds. What he is saying is that if a school is doing its best but the kids do not meet his benchmark — and therefore they are not literate in his terms — he will actually take money away from them in punishment, which will prevent their progress. That is a bit like a Prime Minister saying when members of the farming community have a difficult time that if their productivity is down he will punish them by not giving them any money. It is a pathetic exercise. I suggest that the federal minister should give further consideration to his utterances and that he deal with education in a more responsible way. He has succeeded in getting every state education minister across this country offside, and it is about time he revisited this subject in a far more responsible and appropriate fashion.

Unemployment: regional

Mr BRUMBY (Leader of the Opposition) — My question for the Premier again concerns the most serious issue facing Victoria — that is, unemployment. Has the Premier, apparently unlike his Treasurer, bothered to find out that today's ABS figures for regional unemployment show that Victoria has the worst regional unemployment rate of all the mainland states and that over the past month unemployment has increased in every region — up to 13 per cent in the Barwon-Western District region and 12.7 per cent in Gippsland? Will

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the Premier and the Treasurer stop making excuses — which is what the Premier did in his last answer — and will the Premier now adopt Labor's plan to bring down a mini-budget to revitalise jobs in country Victoria?

Mr KENNETT (Premier) — Labor's plan is to bring down a mini-budget, but what does it contain, Mr Brumby?

Mr Brumby interjected.

Mr KENNETT — What does it contain? What does it do?

Honourable members interjecting.

Mr KENNETT — What is the Labor Party suggesting?

Honourable members interjecting.

Mr KENNETT — How are you going to create them?

Mr Brumby interjected.

The SPEAKER — Order! I ask the Premier to answer the question. By simply asking questions of the opposition he invites the sorts of interjections that make question time disorderly and lead to lengthy answers, which I do not think the opposition wants and I certainly do not want.

Mr KENNETT — The difficulty is that the Labor Party has absolutely no strategy and no plan at all except — —

Mr Dollis interjected.

The SPEAKER — Order! I ask the honourable member for Richmond to cease interjecting. I have warned him already.

Mr KENNETT — Except for calling for the bringing down of a mini-budget, which happens to be the most inane suggestion it could possibly make unless it is going to back it up with facts and strategies, it does not have even one plan!

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition says we have done nothing.

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question.

Mr KENNETT — Over the past almost five years there has been a substantial amount of investment in rural Victoria.

Mr Brumby — Is that right?

Mr KENNETT — I can only give him some examples.

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question. I ask him to cease asking supplementary questions across the table, which is disorderly and disruptive during question time.

Mr KENNETT — The Leader of the Opposition has asked for some information and if this takes a while, it is a very serious question and perhaps the most serious issue facing the state. I go back to November 1992 when we attracted through Snow Brand Dairies in Tatura an investment of \$25 million. In December 1992 Bonlac Foods invested \$27 million at Cobram and \$6 million at Stanhope.

An honourable member interjected.

Mr KENNETT — I will get to 1997, but it will take a while because so many investments have been made. In March 1993 Tatura Milk Industries Ltd invested \$13 million at Tatura; Australian Forest Industries Pty Ltd invested \$10 million at Myrtleford; Bendigo Enterprise Centre invested \$2 million at Eaglehawk; Murray Goulburn invested \$7 million at Leongatha. In July 1993 Campbell Soups — —

Ms Gillett interjected.

Mr KENNETT — The honourable member for Werribee says, 'It is only money' and 'Where are the jobs?'.

Ms Gillett interjected.

The SPEAKER — Order! The honourable member for Werribee will cease interjecting. I have asked the honourable member to cease interjecting on a number of occasions.

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition knows he should not continue making a noise or speaking when the Chair is on his feet. I have asked the honourable member for Werribee three times to cease interjecting. If she continues to interject I will name her.

Mr KENNETT — Mr Speaker, let me continue because this is a serious question about investments made in rural Victoria. In July 1993 Campbell Soups invested \$5 million at Shepparton; in November 1993 Nestlé invested \$59 million at Maryborough, Peninsula Searoad Transport invested \$6 million at Queenscliff and Southport Wines invested \$30 million at Great Western; in February 1994 Australian Poultry Ltd invested \$5 million at Bannockburn and Hoechst invested \$10 million at Corio; in May 1994 Energy Brix Australia invested \$11 million at Morwell; Benalla Spinners invested \$3 million at Benalla; Marsed Pty Ltd — Clarke's Pies — invested \$2 million at Mortlake; and Mount Beauty Timber Industries invested \$1 million at Mount Beauty. That is only the first page of this list.

I shall keep reading because the Leader of the Opposition asked what we were doing on this issue. What we have been doing is attracting investment right throughout Victoria, particularly rural Victoria, yet the Leader of the Opposition talks about the government doing nothing. At Bairnsdale, Patties Bakery invested \$2 million; Pyramid Hill Pet Foods invested \$1 million at Pyramid Hill; SCS Plastics Pty Ltd invested \$1.5 million at Shepparton; Unifoods invested \$30 million at Tatura; and Wilson Transformer Company Pty Ltd invested \$1.5 million at Wodonga.

In April 1995 Aerospace Foundation of Australia invested \$15 million at Avalon. In July 1994 Dominance Industries invested \$94 million at Wangaratta and ASTA invested \$7.5 million at Avalon. In Kangaroo Flat, Rocklea Spinning Mills invested \$20 million, and Mildura Transtate Ltd invested \$43 million at Mildura.

Mr Batchelor — On a point of order, Mr Speaker, the Premier made reference to some investment that occurred in Mildura. My clear recollection of the Leader of the Opposition's question is that it related to the 13 per cent unemployment rate in Barwon and the 12.7 per cent unemployment rate in Gippsland. We would like to know what he has done, other than put people in rural Victoria out of jobs, to increase employment?

Mr KENNETT — On the point of order, Mr Speaker — —

The SPEAKER — Order! If a question is specific and seeks a specific answer, it does not help to have interjections that seek wide-ranging answers — which has happened. The Premier is now responding to a supplementary question from the Leader of the Opposition, which I counselled him against. I do not uphold the point of order.

Mr KENNETT — I will continue: in December 1994, Murray Goulburn Co-op invested \$17 million at Maffra; in January 1995, Compak invested \$7 million at Dimboola; and in February 1995 Thomas P. Clark invested \$15 million at Morwell. In March 1995 there was investment by Prince Engineering at Portland. Also in March 1995 there was a \$15 million investment at Echuca — —

The SPEAKER — Order! If he intends reading the whole list, I suggest that the Premier seek to incorporate it in *Hansard*. Otherwise, the way we are going, the answer will take the rest of question time.

Mr KENNETT — Mr Speaker, I seek leave to have incorporated in *Hansard* a comprehensive list of all the investments that have been attracted to this state since 1992.

Leave granted; list as follows:

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SUMMARY OF INVESTMENTS ATTRACTED BY BUSINESS VICTORIA — OCTOBER 1992 TO 30 JUNE 1997

Metro	- Normal Font
Rural	- Italic Font
Regional	- Bold Font

Financial Year	Date of Public Announcement	Company Name	Investment Value (Millions \$)	Jobs	Exports (\$m)	Location
1992-93						
	May-93	Air Liquide	18.0	0	0.0	Laverton
	Nov-92	Snow Brand Dairies	25.0	0	0.0	Tatura
	Dec-92	Bonlac Foods Ltd	27.0	40	0.0	Cobden
	Dec-92	Bonlac Foods Ltd	6.0	0	30.0	Stanhope
	Dec-92	Simsmetal	10.0	0	0.0	Brooklyn
	Dec-92	Yamasa Seafoods (Aust)	3.0	30	0.0	Laverton North
	Jan-93	Transfield Marine Engineering Training and Research Centre	28.0	0	20.0	Williamstown
	Mar-93	Tatura Milk Industries Ltd	13.0	0	0.0	Tatura
	NA	Australian Forest Industries P/L #1	10.0	0	0.0	Myrtleford
	NA	Eaglehawk Enterprise Park (Bendigo Enterprise Centre)	2.0	0	0.0	Eaglehawk
	NA	Empire Rubber Pty Ltd #1	6.0	50	8.0	Bendigo
	NA	Murray Goulburn	7.0	0	0.0	Leongatha
		Total - 1992-93	155.0	120	58.0	
1993-94						
	Jun-94	Air International, Automotive Division	18.9	90	4.8	Port Melbourne
	Oct-92	RP Scherer Australia Pty Ltd	23.0	200	0.0	Braeside
	Jul-93	Campbell's Soups	5.0	40	8.0	Shepparton
	Jul-93	Godfrey Hirst (Aust) Pty Ltd	7.0	210	0.0	Geelong
	Aug-93	Polychrome Australia	6.0	50	0.0	Mordialloc
	Sep-93	Containers Packaging (Amcor)	18.0	50	0.0	Ballarat
	Nov-93	H J Heinz	6.0	0	0.0	Dandenong
	Nov-93	Nestle Confectionery	59.0	120	0.0	Maryborough
	Nov-93	Peninsula Searoad Transport	6.0	10	3.0	Queenscliff
	Nov-93	Southcorp Wines Penfolds Wine Group	30.0	60	0.0	Great Western
	Nov-93	Siemens Australia	75.0	75	0.0	Bayswater
	Jan-94	Jacksons Tannery (Peneta)	1.0	20	0.0	Geelong
	Feb-94	Australian Poultry Ltd	5.0	0	0.0	Bannockburn
	Feb-94	Herbert Adam Bakeries	18.0	25	0.0	Kensington
	Feb-94	Leading Synthetics Spinning Plant	12.0	65	15.0	Tullamarine
	Feb-94	Leading Synthetics- Polyester Plant	120.0	150	31.0	Campbellfield
	Feb-94	Hoechst Australia Ltd	10.0	20	3.6	Corio
	Apr-94	Melton Wool P/L (Tae Young)	20.0	45	0.0	Melton
	Apr-94	Sakata Beika	6.0	30	0.0	Laverton
	May-94	Energy brix Australia	11.0	0	0.0	Morwell
	May-94	Pratt Industries (Visy)	50.0	200	0.0	Dandenong
	NA	Australian Defence Industries Clothing Division	1.0	50	0.0	Bendigo
	NA	Benalla Spinners Pty Ltd	3.0	100	0.0	Benalla
	NA	Bendigo Building Society	7.0	50	0.0	Bendigo

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ASSEMBLY

Tuesday, 16 September 1997

SUMMARY OF INVESTMENTS ATTRACTED BY BUSINESS VICTORIA — OCTOBER 1992 TO 30 JUNE 1997

Metro	- Normal Font
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Regional	- Bold Font

Financial Year	Date of Public Announcement	Company Name	Investment Value (Millions \$)	Jobs	Exports (\$m)	Location
	NA	ERG Australia	4.5	180	0.0	Balwyn
	NA	Keech Castings	8.0	100	0.0	Bendigo
	NA	Marsed Pty Ltd (Clarke's Pies)	2.0	20	0.0	Mortlake
	NA	McCain Foods (Aust) Pty Ltd	5.0	25	28.0	Ballarat
	NA	Mt Beauty Timber Industries Pty Ltd	1.0	0	0.0	Mount Beauty
	NA	National Sports and Aviation Centre	3.0	10	0.0	Wangaratta
	NA	Nokia	10.0	50	0.0	Heidelberg
	NA	Patties Bakery Pty Ltd	2.0	30	0.0	Bairnsdale
	NA	Pyramid Hill Pet Foods	1.0	0	0.0	Pyramid Hill
	NA	SCS Plastics Pty Ltd	1.5	10	35.0	Shepparton
	NA	Unifoods Ltd	30.0	0	0.0	Tatura
	NA	Victorian WorkCover Authority	10.0	140	0.0	Ballarat
	NA	Wilson Transformer Co Pty Ltd	1.5	30	0.0	Wodonga
	NA	Yorkshire (Australia)	12.0	140	0.0	Dandenong
		Total 1993-94	609.4	2,395	128.4	
1994-95						
	Apr-95	Aerospace Foundation of Australia	15.0	40	0.0	Avalon
	May-94	Auseon	5.0	0	0.0	Altona
	Jun-94	Rhone Poulenc	15.0	20	0.0	Dandenong
	Jul-94	Dominance Industries Pty Ltd	94.0	100	85.0	Wangaratta
	Jul-94	Gatic Holdings Pty Ltd	7.0	110	0.0	Geelong
	Jul-94	ASTA /E Systems (US)	7.5	200	0.0	Avalon
	Aug-94	Thomson Radar Aust Corp	20.0	80	500.0	Melbourne
	Aug-94	Uncle Toby	50.0	0	0.0	Wahgunyah
	Aug-94	Woolworths Ltd	26.0	200	0.0	Bendigo
	Aug-94	Oracle Corporation	150.0	310	15.0	Melbourne
	Sep-94	Rocklea Spinning Mills	20.0	0	0.0	Kangaroo Flat
	Sep-94	Transtate Ltd	43.0	200	0.0	Mildura
	Oct-94	Australian Leather Holdings	15.0	120	0.0	Rosedale
	Oct-94	BASF	10.0	0	0.0	Altona
	Oct-94	Shimadzu Australia Manufacturing (Stage 1)	8.0	45	0.0	Dandenong
	Nov-94	Caroma International Pty Ltd	6.5	0	0.0	Coburg
	Nov-94	The Smith Family	0.0	100	300.0	Warrnambool
	Nov-94	Murray Goulburn Co-op Co Ltd	18.0	18	0.0	Melbourne
	Nov-94	Austanners Wet Blue Pty Ltd	21.0	160	0.0	Geelong
	Dec-94	British Aerospace Australia	8.9	100	200.0	Abbotsford
	Dec-94	Murray Goulburn Co-op Co Ltd (Maffra)	17.0	0	0.0	Maffra
	Dec-94	Ansett	12.5	105	0.0	Tullamarine
	Dec-94	Robert Bosch	17.0	50	0.0	Clayton
	Jan-95	Compak (Vic) P/L	7.0	30	4.0	Dimboola
	Jan-95	Taura Natural Foods	4.4	18	0.0	Pakenham
	Jan-95	Empire Rubber Pty Ltd #2	8.0	100	0.0	Bendigo

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SUMMARY OF INVESTMENTS ATTRACTED BY BUSINESS VICTORIA — OCTOBER 1992 TO 30 JUNE 1997

Metro	- Normal Font
Rural	- Italic Font
Regional	- Bold Font

Financial Year	Date of Public Announcement	Company Name	Investment Value (Millions \$)	Jobs	Exports (\$m)	Location
	Feb-95	Brambles Ltd	15.0	100	0.0	Baranduda
	Feb-95	Thomas P Clark (Aust) Pty Ltd	15.0	90	0.0	Morwell
	Feb-95	Martin Dawes	10.0	600	0.0	South Melbourne
	Mar-95	Joshua Pitt	3.0	30	0.0	Laverton North
	Mar-95	Prince Engineering	0.1	28	0.0	Portland
	Mar-95	Technology Centre(PTC/Vic Roads - ISSC- outsourcing)	15.0	160	0.0	Ballarat
	Mar-95	Victoria Wool Processors	8.0	65	0.0	Laverton North
	Mar-95	Fleury Michon Chilled Products Factory	15.0	150	3.5	Echuca
	Apr-95	Kenworth Trucks (PACCAR)	12.0	310	0.0	Bayswater
	Apr-95	Riverland Oilseed Processors P/L	7.0	6	4.0	Numurkah
	Apr-95	Uncle Ben's	7.0	12	0.0	Wodonga
	Apr-95	Laminex Industries - BTR Nylex	15.0	0	0.0	Ballarat
	Apr-95	Tatura Milk	18.0	0	0.0	Tatura
	May-95	Bonlac Foods Ltd (Consolidation 1995)	11.0	40	0.0	Dandenong
	May-95	Marsed P/L (Clarkes Pies)	1.6	30	0.0	Mortlake
	May-95	ICI (Deer Park)	17.0	2	0.0	Deer Park
	May-95	Foxtel	50.0	1,000	0.0	Moonee Ponds
	Jun-95	Bradmill Undare	5.0	0	0.0	Yarraville
	Jun-95	CRA Exploration	7.0	60	5.0	Melbourne
	Sep-95	Murray Goulburn Co-op Co Ltd (Cobram Dec 94)	7.0	0	0.0	Cobram
	Nov-95	Midfield Meats P/L	5.0	80	0.0	Warrnambool
	May-96	Nestle(Peters Icecream)	67.0	0	0.0	Mulgrave
	NA	Benalla Enterprise Park (City of Benalla/ Shire of Delatite)	1.0	0	0.0	Benalla
	NA	Bendix Mintex	7.6	183	0.0	Ballarat
	NA	Containers Packaging	15.5	45	0.0	Keon Park Part B
	NA	ICI (Laverton)	40.0	25	0.0	Laverton
	NA	Orbost Power Co-operative	0.0	20	0.0	Orbost
	NA	Rhone Poulenc	24.0	10	0.0	Braeside
	NA	SCI Steel Mill P/L	12.0	50	0.0	Laverton North
	NA	SPC Limited	11.0	10	0.0	Shepparton
	NA	Sunwood Timber P/L	15.0	60	5.0	Yarram
	NA	Vegco	8.0	100	0.0	Bairnsdale
		Total 1994-95	1,050.6	5,372	1,121.5	
1995-96						
	Apr-95	Bunge Meat Industries	24.0	150	70.0	St Arnaud
	Jul-95	Ford Australia	230.0	0	0.0	Broadmeadows
	Jul-95	HB Fuller	10.0	0	0.0	Dandenong
	Aug-95	Venture Industries Corp	132.0	534	185.0	Campbellfield
	Aug-95	Holden's Engine Company	260.0	100	0.0	Port Melbourne

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SUMMARY OF INVESTMENTS ATTRACTED BY BUSINESS VICTORIA — OCTOBER 1992 TO 30 JUNE 1997

Metro	- Normal Font
Rural	- <i>Italic Font</i>
Regional	- Bold Font

Financial Year	Date of Public Announcement	Company Name	Investment Value (Millions \$)	Jobs	Exports (\$m)	Location
	Sep-95	Tubemakers	25.0	100	0.0	Somerton
	Sep-95	Olivetti	27.0	48	0.0	Melbourne
	Sep-95	<i>Murray Goulburn Co-op Co Ltd, Meiji and Mitsubishi (Cobram Sept 95)</i>	40.0	150	60.0	<i>Cobram</i>
	Sep-95	<i>Bonlac Foods Ltd</i>	146.0	120	60.0	<i>Darnum</i>
	Oct-95	Environmental Oil	4.0	8	0.0	Laverton
	Oct-95	<i>Thompsons, Kelly & Lewis</i>	5.0	15	0.0	<i>Castlemaine</i>
	Oct-95	Bendigo Brick Pty Ltd	7.0	60	0.0	Bendigo
	Oct-95	AusVac	2.5	10	0.0	Bendigo
	Oct-95	Doosan Farmland Products	36.0	20	23.0	Geelong
	Nov-95	ANCA Pty Ltd	6.5	90	0.0	Bayswater
	Nov-95	Autoliv	8.5	110	0.0	Campbellfield
	Nov-95	HiTech Quartz	6.0	30	0.0	Campbellfield
	Nov-95	World Etching	7.0	20	0.0	Carrum Downs
	Nov-95	Shimadzu Australia Manufacturing (Stage 2)	15.0	50	7.0	Dandenong
	Nov-95	Logica	12.5	60	0.0	Melbourne
	Dec-95	Gale Australia Pty Ltd	15.0	130	22.0	Braeside
	Dec-95	<i>Grampian Wool Industries P/L</i>	3.0	31	0.0	<i>Hamilton</i>
	Dec-95	Link Telecommunications	25.1	174	0.0	Melbourne
	Dec-95	Top Cut Food Industries P/L	10.0	0	0.0	Flemington
	Dec-95	Netafim Australia P/L	5.0	55	0.0	Laverton
	Dec-95	SmithKline Beecham	20.0	23	60.0	Dandenong
	Jan-96	<i>Pyramid Hill Salt</i>	2.5	5	0.0	<i>Pyramid Hill</i>
	Jan-96	Plastek Poly	1.0	30	0.0	Ballarat
	Jan-96	Libra Holdings Pty Ltd	5.0	200	0.0	Ballarat
	Jan-96	Riverside Textiles (Godfrey Hirst (Aust) P/L)	12.0	80	0.0	Geelong
	Feb-96	<i>Ridley Corp</i>	12.0	15	0.0	<i>Terang</i>
	Feb-96	Fujitsu Aust Ltd	9.8	69	90.0	Dandenong
	Feb-96	<i>Frewstal P/L</i>	12.0	100	0.0	<i>Stawell</i>
	Mar-96	Hakubaku	18.0	35	10.0	Ballarat
	Mar-96	<i>Kraft Foods Ltd (Leitchville, 1995)</i>	25.0	20	0.0	<i>Leitchville</i>
	Mar-96	Laminex Industries	3.0	14	0.0	Ballarat
	Mar-96	NEC Corporation	15.0	50	0.0	Mulgrave
	Apr-96	Hermes Precisa Australia	12.0	50	0.0	Laverton
	Apr-96	<i>Uncle Toby's (1996)</i>	5.0	30	0.0	<i>Wahgunyah</i>
	May-96	ACS	5.0	150	0.0	Brunswick
	May-96	AEMS	2.0	250	0.0	Dandenong
	May-96	O'Connor's Meats	9.0	100	0.0	Pakenham
	Jun-96	DMG Industries	4.3	44	0.0	Dandenong
	Jun-96	<i>McMan Ostrich Ltd</i>	3.5	30	0.0	<i>Donald</i>
	Jun-96	<i>Pyramid Hill Processing Pty Ltd</i>	2.5	30	0.0	<i>Pyramid Hill</i>
		Total 1995-96	1,240.7	3,390	587.0	

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SUMMARY OF INVESTMENTS ATTRACTED BY BUSINESS VICTORIA — OCTOBER 1992 TO 30 JUNE 1997

Metro	- Normal Font
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Regional	- Bold Font

Financial Year	Date of Public Announcement	Company Name	Investment Value (Millions \$)	Jobs	Exports (\$m)	Location
1996-97	Jul-95	Ford Australia	180.0	0	0.0	Broadmeadows
	Aug-95	Holden's Engine Company	55.0	0	525.0	Port Melbourne
	Mar-96	Amcor Ltd (Australian Paper)	100.0	150	0.0	Maryvale Paper Mill
	Mar-96	Amcor Ltd (Australian Paper)	50.0	0	0.0	Fairfield
	Jul-96	AusIndustry - Minor Investments	113.0	0	0.0	
	Jul-96	Business Migration - 1996-97	204.1	0	0.0	Melbourne
	Jul-96	Filligree Textiles	1.0	4	0.0	Geelong
	Jul-96	Rice Growers Co-op Ltd	10.0	15	0.0	Cobden
	Aug-96	Phantom Entertainment	1.0	15	0.0	Morwell
	Aug-96	Pilkington Australia	50.0	0	10.0	Geelong
	Aug-96	Coop - Kobe	2.0	0	50.0	Swan Hill
	Sep-96	H.J.Heinz Co. Australia Ltd	9.3	15	0.0	Girgarre
	Sep-96	Huyck	10.0	6	0.0	Geelong
	Sep-96	Monsanto	7.0	10	110.0	Footscray West
	Sep-96	Murray Goulburn Co-op (Koroit)	32.0	60	100.0	Koroit
	Sep-96	Nestle	34.0	0	0.0	Warrnambool
	Sep-96	Robert Bosch	70.0	650	504.0	Clayton
	Sep-96	Insulform P/L	6.5	30	0.0	Heidelberg West
	Sep-96	Teangi Australia	2.2	16	0.0	Gunbower
	Sep-96	Brenco	5.0	30	0.0	Sunshine
	Sep-96	Buffalo Trident P/L	5.0	35	1.0	Sunshine
	Oct-96	Ausmal	1.2	30	0.0	Hamilton
	Oct-96	Boyntons Wines Pty Ltd	0.4	5	0.0	Porepunkah
	Nov-96	Austral Softwood	3.5	15	0.0	Heathcote
	Nov-96	Denso	35.0	57	0.0	Gisborne
	Nov-96	Insulpak	0.3	8	0.0	Geelong
	Nov-96	Nethersole Orchards Pty Ltd.	0.5	2	1.8	Mooroopna
	Nov-96	Southcorp Wines	20.0	0	65.0	Karadoc
	Nov-96	Pharm Action	11.0	10	0.0	Laverton North
	Nov-96	Ajax Fasteners P/L	44.0	30	10.0	Braeside
	Nov-96	J H Ralph & Sons	5.0	180	40.0	Seymour
	Nov-96	CSL Ltd & Bio-properties (Aust) P/L	6.5	12	0.0	Parkville
	Nov-96	Kia Automotive	12.5	100	0.0	Altona North
	Dec-96	National Foods	60.0	133	20.0	Morwell
	Dec-96	Trevaskis Engineering Pty Ltd	0.7	5	0.5	Tatura
	Dec-96	Warrnambool Cheese & Butter	25.0	12	0.0	Allansford
	Dec-96	King Valley River Vineyard	1.5	35	0.0	King Valley
	Dec-96	Saab RHQ	5.0	17	0.0	South Melbourne
	Jan-97	Ardmona Foods Ltd	12.0	50	20.0	Mooroopna
	Jan-97	Austral Softwood	30.0	115	0.0	Wangaratta
	Jan-97	Daisho Restaurants	6.0	100	10.0	St Kilda

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SUMMARY OF INVESTMENTS ATTRACTED BY BUSINESS VICTORIA — OCTOBER 1992 TO 30 JUNE 1997

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Financial Year	Date of Public Announcement	Company Name	Investment Value (Millions \$)	Jobs	Exports (\$m)	Location
	Jan-97	Nomura JAFCO Investments	2.0	15	15.0	Melbourne
	Feb-97	<i>Gasons</i>	7.0	155	0.0	Ararat
	Feb-97	Murray Goulburn Co-op Co Ltd (Cobram 1996/97)	40.0	35	0.0	Cobram
	Feb-97	Lockheed Martin	20.0	500	0.0	Burwood East
	Feb-97	Aerospace Technologies of Australia	7.5	80	200.0	Port Melbourne
	Mar-97	Belandra P/L	10.0	160	60.0	Brooklyn
	Mar-97	BOC Gases	10.0	20	0.0	Melbourne Airport
	Mar-97	Austrimi Seafoods P/L	1.2	10	0.6	Geelong
	Mar-97	Department of Social Security	1.0	100	0.0	Ballarat
	Apr-97	<i>Cedenco</i>	23.0	105	20.0	Echuca
	Apr-97	UCB SA	50.0	100	30.0	Craigieburn
	Apr-97	F L Green Distribution Pty Ltd (trading as GreenFreight)	5.0	35	0.0	Wodonga
	Apr-97	Collins St Retailing Pty Ltd	12.5	300	0.0	Melbourne
	May-97	F & T Industries Pty Ltd.	10.0	22	0.0	Moorabbin
	May-97	Department of Social Security	2.7	100	0.0	Traralgon
	May-97	Mildura Fruit Company	8.0	0	0.0	Mildura
	May-97	Woodbridge Henderson's Australia Group	10.0	60	0.0	Laverton
	Jun-97	MH Group	10.0	190	0.0	Melton
		Total - 1996-97	1,457.1	3,939	1,792.9	
		Grand Total Investments	4,512.7	15,216	3,687.8	

Mr KENNETT — Let me get back to the thrust of the question. Over the past five years the government has had a strong program of attracting decentralised investment for industry, and I have to say it has worked very well.

An honourable member interjected.

Mr KENNETT — Someone from the other side interjected, 'It is not enough'. Of course we would like to attract more investment to Australia and more to Victoria — and we would like to attract more to regional and provincial Victoria. But as a community we are substantially better off today than we were in 1992.

You only have to look at some of our rural towns like Cobram, the population of which has doubled, and Swan Hill, which has a shortage of labour and about 5 per cent unemployment. They cannot get enough labour to plant new vines. There are places in this state where people are not sitting back bleating and waiting, as opposition members are doing, but creating opportunities for themselves and for their communities. They are doing it in partnership with us, and we are doing whatever we can to assist them.

Mr Speaker, I remind you that in calling for this mini-budget the Labor Party has not in any way substantiated what it intends to do. Take the things the Leader of the Opposition said in country Victoria before the last election, which he thought would give him a policy lead. You will remember that on 6 March last year the Leader of the Opposition said, 'The only commitments that will have standing in this campaign are the commitments which I will be making during the campaign itself'. But the Leader of the Opposition jettisoned three and a third years of promises to country Victoria by saying, 'Everything I have promised you is now off the slate. We will start again from this date'.

One is entitled to ask this of the Leader of the Opposition: 'If you want to have a mini-budget, tell us what you want to have in it. Give us your policies and a costing of what you want to do'. Those who live outside the metropolitan area are entitled to ask how they can be guaranteed that what he promises today will actually be delivered.

In the meantime we will continue with our policies, which are working for Victoria and for the country, to make this state a stronger place in which to live and, therefore, socially secure.

Rural Victoria: policy package

Mr MAUGHAN (Rodney) — I refer the Minister for Agriculture and Resources to the new integrated rural policy package that was announced by the Prime Minister and the Minister for Primary Industry on Sunday and ask him to advise the house of the support the government will provide to supplement the new rural policy package for the benefit of rural Victorians?

The SPEAKER — Order! Before calling the Deputy Premier, I point out that the answers to questions have been extremely long. The question could well attract a lengthy answer from the Deputy Premier, so I ask him to remember the purpose of question time and to keep his answer within reasonable bounds.

Mr McNAMARA (Minister for Agriculture and Resources) — I thank the honourable member for Rodney for his question. It is important to recognise the substantial breakthrough made by the commonwealth with the new integrated rural package. It is also worth while reinforcing the fact that we have worked through the program in partnership with the commonwealth. Over the past 9 or 12 months there has been extensive consultation — during ministerial sessions, on at least three occasions, and at other meetings in that period — aimed at hammering out and reaching agreement on the final details. I am delighted to see that much of what the Victorian government fought for has been incorporated in the package. A range of programs are funded on a shared basis, with Victoria making its contribution, so it is not merely a federal scheme.

The establishment of the new farm management deposit scheme will encourage farmers to save during better times for those tougher times which obviously occur, whether because of downturns in commodity prices, adverse weather conditions such as low rainfall periods, and so on. Individuals in farming partnerships will be able to invest up to \$300 000 in the fund, exempt from tax. They will earn the government bond rate and will be able to draw out the funds when they need them. That will certainly encourage their wiser use.

Rural communities are obviously affected by feast and famine cycles. In the past, during periods of bumper crops farmers have looked at ways to minimise tax, particularly provisional tax. They have gone to such lengths as purchasing new equipment, which has not always been needed, and using

depreciation allowances and other things to minimise their taxation.

Mr Batchelor interjected.

Mr McNAMARA — I take up the interjection from the honourable member for Thomastown. The exceptional circumstances provision has been retained. That goes against the recommendation in the McColl report, which referred to the interest subsidy scheme that is made available during periods of drought or when areas have been declared as suffering exceptional circumstances, which could be floods or a range of other problems.

This is a partnership program: the commonwealth will pick up 70 per cent of the costs, and the state has committed itself to funding 30 per cent of the scheme. If it continues it will certainly be welcome news. The commonwealth ignored the recommendation made by bureaucrats and experts to scrap the scheme and instead accepted Victoria's recommendation to retain it. The new farm gifting provision is also important because it links in with what we have already done with the removal of stamp duties.

Mr Batchelor interjected.

Mr McNAMARA — It links in neatly with what we have already done. The provision will allow farmers to gift up to \$500 000 over the next three years while enabling them to immediately qualify for the aged pension. Currently, they have to wait five years for it, and there is no encouragement for intergenerational transfers. Victoria led the way in Australia on this issue. We were the first state to abolish stamp duty on the transfer of family farms. Now farms are transferred between family members — from parents to children and from parents to grandchildren — absolutely duty free.

Approximately 700 Victorian families have taken up the option and on average the benefit for each family is \$25 000. That would have been collected as tax but will now be remitted back to those families. The commonwealth government will pick up its part of the program which will enable mum and dad to receive the aged pension and gift more than \$500 000 to their children at no cost to the state; there is no stamp duty.

The new social welfare program recognises that farming families need to be assessed on the basis of their net incomes rather than their net worth. That means their assets are discounted, making them

eligible to claim social security benefits. The new scheme will allow families to qualify for social welfare schemes and receive 12 months pension almost immediately. It is an important part of the farm restart program.

I would have liked the farm productivity enhancement program to remain, but unfortunately that is being phased out. It provided a 50 per cent subsidy on borrowings to improve the productivity of farm enterprises. However, the new business farm improvement program, involving a state government contribution, has a grant of \$5000 for every farming family seeking economic advice, financial counselling or other professional advice.

The state government is working closely with the commonwealth and a number of the initiatives require state funding. The government is committed to the programs. Shortly, the government will launch a new exciting program of agricultural options that will give members a buzz when it is introduced. The government is improving agricultural support and the farm extension service. The government has established a joint scientific program with the University of Melbourne, which now does not have a separate farm because it is integrated with Agriculture Victoria. The CSIRO is entering into partnership with Agriculture Victoria in food plant research at Werribee so that all food research will now occur in Victoria. These important initiatives are welcomed by the rural community.

Unemployment: future rates

Mr BRUMBY (Leader of the Opposition) — I again refer the Premier to this most serious problem facing Victoria and to his previous answer in which he said that despite Victoria having the highest regional rate of unemployment of mainland Australia the government was not changing its policies. Is the Premier aware that most independent economic forecasters such as Bis Shrapnel and Access Economics have predicted that Victoria's unemployment will continue to worsen and will climb to 10.3 per cent by 2000. Will the Premier let Parliament and the public know his unemployment target for Victoria in 12 months time?

Mr KENNETT (Premier) — When the Leader of the Opposition reads his question he will realise that once again he is misrepresenting what I meant to say. I did not say what you claim I said. Once again you are wrong and you continue to falsify what other people say.

Mr Brumby — What did you say?

Mr KENNETT — Look at your question. You have falsified my answer.

Mr Brumby interjected.

The SPEAKER — Order! I would be pleased if the catfight across the table ceased. I ask the Premier to address his remarks through the Chair.

Mr KENNETT — I assume the opposition is aware that many organisations make predictions about future outcomes. It is part of the forecasting responsibility of economic groups and political oppositions. I remember at one stage the Leader of the Opposition predicted he would win the last election and that if he got anything less than a six-seat swing it would be an absolute disaster, but on both counts he was wrong. Bis Shrapnel issued a report that is a challenge for the government. The report focuses on domestic demand as the driver of economic growth, but virtually ignores the role of exports in stimulating economic activity. The one thing Victoria is very good at is increasing its exports. I have no doubt that with the passage of time Bis Shrapnel's predictions will be proved wrong. The government thrives on those sorts of challenges. Since it came to office the government has created approximately 30 000 new jobs —

Mr Brumby — On a point of order, Mr Speaker, I refer to the question of relevance. The Premier is clearly debating the question. He was asked a straightforward question regarding his target for unemployment in 12 months time. The Premier said Bis Shrapnel is wrong. What is his target for the rate of unemployment in 12 months time?

The SPEAKER — Order! Raising a point of order does not give the Leader of the Opposition an opportunity to re-ask his question. I do not uphold the point of order.

Mr KENNETT — The Leader of the Opposition always has a preamble to his question that must be answered. If he asked a simple question he would get a simple answer. If the Leader of the Opposition wants to know the government's predictions he should read the budget papers, which are public documents. The government unemployment predictions for 1997-98 are 8.5 per cent; for 1998-99, 8 per cent; for 1999-2000, 7.5 per cent and for 2000-2001, 7.5 per cent. The government is recognised by the broader community for introducing changes the Labor Party could not even

dream about. You have spent most of the past six months on holidays or worrying about personalities and today you continue to whinge and moan. Your new initiative for this Parliament is a mini-budget, but you will not tell us what is to be in it.

The government will continue to work for economic growth and opportunities for security. I have no doubt that when the next election comes the government will be re-elected with the same numbers it has now simply because the Leader of the Opposition and his Gang of Four are not perceived as a viable alternative.

Local government: rate capping

Mr LUPTON (Knox) — Will the Minister for Planning and Local Government inform the house of the action the government intends to take regarding the capping of council rates?

Mr MACLELLAN (Minister for Planning and Local Government) — Honourable members will be aware that rate capping was introduced by legislation and became effective in 1995-96. In that financial year it ensured that the benefits of the reform process and the reduction in rates were passed on to ratepayers. Rate capping achieved the immediate objective, but it acted from an historical base. Some were low-rating council areas; others were high-rating council areas. Rate capping had uneven implications and uneven applications to councils. Some councils had large quantities of money from electricity privatisation, which would have enabled them to have succeeded without rate increases at all.

With reforms now substantially implemented by the government, the government and local government in partnership are looking to develop a more effective means of making councils accountable for their rating levels. Against that background, I am able to advise members and the honourable member for Knox in particular that, subject to individual councils complying with the government's two proposals and rate increases being held to a responsible level, rate capping will not apply in the years 1998 and 1999. The suggestions made to local councils are intended to ensure that councils are publicly accountable.

To be exempt from rate capping councils will be asked, firstly, to participate in the preparation and publication of a set of targets for performance indicators for 1998-99 budgets. A number of councils have been working with the Office of Local

Government to identify indicators of financial performance, operational efficiency and community satisfaction. That work will provide the basis for the indicators that are to be published. Councils will set their own performance targets against those indicators.

Secondly, the publication of segmented budgets and financial accounts will ensure ratepayers and other interested parties are able to assess whether council business units are operating within the constraints of in-house agreements established through competitive tendering arrangements. I am sure the honourable member for Mildura will appreciate the need for such a proposal.

The accountability suggestions being worked on by local councils and the publication by councils of information that will allow their performance to be measured and assessed against other like councils will form part of the next round of local government initiatives in Victoria. I am sure honourable members will follow the performance of their local councils with great interest, and I look forward to the participation of councils in the new accountability measures and in the removal of rate-capping restraints.

BUSINESS OF THE HOUSE

Divisions

The SPEAKER — Order! I advise the house that after discussions with the Leader of the House, the manager of opposition business and the whips I wish to change part of the division procedure.

When in future a division is called and the Speaker, his deputy, or the Temporary Chairmen of Committees call tellers, instead of four tellers being called six will be called. The object of the exercise is to have four tellers on the government side of the house and two tellers on the opposition side so that the time taken to count members on the government side can be almost halved. The procedure will considerably speed up divisions and will provide the chamber with more time for productive debate.

The four tellers on the government side and the two tellers on the opposition side will report their numbers to the Serjeant-at-Arms who in turn will report them to the Chair. The numbers will be announced to the house or committee at the completion of the division. The procedure will assist the chamber by saving a considerable amount of time in divisions.

Mr Brumby — On a point of order, Mr Speaker, firstly, I compliment you on the changes that will speed up the division process in the chamber.

On a separate but related point of order, I seek your advice on question time. Today, with 45 minutes for question time, we had just six questions of an average of 9 minutes each, three of which were from the opposition. Important issues were raised today which more properly should have been the matter of ministerial statements. One answer today from the Minister for Agriculture and Resources concerned almost exclusively federal issues.

Mr Speaker, you would be familiar with the Speakers' rulings. At page 89 of *Rulings from the Chair* (via) refers to a ruling of the previous Speaker, Speaker Delzoppo, who said 5 minutes should be the absolute maximum speaking time for each answer. Despite your best efforts today, the answers went well beyond 5 minutes. This session we are sitting for only 21 days. The Premier has already announced that he will be absent for three of those sitting days. That means we will have a Premier on duty for question time in the Parliament for the least amount of time at any time in the past 50 years.

Mr Speaker, you have looked at division reforms. I seek your advice on what reforms of question time are available so the charade we went through today of just six questions being asked in 45 minutes can be changed and so we can be guaranteed shorter, relevant answers as consistent with the ruling of former Speaker Delzoppo that no answer should exceed 5 minutes.

I stress that the Premier will be here for only 18 days. I do not know why he is running away from Parliament or question time. We would like him to be here to answer questions.

Mr Kennett — I am tempted to rise to respond on the issue raised by the Leader of the Opposition. I go back to his starting point. If I heard him correctly, he said there were six questions of 9 minutes each. Six nines are what?

Honourable members interjecting.

Mr Kennett — Wrong, wrong, wrong!

The SPEAKER — Order! I think the Premier has made his point. As the house would be aware, the sessional orders lay down the time for questions and not for the answers to questions. It has been my desire to have brief answers to brief and specific

questions. When matters raised are of considerable importance to people, as the employment situation in Victoria and around Australia certainly is, it is not unusual for an answer to take longer, particularly at the beginning of a session.

However, in answer to the Leader of the Opposition, I do not believe six questions in 45 minutes is sufficient. Two points of order interrupted question time and a number of supplementary questions across the table from the Leader of the Opposition tended to extend answers.

As to what role the Chair can play, I simply say the Chair is in the hands of the house. Ministers have an opportunity to make ministerial statements. The Chair will endeavour to have ministers cooperate to keep their answers to questions without notice short. It is in the hands of the house to have the Chair extend question time so that a minimum number of questions might be asked. The Chair would be happy to accede to such a proposition by the house, but that is in the hands of the house.

PETITIONS

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

Disability Resources and Services Inc.

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

The humble petition of Disability Resources and Services Inc. sheweth that the people with disabilities, their carers and the public in the Grampians region need quality information and advocacy.

Your petitioners therefore pray that their funding be granted to them.

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

By Mr Traynor (67 signatures)

Monterey Secondary College

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

The humble petition of The Carrum Downs Secondary College Action Group and the undersigned citizens of the state of Victoria sheweth: an urgent need for a secondary college to service the rapidly growing areas of Carrum Downs and Skye.

Your petitioners therefore pray that: action is taken to begin construction of suitable facilities in Carrum Downs with the view of relocating Monterey Secondary College from its present location in Frankston North to a site in Carrum Downs, from where the majority of its students are drawn.

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

By Mr Rowe (1879 signatures)

National Gallery water wall

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the water wall at the National Gallery of Victoria entrance is a Victorian icon and enjoys the recognition of all gallery users. Your petitioners therefore pray that the water wall should be retained in any redesign of the National Gallery of Victoria.

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

By Mrs Maddigan (11 signatures)

Drugs: heroin program

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

The petition of citizens of Victoria brings to the attention of the house our request for the state and federal governments of Australia to immediately send appropriately qualified people to Israel to look at the program to help heroin addicts, as recommended by Dr Andre Waismann, to evaluate and learn about the program and if it is as good as it seems, then to quickly set up trials in all states of Australia.

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

By Mr E. R. Smith (15 signatures)

Mulgrave Freeway noise barriers

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

The humble petition of staff and students of Mazenod College sheweth for the purpose of reducing the adverse effects of high traffic noise levels in our classrooms, your petitioners therefore pray that noise

barriers be installed between the Mulgrave Freeway and Mazenod College.

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

By Mr E. R. Smith (308 signatures)

F18 freeway reservation

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

The humble petition of the undersigned citizens of the state of Victoria sheweth:

that the open space known as the F18 freeway reservation is a valuable public amenity;

that the state government should not in any way promote development on the said area;

that the state government via Parks Victoria enter into a land swap with the Banyule City Council and exchange the council-owned land Montpelier Reserve for the F18 reservation.

Your petitioners therefore pray that the government will act to preserve the F18 reservation from development through a land swap with the Banyule City Council.

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

By Mr Langdon (28 signatures)

Schools: integration aides

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

The petition of the undersigned citizens of the state of Victoria sheweth that:

Alexandra McKay is a child with special needs and a pervasive developmental disorder;

that she requires one-on-one support in the classroom to promote learning and maximise her development, to alleviate pressure on the teacher and allow appropriate time to other students;

the present situation is not only inadequate for this fragile child, but also unfair to her teacher and disadvantageous to the other children in her class.

Your petitioners therefore pray that:

you grant integration aide assistance to Alexandra Claire McKay so that she can integrate into her community and develop a foundation of strategies for learning and life.

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

By Mr Langdon (181 signatures)

Waverley Park

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, despite its growing popularity and accessibility to many Victorians, the long-term future of the Waverley Park football ground is uncertain.

Your petitioners therefore pray that the Parliament do all in its powers to ensure the long-term viability of Waverley Park as an AFL venue. Your petitioners call upon the Parliament to work with the AFL to improve car and bus access to Waverley Park and assist in upgrading amenities at the ground.

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

By Mrs Elliott (665 signatures)

Moe and surrounding districts

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

The humble petition of the undersigned business community of Moe and surrounding districts, in the state of Victoria, sheweth the city of Moe has been adversely affected by recent negative media reporting emanating from the metropolitan area.

Your petitioners therefore pray that special development support be provided to promote the positive aspects of the Moe community and surrounding communities with a view to attracting new industry and residences to the region and providing the community with the means to counter such negative articles.

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

By Mr Andrighetto (200 signatures)

X-rated material

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

The undersigned petitioners therefore ask the Legislative Assembly to legalise the sale or exhibition

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

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from restricted premises and only to adults over the age of 18 years of age, of material classified X (non-violent erotica).

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

By Mr Paterson (1716 signatures)

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Mr RYAN (Gippsland South) presented *Alert Digest No. 6 of 1997* on:

Veterinary Practice Bill

Introduction Agents Bill

Melbourne and Olympic Parks (Amendment) Bill

Associations Incorporation (Amendment) Bill

Alpine Resorts Bill

Taxation Administration Bill

Health Services (Community Health Centres) Bill

Fire Authorities (Amendment) Bill

Miscellaneous Acts (Omnibus No. 3) Bill

Infertility Treatment (Amendment) Bill

together with appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Border Groundwaters Agreement Review Committee — Report for the year 1995-96

Chiropractors and Osteopaths Registration Board — Report for the year 1996

CitiPower Ltd — Financial Statements for the three months ended 30 September 1995

Constitution Act Amendment Act 1958 —

Report on the Gippsland West District By-Election, 1 February 1997

Statements of functions conferred on the Electoral Commissioner, dated 27 May 1997, 1 July 1997, 8 July 1997, and 12 August 1997 (four papers)

Crown Land (Reserves) Act 1978 — Section 17DA Order granting, under section 17D, a lease in the Parish of Warrenheip

Drugs, Poisons and Controlled Substances Act 1981 — Documents pursuant to section 12H —

Poisons Code — Amendment No. 3, Part B, 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

Standard for the Uniform Scheduling of Drugs and Poisons No. 11 (in lieu of Poisons Code previously tabled), Amendment Nos. 1, 2 and 3, Notice regarding the preparation, substitution, commencement and availability of the Poisons Code

Energy Brix Australia Corporation Pty Ltd — Financial Statement for the period ended 13 September 1996

Financial Management Act 1994 — Report of the Minister for Health that he had received the 1996 Annual Report of the Psychologists Registration Board of Victoria

Gaming Machine Control Act 1991 — Victorian Casino and Gaming Authority Rules 1997

Hazelwood Power Corporation Pty Ltd — Financial Statement for the period ended 13 September 1996

Judicial Remuneration Tribunal — Report on Tribunals' Salaries and Allowances, 30 April 1997

Local Government Act 1989 — Order in Council suspending Councillors and appointing an Administrator to the Darebin City Council, 11 June 1997

Melbourne City Link Act 1995 —

Orders pursuant to section 8(4) decreasing and increasing the project area (eight papers)

Statement of Variation No. 4/1997 — Integration of the Exhibition Street Extension Project with the Melbourne City Link Project

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

Alexandra Planning Scheme — No. L39

All Planning Schemes — Nos. R132, S44, S55, SL4

Bacchus Marsh Planning Scheme — No. L55

Bairnsdale (Shire) Planning Scheme — Nos. L60, L61

Ballan Planning Scheme — No. L17

Ballarat Planning Scheme — Nos. L26, L31

Banyule Planning Scheme — Nos. L8 Part 2, L13

Bass Planning Scheme — No. L37

Bayside Planning Scheme — Nos. L1, L2

Belfast Planning Scheme — No. L3

Berwick Planning Scheme — Nos. L120, L121, L122, L127

Boroondara Planning Scheme — Nos. L18, L21, L26, L30, L31, L32

Brimbank Planning Scheme — Nos. L18, L25, L26, L29, L33, L39

Central Goldfields Planning Scheme — No. L1

Chiltern Planning Scheme — No. L28

Colac Otway Planning Scheme — Nos. L3, L11, L14

Cranbourne Planning Scheme — Nos. L168, L184, L197, L198, L201, L203, L209

Darebin Planning Scheme — Nos. L29, L33, L45, L47, L48, L49, L50, L53

Delatite Planning Scheme — No. L8

Dimboola Planning Scheme — Nos. L7, L8

Doncaster and Templestowe Planning Scheme — Nos. L115, L117, L118, L119, L120

Flinders Planning Scheme — Nos. L148, L155

Frankston Planning Scheme — Nos. L80, L85, L89, L98

Glen Eira Planning Scheme — Nos. L1, L2, L5, L9, L11, L16, L19

Golden Plains Planning Scheme — No. L6

Greater Bendigo Planning Scheme — No. L59

Greater Dandenong Planning Scheme — Nos. L10, L11

Greater Geelong Planning Scheme — Nos. L177, R33, R162, R176, R179, R204, RL186 Part 1, RL195

Hastings Planning Scheme — No. L58 Part 2

Hobsons Bay Planning Scheme — No. L5

Hume Planning Scheme — Nos. L11, L16, L21, L24, L29, L31, L32, L33, L34

Kingston Planning Scheme — Nos. L25, L26, L27, L30, L32

Knox Planning Scheme — Nos. L107 Part 1, L116, L120, L124, L130, L135, L136, L140

Korumburra Planning Scheme — No. L69

Lowan Planning Scheme — No. L16

Macedon Ranges Planning Scheme — Nos. L15, L18, L19

Maribyrnong Planning Scheme — Nos. L7, L21, L24, L25, L26

Maroondah Planning Scheme — Nos. L15, L18

Melbourne Planning Scheme — Nos. L186, L188, L189, L230, L231, L250, L262, L263, L264, L265, L267, L269, L282

Melton Planning Scheme — Nos. L54, L63, L79, L82

Mildura City Planning Scheme — No. L55

Mildura Shire Planning Scheme — Nos. L43, L44

Mirboo Planning Scheme — No. L16

Moe Planning Scheme — Nos. L40, L41

Moirra Planning Scheme — No. L16

Monash Planning Scheme — Nos. L19, L20, L23, L24, L27, L29, L30, L33

Moonee Valley Planning Scheme — Nos. L4, L20, L21, L22, L25, L29

Moreland Planning Scheme — Nos. L32, L35, L37, L42, L43, L44, L45, L46, L50

Mornington Planning Scheme — Nos. L72, L80, L82, L83

Morwell Planning Scheme — No. L60

Nillumbik Planning Scheme — Nos. L5, L8, L10

Pakenham Planning Scheme — Nos. L135, L136, L138, L139, L149

Phillip Island Planning Scheme — Nos. L66, L70

Port Fairy Planning Scheme — No. L15

- Port of Melbourne Planning Scheme — Nos. L22, L23, L24
- Port Phillip Planning Scheme — Nos. L6 Part 1, L44, L49, L50, L51, L53, L54 Part 1
- Ripon Planning Scheme — No. L16
- Rodney Planning Scheme — Nos. L95, L99
- Shepparton Shire Planning Scheme — No. L78
- Sherbrooke Planning Scheme — Nos. L108, L126, L127, L128
- Stawell (City) Planning Scheme — No. L31
- Stonnington Planning Scheme — No. L15
- Surf Coast Planning Scheme — No. R49
- Swan Hill City Planning Scheme — No. L22
- Traralgon (City) Planning Scheme — No. L63
- Victoria Planning Provisions — No. VI
- Warragul Planning Scheme — No. L57
- Warmambool Planning Scheme — Nos. L17 Part B, L27
- Werribee Planning Scheme — Nos. L93, L108, L109, L111, L112, L114, L118
- Whitehorse Planning Scheme — Nos. L13, L24
- Whittlesea Planning Scheme — No. L130, L134, L135, L137, L138, L150
- Wodonga Rural City Planning Scheme — No. L10
- Yarra Planning Scheme — Nos. L8, L30, L44, L45
- Yarra Ranges Planning Scheme — Nos. L16 Part 1, L42, L43, L48, L51, L57, L62 Part 1, L63, L67, L73
- Yea Planning Scheme — Nos. L12, L13
- Queen Victoria Medical Centre (Guarantees) Act 1982 — Notice pursuant to section 6
- Standing Review and Advisory Committee on Infertility — Report for the year 1996
- Statutory Rules under the following Acts:
- Administrative Appeals Tribunal Act 1984 — S.R. Nos. 45, 87
- Alpine Resorts Act 1983 — S.R. Nos. 38, 39
- Audit Act 1994 — S.R. No. 56
- Borrowing and Investment Powers Act 1987 — S.R. No. 58
- Building Act 1993 — S.R. Nos. 67, 79
- Chiropractors Registration Act 1996 — S.R. No. 77
- Club Keno Act 1993 — S.R. No. 85
- Conservation, Forests and Lands Act 1987 — S.R. No. 40
- Crimes Act 1958 — S.R. No. 89
- Dentists Act 1972 — S.R. No. 80
- Drugs, Poisons and Controlled Substances Act 1981 — S.R. No. 75
- Estate Agents Act 1980 — S.R. Nos. 41, 50
- Financial Institutions Duty Act 1982 — S.R. No. 63
- Financial Management Act 1994 — S.R. No. 57
- Fisheries Act 1968 — S.R. Nos. 44, 53, 72, 83
- Intellectually Disabled Persons' Services Act 1986 — S.R. No. 59
- Legal Practice Act 1996 — S.R. Nos. 74, 88
- Liquor Control Act 1987 — S.R. No. 43
- Livestock Disease Control Act 1994 — S.R. No. 54
- Local Government Act 1989 — S.R. No. 51
- Lotteries Gaming and Betting Act 1966 — S.R. No. 47
- Magistrates' Court Act 1989 — S.R. No. 81
- Metropolitan Fire Brigades Act 1958 — S.R. No. 84
- Optometrists Registration Act 1996 — S.R. No. 78
- Osteopaths Registration Act 1996 — S.R. No. 76
- Pathology Services Accreditation Act 1984 — S.R. No. 36
- Physiotherapists Act 1978 — S.R. No. 37
- Planning Appeals Act 1980 — S.R. No. 87
- Port of Melbourne Authority Act 1958 — S.R. No. 52
- Prevention of Cruelty to Animals Act 1986 — S.R. No. 73
- Professional Boxing and Martial Arts Act 1985 — S.R. No. 62
- Public Sector Management Act 1992 — S.R. No. 46
- Racing Act 1958 — S.R. No. 48
- Subdivision Act 1988 — S.R. No. 87
- Subordinate Legislation Act 1994 — S.R. Nos. 42, 61, 65, 66, 68, 69, 70, 71, 90
- Supreme Court Act 1986 — S.R. Nos. 60, 82
- Tattersall Consultations Act 1958 — S.R. No. 85
- Tobacco Act 1987 — S.R. No. 49

Transport Act 1983 — S.R. No. 86

Victims of Crime Assistance Act 1996 — S.R. No. 64

Zoological Parks and Gardens Act 1995 — S.R.
No. 55

Subordinate Legislation Act 1994 —

Ministers' exception certificates in relation to
Statutory Rule Nos. 36, 38, 39, 45, 55, 59, 60, 61, 64,
81, 82, 87, 90

Ministers' exemption certificates in relation to
Statutory Rule Nos. 37, 40, 46, 49, 51, 53, 54, 63, 67,
72, 73, 74, 75, 76, 77, 78, 80, 83, 85

Yarra Valley Water Ltd — Report for the year 1996-97

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:

Building (Further Amendment) Act 1997 — Remaining
provisions on 1 August 1997 (*Gazette No. S84*, 29 July
1997)

Electricity Industry (Amendment) Act 1994 —
Paragraphs (c) and (d) of Section 4(1) and Section 8 on
1 July 1997 (*Gazette No. G22*, 5 June 1997)

Electricity Industry (Miscellaneous Amendment) Act
1997 — Remaining provisions (except for sections 10,
11, 12, 15, 20(1), 20(2), 21(3)(a) and 30) on 3 June 1997
(*Gazette No. S58*, 3 June 1997). Section 30 on 12 August
1997 (*Gazette No. S92*, 12 August 1997)

Environment Conservation Council Act 1997 —
Remaining provisions on 1 July 1997 (*Gazette No. S75*,
1 July 1997)

Fire Authorities (Amendment) Act 1997 — Part 3 on
1 September 1997 (*Gazette No. G32*, 14 August 1997)

Gas Industry (Amendment) Act 1997 — Sections 3, 4, 5,
6, 7, 8, 9, 10, 11, 12, 13, 18 and 21 on 3 June 1997.
Remaining provisions on 1 July 1997 (*Gazette No. S58*,
3 June 1997)

Land (Revocation of Miscellaneous Reservations) Act
1997 — Section 4, item 2 of Schedule 1 and Schedule 2
on 1 August 1997 (*Gazette No. G28*, 17 July 1997)

Law and Justice Legislation Amendment Act 1997 —
Sections 3, 7, 53, 54 and 55 on 19 June 1997 (*Gazette*
No. G24, 19 June 1997). Sections 14 to 17 and 19 to 23 on
14 July 1997 (*Gazette No. S77*, 10 July 1997)

Legal Aid Commission (Amendment) Act 1989 —
Section 12 on 14 July 1997 (*Gazette No. S77*, 10 July
1997). Section 8 on 28 July 1997 (*Gazette No. G29*, 24 July
1997)

Livestock Disease Control (Amendment) Act 1997 —
Remaining provisions on 1 July 1997 (*Gazette No. G25*,
26 June 1997)

Melbourne City Link (Further Amendment) Act
1997 — Sections 3, 4(3), 8, 10, 11, 12, 14(2) and 15 on
12 June 1997 (*Gazette No. G23*, 12 June 1997). Remaining
provisions on 26 June 1997 (*Gazette No. G25*, 26 June
1997)

Melbourne Lands (Yarra River North Bank) Act 1997 —
Remaining provisions on 19 June 1997 (*Gazette No. G24*,
19 June 1997)

Miscellaneous Acts (Further Omnibus Amendments)
Act 1996 — Sections 50, 51, 55(3), 58 and 60 on 3 June
1997 (*Gazette No. G21*, 29 May 1997)

National Parks (Amendment) Act 1997 — Remaining
provisions (except section 14(3)) on 4 June 1997 (*Gazette*
No. S59, 4 June 1997)

Police and Corrections (Amendment) Act 1997 —
Sections 38 and 39 on 26 June 1997 (*Gazette No. G25*,
26 June 1997)

Professional Boxing and Martial Arts Act 1996 —
Remaining provisions on 1 July 1997 (*Gazette No. G25*,
26 June 1997)

Taxation Administration Act 1997 — Remaining
provisions on 1 July 1997 (*Gazette No. G23*, 12 June
1997).

ROYAL ASSENT

Message read advising royal assent to:

27 May

Local Government (Further Amendment) Bill

Melbourne Lands (Yarra River North Bank) Bill

National Electricity (Victoria) Bill

Road Safety (Disclosure of Information) Bill

State Taxation Acts (Amendment) Bill

APPROPRIATION MESSAGES

Tuesday, 16 September 1997

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3 June

Building (Further Amendment) Bill
Electricity Industry (Miscellaneous Amendment) Bill
Gas Industry (Amendment) Bill
Infertility Treatment (Amendment) Bill
Melbourne and Metropolitan Board of Works (Amendment) Bill
Melbourne City Link (Further Amendment) Bill
Taxation Administration Bill

11 June

Environment Conservation Council Bill
Financial Management (Amendment) Bill
Friendly Societies (Victoria) (Amendment) Bill
Law and Justice Legislation Amendment Bill
Miscellaneous Acts (Omnibus No. 3) Bill
Project Development and Construction Management (Amendment) Bill
Prostitution Control (Amendment) Bill
Sentencing and Other Acts (Amendment) Bill
State Taxation Acts (Further Amendment) Bill
Superannuation Acts (Miscellaneous Amendment) Bill
Unclaimed Moneys (Superannuation Benefits) Bill
Victims of Crime Assistance (Amendment) Bill

The SPEAKER — Order! I inform the house that on 3 June 1997 I presented to His Excellency the Governor the Appropriation 1997/98 Bill and the Appropriation (Parliament 1997/98) Bill, to which His Excellency has been pleased to give the royal assent.

APPROPRIATION MESSAGES

Message read recommending appropriations for:

Associations Incorporation (Amendment) Bill
Introduction Agents Bill
Melbourne and Olympic Parks (Amendment) Bill
Veterinary Practice Bill
Alpine Resorts Bill

PARLIAMENTARY COMMITTEES

Membership

Mr GUDE (Minister for Education) — By leave, I move:

That — (i) Mr Traynor be discharged from attendance on the Drugs and Crime Prevention Committee and that Mr Lupton be appointed in his stead; and (ii) Mr Lupton be discharged from attendance on the Environment and Natural Resources Committee and that Mrs Shardey be appointed in his stead.

Motion agreed to.

BUSINESS OF THE HOUSE

Grievances

Mr GUDE (Minister for Education) — By leave, I move:

That for the purposes of sessional order no. 4(1), Wednesday, 17 September 1997, and Wednesday, 29 October 1997, be appointed days upon which the question 'That grievances be noted' may be put.

Motion agreed to.

UNEMPLOYMENT: RATES

Mr BRACKS (Williamstown) — I desire to move, by leave:

That this house debates the dismal record of the state government on jobs and unemployment after five years in office with a 9.3 per cent unemployment rate, the highest rate of country unemployment of any mainland state, and a gloomy forecast for Victoria's economy

from economic forecasters Access Economics and BIS Shrapnel.

Leave refused.

BUSINESS OF THE HOUSE

Program

Mr GUDE (Minister for Education) — I move:

That, pursuant to sessional order no. 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 18 September 1997:

- Construction Industry Long Service Leave Bill
- Drugs, Poisons and Controlled Substances (Amendment) Bill
- Veterinary Practice Bill
- Introduction Agents Bill
- Associations Incorporation (Amendment) Bill
- Melbourne and Olympic Parks (Amendment) Bill.

Motion agreed to.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL

Second reading

Debate resumed from 23 April; motion of Mr McNAMARA (Minister for Agriculture and Resources).

Mr CAMERON (Bendigo West) — The Drugs, Poisons and Controlled Substances (Amendment) Bill will put in place a structure for the processing and the growing of industrial hemp. On the face of it the legalised growing of hemp may sound controversial to many people, but as the minister has set out in his second-reading speech, and as I will set out during this debate, that is not the case.

Ultimately, a regime will be established with a mechanism to cultivate hemp; that has to be weighed against the social issue of the relaxation of existing drug laws. As I have said, the proposed legislation concerns industrial hemp. The relaxation of existing laws is not an issue because safeguards have been put in place to overcome problems relating to a consequence of the growing of hemp. If people are expecting a debate on broader drug issues, they will be disappointed because today is not the day for that.

Mr Baker interjected.

Mr CAMERON — The honourable member for Sunshine promises a broader debate. However, I shall begin by contrasting industrial hemp with what most people call dope or marijuana. The definition of industrial hemp in the legislation is low-THC cannabis, or hemp with less than 0.35 per cent of tetrahydrocannabinol. The average THC content of the normal street marijuana is between 5 and 10 per cent. That fact that cannabis is being industrially grown does not mean there will be a total lack of interest by people associated with the criminal act of growing cannabis. Although the leaves serve no useful purpose for the drug market they can be used as packing or be mixed with other grades of marijuana. Of course, that will encourage more street sales. It is for that reason that the bill includes sensible terms concerning the licensing of the growing of low-THC cannabis. It also has stringent requirements as to probity and the powers given to inspectors to ensure that the terms of the permits are being properly observed and there have not been breaches of the guidelines set down for the people who will grow the low-THC cannabis.

In an era before our own but certainly of our forefathers — perhaps we should say foreparents — cannabis was grown widely and used for commercial purposes. That usage goes back thousands of years. For many years cannabis was cultivated for fibre and rope. Indeed, seeds were sent out with the First Fleet in 1788 to establish a hemp crop for the new penal colony. The parliamentary library has prepared a very good paper on this issue, and honourable members are indebted to the library staff for the service they have provided in giving broad background information on this subject.

With the development of new products such as cotton a decline in hemp cultivation occurred. It was virtually not seen again as a commercial crop in the Western world after the 1930s. This push to move away from hemp culminated in the United States, and other Western nations followed.

Even though it was industrial hemp, it is alleged that there were vested interests, particularly among people in the newsprint industry, in not wanting hemp to be grown as a crop. They were successful in confusing industrial hemp with ordinary marijuana, if I may use that term, and as a result the entire use of hemp as a product, whether for drug-related or industrial purposes, was prohibited.

However, over the last decade there has been a great revival of interest in hemp, which has come about as a result of people realising that the loss of natural forests for paper pulp cannot continue, nor can the suffering of the environment as a result of irrigation practices and use of pesticides on cotton.

Inevitably the community has become interested in finding and examining alternatives. As a result, there has again been interest in the issue of industrial hemp. Some countries in the Western world have allowed trials of hemp production — some are actually encouraging it — and in other European countries subsidies are being provided to growers of hemp.

These days hemp is being used in many products, including clothing and foods; obviously in paper and paper products and even in soaps, shampoos and cosmetics. The use of hemp today is far broader than it may have been a century ago, and that is also one of the reasons for the increased interest in industrial hemp products.

Five years ago a show on the ABC called *The billion dollar crop* generated a great deal of interest among farmers who were looking for alternative crops and the possibility of new markets. The show had a profound effect because it suggested that industrial hemp can grow very fast especially compared to the time required for paper production. Trees take a long time to grow, whereas the industrial hemp can produce a good crop within the annual cycle.

Interested parties in various states around Australia have asked whether they can be licensed to grow hemp, because at the moment the drug laws send a mixed message to people who want to establish a hemp industry. For that reason the operators have sought a licensing system, and this is what the legislation is about.

Trials have been carried out in Australian states over the last five years, and since 1995 there have also been trials in Victoria using existing laws. Some of the trials in other states have not proved successful, and the question for the industry, if it is to develop in Victoria, is twofold: firstly, will the crops be successful in this state and, secondly, can the industry attract markets for the product? There are problems with the processing and cost of products compared to those of existing non-hemp products on the market at present.

The bill enables the industry to examine those issues and take the next step of establishing a hemp industry, if it is found to be viable in Victoria.

In the north of the state some trial crops of hemp have been grown, and in its August 1997 *Good News Sheet* the Delatite Agribusiness Committee informed readers that:

Delatite Shire Council is to take the initiative and form an incorporated company, managed by trustees, to investigate and make recommendation on the proposed pilot paper pulp mill for Benalla —

that is, for hemp products.

The foundation's role will be to assist regional development by focusing research and development efforts in the fledgling industry, and by considering the establishment of a private company to commercialise opportunities. Legislation has been introduced into the Victorian Parliament to allow the commercial growing of industrial hemp.

Indeed, we are debating the very legislation the committee is referring to there. The bill makes provisions concerning inspectors and the enforcement of a legal regime around a licensing system. That is essential because we want only operators of a respectable standard involved in this industry, not those who might exploit the use of this crop. Although hemp does not have any real drug value we do not wish anyone to exploit it by mixing it with cannabis of drug value, and that is why the legislation sets out the regime to limit participation in the industry to respectable people.

In addition, to ensure that the leaf does not find its way onto the streets, the legislation also inserts an additional hurdle with proposed section 62(c) inserted by clause 5, which provides for the authority to cultivate cannabis that is substantially free of leaves and flowering heads. It is the stem of the hemp that industry uses, and in any event it is not possible to sell the leaves and the flowering heads.

Mr Steggall — Legally!

Mr CAMERON — Legally, as the member for Swan Hill points out. In the event that there is a dispute over any determination of the secretary of the department concerning licensing matters, proposed section 69B of the bill states that the matter can be taken to the AAT. Isn't it sensible that, where there is a dispute over administrative matters,

whether they concern licensing, freedom of information or whatever, the dispute can be taken to the Administrative Appeals Tribunal to be determined in an independent judicial forum? I notice honourable members readily agreeing that the AAT plays a critical role, whether in this administrative matter or any other administrative matters. Obviously any diminution of the AAT's role must be regarded as extremely retrograde.

The opposition supports the legislation and wishes people in the industry success in determining its viability in Victoria. We trust that the bill will have a speedy passage through this house and another place.

Mr STEGGALL (Swan Hill) — I thank the honourable member for Bendigo West and the opposition for supporting the legislation, which has been trialled and tested for some time. The bill will remove legal restrictions on the industrial hemp industry going ahead, if such an industry is introduced into Victoria, and following the passing of the legislation the tests and trials will be carried out by private enterprise.

As the honourable member for Bendigo West pointed out, the bill is a simple one in that it sets up the legislative requirements for authority to grow industrial hemp. It provides the parameters within which growers of hemp must work and gives the secretary of the Department of Natural Resources and Environment the rules and authority to undertake activities relating to the cultivation and processing of cannabis seed.

As the honourable member further pointed out, the legislation will not permit the sale of cannabis leaves or flowering heads which contain THC. The bill contains a fit and proper persons test, which exists in many pieces of legislation that have gone through Parliament, and the extent to which members of Parliament contribute to and understand that process is well known. It allows the secretary to give authority for up to three years, subject to terms and conditions and limitations and restrictions relating to the premises, the sites or the sources of seed to be used. It also gives the terms and conditions required for surveillance measures which would be applicable as the secretary sees fit.

As mentioned, the appeal process of the legislation will be undertaken through the AAT. Appeals will be on administrative matters, not legal matters, and will be properly carried out through the AAT. The bill also allows the secretary to appoint inspectors to

carry out any necessary surveillance, and deems police to be inspectors.

The legislation is of interest to people throughout Victoria, particularly in the area of northern Victoria that I represent, with regard to the production of industrial hemp as an alternative industry. In my electorate the interest came about particularly through the interest of the Tragowel Plains salinity group, which was very keen to trial hemp as an alternative crop for the Kerang-Pyramid Hill area.

A series of trials started in 1995-96, with seven trials being conducted on up to a hectare of land at sites throughout Victoria. Six trials were repeated in 1996-97 on both irrigated and dry land sites. The results showed that the crop will need careful irrigation except in the very high or reliable rainfall areas of southern Victoria. Yields varied between 5 and 12 tonnes to the hectare, which compared favourably with European yields of between 11 and 14 tonnes to the hectare, with the top Australian yields being close to the lowest yields in Europe.

Further research into soil and water and nutrients is vital for the crop and should bring Victoria closer to best world practice, at which stage an industry may or may not eventuate. One thing is certain: as in any other case no investment in the hemp industry will take place until the legislation to provide a mechanism by which it can go ahead is in place. Current legislation does not facilitate research and development or even production, so appropriate legislation is vital if there is to be an industry for industrial hemp production.

Results from the field trials are promising and demonstrate that while further research is needed it is possible that industrial hemp could be an economically viable enterprise in some irrigated and high rainfall areas of Victoria. At this stage there are limited prospects for commercial production of hemp or fibre, and immediate major investment and commercial development on the basis of existing Victorian trial results would be risky. Primary processing technology and facilities to convert the harvested stem material into pulp or fibre suitable for paper or fabric products are not available in Australia at the moment. However, several syndicates are investigating such technology, and there are market opportunities for processed products made from the whole plant fibre and seed.

I refer to some of the trials. As I said, people in northern Victoria, particularly in the Kerang and Tragowel Plains-Pyramid Hill area, were keen to

trial hemp as an alternative crop for providing paper pulp.

In recent years all communities in country Victoria have taken a different attitude from that which they had a few years ago. Every community throughout country Victoria is considering the opportunities and assets that exist in its region, and this is bringing about some of the most fascinating trials and approaches to the production of food and fibre that Victoria has ever seen. The hemp trials form one small part of that process, and legislative assistance is needed to allow the process to continue: that is why we are here today. I am pleased to say that the others do not require legislative assistance and the many trials and changes to production practices are going ahead at a rate that none of us ever believed would happen.

During question time today people were talking about employment in regional Victoria. If the Leader of the Opposition continues his negativity toward country Victoria and gets coverage in the media he will succeed in making it appear to be true and will really make people turn away from the country. Honourable members from country areas know that investors, researchers and industry are looking at the growth and investment opportunities that exist throughout regional Victoria. The list the Premier started reading from today is not just a joke. It is a serious list of investment opportunities that have arisen in country Victoria because of the change of attitude to investment and growth.

There is an employment problem of not having enough people at certain times of the year to carry out harvesting in many of the productive areas of Victoria's agricultural base — Mildura, Robinvale, Swan Hill, Shepparton and other communities where there has been enormous growth in the production of horticultural products. The growth in the dairy industry, particularly in the south-west — in Gippsland — and in the northern irrigation zones is also something of which we should be very proud. Investment in the past five years of about \$1.3 billion in processing, which has resulted in factories and jobs, is testament to that growth.

If one takes into account the on-farm investment that has been undertaken to support the new processing investment it will be seen that the figure is huge. We have figures only for what has been invested in processing, not for what has been invested on farms. Primary producers throughout country Victoria are growing and testing a whole range of products. In the next century many pharmaceutical products will

be grown on farms. Research is being done at Monash University in conjunction with researchers in Massachusetts in the United States of America on the genetic manipulation of particular products. Quite a few of the pharmaceutical products used today that are produced chemically will in the future be produced from farm products.

Although the horticultural development and genetic manipulation of plant varieties that has begun will take time to develop, things are already happening quickly. Currently about 2000 hectares of new production of vegetables, wine grapes, table grapes and stone fruits is taking place in the Swan Hill-Woorinen area — it is huge! I was impressed recently when I visited a factory in country Victoria that had 1100 employees on one site. I said, 'That's great! Here you have two-thirds of the number of employees who are employed in full-time jobs in the horticultural area of just my township of Swan Hill'. That is how big the industries are — and they are growing at a very fast rate.

Industrial hemp is of great interest to all of Victoria's regional communities. Although the government has received a lot of criticism of local government changes, in many country areas those changes have brought together urban and rural regional production centres. They are now focused on and see their futures not as urban bits and rural bits but as regional communities. The resulting strengthening of communities and the vibes that are coming out of that process are very exciting.

Industrial hemp will be picked up in some areas. The description of the honourable member for Bendigo West of the ideas and concepts in the Shire of Delatite suggested a cooperative approach to the issue. If there is an industry in industrial hemp — I have to say 'if' — Victoria will be well placed to pick it up following the passage of this legislation.

The Kerang-Pyramid Hill area has had salinity and land management problems. If honourable members want to see a change in the attitude, direction and productive values of a community they should look at Pyramid Hill. It is really bound together now in working to develop all the opportunities available to serve its needs. It has the enormous advantage of the availability of approximately 230 000 megalitres of water in the area through irrigation. Members of that community are working on every angle they can to make their farms economically viable so that the community will grow and develop.

Earlier the Premier referred to a \$1 million dollar investment in a pet food factory there, and there have been other similar types of investments in the area. Those projects are coming along very nicely. The area was keen to run trials on hemp, and did so in 1995-96 and 1996-97. Unfortunately the trials failed and industrial hemp will not be produced in that area.

In 1995-96 trials were run in Ballarat, Benalla, Horsham, Kerang, Maryborough, Myrtleford and Winchelsea. The results were varied. The trials indicated that areas of southern Victoria with high rainfall and very good soil, and places in northern Victoria with irrigation, will be suitable for the growing of hemp. However, a lot more work and more trialling is needed. The hemp production industry cannot be considered a lay-down misère or a walk-up start. It is an industry that faces very strong competition in paper and fabric production from the timber and cotton industries respectively. Anyone who wants to be in the game will have to compete in those areas.

New trials were begun in 1996-97. Two sites were sown near Benalla, which is proving to be a good location, Kerang tried again, and in Warragul areas previously used for potatoes and pastures were sown. Winchelsea, near Geelong, was also involved. The trials produced mixed results with yields of between 5 and 12 tonnes to the hectare, which compare favourably with European yields of between 11 and 14 tonnes.

I refer to the summary of conclusions in the Department of Natural Resources and Environment paper entitled, 'Hemp trials in Victoria 1995-97':

There appears to be a number of environments within Victoria where, subject to a reasonable price paid to the farmer, industrial hemp could be a viable farm crop.

It is important to take that information into account. If that desirable change is to occur in the rural sector, and if we are to expand the production of our horticultural and dairy products further, the producer must reap an economic return — in other words, the return must be worth the investment.

I have represented the government in negotiations with the food industry about a whole range of new products. The government has repeatedly stressed to the producers that international and local investors must be able to receive investment returns that will allow the sustainable development of the industry. Many new buyers are looking for a consumer-driven

organic product, and although its manufacture may be difficult we can do it. Its price must reflect the cost and the science required to achieve that quality of product.

These are interesting times; consumer power is having a far greater impact on societies throughout the world than many believe. The media may talk about political dominance in certain areas throughout the world, but as we try to develop our industry products the demand is being driven by the consumer. We have been and will continue to be successful as we tailor our response to the demands for quality products made by the end user.

In recent decades Victoria has been more of a commodity producer. It has been a case of, 'There it is, come and buy it'. Those days are over. Our rural communities in particular are changing their attitudes on such matters as quality assurance and packaging standards. Any honourable member who tours rural Victoria and refrains from becoming involved in the stupid point-scoring nonsense of which country Victorians have had a gutful will see that Victorians are steering their way through this challenging period. The report further states that industrial hemp:

... grows quickly in summer, making it a good rotational crop to be grown before an autumn sown crop or new pasture.

My experience with a similar type of crop — that is, millet — is that the soil must contain high levels of nutrient. Unless the soil nutrients were adequate for the production of millet, a similarly high-volume crop, it would take at least 12 months to get the soil right again. Millet draws huge quantities of nutrients from the soil. The report further states:

While it can compete extremely well with weeds, as yet little is known about possible diseases or insect pests. These may cause problems in fibre or seed crops.

It is clear that growing large bulk yields of hemp will require considerable moisture from rain or irrigation.

High levels of nutrients, particularly the major ones, will be required. Even if they are not essential for yield of hemp, removing such a large quantity of plant material from the paddock will remove nutrients that will need to be replaced for following crops.

There is as yet insufficient knowledge of cultivars and agronomy to determine whether the yields achieved to

date in small trials are comparable to bulk crop yields grown when the technology has improved.

Method of harvest will have to be adapted to suit the needs of particular end users. Large bales are the simplest known technique but may not suit all uses.

Flood irrigation has caused problems except when crops have achieved 50 cm of plant height. These irrigation problems could represent a barrier to production in northern Victoria and will require further investigation.

In northern Victoria a range of different broadacre irrigation applications are currently being tested in an effort to discover alternatives to flood irrigation for pasture production, particularly for the dairy industry. Maybe the type of research referred to will be helpful in that task. I further quote the report:

It seems likely that seed will always be a major production cost even if produced locally. This is in part because of the reported low seed yields that can be obtained. Determining the optimum rate of seeding will be very important for hemp.

That summary of hemp trials in Victoria between 1995 and 1997 demonstrates the good research efforts made by the Department of Natural Resources and Environment. The government has adopted a good attitude towards the industry. I will be interested in whether the house proceeds to debate the THC levels in industrial hemp. The honourable member for Bendigo West mentioned the worldwide conspiracy theories featured in recent television programs. The government is aware of those theories.

This is good legislation. It puts in place a framework in which the industry can operate. Its prescribed penalties will deal harshly with those who try to abuse our manufacturing protocols. The bill gives Victorian rural communities another choice for investment and production. Some regions will pick up and travel with that choice. The legislation will test those who have been talking about the advantages of investment opportunities for fibre in particular and, to a lesser extent, paper pulp. It gives them the opportunity to get out there and contract with our landowners and farmers who have the skills to work with scientists to find the optimum requirements for soil type, water application, nutrients and methods by which the crop may be harvested.

The bill also enhances investment in jobs and our quality of life, which are of paramount importance in country Victoria.

I am pleased the opposition supports the bill. I congratulate the ministers and cabinet for having the courage to see the process through. I congratulate the former minister, the Honourable Bill McGrath, for introducing the concept of trials and the community for picking up those trials. Victoria's scientists and farmers have done a good job of finding out what is and what is not successful, and it will now be a commercial operation for those who are interested in investing.

I wish the bill well. However, I hope we do not have huge investments in an untested industry. I trust that the industry will thoroughly test the low-THC cannabis crops and that investors will proceed slowly and examine the situation thoroughly to ensure that if there is a potential industry Victoria will become very good at it and Australia will be one of the countries that derives benefits from the cultivation of the plant.

Mr HAERMAYER (Yan Yean) — I will be a little cheeky and mention that when the legislation was first introduced I was reminded of a 1980s song by the Bushwhackers, part of which went like this:

Marijuana Australiana,
cheaper than booze, better than pills,
you can buy it from your nearest farmer.

While that may add some levity to the debate, I am sure that is not the intention of the bill. I support the bill for the reasons articulated by the honourable members for Swan Hill and Bendigo West. As a member of the Drugs and Crime Prevention Committee, during the parliamentary recess I had the opportunity of visiting parts of Europe, notably Switzerland, where industrial hemp is produced in significant quantities. The committee saw a number of shops in Zurich that, surprisingly, displayed all sorts of products made from hemp fibre, such as denim jeans, cotton shirts, hessian baskets and ropes. I found it an intriguing prospect once I overcame the notion of smoking my jeans.

The opposition supports Victorian farmers having the opportunity of widening the variety of crops they grow and enhancing their commercial viability. Hemp has a large variety of applications that are not necessarily related to the use that has been traditionally associated with the product — namely, the production of what is defined as a drug of dependence. The bill attempts to make it possible for

rural producers to grow and process low-THC hemp for both commercial and research purposes. The opposition also supports the intent of the bill to exempt from the operation of the act certain processed substances made from cannabis and cannabis seeds that are not a drug risk.

I sound a note of caution, however. Swiss officials and authorities drew to the committee's attention the perceived difficulty of differentiating between the high-THC plant used for marijuana production and the low-THC plant dealt with in the bill. They expressed the view that reasonably developed botanical skills are needed to make the distinction and that the average police officer does not feel able to do so. It will require a high degree of skill and a significant number of people who have been specifically trained to distinguish between legal and illegal hemp plants.

Victorian production of the plant will be administered by the Department of Natural Resources and Environment. Unfortunately the department has suffered cutbacks in its personnel and resources, which hampers its capacity to administer this type of project. The second-reading speech refers to authorities minimising the security risk by not permitting the sale or supply of cannabis leaves, flowering heads or those parts of the plant that contain THC. At present the police are well trained in the identification of cannabis plants, which are illegal per se, but in future that task will require a higher degree of botanical identification than it is reasonable to expect of the police. The department will need resources and people who have been specifically trained to distinguish between legal and illegal plants.

The opposition supported Professor Penington's recommendations to Parliament earlier this year on the controlled decriminalisation of cannabis, so it will not now adopt a hypocritical or moralistic stance. However, if cannabis as a drug is to be decriminalised the opposition wants it to be subject to the controls proposed by Professor Penington. It is important, therefore, to ensure that when the bill is implemented it does not become the thin end of the wedge and allow the back-door decriminalisation of cannabis.

Although the bill contains provisions to protect against that occurring, the government needs to maintain control of the crop to minimise any risk to public health, and that will require some level of resourcing. I hope the government is cognisant of

that fact when it implements the provisions of the bill.

The Swiss authorities highlighted the difficulty in effectively distinguishing between low-THC and high-THC cannabis, and as a result they no longer make a distinction. Although cannabis is regarded as a narcotic drug in Switzerland and is illegal, because the authorities find it difficult to distinguish between the low-THC and high-THC varieties it is almost impossible to say it is illegal in practice. If a similar situation is to occur in Victoria the opposition wants it to be done in a controlled way, so the government should look carefully at how it will police the implementation of the bill.

The opposition supports further enhancement of crop variety among primary producers. Victorian and Australian primary producers have experienced hard times in recent years and the opposition applauds anything that will enable them to further enhance the commercial viability of their land and Australia's clothing, textile and footwear industries. The opposition supports the bill but urges the government to closely examine the policing of its provisions.

Mr WELLS (Wantirna) — It gives me great pleasure to speak on the Drugs, Poisons and Controlled Substances (Amendment) Bill. I became interested in the principal act when one of my constituents contacted me in March 1995. He asked me whether I would lobby to have part of the legislation changed because he wanted to make environmentally healthy and friendly products, including food, from industrial hemp. Under the principal act hemp is described as a narcotic plant and drug of dependence regardless of the THC content. The legislation prevented my constituent from producing and selling cakes and other foods, which had a high fatty acid content and which he claimed were very healthy.

His other concern, which was mentioned by the honourable member for Yan Yean, was that the change would provide a great opportunity for struggling Victorian farmers to get out of crops that were not doing well and get into producing low-THC hemp. Although hemp needs to be grown in high-rainfall areas, it would at least make some of those farms more profitable.

Tasmania, South Australia, Western Australia and New South Wales have all trialled the growing of industrial hemp in one form or another. As the honourable member for Swan Hill said, some trials

have been more successful than others. However, when it comes to trialling of that sort Victoria is well and truly behind the eight ball.

At first I had a number of reservations about low-THC hemp. I did not understand the difference between a low level of 0.3 per cent THC and a higher level of 3.0 per cent. I thought they were pretty much the same, so I had visions of cakes and whatnot being handed out at the local bowls club and of some of the bowlers getting high as kites on afternoon tea! It has taken a certain amount of research by me — —

Honourable members interjecting.

Mr WELLS — I should clarify that by saying that when I say 'research' I mean reading and looking at what was on the Internet. One local journalist told me that after she ate one of the cakes she certainly felt a lot healthier!

I refer to an extract reproduced on the Internet by William Pierce, Associate Professor of Pharmacology and Toxicology, School of Medicine, University of Louisville, Kentucky. He states:

Even if one considers a hemp plant with a higher than normal THC content of 1 per cent, it is difficult to imagine such a plant used as a drug source. If a person used such hemp and smoked it, delivery of a standard psychoactive dose would require that such a person smoke the equivalent of 10-12 hemp cigarettes, and this would have to be accomplished over a very short period of time. This large volume, high temperature inhalation of vapour, gas and smoke would be difficult for a person to withstand, much less enjoy. Should a person attempt to use such hemp orally, he or she would be required to ingest a quantity of hemp equivalent in mass to the fibre content found in two to three doses of a high-fibre laxative.

While a person could choose to use hemp in these ways, it is unlikely that he or she would repeat the behaviour, due to the unpleasant side effects.

It is possible to get quite drunk on so-called non-alcoholic beer but no-one does it because of the amount of beer one would have to drink. Nutmeg, for example, contains a psychoactive substance which could be abused, but we do not hear of people eating nutmeg for the sake of getting high. The same applies to Listerine and similar mouthwashes: we do not normally hear of people getting drunk on those substances.

I made representations to the honourable member for Swan Hill, arguing the case for the growing of low-THC industrial hemp across Victoria. At the time the plan was that trials would be undertaken over three years, confined to agronomic research into growing hemp for fibre product. It was decided that the production of seeds would be excluded from the planned trials because the crops would need to be grown for longer than was necessary to obtain material suitable for fibre production to get to the seed set stage. At that later point the level of THC would be somewhat higher, as would be the risk of theft for an illegal purpose. On one occasion in Tasmania some of the seeds were stolen for that purpose. Unfortunately for my constituent, the legislation does not go far enough — in other words, he will not be able to use the seeds for his products — but at least he can see a window of opportunity in other areas.

As the honourable member for Swan Hill said, the trials have been promising, although a certain amount of capital investment is needed for them to be an overwhelming success. We need investors and entrepreneurs to come up with the venture capital that is required to make this viable. As I said earlier, hemp needs to be grown in high-rainfall areas with good irrigation.

There have already been some moves in the area of capital investment. In January this year the Minister for Agriculture and Resources, Mr McNamara, signed a memorandum of understanding with the Ukrainian Academy of Agricultural Sciences, which will use its expertise to develop a pilot pulp mill in Benalla. The plan is to produce 850 hectares of hemp over two years, and the expected export market will significantly increase the output.

I also note an article that appeared in the *Herald Sun* in July 1995, which reported that Spicers Paper — which I think sponsors the Collingwood Football Club — planned to introduce a new range of environmentally friendly, alternative fibre paper which was hemp based and which would be suitable for printing purposes. It said the paper, made from hemp grown in Spain, would have to be imported from Scotland. That seems ironic, because under the bill Spicers may now be able to look at growing hemp or buying it from Victorian sources. Under the existing act, Spicers would not have been able to do that because it would have been deemed illegal.

The growing of industrial hemp has a certain amount of commercial benefit. It is interesting to note that the First Fleet brought hemp seeds to

Sydney in 1788. Hemp was grown at Botany Bay and in the new settlements that sprang up around it. It is argued that the decline in hemp production worldwide was caused by the invention of synthetic fibres, including polyester and nylon in the 1920s. The suggestion has even been made that certain US companies conspired to have hemp banned because of their interest in producing competing fibres.

Whatever the real reason, hemp production declined dramatically after the US banned cannabis in 1937 because of its narcotic properties — and of course, other Western countries followed. It is ironic that the US temporarily lifted the ban on hemp during World War II, asking farmers to grow it to help the war effort. In 1940 the worldwide production of industrial hemp fibre was approximately 832 000 tonnes. In 1994 the United Nations reported that world production was around 97 000 tonnes, a decline of 88 per cent since 1940. That demonstrates the enormous potential that exists for new sources and renewed uses of hemp.

Today, when we are becoming more environmentally friendly, it makes more sense to grow a renewable source of fibre rather than use synthetics. Countries such as England, Hungary and Germany are already developing industrial hemp, which is creating employment in those countries. It is interesting to note that there are more than 30 000 known products that can be produced from hemp. Such products impact positively on the agriculture, energy, food, furniture, paper and plastics industries. The products that can be produced from hemp include books, fishing nets, plaster, plywood, newsprint, tablecloths, wallpaper, industrial oils, insulation, jackets, livestock feed and jeans fabric.

George Washington, the first President of the United States of America, is quoted as saying, 'Make the most of hemp seed, sow it everywhere'. The possibilities for hemp fibre are limitless. Its use is taking off in the car industry. The March 1997 edition of the *Popular Mechanics* magazine reports that the Daimler-Benz company is proposing to use more environmentally-friendly materials in its cars, including replacing fibreglass mats with industrial hemp. A company spokesman says:

The relaxation of legislation forbidding the cultivation of hemp in Germany has awakened the interest of the scientists ... Engineers like using hemp fibres because they are more rigid and pest-resistant than flax, another natural reinforcing material. Hemp absorbs less resin than flax, which in turn, reduces air pollution.

In the United States of America, Crane Paper, which is a supplier of currency paper to the US Treasury, announced a new line of tree-free hemp-flax-kenaf content paper would be used for printing US currency in future. In other words, US dollars will be printed on a product partly made from hemp.

The most significant benefit from growing hemp in Victoria and Australia — the fact that it is environmentally friendly — will become obvious when it is used for products such as paper. The US agriculture department estimates that it takes 4 acres of trees to produce the quantity of paper that can be produced from an acre of industrial hemp. That is a significant factor. All types of paper products can be made from industrial hemp — newsprint, computer paper, stationery, cardboard, envelopes and so on. No other tree or plant species is capable of producing as much paper per hectare as hemp. It is ironic that at a time when more and more native forests are being cut down and destroyed to fuel economic growth it will be possible for farmers, especially those in the Third World, to grow hemp as a viable product. Paper produced from hemp will eliminate the need to chop down millions of trees, so hemp will save millions of hectares of forest.

Trees need to be grown for 20 to 50 years before they can be chopped down for commercial uses such as producing paper, but four months after it is planted the hemp plant grows to between 3 and 6 metres and is ready for harvesting. Hemp can be grown in many areas. Substituting hemp for trees will mean that forests and wildlife habitats will be saved.

A good friend of mine, Brigitte Muir, who was the first Australian woman to climb Mount Everest, is a strong campaigner for retaining forests, especially in the East Gippsland region, for which she has received a lot of publicity. We organised a meeting with the Department of Natural Resources and Environment in a particular endeavour to save natural forests and habitat and to push the idea of growing and harvesting hemp rather than chopping down forests.

India and China have always grown hemp, and a number of European countries — England, France and Germany — are following suit. It is interesting to note that of all the G7 countries only the US is dragging the chain on the use of industrial hemp.

As I said at the outset, I had my doubts about the control and policing of industrial hemp growing, but my reservations about illegal growing of hemp have been addressed by the provisions of the bill, which

will prevent its being grown for purposes that are not bona fide. Those provisions do not jeopardise the effective enforcement of the existing drug laws.

The bill is an enormous step forward for the Victorian farming sector. Jobs in country Victoria will be given an enormous boost. At long last, after a number of trials we, the legislators, have been convinced to bring in this legislation, and I congratulate the minister on doing so.

Mr BAKER (Sunshine) — I shall make a brief contribution to the debate. At the outset the wicked side of my nature — you have not seen much of that — is inclined to offer the Attorney-General a deal: I suggest that if she is prepared to retitle the bill to give it a correct name — something such as the Marijuana Cultivation Bill — in the interest of truth in intitulement, I will be happy to support it. I am also happy to support the bill for another wicked reason, which is that it adds yet another layer of illogicality, idiocy, inconsistency and absurdity to what is already an absolutely absurd system of controls for drugs and harmful substances.

I remind those who can remember that that was the basic tenor of my contribution on the day we had full a parliamentary debate on the drugs issue. Have a look at it! Here is the same species of plant, cannabis sativa — meaning useful — and if you call it hemp it is okay, there is no problem. You are able to wear it or use it to make soap, paper or a rope to hang people with, but if you call it marijuana it is banned.

One of my terrible daughters — I have several terrible daughters; this is not the one who is a vet — who is doing biochemistry with a major in plant genetics came home the other day with a new pair of jeans. I said, 'They're nice, darling. They look pretty strong and they might last for a while'. I asked what they were made of and she said they were made of hemp. She said they are the best-wearing jeans you can buy. They are called hemp jeans — she did not call them marijuana jeans. The moment you mention the dreaded M-word the people opposite fall about and throw up their hands in the air.

Within this whirlpool of absurd public policy making the government is now introducing a bill with a crazy inconsistency because the rural rump and the rural community are suddenly interested in the prospect of making \$2000 a hectare — I suspect that is a bit fanciful, as the honourable member for Swan Hill delicately pointed out at the end of his contribution. The moment there is the prospect of

returns of that kind, people are suddenly prepared to modify the law at the margin and call it something else — but basically, it is a marijuana cultivation bill. I am happy to support the bill for those reasons, even if all it does is once again cause the community to stop and think how ridiculous the framing of these laws has been.

If you read history — and I thank the parliamentary library for the excellent paper it has put out on the subject — you will find that the moment steam replaced sail as the major form of propulsion on the ocean there was no longer a need for hemp to be produced on the scale it had been. You will also find that around 1937 the American tobacco industry was keen to get rid of marijuana — or hemp — production. I suspect that if you checked you would also find that the United States synthetics industry, which was emerging at that time, may well have had a hand, if only for reasons of self-interest, in ensuring that the widespread cultivation of the crop was banned. That has been picked up and translated around the world. As the honourable member for Bendigo West said, our attitudes to the crop have been shaped and reshaped over several thousand years. For 2700 years before Christ — or prius Christus, as you say in Latin — the Chinese cultivated hemp.

This is at least a move in the right direction. I do not believe, as the honourable member for Swan Hill intimated, that it will necessarily be a significant goer, but if there is an opportunity for a new industry, we should certainly allow the growing of hemp to be trialled. I suspect that in the end it will be yet another yuppie guppy — or, to it put more delicately, another boutique type of agricultural activity that may be taken up by a few. If it works, good luck to them.

From my experience as a former Minister for Agriculture I know that cash crops such as chickpeas are being grown in some of our highly fertile and better rain belt areas because they produce fairly similar results more quickly and with less demand on the nutrition provided by the soil. Nevertheless, I am delighted to support the bill.

Mr MAUGHAN (Rodney) — I will make a brief contribution in support of the proposed legislation, which has enormous potential, particularly for northern Victoria — although I agree with the honourable member for Swan Hill that we have a long way to go yet. The bill sets the scene for further developing the cultivation and processing of hemp. I stress that we are talking about the low-THC

cannabis, or hemp, not the high-THC hemp that is used in the drug trade.

By way of background, I point out that in 1995 the previous Minister for Agriculture, Bill McGrath, paved the way by introducing a three-year program for trialing hemp at a number of sites throughout country Victoria, where interested producers could grow up to 1 hectare each of the crop. As part of the trials, in 1995-96 hemp was grown at seven sites throughout Victoria — Ballarat, Benalla, Horsham, Kerang, Maryborough, Myrtleford and Winchelsea. The objective was to trial the growth of different varieties of hemp at different sowing times, in a variety of climates and soils, with different fertiliser treatments, and using irrigation as against natural rainfall. The following year those trials were followed up at five sites, four of which — Benalla, Ballarat, Kerang and Winchelsea — were the same as the previous year. The additional site of Warragul was added.

Suffice it to say that so far some interesting information has been gained from the work. Potential investors and growers of the product now have objective information on which to make their judgments. As the honourable member for Swan Hill pointed out, the yields have been variable — between 5 and 12 tonnes per hectare. Although that is not yet up to European standards, there is no reason to believe that over time those standards cannot be achieved as better husbandry practices are implemented and better varieties are developed. I think the potential exists for yields comparable to those achieved in Europe.

It has become evident that some varieties are suitable and others are not. In some of the trials varieties have come through with THC levels exceeding the maximum permissible level of .35 per cent. That sort of information is useful because it enables the identification of varieties that are definitely low in THC.

The interdepartmental steering committee, which oversees the trial program, believes the cultivation of hemp can be effectively regulated. Essentially, the purpose of the legislation is to provide a basis for regulation by which, firstly, the authorisation to grow the crop is strictly managed through the control of the conditions relating to the source of the seed, and, secondly, inspectors are provided with wide powers to detain, seize and destroy plants or crops that are found to exceed permitted THC levels.

From the conclusions of the trials to date — they are in general terms and need to be refined — it is clear that hemp can be grown in a number of different environments throughout Victoria and that industrial hemp has the potential to be a viable farm crop. Like millet, it grows quickly in summer and is a good rotational crop. Therefore, it has the potential to be integrated into farming enterprises.

Clearly, bulk crops of hemp require considerable moisture. That is possible if the crops are cultivated in either high-rainfall country, such as Warragul or Ballarat, or the irrigation areas of northern Victoria, which have the soil, the water and the sun to grow industrial hemp. Bulk crops remove large quantities of nutrients from the soil, so it is also clear that high levels of nutrients are required, particularly phosphates, nitrates and potassium.

There is a lot to be learnt about various cultivars and agronomy. The economy is not good, but that does not mean the trials should not proceed and that we should not learn as much as we can about alternative crops, because the economy will change over time. At this time hemp is up to three times more expensive than alternative sources of raw materials in the paper making and textile industries. I welcome this alternative crop because, as the honourable member for Swan Hill pointed out, exciting developments are occurring in Northern Victoria in the food processing and production industries and within agriculture itself.

The Rodney electorate that I represent has processing companies such as Heinz, Simplot, which spent \$25 million in the past 12 months, Murray Goulburn, Bonlac, Kraft, Cedenco, which also spent \$25 million, and Nestlé. As was pointed out during question time, all those investments have created jobs. This government is all about creating the right economic environment that will lead to more jobs and sustained growth to finance human services such as health, education and community services. Those industries are very important, not just for my constituents — the farmers and those who work in the food processing areas — but to the broader community because they generate the wealth to provide human services. The investments have been supported at the farm level with exciting developments in the dairy and tomato industries with laser grading techniques and rotary dairies. My electorate has about 50 rotary dairies, each milking more than 500 cows. That level of efficiency makes our farming industry very competitive on a world scale. Mechanical harvesting in the tomato and grape growing industries is also very important.

Many more alternative crops are now available to the farming community than were available 20 years ago when I was farming. Crops such as canola, soybean and maize are now numerous and are grown throughout northern Victoria. I welcome alternative crops that are additions to the traditional methods of farming. I am interested in the production of ethanol as a fuel. Ethanol requires a biomass which is essentially cellulose and which can be produced by a variety of cereal crops, maize or hemp. As the stocks of petroleum are reduced worldwide there will be a greater need to develop fuels from renewable sources.

In country Victoria it could be the answer to the unemployment problem. It is estimated that Victoria could support up to 30 ethanol plants each employing approximately 300 people. Hemp would be another alternative source of biomass to produce ethanol. In association with a sister university, Baylor University in Texas, Swinburne University is actively involved in this research. Professor Max Shauck recently visited Australia and at the Avalon air show demonstrated the value of ethanol for powering light aircraft. Alternative crops have a bright future in country Victoria and I believe hemp can play its part.

I was interested in the contribution of the honourable member for Wantirna, who detailed the versatility of the hemp crop, and I shall refer to two of those uses. The first is the use of hemp for the production of paper and packaging materials. As the honourable member for Wantirna pointed out, hemp can be four times more productive than timber products in producing paper and packaging materials. As the drive for more environmentally friendly products increases and is driven by consumers in other parts of the world, it will become far more viable. More and more of our paper products can be produced from hemp rather than from timber products. I have seen a range of textiles such as jeans, shirts, fashion goods and footwear made from cannabis or hemp.

In 1994 I visited the National Institute of Agricultural Engineering in Silsoe in the United Kingdom to look at the processing of hemp. It is one of the foremost institutes in the United Kingdom in agricultural engineering and it has done considerable research in developing machinery and techniques for the processing of hemp. I have read with interest some of the development work done in this country with equipment imported from the Ukraine, so work is going on worldwide in the processing of hemp. In Jamaica I viewed a fashion

parade of products made from cannabis or hemp, which demonstrated to me the plant's versatility. I believe the crop has enormous potential. It is important that Victoria does the work to analyse the varieties of crop, the climate, the soils and cultivars that are best to use. As the information is collated it is up to investors to decide whether there is a future in investing in the production, harvesting and processing of hemp products.

I commend the government on producing yet another alternative crop for country Victoria. I commend the Minister for Police and Emergency Services who, as the then Minister for Agriculture, had the courage and initiative to initiate this alternative crop. I welcome the legislation and commend the bill to the house.

Ms GILLETT (Werribee) — I have pleasure in contributing to the debate on this bill. I must admit that having examined the legislation and the minister's second-reading speech I believe the legislation has the potential to be a mind-altering bill for a couple of reasons. It may have changed my mind about the dismal lack of creativity of this government, but we will wait and see. The bill appears to offer important opportunities for employment and investment, all of which may be environmentally sustainable — a rare achievement. I hope the government continues to have the courage a number of speakers have attributed to the Minister for Police and Emergency Services who, as the Minister for Agriculture, initiated this program. For those of us who have spent some time watching *Yes Minister* it generally means it will be his downfall. I certainly hope that is not the implication of the contributions of some honourable members.

The bill is important because it could change minds in other ways, too. It could begin a process of demonstrating to members of the community that their views on the drugs debate have been limited and narrow. If they begin to take a broader view, become less frightened, are less vulnerable to scaremongering and bigoted and narrow-minded views and come to understand who the real villains are in the drug war, the bill may achieve an enormous amount, much more than one would ordinarily expect.

It gives me pleasure to support the bill and to recognise its potential and the opportunities it may present, particularly given the establishment in Werribee of a young people's organisation called Generation Green. After some initial work in Werribee, it was reassuring to find that young

people aged between 16 and 24 years, who coincidentally make up almost 48 per cent of the electorate's population, are interested in two things: firstly, parties, entertainment and a good time; and secondly, everything green. They are interested in an economically and environmentally sustainable future. They have some concerns about and take a great deal of responsibility for ensuring the environment is protected.

The Generation Green organisation has been created by a group of people, the youngest member of which is 14 and the eldest of which is in his mid-20s. The organisation's brief is to give young people the voice they need both inside their community and in the broader community to speak out on environmental issues in the western suburbs of Melbourne.

One of the campaigns they have run recently came to my attention. The campaign, which started gently and quietly, concerned the lack of use of recycled paper by state and federal government departments and politicians. The young people of Generation Green wrote letters to a number of our state and federal colleagues, asking them for their views on the use of recycled paper and why there had not been a greater uptake. They also did some research.

The ACTING SPEAKER (Mr Perrin) — Order! I am having a little trouble relating the honourable member's remarks to the bill, which concerns hemp. If the honourable member can relate her remarks to the subject, I will be more than happy to hear her.

Ms GILLETT — Mr Acting Speaker, you will understand that paper is one of the very good products that can be made from hemp. The ability to make paper from renewable and sustainable resources, especially in our business, is absolutely critical. As I said earlier, the production of paper using this base product has great potential, especially where I come from. The former Melbourne and Metropolitan Board of Works farm is beautifully irrigated; the plains are very flat; and Spicers Paper is not too far up the road.

The connection to the bill is simple and straightforward. Our young people saw an opportunity. They recognised that recycled paper was not being used. They have an abiding interest in sustainable development. The use of hemp as a base product for the production of paper should be examined carefully. As the honourable member for Wantirna said, Spicers Paper was examining an opportunity to invest in this market, but unfortunately it would have had to import its base

product from Spain. That should not be the case, and the proposed legislation provides the basis for that no longer being necessary.

I mentioned before that at the moment Werribee faces a couple of big questions, one of which relates to a toxic dump. Another is the use of the fantastic resource we have in the works farm. Bits and pieces of the farm may be being sold, but we still have a major resource — and there is a crying need for employment in the west. It is interesting to note that a couple of decades ago the works farm was being looked at as a major employment source for Werribee. If the growing of hemp and the manufacture of hemp products can be developed, Werribee will have the opportunity to expand a series of reasonably labour-intensive industries. They will include not only those relating to the cultivation of the crop but also lighter industries such as the manufacturers of paper products and fibres used in the production of garments, textiles, clothing and footwear.

The bill holds that potential and is creative, but the support of both sides of Parliament is needed to encourage the imagination and courage that will enable further development. The absolutely critical area of employment creation needs to be addressed creatively and imaginatively. Our young people are looking to us to provide opportunities and to establish industries which are labour intensive and which are gentle to and nurturing of the environment but produce enormous benefits. The bill has the potential to do all that and to be mind altering at the same time. If it can change people's minds and expand their limited view of this traditional product, if it can provide economically sustainable development and if it can create medium-level employment, it will be a great development. I commend the bill to the house.

Mr TREASURE (Gippsland East) — I rise to support the bill. This is yet another important government initiative to enable research and development, in this case regarding the cultivation of low-tetrahydrocannabinol Indian hemp and the use of the plant's fibres for various manufacturing purposes. The use of certain fibres has been topical in our community in recent years. One use of the plant's fibres involves the manufacture of paper, a substance the world seems to use more and more of. Many other things can be manufactured from hemp, including various coarse fibres used in the production of cloth and the like.

While hemp production for such purposes is relatively new to Australia, the plant and its properties, including the detrimental side and the beneficial side — the side on which the bill concentrates — are well known. Following the approval in 1995 of a small amount of hemp being cultivated for research purposes, the bill provides for the expansion of research programs and the development of further research sites. It comes after considerable testing at seven sites in 1995-96 and another six in 1996-97. An individual farmer could apply to the secretary to the department for a permit to grow hemp during a trial period. The results have been promising and have led to further progress in the development of hemp as a potential cash crop.

It must be said that to date there is a lack of suitable technology in Australia, and it must be developed in concert with the industry. The results of the research on hemp's viability will become known, and ultimately it will not be up to this or any other government to decide whether the industry is viable, it will be a commercial decision by those involved in growing and researching hemp. Not too far into the future a decision will have to be made on whether to invest in the industry.

It is the government's role to pave the way for the industry so that it can progress at its own pace. I am confident that those in our community who wish to invest will be prepared to do so. There has been a problem in the past with legislation. Under the Drugs, Poisons and Controlled Substances Act cannabis is classified as a narcotic plant and a drug of dependence and it has therefore been illegal to grow it, regardless of the THC content. This amending bill has become necessary to allow the growing, research and development that is needed to ascertain whether a large-scale commercial industry can exist and whether those involved wish to proceed with investing in such an industry.

In the past the problem has been that under the act any developed or manufactured hemp product could be deemed to be narcotic and therefore highly illegal. The bill corrects that problem by exempting from the provisions, and therefore the penalties, of the act manufactured product that cannot in any way be used as a drug. The act's provisions were not designed to allow an industrial hemp industry to develop, they were designed to control criminal use, distribution and sale of a narcotic. The act did not contemplate the manufacture of paper, cloth or other products that may be made from hemp fibre.

The future of the industry is hard to predict. It is dependent on research and the eventual results of that research, and it is important that the government pave the way to allow the research to go ahead. It is not the place of government to make the decision on the results, but we must remove the disincentives that can hamper the development of a genuine industry. Many people in the farming community may be enabled to grow crops and develop suitable fibres to compete with the fibres that are now provided by the timber and other industries.

The bill amends the Drugs, Poisons and Controlled Substances Act and allows the low-THC cannabis to be grown. Contrary to what the honourable member for Werribee said, I emphasise that this government is a progressive government. She was surprised that the government was so progressive. I was pleased to hear her comments, but I should have thought that anybody who had not been on the moon or somewhere else as far away as that would be well aware that this is a progressive government that is not afraid to take the big steps that will allow development and encourage private enterprise, because it is private enterprise that drives the machine that makes the world go around — and that will continue to be the case.

The amendments to the act are good, and I have no fears about the uncontrolled use of cannabis in its nasty form because the bill exempts only low-THC cannabis. The provisions in the bill are sufficient to protect the community and to advance a potential industry. I commend the bill to the house.

Mr LANGDON (Ivanhoe) — The opposition supports the Drugs, Poisons and Controlled Substances (Amendment) Bill. The purposes clause makes clear that the bill legalises the growing and trialling of hemp and the different types of hemp are clearly set out in the bill.

In his second-reading speech — and he referred to it again during question time today when talking about the Premier's comment on rural problems and unemployment — the Minister for Agriculture and Resources said:

... it is possible that industrial hemp could be an economically viable enterprise in some irrigated and high rainfall areas of Victoria.

I was hoping that was part of a rural recovery, but the following paragraph states:

At this stage, there are limited prospects for commercial production of hemp for fibre and immediate major investment and commercial development on the basis of existing Victorian trial results would be risky.

The bill clears the way for such production by relaxation of the laws that apply to marijuana. It is a process set up to allow the growing of industrial hemp. Most honourable members would have received a copy of a detailed report on the bill prepared by the parliamentary library, on which I commend the library.

I have no difficulty in supporting the bill because it is clear that a wide range of products can be made from industrial hemp that will allow many farmers who are struggling to get crops growing in the current market environment to diversify. From my limited knowledge of what is happening in the bush, I am aware that the chance to diversify is often welcomed. The bill may allow farmers to achieve better results than they are currently achieving because industrial hemp grows quickly. It is a potential growth industry.

The minister's second-reading speech covers most concerns. Some people may think the bill will lead to the wholesale growing of marijuana, but it will not. It is about industrial hemp. The trials over the past five years and the accompanying information are proof that the legislation has not been rushed into; it is a sensible approach. I commend the bill to the house.

Mr COOPER (Minister for Transport) — I thank honourable members for their contributions and for their strong support of the legislation. As has been said by a number of speakers, the bill gives people in rural areas an opportunity to diversify; it provides the necessary controls for those who believe there could be some dangers for the community from the growing of hemp. As all speakers have emphasised, the bill introduces the cultivation and processing of low-THC cannabis, which is not a suitable product for those who wish to use cannabis for non-legal purposes. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

BLF CUSTODIAN

The **DEPUTY SPEAKER** presented 35th and 36th reports given to the Speaker pursuant to section 7A of BLF (De-recognition) Act 1985 by the custodian appointed under section 7(1) of that act.

Laid on table.

Ordered to be printed.

VETERINARY PRACTICE BILL

Second reading

Debate resumed from 22 May; motion of Mr GUDE (Minister for Education).

Mr BRUMBY (Leader of the Opposition) — The opposition has just been advised of government amendments to be moved by the Minister for Agriculture and Resources in committee. The minister is not present. At 4.30 p.m., an hour before the bill was scheduled for debate, which is extraordinary given that it was first introduced into Parliament in the autumn session, the opposition was advised that amendments would be moved. The amendments go some way towards addressing the real concerns that have been expressed by vets across the state over some months. Until last week vets were ridiculed, vilified and abused by the view taken by the minister, who has now accepted that much of their argument is right and accordingly today has circulated some amendments, which tell a story about the government and its attitude.

Mr Treasure — Have you read the amendments?

Mr BRUMBY — You obviously do not understand the amendments. The minister has had four months to get this legislation right.

The DEPUTY SPEAKER — Order! The honourable member for Gippsland East is disorderly in interjecting. The Leader of the Opposition should ignore interjections, contain his comments to the bill and address them through the Chair.

Mr BRUMBY — I am happy to abide by your ruling, Mr Deputy Speaker. I repeat: such a degree of incompetence is extraordinary. Legislation of this kind is unmatched by any minister or any government of this state; it abuses, ridicules and vilifies vets for claiming that the legislation will not work. Yet at 4.30 p.m. today the opposition is informed of amendments that go only part of the

way to addressing what will be disastrous legislation for Victoria, particularly country Victoria.

Recently when members of the Australian Veterinary Association met with the government's bills committee on the matter only one member of the committee was present to hear their argument. It comes as no surprise that independent commentators, people with the integrity and intelligence of the former head of the Trade Practices Commission, believe the legislation to be so fundamentally flawed that it will have the opposite effect to that which is intended. It will not increase competition; it will not provide greater choice; it will not boost Australia's export activity. It will lead to an increased concentration of wholesale activity with all the associated professional risk in export income and standards that apply to the treatment of domestic animals.

I will be happy to be judged on the matter in two or three years. The legislation is negligent; it is flawed. The minister responsible is culpable. There is no doubt that if the bill is passed as amended it will inevitably lead to a dramatic reduction in Victoria's and Australia's reputation overseas as an exporter of good, clean, healthy product and we will pay the price in the years to come through lower levels of export activity and increased animal health risks.

I will support my argument in a moment. However, I repeat: it was only last week that the Deputy Premier and Minister for Agriculture and Resources was abusing the Australian Veterinary Association for so-called scare tactics with the comment that the vet association had launched a scare campaign to keep its monopoly.

Today the minister will agree to part of the association's proposals by moving an amendment in committee. Clause 57 will permit those practising to carry out any act required to be carried out by a registered veterinary practitioner by or under an act — and I will come to that.

The bill, to which I will be moving a reasoned amendment, according to the explanatory memorandum purports to:

protect the public by providing for the registration of veterinary practitioners and the investigation into the professional conduct and fitness to practise of registered veterinary practitioners.

It establishes the Veterinary Practitioners Registration Board of Victoria, which has broader

investigative and enforcement powers than the current board. That part of the legislation is a welcome move and the opposition supports it.

The new board will be responsible for the management of the Veterinary Practitioners Registration Board Fund, and it is proposed by the government that the board will be self-financed from the fund. These aspects of the bill are welcomed by the profession and the opposition.

The aspects of the bill that remove the restrictions to practice and deregulate the ownership of veterinary practices are likely — in the view of the opposition and of independent commentators and, I would have thought, anybody who has half a brain — to have significant negative implications for the profession, for primary industries, for exports, and for animal welfare. It is worth using the old expression: if it isn't broken, why fix it?

It is hard to say what is driving the government to push the bill through despite tremendous professional and community opposition. It opens up a Pandora's box of disaster scenarios. Why would you want to lift the lid? Why would you want to make those changes? There is no compulsion to do so. Is it that the government is being pushed or lobbied by other companies with friendly shareholders who want to buy into this industry? I might come back to that later and refer to a former premier of New South Wales, Mr Greiner, the interests he has and the lobbying he has done with this government that may have resulted in some of these changes.

Why would you do it? Why would you open the door to quacks and backyarders? Why would you put at risk the standards we have built up in this profession and put in place legislation that gives us the same sort of regulatory protection and standards that this industry had nearly a century ago when all the backyard operators were down in Collins Street and Bourke Street and country Victoria, applying their own remedies to injured animals? Why would you want to lower the standards?

This is not the same as legislation affecting doctors or optometrists or dentists. It is not as if the animals can speak up and choose to go elsewhere or take a complaint to a fair trading body. Make no mistake about it: this proposed legislation will allow backyard quacks — butchers, as some have described them — to diagnose, perform operations on animals and in many cases cause great harm and injury to those animals.

Mr McArthur interjected.

Mr BRUMBY — You wouldn't know what you're talking about.

There are other ways of addressing the provisions in the bill. If the government had put in place some of the proposals suggested by the industry, consumers would know that when they are taking family pets to the vet they would be dealing with a registered vet and would be able to make any necessary complaints to the veterinary board. However, under this proposal there is no community benefit and no public policy benefit.

I have received more than 300 letters of opposition to the bill. The Victorian and national branches of the Australian Veterinary Association have produced detailed submissions setting out their valid concerns about the bill. I understand the Veterinary Practitioners Registration Board of Victoria has taken the unprecedented step of making its own submission about the proposed changes.

I have mentioned the government's attacks on the critics. Lo and behold, last week we had the sledgehammer approach of silencing the critics. The minister was vilifying the vets, but now he has amended part of the legislation to address their concerns. So who looks foolish now? Who is in the wrong? Who made the wrong claims? It was not the vets who were in error; it was this government and this minister, who has been forced today, after four months, to move an amendment at 4.30 this afternoon.

The bill makes another amendment that will amuse the honourable member for Monbulk, who is equally culpable in relation to the bill: a new clause is being introduced today to follow clause 58, and it concerns advertising. We all know the story of this clause: the government decided it was time to make some changes to the act, so it got a cover sheet off some old competition policy, put it on the front of the vet bill and said it referred to advertising requirements. Since then everyone has seen that the purpose provision refers to advertising, but on opening the bill one sees there is no reference to it. It has been missing for four months.

Therefore, at 4.30 this afternoon, after four months of dedicated work and assiduousness exemplified by the honourable member for Monbulk, the government has finally worked out that it stuffed up and left out a major part of the bill, and it is introducing that new part today.

It begs the question: with this sort of confidence and skill level from Minister McNamara, the person who will lose his seat at the next election, the person who could not even make an application for drought relief to East Gippsland — —

Mr Treasure interjected.

Mr BRUMBY — Did you support an application for drought assistance?

The DEPUTY SPEAKER — Order! The Leader of the Opposition was advised by the Speaker on several occasions earlier today about interjections across the table being disorderly. He is now inviting interjections across the chamber after I have already spoken both to him and the honourable member for Gippsland East earlier in the debate about interjections across the table. I ask the Leader of the Opposition to assist the Chair by desisting from that sort of activity.

Mr BRUMBY — Mr Deputy Speaker, I was just asking what I believe was a fair enough question — whether the honourable member had supported drought assistance for Gippsland East.

The DEPUTY SPEAKER — Order! The Leader of the Opposition has been around this place long enough to understand that comments across the chamber inviting interjections are disorderly and not in the interests of good debate. I again ask the Leader of the Opposition to proceed down the path of orderly debate by directing his comments through the Chair.

Mr BRUMBY — The opposition has great concern about certain clauses of the bill because they will lead to a reduction in veterinary standards in this state and put at risk hundreds of millions of dollars of exports from Victoria.

The first aspect of the principal act on which I want to comment concerns the removal of restrictions on practice. Section 15(1) of the current act provides that:

No person other than a person registered under this act as a veterinary surgeon shall practise veterinary surgery or veterinary medicine.

Section 16 provides that only registered veterinary surgeons are entitled to sue for fees. These provisions together in effect restrict the operation of veterinary practices to registered veterinary practitioners, and to sue for payment for veterinary

services you have to be a vet. These provisions are not replicated in the new bill, which means that for the first time non-vets can operate veterinary practices. The removal of restrictions on practice opens the door for untrained, unqualified backyarders to make diagnoses, give advice and endanger animal welfare.

Detailed correspondence along these lines has been sent to the Minister for Agriculture and Resources and provided to the opposition by the Australian Veterinary Association. The absence of restriction on practice will legitimise veterinary practices such as making diagnoses, giving advice and so on by people who are not qualified. These unqualified people will be unaccountable, as they will not be subject to the sanction of the new board, which will cover only registered vets. Unregistered people providing those services will not be subject to the veterinary board. I do not know where the minister is today, but I hope he will address this concern.

Why aren't unregistered practitioners subject to the controls put in place by the veterinary board? That will give non-registered vets a significant competitive advantage. It is not a level playing field. The government argues that the registration issue is not relevant because any vet who wants to prescribe schedule 4 and schedule 8 drugs under the Drugs, Poisons and Controlled Substances Act has to be registered.

Any vet practising in a normal practice and needing to prescribe antibiotics or use anaesthetics would have to be registered. However, there is nothing in the legislation to stop a practice being run by a non-registered vet who employs a registered vet, on either a full or part-time basis, to prescribe drugs. For example, if a non-registered vet were operating a puppy farm the board could do nothing about the unregistered operator if it became aware of appalling conditions and high puppy death rates. The non-registered vet could employ a registered first-year graduate vet to prescribe the necessary antibiotics for any sick or dying puppies and, while that person would not be subject to disciplinary action from the board, neither would the operator. The owner of the farm could have hundreds of puppies dying under appalling conditions but not be subject to any controls or disciplinary action by the Veterinary Practitioners Registration Board of Victoria.

There are other concerns about ownership and control that go to the question of the administration of the provisions of the Drugs, Poisons and

Controlled Substances Act. Honourable members may not be aware of this, but the Department of Human Services administers the act. As the name indicates, the primary focus of that department is on human services and not animal services, so the abuse of antibiotics in livestock, for example, is not of primary concern to it in the administration of the act. Again, honourable members might be interested to know — I am sure they do not know — that the drugs and poisons unit recently introduced self-assessment of veterinary practices, which again raises the question of how non-veterinary owners of practices may properly administer drugs.

I will paint a scenario of a non-vet owner who employs a vet on a part-time basis to run a practice somewhere out in the country. The vet orders a large shipment of S4 and S8 medication. On the day the semitrailerful of medication arrives, the part-time vet quits. The situation now exists where a non-registered veterinary owner of a veterinary practice has possession of a storeroom or garage full of S4 and S8 drugs, many of which are in keen demand in the community — not just the antibiotics or the soft-end drugs, which are already reasonably widespread, but in particular the sedatives, steroids, amphetamines and all the other drugs that are now freely available to the non-veterinary owners of practices.

Prescription in the vet industry differs from that in the medical industry. When a doctor prescribes medication a written prescription is handed to a chemist; the doctor has to provide a number; the chemist has to approve the prescription and there is control over the administration of the drugs. There are no such controls in relation to a veterinary practice. There are always unscrupulous people in the industry, and the minister might explain to me in his summing-up how, in circumstances where no disciplinary action can be taken, the owner would be prevented from illegally — yes, it would be illegal — distributing drugs through the black market. The prices for steroids and amphetamines are extraordinary —

Mr McArthur interjected.

Mr BRUMBY — The honourable member for Monbulk, who always knows the answer to every question, might like to explain later how, in that set of circumstances, the government could guarantee that the most dangerous drugs, classified as S8, are carefully quarantined and have no prospect of getting into the market. The fact is that such control cannot be guaranteed. When one thinks not just of

the illegal uses to which those drugs can be put but of their potential for damage to the Australian livestock industry and exports, one sees this is a very real problem that the legislation has not addressed in any way.

On the question of deregulation of ownership of veterinary practices it is clear, based on the study conducted by Professor Baxt, the chairman of the former Trade Practices Commission, that the changes proposed by the Kennett government are far from pro-active. If one accepts Professor Baxt's thesis — and it is a well argued one — the legislation will be anti-competitive; it will make it harder for small veterinary practices to compete with the big companies. Instead of hundreds of family vets practising across the state and competing with each other there will be a few large firms that own most of the practices in Victoria. Their activities and interests will be in horizontal and vertical integration in pushing certain pharmaceuticals.

I am sure many of the larger practices that will arise will have direct links to pharmaceutical companies. In many cases they will employ young vets who will be pushed by the operators of the larger clinics to prescribe medication and drugs that are not crucial but may boost the profitability of other companies in the vertical or horizontal structure.

As Professor Baxt says, if the legislation is passed the outcome will be not more competition but less competition — and I am prepared to be tested on that in Parliament in one or two years time. There will be fewer vets, particularly in country Victoria; vets will have to drive further to service farms; farmers will have to pay more for travel costs of vets visiting their properties to administer medicine or provide surgery for sick animals. It is not good news for either metropolitan Melbourne or the bush. It will not create a nirvana for competition but an oligopoly. There will be fewer family-owned businesses and fewer vets operating in sole practices. There will be a few large, concentrated veterinary practices and most of them will have vertical or horizontal links to the rest of the industry.

I have no doubt that the legislation will put at risk hundreds of millions of dollars of Victorian exports. In its current form the bill has the potential to destroy Victoria's meat export reputation. The bill will allow pharmaceutical and chemical companies with obvious invested interests to own vet practices. It will also allow untrained people to carry out the functions of vets, free from regulation or scrutiny.

How can farmers be confident that their stock is being prescribed antibiotics and other drugs on the basis of need when the local veterinary practice is owned by a pharmaceutical company? An obvious conflict of interest exists. How can farmers be confident that their stock is being properly diagnosed when the person doing the diagnosis does not have to be a qualified vet?

Victoria's major export competitors will capitalise. Anybody who thinks they won't is a mug; the competitors will capitalise on the proposed deregulation of the industry, and they will do it to tarnish Australia's reputation among its trading partners. Anybody who is involved in world trade in an era of lower and lower tariffs knows that countries increasingly use non-tariff barriers to keep out products: it is extraordinarily difficult for Australia to get rice into the Japanese market. Every time it tries to export rice into Japan a supposedly independent consumer group gets up, goes to the supermarket, buys some of the Australian rice, puts it through every chemical test under the sun, finds something wrong with it such as residue of antibiotics or pesticide and says that the Australian product is not fit for sale.

Do members think competitors are not going to do that once the legislation goes through and the industry is deregulated? Do members think overseas competitors are not going to go through every single carcass, every bit of meat exported from Australia to find pesticide or antibiotic residue? Do members think that where more and more unregistered owners have basically unlimited access to S4 medication — and that is mainly antibiotic — there will not be people out there providing large amount of antibiotics to people who are prepared to take short cuts to save short-term costs? All this can do extraordinary and irreparable damage to Australia's reputation in the long term. Do government members really think that is not going to happen?

I am not sure if the Premier knows about this legislation going through, but every time he gets out into country Victoria, which is not nearly often enough, he talks about clean, green Victoria, clean, green agriculture and Victoria being the food bowl of Asia. Does he really think the way to make Victoria the food bowl of Asia is to deregulate the veterinary industry, introduce open slather and have antibiotics in the market place that anyone can obtain? Does he think our trading partners are not going to be having a field day, if they have not already started?

I will refer in some detail to one of the submissions made on this bill by a veterinary consultant, Dr Mike Harrison. Dr Harrison has long experience in veterinary matters. He has been involved with the veterinary laboratories in Victoria at a high level and has an extraordinary understanding of the potential implications for this industry, as does the Australian Veterinary Association. I intend to dwell at length on his detailed submission, which was provided to the government on 8 September of this year. It raises issues that I do not believe the minister or the government can satisfactorily address today.

Dr Harrison's major concern is that the legislation has the potential to put Victoria's animal health services back to the standards of the 19th century. He states:

In the interests of competition, the government appears to have been advised to omit any restriction on the practice of veterinary surgery or veterinary medicine. The disciplinary provisions have been strengthened in order to protect the public from the incompetence of a registered veterinary practitioner. In the same proposed legislation the public and their animals are exposed to the incompetence of an untrained or deregistered 'veterinary practitioner' without any mechanism for complaints of substandard servicing to be investigated and/or appropriate action taken.

Nothing in the amendment before us today allows for appropriate action to be taken. Dr Harrison goes on to state:

This advice, on the precedence of 'competition' above all other considerations, appears to have been provided to the government by people with a theoretical understanding of economics but no understanding of the real world. It is apparent that the minister is being advised by closet anarchists who consider that it is unfair that a person has to be qualified and registered in order to perform procedures on animals.

I would have thought for any sensible person that should have been the starting point of this legislation. If the government is to go down the road of competition the starting point ought to be that a person has to be qualified and registered in order to perform procedures on animals. That is what this state has spent 100 years building up since the days when the backyard butchers and quacks could do whatever they wanted to animals. Victoria has spent 100 years building up standards of professionalism and animal care which have stood the test of time and which are the envy of many other states and countries around the world.

The legislation strips that away, and one has only to look at the experience under the government with this sort of deregulation over the past few years to see what will happen. Wasn't food deregulation a great success! In going through the press releases back to 1994, when the international statesman — the brave, new helmsman at the lead — brought in legislation to basically strip away the protections from the food industry, such as regulations and local government food inspectors that had kept our food safe, it is seen that the Premier said we didn't need them, that self-regulation would work. It was all about saying, 'Competition is good, we don't need regulation, self-regulation will work'.

Regulations will be put back in this sitting of Parliament because the government mucked it up three years ago. As a result of the deregulation of food inspectors and self-regulation in the food industry Victoria experienced not only a record number of cases of food poisoning but also saw its international reputation as a clean food producer put at risk.

The opposition opposed the legislation in 1994 and warned the government about it. However, because the arrogant government did not care less, would not listen and did not listen, people have died from food poisoning, there has been a meteoric rise in the number of cases of food poisoning and Victoria's international standards have been threatened. Now the government has been forced to come back to Parliament like a dog with its tail between its legs and say, 'We were wrong, we mucked it up, and now we are going to re-regulate'.

The government is doing the same thing with the legislation before the house, except that the consequences will be more severe. Victoria will lose more export income and more animals will be barbarically cut up in veterinary clinics across Melbourne by people who have no surgical qualifications whatever. People care dearly for their pets and take them to veterinary practices believing qualified veterinarians will operate on them.

The legislation restricts a person from calling himself or herself a veterinary practitioner, but basically allows that person to do anything else. The legislation states that provided a person does not put up a sign saying, 'Dr Wells, Veterinary Practitioner', that person can perform whatever act he or she wants on an animal or make any diagnosis. The consequences for Melburnians who care for their animals and country Victorians who are primary producers will be disastrous.

Government members are probably not aware that a shorthand version of national competition policy is: let the buyer beware. The opposition does not have a problem with competition policy — it was introduced by the Keating federal government — but a public-interest test needs to be applied to it. Dr Harrison continues:

It is quite ridiculous to imply, in this or any other policy context, that the animal is being given a choice in the matter.

How does an animal choose? How does the buyer-beware principle apply to animals? It is not the same as the situation of a customer going to a chemist, an optometrist or a doctor. Dr Harrison continues:

Thus, it is the animals that will ultimately suffer the consequence of the incompetence of these self-titled 'animal therapists'. There will be no supervisory body, such as the Veterinary Practitioners Board, to ensure overall maintenance of an adequate standard in the practice of veterinary medicine or veterinary surgery since unregistered persons are not subject to the jurisdiction of the board.

Government members opposite might address that point. The submission continues:

It has been implied by the apologists for this position that the Trade Practices Act (commonwealth) and/or the Fair Trading Act (Victoria) will provide adequate protection for the public.

That is a joke. One can only assume it has been said facetiously by those apologists, because given the level of resources provided by the government for the administration of those two pieces of legislation one would not like to change places with a sick or injured animal and rely on the legislation to ensure a satisfactory level of veterinary care. Staffing levels for the agency responsible for the fair trading legislation have already been cut back heavily and to imagine that people will be able to exercise their consumer rights through the Fair Trading Act is laughable, at best. The bill does nothing to prevent a person from claiming to be an animal doctor. Am I correct?

Mr McArthur interjected.

Mr BRUMBY — I am correct. So long as you do not call yourself a veterinary practitioner or a veterinary surgeon there is nothing whatsoever that stops you calling yourself an animal doctor. You can

call yourself anything else: an animal doctor, a specialist greyhound muscle manipulator, a para-veterinary greyhound manipulation specialist or even a greyhound veterinary manipulator. You can use any number of grandiose titles provided you do not claim to be a registered veterinary practitioner or claim to be qualified to practise. The bill is flawed in that respect.

The mischief rule in the legislation is set out in the purposes of the bill. The provisions fail to protect companion animals, pets, performance animals, racehorses, trotters, greyhounds or any other domestic livestock species from the incompetence of the unqualified practitioner.

I shall address some of the issues in the bill that will affect rural Victorians. I refer to the international protocols applying to veterinary services about which government members may have no information. The protocols were endorsed in 1993 in Paris at the 61st general session of the International Committee of the Office International des Epizooties (OIE). One must look at the international protocols and question the impact of this legislation on our international reputation for providing veterinary services. I again refer to Dr Harrison's submission when he states:

The omission of any restriction on the practice of veterinary medicine or surgery from the Veterinary Practice Bill 1997 will require amendment to Australia's self-evaluation of veterinary services under the OIE guidelines. This will apply, initially, in respect to the veterinary services available in Victoria. Importing countries will undoubtedly take great delight in downgrading their own evaluation of Victoria's veterinary services and in utilising this revised evaluation as a non-tariff barrier to import of Victoria's livestock and livestock products.

Australia has just evaluated Denmark's veterinary services with respect to the proposed importation of pork into Australia. Why would the Danes be any less severe in their evaluation than Australia? Other countries including the USA, the EU, and Canada, and especially Thailand, will be anxious to apply Australia's import standards to Australia's export of livestock and livestock products.

I refer to the 3 September 1997 edition of the *Weekly Times*. An article by Kelly Meredith dealt with the importation of pork into Australia and states:

The spokesman said a veterinary counsellor based in Brussels had spent several days in Denmark inspecting

its outbreak control centres. Australia had also assessed the Danish veterinary service and had confidence in its ability to protect the industry.

Obviously government members have not been briefed on these matters. You do not need to be a genius to understand world trade matters. On the importation of pork question, we made an assessment of the quality of the veterinary practices in that country. That information is fed into the quarantine assessment of whether pork should be imported into Australia. One measure in any such assessment is whether the veterinary service in that country — in this case, Denmark — will be qualified every six months to provide an impartial assessment of whether the country is continuing to meet its disease control requirements. That is how it works in the modern world. We go to Denmark to look at its veterinary practices and the quality of its professional standards. If they are good we must give them a tick. The option for us to prevent the importation of pork is diminished or removed by the fact that Denmark has quality veterinary services.

However, let us put the boot on the other foot. Victoria is trying to break into overseas markets with exports of beef, pork or mutton. We want to get our products into new countries. What is the first thing those countries will do? They will look at the non-tariff barriers they can put in place to keep Australian produce out of their countries. It happens all the time.

The second thing they will do to support their argument is to send their quarantine and veterinary people to Victoria to look around the state and at our legislation. They will assess the strength, professionalism and standards of our veterinary practices. In Victoria they will see an open-slather system. They will see farms with few if any restrictions, and farmers getting hold of large amounts of antibiotics or products they then administer to their animals.

Mr A. F. Plowman interjected.

Mr BRUMBY — You don't know what you're talking about.

Mr A. F. Plowman — There is absolutely no difference under the new legislation.

Mr BRUMBY — I will come to that.

Mr A. F. Plowman interjected.

Mr BRUMBY — I will respond to that interjection because that is the same sort of inane, moronic and half-brained interjection we heard from government members when the government introduced legislation to deregulate the food industry. Now you are back here, three years later, because you mucked it up the first time. You are all so arrogant, with your great helmsman running the state with the highest unemployment level in Australia! What a success story! What about Victoria's education and health record?

As the minister does not have the guts to be in the house now, I want a response to my queries about veterinary standards from the government member who has the carriage of the bill. What will happen when the Danes, the EU or the Americans send their assessors to determine the standards, quality and professionalism of our veterinary practices? That issue must be addressed. Why would those assessors not go home and use this legislation as a non-tariff barrier? They will do exactly that! Dr Harrison further states:

The veterinary services should be able to demonstrate that they have the capacity, supported by appropriate legislation, to exercise control over all animal health matters. These controls should include, where appropriate, compulsory notification of prescribed animal diseases, inspection, movement controls, quarantine of infected premises/areas, testing, treatment, destruction of infected animals, all contaminated materials, etc. The scope of the legislative controls should include domestic animals and their pre-reproductive material, animal products, wildlife as it relates to the transmission of diseases to domestic animals and other products subject to veterinary inspection.

In the evaluation of the legislation in Victoria, the Livestock Disease Control Act requires registered veterinary practitioners and owners to notify the suspicion or knowledge of the presence of prescribed animal diseases. However, there is no requirement —

and I repeat it for the benefit of government members —

for a non-registered provider of veterinary services to notify.

There is no such requirement under this legislation. I look forward to an explanation from the government. Is this another goof, which I suspect it is, or is it a deliberate attempt to diminish our export industries? Dr Harrison further states:

If they —

that is, the non-registered providers —

diagnose a disease and call it another name then the authorities will remain ignorant of the presence of the disease until such time as the disease becomes sufficiently widespread as to be impossible to ignore. This delay may mean that it is too late for eradication measures and the community will have to learn to cope with the disease indefinitely. It should also be pointed out that the disease control measures such as livestock movement control, quarantine of infected premises, compulsory vaccination, etc., are only implemented when a diagnosis has been made and confirmed. If the diagnosis is missed, or the suspicion or knowledge of the presence of a disease is hidden, then this is the scenario for an animal disease disaster. Given the well-recognised Australian farmer's reluctance to suffer all the financial consequences of an animal disease outbreak alone the probable response will be to send all the apparently healthy animals to market immediately and share the cost of the disease amongst the community. This happens now with heliotrope poisoning in sheep. Why not sheep with sheep pox or FMD?

Dr Harrison then turns to what happened with anthrax in Tatura-Stanhope this year. It makes for edifying reading. He states:

The size and extent of the 1997 anthrax outbreak in the Tatura-Stanhope district in Victoria is a good example of what can happen when the early cases of a disease remain undiagnosed and it is not until a second, third or fourth wave of deaths occur that veterinary input is sought and an accurate diagnosis obtained. This situation will be aggravated when unqualified persons are legitimately able to provide veterinary services. For example, under the proposed Veterinary Practice Bill a knackery operator will be able to provide a veterinary diagnostic service by conducting autopsies on cadavers sent to the knackery.

Isn't that great public policy? Under this legislation a knackery operator will be able to provide a veterinary diagnostic service by conducting an autopsy on a cadaver sent to the knackery. Dr Harrison continues:

Is it likely that he or she will diagnose a prescribed disease in a cadaver, and subsequently notify the presence of that disease to the appropriate authority? Not when the consequences of that notification involve the quarantine of the knackery and interruption to the business operations until the premises has undergone

disinfection. It is more likely that a ban would be placed, by the knackery operator, on the acceptance of further cadavers from the property of origin of the original case. The disease will eventually be diagnosed when a greyhound owner feeds some carcass meat to his dogs which then become sick and/or the owner ends up being diagnosed with anthrax at the local hospital. The diagnosis of anthrax in greyhounds was the actual first recognition of anthrax during a previous outbreak of anthrax at Tatura.

Again I look forward to whoever is handling this legislation for the government addressing that point. What will happen with that sort of disease outbreak in the future? Will it be notified? Or will unregistered practitioners simply avoid their responsibility and fail to provide notification until the last possible point in time?

I want to move to the confusion that this legislation creates about registered and qualified vets, and the local vet as consumers would know him or her. In pursuit of the elimination of all restrictions on competition the government is proposing that anyone qualified or not, registered or not should be able to practice veterinary medicine or veterinary surgery.

I acknowledge that the proposed amendment mitigates that, but the majority of clear-thinking animal owners would be appalled at the prospect of having to ensure that the veterinarian they call is actually a registered veterinary practitioner. That is what one will have to do in the future under this provision. After looking in the telephone book, the first question one will have to ask is, 'Are you a registered veterinary practitioner?' There has been an automatic assumption in Victoria for 109 years that if one takes one's animal to a vet the person one sees will be a registered veterinary practitioner.

Under the legislation government-employed veterinarians and consultants will not have to be registered. I understand some of the reasons for that. There is a question about what deregistered veterinary practitioners will be able to do under the legislation. I propose to explore that, as has Dr Harrison. He makes the following claims:

Under the proposed legislation a person who as a registered veterinary practitioner has had that registration suspended or cancelled by the Veterinary Practitioners Board for an act or an omission which the board has determined is unprofessional conduct of a serious nature (and this could be something quite serious) may continue to practice veterinary medicine

and veterinary surgery. Whilst the Medical Practitioners Board cannot prevent a deregistered medical practitioner from practising medicine or surgery, the inability of that person to be able to obtain a service provider number from Medicare ensures that the deregistration stands.

A doctor has to obtain a Medicare provider number and cannot practice without it.

Mr McArthur — That is not true, and you know it!

Mr BRUMBY — It is true.

Mr McArthur — It is not! It simply means you cannot claim a Medicare refund.

Mr BRUMBY — No, it does not. It means you cannot get registration. The submission continues:

There is no such fall-back position for the Veterinary Practitioners Board. In addition, that deregistered veterinary practitioner may continue to own a practice, provided that he or she does not have access to schedule 4 or schedule 8 drugs, and does not hold himself or herself out to be a registered veterinary practitioner or to be qualified to practise. In some cases deregistration may be a welcome relief for the veterinary practitioner involved because he or she will no longer have to answer to the Veterinary Practitioners Board as a result of committing acts of unprofessional misconduct, gross incompetence, inadequate hygiene, or failure to maintain a satisfactory standard of veterinary treatment for the animals in his or her care.

I turn to the problem of exotic and serious endemic outbreak of disease in livestock. Again I invite government members to address this aspect which, as I said, puts at risk hundreds of millions of dollars of exports from Victoria's industries. Dr Harrison states:

A typical scenario might well be the occurrence of the poultry disease known as Newcastle disease. Under the proposed legislation a non-registered 'vet' would be able to diagnose the condition as 'going light' — an all-encompassing lay term for loss of condition and deaths in birds.

Take the case of a hatchery where some of the birds are dying, and the person advising, who is a non-registered vet, diagnoses the problem, saying, 'They are going light.' Dr Harrison continues:

This 'vet' could decide to fix the problem by destroying the remaining birds, if any, and disinfecting the shed. All this without any legal obligation or requirement to notify the animal health authorities in this state. It is already possible that outbreaks of virulent avian influenza have been diagnosed in poultry in Australia and eradicated without any notification to animal health authorities. Failure to notify obviates the need for quarantine to be imposed on the property and for all the rigmarole created by having to notify importers of Australia's poultry products and the consequential losses incurred by the industry. The evidence for this possibility is in the unusual level of familiarity with virulent avian influenza, diagnosis, control and eradication measures, expressed by some veterinarians and others within the poultry industry given their supposed lack of contact with this disease, which has only been officially diagnosed in Australia on four occasions.

Let us look at other exotic diseases. Undoubtedly under this legislation non-registered persons will be employed by farmers to provide things such as pregnancy testing services, embryo transfer, reproductive programs, infertility investigations and so on, which I suspect is one of the driving forces behind the proposal. However, it is inevitable that eventually one of these non-registered persons will be involved in a disease investigation diagnosis, and ultimately in prevention control and eradication measures.

Dr Harrison refers to another case study, and states:

An interesting syndrome in cattle in southern USA occurred in the early 1950s. The disease was known locally as 'red-nose' and was considered to be unimportant, as it usually is in cattle. However, a proper veterinary investigation of the syndrome conducted in 1952 revealed the cause as Bluetongue virus, a disease which would devastate Australia's sheep and wool industry. The problem in the USA arose, in part, from the widespread use of animal scientists rather than veterinarians. The animal science graduates are well qualified and trained in matters of animal nutrition and management. As a consequence, all the problems that they investigate turn out to have a nutritional or animal management cause. Animal disease is either overlooked because of ignorance, or ignored because disease is considered to have only a minor influence on productivity. It is probably an unrelated factor, but animal scientists are not trained in disease recognition, nor are they able to prescribe treatment.

Dr Harrison goes on to state:

An identical situation could well arise in Victoria under the provisions of the proposed legislation.

I again invite government members to address that issue at the conclusion of the debate.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr BRUMBY — I have been expounding in some detail the flaws in the legislation and the consequences of that for Victorian primary producers and Australia's export product. I will move on to the serious issue of exotic and endemic disease outbreaks in livestock.

I refer again to the submission presented to the Victorian government by Dr Mike Harrison, a veterinary consultant. He says that if the legislation goes through, we should have a think about what will happen when it is subsequently exposed to the national competition policy guidelines. He particularly refers to the drugs issue, on which I have focused as well. Dr Harrison says this about what will happen when the national competition policy guidelines are applied:

Whilst it may be possible to hold the line with drugs of addiction (schedule 8 drugs), the restriction on obtaining antibiotics (schedule 4 drugs) for use on animals is likely to be viewed by the economic theorists advising your government as being an unreasonable restriction on competition. Having passed legislation —

he is referring to this legislation —

which effectively allows anyone to practise veterinary medicine or veterinary surgery, why would the government continue to restrict access to schedule 4 drugs to restricted medical, veterinary, dental practitioners and pharmacists? Having conceded the right for any unqualified person to perform veterinary medicine or surgery on animals —

the proposed amendment would ameliorate that to some extent —

it would be totally inconsistent for the same government to deny that person access to antibiotics and anaesthetics so that they can compete effectively with the registered veterinary practitioners.

I note the Minister for Youth and Community Services, himself a vet, is at the table; I look forward to a response on that question. If the legislation is

passed tonight and in 12 months or two years is exposed again to the competition policy guidelines, a real question will be raised about access to schedule 4 pharmaceuticals — not the schedule 8s.

Taking into account the two principles that apply under competition policy — firstly, whether the benefit to the community as a whole outweighs the costs, and, secondly, whether the objectives of the legislation can only be achieved by restricting competition — it should also be acknowledged that the guidelines also state that even if restricting competition entails higher net benefits for the community than some alternative, less restrictive policy, it is understood that the latter will be preferred. That is what the national competition guidelines say.

Dr Harrison argues, with a great deal of validity, that at a future competition policy review the prevailing conclusion would be that people in the industry ought to have access to schedule 4 medications. That would mean that antibiotics and anaesthetics would be more widely available than is presently the case.

I noted the interjections of government members, who said that that would all be controlled by the Drugs, Poisons and Controlled Substances Act — and I will look for a more substantial response later. For the benefit of honourable members, I point out that the act is basically about human beings, not about the medications provided to animals. The honourable member opposite shakes his head, but he may not be aware that the drugs and poisons unit — remember this is located within the Department of Human Services, not within the Department of Natural Resources and Environment — has recently proposed that due to a lack of resources the administration of the act as it relates to veterinarians be streamlined through co-regulation.

Rather than visiting the clinics, the strategy involves the department forwarding questionnaires to veterinarians and relying on the appropriate boxes being ticked as insurance that the veterinary practices concerned are complying with the provisions of the legislation. I have copies of the letter dated 11 August this year that was sent out recently by the Department of Human Services. It is from Chris Falcke of the department and the subject is 'Self-assessment by veterinary surgeons'. The department's administration of the act means there will be no visits to vets. Because of cost constraints and cutbacks, the Department of Human Services

will simply send out questionnaires, and under the act the vets will have to fill them in. I look forward to the minister's response.

In future, I presume the questionnaire, which provides for co-regulation, will be sent out to people who are operating clinics and veterinary practices but who need not be registered vets. One has to ask how their use of medications, particularly the schedule 8 drugs, will be properly supervised. Honourable members know there are already some problems in the marketplace. In future there will be more problems with the unauthorised use of schedule 4 and schedule 8 medications.

I understand that government members have no knowledge of either those implications or the recent trend in the Department of Human Services, which is for co-regulation and which relies on the honesty of the veterinary practitioners concerned. I understand that in future veterinary practitioners will not have to answer all the questionnaires because others will be involved in providing that information. Can you imagine an owner of a veterinary practice who is not a registered veterinary practitioner ticking a no box and incurring a follow-up visit from a representative of the drug and poisons unit? The answer is: extremely unlikely! Dr Harrison continues:

It is respectfully submitted that any reliance on the provisions of the Drugs, Poisons and Controlled Substances Act 1985, and the administration of this legislation, to overcome the glaring omission within the Veterinary Practice Bill 1997, is naive and disingenuous. It plays into the hands of Australia's overseas competitors in the production of livestock and livestock products and to countries that, while importing Australian products would prefer to have a convenient barrier to exclude it; a barrier erected with the approval of the World Trade Organisation because of real concerns about Australia's knowledge of the presence of animal disease in its livestock population.

Again I point to the genuine concerns about the impact of this legislation on our export of primary product. That leads me to the issue I raised about the implications for Victoria's overseas trade in meat and dairy products.

All honourable members will recall the massive interruption to exports and the cost to Victoria and Australia of what can only be described as an unusual outbreak of anthrax in the Goulburn Valley between January and May this year. It was the largest outbreak on record. The health authorities in

the countries that import Australia's livestock and livestock products are eagerly awaiting another outbreak of animal disease or a chemical residue crisis to enable them legally to erect non-tariff trade barriers against Australian products. That is the way the world works.

In an environment in which fewer trade and tariff barriers are allowed by world trading organisations, more countries around the world are endeavouring to use non-tariff barriers. Basically, they are quarantine barriers. If countries can find any semblance of an excuse to block the importation of Australian products they will use it. This legislation opens up a Pandora's box for our trading partners. Dr Harrison says:

The occurrence of a penicillin or a chloramphenicol residue detected in export dairy product sent to Japan would see a total rejection of further product for some considerable time. A single sulphadimidine residue in calf carcass forwarded to the USA resulted in the entire container load's being condemned. It is no use attempting to explain to the importing country that these residues are not a real public health issue. If one person in Japan suffered from an allergic reaction to penicillin residues or was likely to develop incurable aplastic anaemia from contact with a trace of chloramphenicol residue in a dairy product that would be the end of Australia's access to the Japanese market.

These are true and genuinely felt concerns. They have not been addressed by the legislation. Dr Harrison continues:

It would not satisfy the Japanese to learn that chloramphenicol has been banned from use in food-producing animals, including horses, in Australia.

If anyone can diagnose animal disease and recommend treatment in Victoria — this legislation says that anyone can diagnose animal disease and recommend treatment — how would the government, our trade representatives or AQIS assure an overseas country that Victoria has an effective ban on any drug and that the problem of antibiotic residues in livestock products is under control? Dr Harrison goes on to say:

Similarly, what would the government say if reserpine were detected in an infant formula product exported to Hong Kong or Korea? This drug has been utilised by farmers in the past to assist with the induction of cows to produce milk without having them get in calf or go through a pregnancy. Its use is banned because of

serious public health concerns should a residue of this drug end up in the human food chain.

However, if there are no controls on what unregistered persons can do and the local registered veterinary practitioner refuses to supply the product then farmers will obtain product from the competing services.

I ask honourable members what provisions are contained in the legislation that will stop that from occurring? I remind honourable members that no matter whether it is a pesticide or an antibiotic residue or a matter that goes right back to the 1972 royal commission on meat substitution, when one examines examples of Australia's trade being damaged overseas in each case one finds that a single instance of contamination of a product resulted in an economic loss to our state and our nation of hundreds of millions of dollars.

I say to the Victorian Farmers Federation and the farmers who may be attracted by the short-term cost options that they should look at the medium and long-term implications and address the questions that have been raised by people who are extremely well regarded in the industry and are eminent in their fields and who see real dangers to Victorian and Australian exports. How does the government propose to stop that?

On the question of drugs, poisons and controlled substances, the Veterinary Surgeons Board over the past 10 to 15 years has taken action against several registered veterinary surgeons for misusing their right to prescribe. These actions have concerned the blatant sales of vast quantities of antibiotics without the veterinary surgeon having visited a particular property to ascertain the true needs as opposed to the wants of the farmers concerned. There are further cases pending under existing legislation concerning the supply of veterinary anabolic steroids to horse trainers and the on-sale to body builders and weight-lifters as well as athletes and footballers.

Mr A. F. Plowman interjected.

Mr BRUMBY — I will not respond to the interjection, but by way of edification for honourable members I point out that under existing legislation that imposes strict controls on access by veterinarians to drugs, a black market has developed through which certain products — particularly steroids, but also sedatives, amphetamines and other drugs — find their way to secondary and tertiary markets.

Mr A. F. Plowman interjected.

Mr BRUMBY — I am saying that under existing legislation, which is strict, this already occurs. People have to ask how horse trainers, footballers and weight-lifters gain access to these illegal drugs. These matters are presently being investigated.

I put to the minister and to honourable members that if the regulations are wound back — as this legislation does in a dramatic way — more of these drugs will illegally hit the secondary and tertiary markets and there will be more risk not only to public health but also to the export industry. I do not resile from these claims because I am right! I have said to Parliament before that I am prepared to come back here in 1, 2 or 3 years time to be tested on this legislation. The situation is exactly the same as it was with the legislation that went through in 1994 that repealed the food acts. The opposition warned of the consequences. The irony is that we were dead right. The minister who has carriage of the bill in this chamber and the Minister for Health in another place will have their tails between their legs when, as a consequence, they introduce legislation to tighten up the food regulations because of the damage that has been done to public health and to Australia's export performance.

It was a federal Labor government that introduced competition policy. We support not only competition and value for money for consumers but, by gee, decent standards of professional care, particularly in this industry. This is not just about the residents of Melbourne who own domestic cats or dogs and who are worried about standards and quality of care; it is about our primary industries, which have already been put at risk by many of the actions of this government.

The anthrax outbreak earlier this year was ineptly handled. Those involved were slow to diagnose it and slow to control it because of the changes made by the government, particularly its running down of the regional veterinary laboratories.

Look at the rest of Australia's and Victoria's export performance and at the statements of the Premier — we agree with many of them — that Victoria has the opportunity to be the food bowl of Asia and to gain a reputation for clean, green agriculture and for producing the highest quality food in the world. Achieving those goals is a medium to long-term objective. One slip-up along the way — one detection of the residue of an antibiotic or other medication just because a dairy farmer or beef

producer gained access to a range of drugs and medications when he should not have or wrongly administered them — would be absolutely catastrophic for our export industries.

We must be cautious with these things. The federal government has cut costs in most areas of government. The one area in which it has recently increased its expenditure is quarantine inspection, because the federal primary industries minister, John Anderson, has the brains, the gumption and vision to understand that the one thing that separates this country from other trading countries is the quality of its products and the strength of its quarantine system. Whether across northern Australia or across Victoria, our quarantine system is supported by the quality of our veterinary practices, our strict control on medications, our early surveillance of disease, and our reputation overseas for tight supervision and proper regulation.

As the Minister for Agriculture and Resources has entered the chamber, I will refer to the case involving imported pork. When our quarantine people from AQIS visit Denmark, the first thing they do is assess its veterinary practices. If those practices are not up to scratch, Denmark has absolutely zilch chance — zero, nil, none — of getting its product onto the Australian market.

How will we go? We have an extraordinary opportunity to get our beef, mutton and other primary products into the huge Asian markets out there, particularly those in Singapore, Malaysia, Taiwan, mainland China and Korea. We recently had a huge scare with fire blight, which people seem to have forgotten. That was about quarantine issues and about us being able, after what appeared to be an act of sabotage by New Zealanders, to prove that the disease did not exist in Australia and that our product was suitable for interstate and export trade.

The fire blight scare nearly destroyed our fruit industry. Producers in the Goulburn Valley could not export their product for 6, 8 or 12 weeks. The scare damaged many of them and put some out of business. Let's not pretend that these issues are not of great significance to Victoria's primary producers, because they are. The biggest issues they will confront will be our quarantine service and the prescribing of pharmaceuticals and medications.

We do not oppose competition. We want consumers to get value for money; however, we want to protect standards. In 1, 2 or 3 years time we will be prepared to be tested on the legislation, because we believe

that even with the amendments moved today it will still be flawed and will still put at risk many of the great industries out there that want to take the opportunities to get into export markets.

In the next few years we can spend billions of dollars, in both Victoria and Australia, fixing up our ports and our transport system, making all the micro-economic reforms in the world and putting marketing plans in place to get products into export markets. But at the end of the day, if any single product is not the best in the world, or if it is flawed and our overseas competitors can find fault with it because it contains antibiotic or pesticide residues — or reserpine residue, which Dr Harrison described in referring to dairy products and infant formula — that will be enough to put our industries at risk. We on this side of the house are not prepared to take that risk.

The foreshadowed amendments go five, six, or even seven-tenths of the way towards addressing some of our concerns, but they do not go the whole way. I do not think honourable members opposite have thought this through. If the legislation is put through, in 12 or 18 months time it will be subject to another competition policy review. If by then there are more practitioners out there, they will want access to most of the schedule 4 medications. Under a future competition policy review, based on the lowest common denominator approach and without a public interest test, it is quite probable that access to those medications will be widened.

We reject the proposed legislation. In the interests of competition policy, and when we have believed proper safeguards have been put in place, we have supported legislation affecting other professions. But we are not convinced by a long shot that the bill contains the proper safeguards.

At 4.30 this afternoon, four months after the legislation was introduced, the government circulated two amendments. One will insert a clause about advertising that was left out. It seems the government just took the cover sheet off another bill on competition policy, put it on the vet's bill and forgot the contents. That does not give me, the veterinary profession, Victorian farmers or Victorian animal owners any confidence that the minister understands the implications of the proposed legislation. I therefore move the following reasoned 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 there has been appropriate consultation with veterinary surgeons, the farming sector and the community as to who can perform acts of veterinary surgery or medicine and as to what provisions should regulate the ownership of veterinary practices'.

I note that the Victorian Farmers Federation broadly supported the legislation late yesterday. There are many issues on which the VFF and I have agreed and worked closely on over the past four years. We have worked closely on drought relief for Gippsland, the need for more jobs and economic activity in country Victoria and on the need to do more to support country hospitals and schools. However, on this issue I do not think the VFF is right or that it has been fully informed of all the implications of the legislation.

Mr A. F. Plowman — They have had four months.

Mr BRUMBY — So has the government. Talk about the pot calling the kettle black. Last week the Deputy Premier issued a press release entitled 'Vet association launches scare campaign to keep monopoly in the AVA'. Lo and behold, after four months of scaremongering, with his tail between his legs in limps the Minister for Agriculture and Resources to move an amendment that will remove one of the major concerns of the veterinary association. Last week the association was scaremongering and now it is right! Talk about silencing the critics and those who take a different view. The minister has been forced to move an amendment in this place because he is cowed and beaten. The minister has picked up the association's amendment, but as usual, he has not gone far enough.

We have worked closely on these issues and members on this side of the house understand the importance of agriculture to Victoria and rural Victoria in particular.

Mr McNamara interjected.

Mr BRUMBY — No, I am saying in these things, Pat — —

The SPEAKER — Order! The honourable member should not respond to interjections and he certainly should not refer to a member by his Christian name.

Mr BRUMBY — The record will show that over the past few years, particularly the past 18 months,

the Minister for Agriculture and Resources has said many times that the VFF is wrong. We have been right on drought in Gippsland and yet the government has been dragged in kicking and screaming. The government still has done nothing to provide drought relief for East Gippsland. I saw some correspondence from the Federal Minister for Primary Industries and Energy, Senator John Anderson — —

Mr A. F. Plowman — On the bill?

Mr BRUMBY — Yes, on the bill.

Mr A. F. Plowman — On a point of order, Mr Speaker, although I am enjoying the direction of the speech of the Leader of the Opposition so far, he is not talking on the bill. I have asked him twice from my position on the back bench to refer to the bill and twice he suggested he would refer to it. I do not believe the Leader of the Opposition is speaking on the bill and I ask you to rule him out of order.

The SPEAKER — Order! The honourable member for Benambra was disorderly in interjecting and I suggest to the honourable member that the Leader of the Opposition was speaking on the bill and has almost completed his remarks.

Mr BRUMBY — I have been speaking on the bill for almost 1½ hours. The bill will affect veterinary practices and animal welfare. As I said earlier, I was surprised to read the letter from the Federal Minister for Primary Industries and Energy, Senator Anderson, to a group of farmers in Gippsland in which he expresses his surprise that the Victorian government had not made application for drought relief for Gippsland East.

I conclude by referring to the final paragraph of the submission made by the Australian Veterinary Association in which it states:

It is the AVA's view that the bill should be amended to address the fundamental concerns in relation to who can practise and own a practice. If left uncorrected, these deficiencies will impose significant and unchecked risks on public health and safety and have the potential to undermine the high ethical and professional standards required of veterinary care. If persons who are not registered as veterinary surgeons (and therefore are not subject to oversight by the new board) are able to own and operate veterinary businesses (diagnosis and treatment including performing surgery) then the AVA believes there are

grave implications for animal welfare, international trade and public health and interest generally.

That puts the issue succinctly. The amendments moved by the minister go some way to address those concerns, but do not go far enough and in the absence of further amendments the opposition will oppose the legislation. In another place it will move amendments to ensure the rights of Victorian consumers and pet owners are properly protected and, more importantly, that the great agricultural industries in this state, particularly the meat and livestock industries, are properly protected from unwanted residue pesticides or antibiotics that will put at risk billions of dollars of export income.

The SPEAKER — Order! Before calling the next speaker, I advise members that they will now be speaking on the bill and the reasoned amendment.

Government amendments circulated by Dr NAPHTHINE (Minister for Youth and Community Services) pursuant to sessional orders.

Mr McARTHUR (Monbulk) — In speaking in support of the bill, including the amendments circulated on behalf of the Minister for Agriculture and Resources by the Minister for Youth and Community Services, and in opposing the reasoned amendment I assure the house that the government takes the legislation and the proper regulation and control of the animal industry, both domestic and export, very seriously. This government is working to protect the interests of the industry as well as the interests of the people who consume or export animal products.

I note in passing that the Leader of the Opposition said the opposition would be dividing on the bill. I understand the opposition is well and truly divided. It tried to dump 12 of its tired and worn-out members from pre-1992. There is nothing new about the opposition dividing. Victorians are used to that.

The bill reviews 40-year-old legislation. The review is nothing new; it was foreshadowed some six years ago. Although the review was not for the purpose of establishing a competition policy, the whole area will be subject to a competition policy review at the same time. The review holds no surprises for the veterinary profession, the Veterinary Practitioners Registration Board, consumers or the livestock industry. It has been on the table for six years, which is prior to the election of the Kennett government.

The bill was finally introduced in the autumn session after a great deal of consultation. It was deliberately introduced then so it could lay over for further public consultation with consumers, the industry and the profession, and with the view of refining it further so it would operate in the best interests of the broader community as well as the veterinary profession and the livestock industries.

It is total nonsense for the opposition to say the government should not be introducing amendments now. On the one hand, the opposition says the government is not consulting and should amend the bill; on the other hand, the Leader of the Opposition accuses the government of capitulation for introducing amendments. The Leader of the Opposition cannot have his cake and eat it. It is nothing new for the Leader of the Opposition to ride with the hounds and run with the hares.

In considering the legislation honourable members and the community should draw a clear distinction between requirements for the following: for professional registration in the veterinary profession; for controls on drugs, restricted substances and poisons; for controls aimed at preventing cruelty to animals and to increase and protect animal welfare; and for livestock disease control programs for both exotic and zoonotic diseases. They should distinguish between those control issues and steps taken to protect export standards. Those separate issues are dealt with under separate acts of Parliament and under separate regulatory regimes. It is not the purpose of this bill to try to cover all those areas.

The bill has a simple purpose — to provide for the registration of members of the veterinary profession and to set ethical and professional standards for the veterinary profession. It does not pretend to deal with the control of drugs, controlled substances or poisons, or with the prevention of cruelty to animals or animal welfare. It does not pretend to set standards for the export of livestock products, or for human consumption of livestock products. Those matters are dealt with in other acts of Parliament and by other regulatory regimes at state and federal levels.

In introducing such issues to the debate, the Leader of the Opposition is simply dragging a smelly red herring. Such issues are not before the house and do not concern the legislation. To consider them as part of the legislation is simply to run a scare campaign. I strongly suggest that should be disregarded by the house and by the public.

The establishment and regulation of veterinary professional standards is the purpose of the bill and is well provided for in the bill. The control of chemicals, drugs and restricted substances falls within the scope of the Drugs, Poisons and Controlled Substances Act and is administered by the Poisons Advisory Committee. I will turn to that subject later in dealing with some of the comments of the Leader of the Opposition on the effectiveness of that control.

Issues relating to veterinary surgery, cruelty to animals and animal welfare are prescribed in the Prevention of Cruelty to Animals Act. Under that act registered veterinary professionals are specifically exempted from charges when carrying out a veterinary procedure. The veterinary profession establishes ethical standards to ensure the treatments carried out are in the interests of animal welfare and do not cause harm or cruelty to animals — and that is the way it should be.

Issues relating to disease control and export standards are dealt with under the Livestock Disease Control Act and state and federal agreements such as the Xandis provisions, which cover exotic disease arrangements. The application of such provisions was exemplified in the handling of the anthrax outbreak.

The Leader of the Opposition made disparaging comments about the efforts of the department, the livestock industry and the veterinary profession in dealing with the anthrax outbreak. His comments are misleading and poorly judged. They reflect poorly not on the industry or the veterinary profession but on the Leader of the Opposition, who has not bothered to check his facts or to examine the procedures put in place to control the anthrax outbreak or the outcomes of that outbreak.

The Leader of the Opposition also referred to the recent fire blight scare. I was closely involved in that, given the industries that operate in the Monbulk electorate. It is worth noting that at a recent conference Norm Mitchellmore, the head of the Northern Victorian Fruit and Coolstores Association, told the Minister for Agriculture and Resources that he simply wanted to congratulate him and the department on their handling of the fire blight outbreak.

Those in the industry who know what is happening are happy with the procedures and the actions of the department and government. It is only people such as the Leader of the Opposition and perhaps a few

members of the Australian Veterinary Association — I will come to them later — who are running around trying to generate a scare campaign and to undermine public confidence in the existing procedures and in the protections there for the public good.

The bill is not complex. It establishes the Veterinary Practitioners Registration Board and gives that board a set of powers. The board will have power to set standards for the veterinary profession and to register veterinary professionals. The bill provides for the establishment of a range of registrations to provide increased flexibility for the profession and to provide for research into veterinary medicine and livestock diseases. It provides for temporary registration, conditional registration, specialist registration and the category most people in the public and livestock industry will deal with — that is, general registration of a veterinary practitioner.

The bill enables the board to set the standards for that profession, which is the status quo. Currently the board establishes the standards for the profession — and that will continue. It will be up to the profession to set the standards by which the profession will be judged. By way of formal or informal hearings as chosen, depending on the seriousness of the alleged misconduct, the board will have the power to take action against registered veterinary practitioners who breach the standards. The bill also provides for a system of appeals against decisions of the board where the person whose registration has been suspended or cancelled or on whose registration conditions have been imposed feels aggrieved and feels the board has erred. Such appeals can be taken to the Administrative Appeals Tribunal.

The section 85 statement in the legislation will provide protection to board members who publish the results of their decisions arising from a disciplinary hearing. In other words, if the board inquired into the practices of a registered veterinarian and ascertained that the veterinarian had breached the regulations, ethical standards or established procedures in some way, decided to either suspend or cancel the registration and then advised another body of that decision, the board would not be liable to a suit for defamation before the Supreme Court.

It is in the interests of the public that the board be allowed to publish the results of its inquiries. The publication of those results should not be prejudiced by the threat of defamation. That is a reasonable

restriction of the Supreme Court powers in the interests of the general public and the ethical standards of the profession, and it should be welcomed by all members of this place and by the public.

The Leader of the Opposition spent an hour and a half telling the house how dreadful the legislation was and how poorly the government has consulted with the profession and the public on this issue. He said this legislation threatens both public health and livestock export potential as well as the standards of the veterinary profession. If it were tomorrow morning I would be grieving about the lack of honesty shown by the Leader of the Opposition, because if he had taken the trouble to read the legislation and check the veracity and validity of his statements and opinions he would not have made such accusations.

When the opposition was provided with a departmental briefing on this legislation the Leader of the Opposition was absent. As the lead opposition speaker on this measure, the shadow minister, he stated that this bill threatens veterinary procedures, ethical standards and public health, yet he did not see fit to avail himself of a briefing by officers of the department when it was offered to him. Despite that, he speaks as though he has background knowledge. Members of the public are entitled to ask why the Leader of the Opposition failed to attend that briefing and why he was not interested.

Mr Hulls interjected.

Mr McARTHUR — My vote will increase by 10 to 15 per cent if he has been out there canvassing. Why he chose to ignore the offer of advice on what the bill provides in the public interest is beyond me. It shows just how committed the Leader of the Opposition is on this matter and how honest he has been in his contribution to the bill.

A review of the Veterinary Practice Act was foreshadowed six years ago prior to the election of the Kennett government and a discussion paper on the principles of the review was circulated three years ago. Some eight months ago the profession and, I understand, the board were involved in discussions with officers of the department on the principles to be contained in the legislation. There are no surprises in the fact that the review has taken place and the bill has been introduced.

On 21 May the board, the AVA and the University of Melbourne took part in discussions with the

government's bill committee on this matter. There was also a 90-minute confidential briefing with officers of the department on the provisions of the legislation. During those discussions two issues were raised. Both issues were subsequently resolved, one of them being included in the amendments that have been circulated.

On 23 May the Minister for Education gave the second-reading speech on behalf of the Minister for Agriculture and Resources. He outlined what was contained in the bill, why it was being introduced and the benefits that would flow to the community from the procedures to be established under the legislation.

From 23 May to 15 August no further public statements were made about the legislation. The veterinary profession, through its representatives on the AVA, was silent on the issue. Suddenly, on 15 August, the AVA decided it had major concerns with the legislation and proceeded to take out advertisements in newspapers throughout the state. It also conducted a letter-writing and lobbying campaign. If the AVA was so concerned about what the legislation contains, I am surprised that that concern was not evident prior to 15 August.

It also surprises me that the Leader of the Opposition, knowing the timetable, claimed that by introducing amendments to the bill the government is capitulating. The government clearly stated in May this year that the matter was on the table for consultation and comment and that it would be happy to entertain discussion and consider amendments. That has been done.

I am critical of the way the AVA has handled this debate. It is puzzling that a professional organisation that purports to represent a profession that claims to have high ethical and professional practice standards did not raise these matters more strongly at an earlier stage. It also puzzles me that the AVA saw fit to publish advertisements containing what I consider to be wilfully misleading statements. For example, an advertisement that appeared in a metropolitan daily newspaper headed 'Don't I deserve qualified medical attention?' states:

Right now the Victorian government is considering a law which would allow medical treatment and surgery on animals to be carried out by people who are not qualified veterinarians.

The new law would allow anyone to treat your animal ...

That is clearly wrong. Anybody who reads the bill and is aware of the other acts that run in parallel with this legislation would know that that is wrong. Any registered practising veterinarian in Victoria who has carried on a practice for more than 5 minutes would know that it is wrong. For the AVA to publish such statements in metropolitan newspapers and to wilfully attempt to mislead the public into believing the professional standards for animal care are being eroded undermines the credibility of the AVA and damages the reputation of the profession.

I grew up in the country and am a fifth-generation farmer, and I have come to rely on veterinary surgeons while working on the land. I admire their professional practices and standards. I am disappointed in the performance of the AVA in this matter because it has let the profession down and should be ashamed of itself.

The Leader of the Opposition also talked about the VFF's response to the legislation. Towards the end of his 1½-hour contribution he mentioned that the VFF and other farm groups have now come out and supported the legislation, which is true. On 15 September the VFF Pastoral Group and the United Dairyfarmers of Victoria issued a press release stating that the president of the VFF Pastoral Group, Bill Whitehead, and the president of the UDV, Max Fehring, have:

rejected allegations made recently that the government's proposed amendments to the Veterinary Practice Act 1997 (Vic) will jeopardise both Victoria's reputation as a supplier of clean food, and the welfare of producers' livestock.

The statement is clear. The livestock industry representatives, the UDV and the VFF Pastoral Group have said publicly that the scare campaign is inaccurate, that the legislation will not jeopardise Victoria's reputation as a supplier of clean food and the welfare of producers' livestock. Nobody could question the VFF's commitment to the future of livestock industries in Victoria, its commitment to Victoria's reputation for producing clean and green food and our need to have access to international markets to export that food.

It is nonsense for anyone to say there will be unqualified access to drugs or that there will be unqualified people carrying out veterinary surgery on animals, both of which activities would clearly contravene other acts of Parliament.

As I mentioned earlier, the regime regulating access to drugs and veterinary chemicals is clearly controlled under the Drugs, Poisons and Controlled Substances Act. The Leader of the Opposition was fairly dismissive of that act earlier today. Representatives of the AVA believe that currently there are some serious breaches of the controls under the Drugs, Poisons and Controlled Substances Act. I have invited those AVA representatives to provide evidence of that and the minister has done the same. He said that if evidence is forthcoming he will raise the matter with the Minister for Health to ensure that the Department of Human Services beefs up the current regulatory regime, because if the current regime does not provide proper regulation and control we will need to ensure that it is boosted.

The legislation does not alter the operation of the current regime in relation to drugs, poisons and controlled substances. A person who is not a registered veterinary practitioner will not be able to prescribe any S4 or S8 drugs or supply them for somebody else to administer. A person who is not a registered veterinary practitioner will not be able to carry out surgery on an animal, whether it be a farm animal or Mrs Urban's pet Pekingese. It will be a breach of the Prevention of Cruelty to Animals Act for any person who is not a registered vet to carry out surgery on an animal.

The Leader of the Opposition was critical of the Drugs, Poisons and Controlled Substances Act provisions pertaining to vets prescribing drugs over the phone or by mail order and mentioned correspondence he had received on the matter. I shall quote from the schedules. The Drugs, Poisons and Controlled Substances Act lists 12 requirements for schedule 8 and schedule 4 poisons. They state:

Schedule 8 poisons must be stored in a safe or a DA cabinet — except when carried in a locked receptacle in the possession of the veterinary surgeon.

Schedule 4 poisons must be stored in lockable facilities.

Storage facilities for schedule 4 and schedule 8 poisons must be secured to prevent unsupervised access to persons other than veterinary surgeons.

Dispensing activities must not be delegated to a nurse or any other person who is not authorised (by the act or regulations) to have unsupervised access to schedule 4 or 8 poisons.

A true and accurate record of all schedule 4 or 8 poisons administered or supplied must be kept for three years.

Records of transactions relating to schedule 8 poisons must be in a form which shows the balance remaining after each transaction and which satisfies other requirements of regulation 40.

Veterinary surgeons must not prescribe/supply schedule 4 or 8 poisons other than for treatment of animals under their care (reg. 10) — This care should be more than nominal.

This is an important requirement because some members have suggested that people who have engaged in this scare campaign believe it will be possible for a drug company to employ a single vet to prescribe drugs right across the state. Clearly that would be in breach of this regulation because there is no way such a vet could be caring for those animals; neither could that vet establish a therapeutic need for the drugs. Regulation 8 states:

Veterinary surgeons must not prescribe/supply schedule 4 or 8 poisons unless they have taken all reasonable steps to ensure a therapeutic need exists.

I assure honourable members that a phone call from a farmer in East Gippsland or West Wimmera to a vet in Bendigo will not establish a therapeutic need. Regulation 9 states:

Veterinary surgeons must not supply schedule 4 or 8 poisons unless labelled in accordance with regulations 26 and 102.

Veterinary surgeons must not supply schedule 4 or 8 poisons unless packed in containers capable of being securely reclosed (reg. 113) — except when packed for use on a single occasion.

A person must not advertise schedule 3, 4 or 8 poisons except in professional publications as specified in regulation 74.

Failure to comply with the Drugs, Poisons and Controlled Substances Act and regulations renders a person liable to prosecution.

The requirements and regulations in the Drugs, Poisons and Controlled Substances Act should be diligently enforced. As I have already said, the minister is waiting for the AVA to provide evidence of breaches under the current regulations in relation to these issues. He has given an assurance that if that

can be demonstrated he will consult with the Minister for Health to ensure those breaches come to an end.

As I said earlier the government takes the welfare of the livestock industries, animals generally, the consumers of livestock products and export industries very seriously. It has consulted at great length to develop the legislation and is confident that it protects the public, regulates the profession and provides proper ethical standards by protecting the welfare of animals now and in the future. The bill should receive the support of all members of the house.

Ms CAMPBELL (Pascoe Vale) — The Veterinary Practice Bill is not about animal welfare and human safety, nor is it about our agricultural exports. It will become apparent when we discuss the bill that it has more to do with the money the Kennett government wants from the federal government in relation to competition policy and the Hilmer principles.

The Veterinary Practice Bill has not received enough consideration by the government; that has been evident from all the correspondence the opposition has received. One may ask the minister why the Meat Workers Union has not been consulted. It has been put to me that as a result of this bill the butchers picnic will have to find more space because veterinary practitioners — a once well-respected group of professionals — are now to be considered butchers. The views of the veterinary practitioners in this state have certainly highlighted that fact. Perhaps it would do the government good to listen to them.

In Victoria under the Kennett government the perception is that the government wants to promote illusions, grand parties and so on, but I never thought I would live to see the day when you lot wanted bigger and better butchers picnics!

There may be another reason that we have the bill, and again it has absolutely nothing to do with agricultural exports, human safety or animal welfare. It seems the cat was let out of the bag when representatives of the Australian Veterinary Association visited the honourable member for Portland, the Minister for Youth and Community Services. I was contacted by the people who visited him, and they were greatly concerned about what they learned at what was supposed to be a briefing given by the minister to allow him to learn a little more about the bill. They went there expecting that the minister, being a vet, would have knowledge of

the bill and the industry, but they left sadly disillusioned.

When the association representatives spoke to the minister they were told that they were wasting their time. Why were they wasting their time? They learned that it was money that was driving the Victorian government to implement the recommendations of the Hilmer report. They were a bit puzzled about that so they asked for a further explanation and were told that what was at stake was several hundred million dollars from the federal government.

Why was the bill introduced so quickly? Why the urgency to introduce it here in Victoria and not in New South Wales? They were informed further about dollars, and told it was important to get in early before the other states took the recommendations. We have been enlightened by the honourable member for Portland and we thank him for his explanation; we would not have heard it otherwise.

I wish to address two areas of concern in the bill. The first is the absence of restrictions to practise as a veterinarian and the second is the deregulation of veterinary ownership. These matters were brought to my attention by a vet in my electorate, Dr Gibson Findlay. He pointed out that he was greatly concerned about these two aspects of the bill, and that seems to be consistent with other correspondence the opposition has received.

What is the concern in relation to restrictions to practise? Dr Findlay's first concern and that of other members of the AVA was that it opened the door for untrained, unqualified backyard vets to make diagnoses, give advice, and perform surgery. The public will have no recourse when things go wrong, as these people will not be subject to the control currently provided by the Veterinary Board of Victoria.

Secondly, the deregulation of veterinary ownership has widespread implications, and I should have thought the government would have picked up on that point by now and introduced far better amendments than it has tabled tonight. Non-vet owners of these practices will be under strong commercial pressure to make money.

It has been put to me quite convincingly that if people can sell S4 drugs without establishing clear-cut diagnoses, the money that would be generated by inappropriate administering of such

drugs would be such a carrot to many of the shonks and charlatans who will set up as vets that pets may receive drugs they should not be receiving because they will not have been adequately diagnosed. Owners of veterinary practices will be able to employ staff who have no veterinary training at all, and that is a great worry.

My particular and serious worries relate to the export industry. During question time today the opposition raised many issues in relation to jobs, and the Premier floundered; he was flustered and unable to answer the questions. We need more jobs in Victoria. Our unemployment rate is far too high.

One area of grave unemployment is rural Victoria. Where are the jobs in rural Victoria? One would hope a fair number of jobs would be generated by agricultural exports, but they will be put at risk by the legislation. The bill does not clarify the use of the term 'vet'. If it were clarified and suitably regulated in the act, the community would be assured of the duties of people using that title. The fact is, however, that a definition is absent.

We are well aware how difficult it is for Australian exporters to penetrate the world market. Because Australia is known as a clean food country it is vital to ensure that agricultural exports continue to maintain that high standing, and that was pointed out clearly by the Leader of the Opposition. If Australian trade is damaged in just one instance it gives our trading opponents wonderful opportunities to denigrate Australian exports.

How do the Premier and the government intend to ensure that our trading partners know that our industry is clean and our agricultural exports are of the highest standards? Not a word. Silence. The implications of even one damaging instance in agricultural exports are enormous. We are well aware of the millions of dollars worth of export trade we could lose, and earlier in the year that was brought into the public arena in the Goulburn Valley. Australian trading partners are looking for errors by Australia, and this bill could have a catastrophic effect on some primary exporters.

The submission on the bill of the Australian Veterinary Association referred to the role of vets in international and national trade and disease issues, and highlighted how important it was to take a national approach on veterinary standards and what happens when we fail to do that. The association gave examples of what happened to other countries

when outbreaks of disease occurred in their agricultural industries, and stated:

Australia is a major exporter of animals, their products and genetic material and has much to lose should exotic diseases be introduced or should our exports not meet the import requirements of importing countries.

The association went on to speak about the spread of diseases around the world, how international trade is increasing, how the world is becoming smaller, and how one outbreak has implications for export trade as well as health in other countries. The submission continues:

A massive outbreak of foot and mouth disease in Taiwan has totally halted that country's trade in pig meat with Japan (some 300 000 tonnes per annum). In Australia the new diseases caused by equine morbillivirus (bat paramyxovirus) and bat lyssavirus (one of the rabies group) have emerged and caused human fatalities and influences on trade and human movement domestically and internationally.

The submission refers to the impact of the salmonella outbreaks in Australia and the implications for Australia's export industry. Australia must ensure that its agricultural exports are regarded by world standards as being of the highest order. Victoria has been able to do that because of the high standards set by many farmers and vets who have practised here. The bill attacks not only the farmers but the high standards set by so many of Victoria's vets. It is essential that foreign countries recognise Australian vets, their qualifications and regulations, and that Parliament maintains veterinary standards to the highest national and international levels.

The other implications of the bill include a significant increase in drug use. Two areas of concern are the residues in milk and meat, and human health. The Leader of the Opposition outlined clearly how easy it will be for non-qualified people to obtain access to the S4 and S8 drugs. He also gave the example of a qualified veterinarian who orders a semitrailer load of drugs for a practice and sells the practice to an unqualified person, who will own the practice plus all the drugs in it but have no medical qualifications and no detailed knowledge of the use of those drugs. However, that will not stop the unqualified person from making a financial and perhaps human killing from the drugs.

The bill will impact directly on human health. Without question anabolic steroids will become even

more readily accessible than they are at present and drugs will become far more accessible on the black market. The government will have neither direct nor indirect control over the situation. The government, which has so obviously paraded the drug issue in Victoria, is introducing yet another drug — another danger — to humans without ensuring adequate protection.

Another impact on human health is the effect of antibiotic residues in meat and milk, which can lead to human resistance to those antibiotics. It is absolutely essential that the minister take note of this so that in the years to come when children are being diagnosed with illnesses that were not previously prevalent the blame can be laid squarely on the Kennett government.

The AVA has provided most members of Parliament with a submission, which I would expect members to have read, on the consequences for children when Butasyl is used in meat and milk. Although quite prevalent in the agricultural industry, the use of Butasyl is regulated because of current veterinary practices. In its submission the AVA clearly highlighted the danger of leukemia in children if the use of Butasyl is left unchecked.

At the best of times there is little joy for Victorian families attending their local vets. People usually go to vets with animals that are sick or that they are concerned about, and they also take animals for regular check-ups. Under those circumstances people like to think they are at least going to see somebody with appropriate qualifications and the ability to diagnose illnesses in and, if necessary, prescribe drugs for animals. Given that Victoria has a veterinary board, one would hope the vet's primary interest would be in the animal, but under the Veterinary Practice Bill that will not be the case. There will no longer be veterinary surgeons; instead there will be clinics called Spot's Friend or Toby's Friend owned by people with interests in animals and making money, but not necessarily with any relevant knowledge. That is an appalling situation.

The Kennett government has deregulated the food industry in Victoria, and a range of other qualifications that were once required, such as those for driving instructors, have been deregulated. It is only recently because of shonks and charlatans that it has become necessary to reinstate regulations to ensure that people posing as driving instructors are properly qualified.

It will be necessary to repeat that exercise with vets because the government has made a gross error in the bill. People have said to me, 'Perhaps the competition policy allows people to shop around and choose whomever they want.' Certainly people can shop around and choose whomever they want, but the bill deals with animals, and animals will certainly not be in a position to choose a qualified veterinary surgeon — they will go where they are taken.

The ALP supports decent standards of care, primary producers and the billions of dollars that Australia requires in exports. It supports responsible dispensing of medicine that requires diagnosis prior to prescription. The bill does not guarantee the safety of the community, livestock or family pets, and it certainly does not guarantee the future of rural exporters. For that reason the amendment moved by the Leader of the Opposition should be supported and the bill should be rejected.

Mr KILGOUR (Shepparton) — I support the bill. It has been interesting to be involved in the committee stage and in discussions with local vets and to see the changes the government has been prepared to make to deal with some of the concerns raised.

The bill will protect pets by imposing heavy penalties on any vet found guilty of unprofessional conduct. It will certainly create more competition than currently exists among veterinarians. The foreshadowed changes and amendments will ensure the right result.

The bill is only a part of a whole raft of legislation to control activities involving veterinary practices. Problems occurred when people looked at the bill in isolation and decided that it was silent on a number of areas, whereas those areas were dealt with in a number of other bills. Trying to work with the legislation and decide the best way to proceed has been a major problem, not only for members of Parliament but for veterinary officers and board members.

We now have legislation that will provide the necessary protection of the community. I am very concerned about some recent events, particularly the association's advertising, which will no doubt have been faxed to Victoria's business competitors and trading partners around the world. I am sure it will have them asking a few questions.

The major problem is the load of rubbish we heard earlier tonight from the Leader of the Opposition. He talked about non-registered vets dealing with pets and about barbaric butchers operating on animals. It was the greatest load of twaddle I have ever heard. There will be no change to the current situation. There is no possibility that anyone who is not a registered vet will be able to operate on an animal.

It has been important in preparing the legislation to ensure that no-one who is not a registered vet is allowed to be involved in the operation on or the diagnosis of animals, or even in the distribution of drugs, which is a major problem some vets have talked to me about. I am concerned to ensure that what we are doing will not allow open slather either in the way animals are dealt with or in the way drugs are dispensed.

I want honourable members to be assured that Victorian standards on operations on animals do not fall. The bill makes no change to veterinary activities that fall within the ambit of veterinary services. The important thing, as the minister has said time and again, is that no-one who is not registered can operate on animals. I believe the board understands what that means.

As a member of the government's bills committee, in May I was involved in discussions with both the association and the board. At that time there seemed to be no problems with the bill, yet in August everything suddenly blew up and people perceived problems that I doubt will exist. Given the proposed amendments I am sure veterinary practice will continue on in the way it currently operates. Although the opportunity will exist for veterinary practices to be owned by persons who are not practising veterinarians, such persons must employ veterinarians. It will be illegal for anyone else in a clinic to operate on or undertake the normal function of a vet.

The legislation was supported by the Victorian Farmers Federation and the United Dairyfarmers of Victoria. Members of those organisations would be extremely concerned about what might happen if we dropped standards in veterinary services. It has been alleged that the government's proposed amendments to the Veterinary Practice Act will jeopardise both Victoria's reputation as a supplier of clean food and the welfare of producers' livestock. The UDV has refuted the allegations and supported what the government is doing to ensure that there

will be an opportunity for competition. However, protection is required.

What was said tonight about people operating on and dealing with animals is absolutely wrong. Those things could happen now illegally, and they will still be able to happen illegally in the future. The point is that if people try to operate as veterinarians or quacks, or call themselves veterinarians, they will be breaking the law and will be dealt with under the legislation.

Allegations that animal welfare will suffer have been refuted by Max Fehring and others from the UDV, and members of that organisation are always concerned about their animals, about their dealings with veterinarians and about making sure that veterinary practices are able to continue on as they always have done.

I know that veterinarians are concerned about some of the pastoral houses or dairy companies employing veterinarians and setting up their own clinics. That is what competition is all about. Although representatives of veterinarians have said to me in my own office, 'We are not concerned about competition, we can meet competition on a fair basis', there is concern that some of the pastoral houses have now gone into the business of wholesale distribution and even manufacture of veterinary products.

I was asked what would happen if a vet employed to perform veterinary services and dispense drugs by, for instance, a local Bonlac store took his or her day off on a weekend and the Bonlac people said to someone who needed a cow attended to, 'I'm sorry, the vet is having a day off.' I suggested that that would be a very good reason why they should win the farmer's business in the first place, not lose it. I imagine veterinary clinics would look to people who were loyal to them and for whom they could continue to provide a service, rather than allowing those people to go to Bonlac or somebody else who might be selling drugs cheaper but who would not be able to provide the other service.

I believe existing veterinary clinics, particularly in the Goulburn Valley, are doing the right thing 100 per cent. Vets are very well thought of in the farming community. I do not believe many farmers in my community would move away from the veterinary clinics that they have been associated with for many years simply because a local produce store employed a vet and they might think they

could get drugs more cheaply. They trust the vets they know to do the right thing.

It was also put to me that there was a possibility of pastoral houses employing vets in Melbourne and dispensing drugs around Victoria. Clearly that cannot happen. Anyone doing that would be breaking the code. There must be an association with the animal and farmer involved. I was assured when we were working on the bill that that is exactly what will be offered.

The legislation involves very little change. I am not sure there will be many people outside the pastoral houses or big dairy companies who will need to employ veterinarians. I can understand why a dairy company might want to provide a whole service and try to help with herd improvement, but I believe dairy companies could contract vets from existing clinics for that purpose.

The standard being offered by country vets is second to none. I would be surprised if anyone who got into the field would give them much opposition at all. Their practices are of a high standard and they are happy to work with farmers. Many of them have been working with farmers for many years. There will be a change in control of the area and others will move in, and existing vets will have to win from farmers the ability to represent their clinics or their pastoral houses. I have no doubt that that can be done.

This legislation will regulate the profession and ensure that only a registered vet will be able to carry out and offer to the community the full range of services traditionally undertaken by vets. That will not change. The ownership of practices may change, and persons who are not registered as vets will be able to own them. I know vets who are keen to have their spouses take up partnerships in their companies. They cannot do that at the moment but will be able to do so under the new regulations.

However, only registered vets will be able to carry out veterinary services, and if vets are doing the wrong thing they can be reviewed by the board. Honourable members should remember that the board will be able to check on registered vets and move in if someone is doing the wrong thing. I have no doubt that the board will be contacted pretty constantly by the vets already in the field if they hear or see that something untoward is happening. No doubt the board, which will now represent a wider range of people who use veterinary services,

will be able to ensure that the right thing is being done out there in the community.

Concerns have been expressed by people in the community and by members of the profession about the possible activities of non-registered animal owners whose aims might be more for profit than to provide the necessary veterinary service and level of care. It is important that the people employed as veterinarian practitioners are monitored to ensure that the community is not exploited. I am sure the board will be vigilant in that respect.

The farming community and pet owners will also ensure that only registered veterinarians work on their animals. Technicians are now used in a number of areas, but I will ensure that any veterinarian who is to treat one of my animals is registered. Few practical changes will occur.

Competition from certain areas may arise in the veterinary field. Quite rightly, veterinarians are concerned about that vertical integration in the distribution of drugs in some areas. Veterinarians distribute drugs in accordance with the law. Generally they have an association with the farmers, who can telephone and have drugs sent to them so long as the veterinarian understands what is wrong with an animal. In most cases he or she would have previously treated the animal. That practice will undoubtedly continue.

Problems could arise in the administration of the Drugs, Poisons and Controlled Substances Act. Compliance with that act is not always as it should be. The Minister for Health will need to ensure that people breaking the provisions prescribed in that act will be dealt with. The acts associated with the operations of a wide range of veterinary services must be examined. We must ensure that compliance is regulated and people do the right thing. Certainly strict regulatory controls are applied to the keeping and dispensing of substances, and in the accounting for their use. We must ensure those controls continue because we do not want standards to be lowered.

That should not occur because, as the minister has repeatedly said, under no circumstance will a person be able to practise veterinary science unless he or she is a registered veterinarian. Only a registered practitioner can operate on animals or dispense and administer drugs, including antibiotics, anaesthetics and unrestricted drugs under the poisons list. The status quo will remain.

Members of the profession have expressed concern about the consequences of allowing non-veterinarians to own veterinary practices. It would not matter who they are because they cannot dispense drugs or operate on animals. Those two major issues, which have been drawn to my attention, need to be watched carefully.

We must continue to monitor the operation of this legislation. We need to work with the health authorities to ensure the Drugs, Poisons and Controlled Substances Act is properly administered so that under no circumstances can non-veterinarians who come into the industry provide any of the services traditionally provided by veterinary practices. I am sure Victorian veterinarians will continue to operate as they have in the past in their dispensation of drugs and that they will properly deal with the animals that are brought to them for treatment.

I support the circulated amendments because they have been prepared after consultation with the industry. I congratulate the minister's staff on their work. They have ensured that the concerns expressed around the table, even as late as this morning, and in representations from Victorian veterinarians, have been addressed. I support any legislation which addresses those concerns.

Mr BAKER (Sunshine) — If memory serves me correctly, somebody once said that the worst lies are often told in silence. My guess is that, curiously, Robert Louis Stevenson may have said that, but I am sure some government member will scurry away and check it.

That statement is pertinent to the bill because what concerns many honourable members is what the bill does not say. The question hangs in the air: why? Hardly any reference or indication has been made in the minister's second-reading speech about why change is being made. Vague holes in the air have been made when referring to competition policy, but we all know that is nonsense and that something else is going on here.

Mr McNamara interjected.

Mr BAKER — I will tell you. Various stories are circulating about why this ridiculous bill has been introduced. I want honourable members to look behind the nonsense words that cloak and shroud the real intent of the bill. I suggest the first reason for the change is that the Minister for Agriculture and Resources has been in a lot of difficulty, especially in

his electorate, because he closed the veterinary laboratories. As a former agriculture minister, I know those laboratories provided significant services in farming areas at the taxpayers' expense.

I will give the house an example. As minister I one day visited the departmental offices in Gippsland. While I was in the office a telephone call came to the veterinarian there from the McGauran family. They did not ask but ordered him to be at their farm at a certain time. They were not inviting or beseeching him, but ordering him. The veterinarian said, 'I have to go, minister, the McGaurans have called'. I suggest the McGaurans are not holding up too badly!

We put a stop to that practice and, to give him credit, the minister has also put a stop to that practice. However, now his actions have washed back on him. He is in some trouble in his constituency. Now he has conned and gulled the remainder of cabinet, including the Minister for Planning and Local Government, and particularly the city cabinet ministers.

Mr McNamara interjected.

Mr BAKER — Lie down, get away back! He has conned and gulled the city members in cabinet who have no dung on their boots into introducing this nonsense bill so he can allow some barefoot veterinarians, some hopeless people, to provide at a cheap rate the sorts of veterinary services the Department of Natural Resources and Environment used to do for free. *É vero* — it's true!

The second reason that underlines this nonsense is that, as the Leader of the Opposition said earlier, a move is afoot among certain people in the community, including some luminaries who have strong connections and powerful influences in the Liberal and National parties, who want us to move to the system that is quite common in the United States of America, where large retail veterinary operations are based in supermarkets — that is, supermarket veterinarians.

As the Leader of the Opposition pointed out quite lucidly, that directly contradicts the government's nonsense about competition policy. The government needs to answer the logical question of the difference between this and what has happened in medical practices. What is the difference between allowing the doctor's wife, the doctor's uncle or a mate down the road from owning the medical practice and applying the same thing to vets?

Imagine Snuffy, Tippy, Bluey, Tripod or Sidney — all those dogs and cats — being taken to the local vet. The vet says, 'This will be all right. I am a vet and I will look after your pet. I am a professional; your pet is in good care.' The owner loves the animal and is prepared to pay for the treatment. Yet when the vet whips the animal inside, he gives it to Joe Blow, who is not registered, and says, 'Fred, we have another one here. See if you can give old Snoopy a bit of a snip', 'Give Marmalade a bit of an injection', 'Whack this one over the ear' or 'Chop off its tail. Everything will be okay. They won't know the difference.' That is what this proposal is all about. A human being in those circumstances can say, 'Just a moment. I won't have Quasimodo do that to me. I want the real thing.' Snuffy can't speak, and that is the difference.

Mr Leigh interjected.

Mr BAKER — And the donkey cannot speak. Every time the honourable member for Mordialloc speaks, I am reminded of that classic Latin saying *Asinus manet Asinus*, 'The donkey is always the donkey'. I would not even let an unregistered vet operate on him! The government has not addressed the crucible of this problem. Parliament needs to know why this has been done — it has nothing to do with competition policy — and the government should come clean on the matter.

The Leader of the National Party pretends to spend time on the farm, but like most National Party members, he is anything but a farmer. Unlike other honourable members in our early days, he has never really had to work on a farm in his life. He is a real estate agent and the rest of his colleagues are stock agents, wool agents and lawyers — the types of people farmers really do not approve of. There are not too many farmers among the National Party members.

What will happen to those farming families who for generations have been doing what old Uncle Bert did with his teeth in castrating animals? What will happen to tail docking? What will happen to the sheep drench?

Opposition members interjecting.

Mr BAKER — Wouldn't Napthine be a great name for sheep drench? If one were looking to market a sheep drench and wanted a good name, wouldn't Napthine be absolutely perfect? We should go down to the patents office and make sure we get

that on the list. I am amazed that I am standing here defending the Australian Veterinary Association, those noble people who care so much about animals. Honourable members should consider their response when I, as the then Minister for Food and Agriculture, introduced the Companion Animals Bill. As Wally Curran says, 'Life is full of new and interesting relationships.' Here I am supporting the AVA, but I notice the minister is not here. Old Sheep Drench isn't here to stick by his former comrades and he was not here to speak on the Companion Animals Bill.

The role of the Australian Veterinary Association on that occasion was appalling. Look at what happened to all the horses. Remember how the coalition and the association played the game on that bill. Conditions for horses in Victoria are the worst they have been for about 100 years. If there are some vets in the public gallery, I hope they are listening. Horses are starving and dying and there is no provision for councils to do anything about it because the coalition and the association did not proceed with the Companion Animals Bill for purely political purposes. Nevertheless, I support the association on this occasion because it has a relevant argument in this case. The bill is ridiculous and should be given the flick.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! Under sessional orders the time for me to interrupt business has arrived.

Program of Aids for Disabled People

Ms CAMPBELL (Pascovale) — I raise a matter for the attention of the Minister for Youth and Community Services. I ask the minister to provide funds for a wheelchair for Daniel George and to confirm with his family that the funds will be made available. Daniel is making an application under the PADP scheme.

Daniel George, who is five and a half and lives in Cranbourne North, has spinal muscular atrophy and leukodystrophy. His parents have just purchased a W2 BR for him, which in plain English is a suitable walking frame called a Kaye walker. The walking frame, which cost \$500, was purchased because his parents were told that although their son was ready to walk it would be 10 months before he would be given a walking frame. Try telling a boy aged five and a half who has suffered a disability all his life

that just when he is ready to walk he is not able to because the government will not fund his parents' purchase of a walking frame.

The family is now on a waiting list for the PADP scheme. His parents have been told that it will be nine months before Daniel is supplied with a wheelchair. Currently, he has an electric wheelchair on loan that has to be returned on 2 October. He needs an answer to his request — and he requires a wheelchair in a matter of weeks. His mother asks, 'For how long will I have to tell him he has to wait before he can have his own wheelchair?'. Without his wheelchair Daniel is unable to do any more than gain access to small areas of his home. His mother wants him to be given a wheelchair so he can have the freedom to do what most of us take for granted.

I ask the minister to write to the family of Daniel George and confirm that he will receive a wheelchair on 2 October, when his other one must be returned.

Schools: facilities for the deaf

Ms McCALL (Frankston) — I raise for the attention of the Minister for Education the provision of facilities for the deaf in Victorian schools, in particular those on the Mornington Peninsula. In view of the debate we have heard this evening, many of us would perhaps wish we had not been blessed with such good hearing, particularly given the contributions made by members of the opposition.

The issue I raise concerns those young members of the community who are coming out of primary school and who are in desperate need of facilities for the deaf during their secondary school education. It is not unreasonable to hope that those children will not have to travel too far from home to attend secondary schools where those facilities are available.

I raise in particular the issue of the Pearceedale Primary School, where facilities for the deaf were provided some three years ago thanks to the good work of my colleague the honourable member for Cranbourne. Currently, there are more than 22 children on the Mornington Peninsula who are seeking those facilities in secondary schools for the academic year beginning 1998. The only facility that has been provided to date has been in the Monash area, which entails an extensive journey for parents and children. My understanding is that the transport needed to get them there is not funded.

Given the excellent schools on the Mornington Peninsula — and given the excellent schools throughout Victoria thanks to the present government — I ask the minister what facilities for the deaf are available for children, in particular from Pearcedale, to enable them to continue their secondary education close to home?

Program of Aids for Disabled People

Mr SHEEHAN (Northcote) — On behalf of a constituent I seek the support of the Minister for Youth and Community Services. Rather than using my own words I will refer to the letter written to me by my constituent because nothing could be more eloquent. The letter states:

Our daughter, Ariane, has cerebral palsy. Ariane is five years old and starting school in 1998. Ariane needs a wheelchair, she currently has a Major McLaren Buggy (which is like a big pusher), she has attended wheelchair clinic and we are now waiting on a quote from the wheelchair supplier. She will probably not receive her wheelchair before the start of the school year. This wheelchair is manual, she has developed the skill to wheel herself, and it is needed for some independence in the school environment. Ariane also has a bath seat and standing frame on the PADP waiting list. She has been waiting for approximately three months for these items and will probably have to wait until early next year before funding is available.

We have hired a standing frame for her for the last three years, at an annual cost of \$100, and decided to order one for her as this frame will be needed for a long time to come. The bath seat is very necessary also. Up until this time I have been holding onto Ariane when [she] is being bathed as it is too dangerous to just leave her sitting or lying in the bath. We currently have a bath seat from the Independent Living Centre on loan, we also have to start paying a hiring fee shortly [amount unknown at this stage].

If Ariane has one more outpatient visit we will have reached the maximum of four and will then be placed on the HEF list. This fund was initially seen to be of benefit to children who needed access [to] the hospital on a regular basis but unfortunately with the current funding it is the reverse. Ariane needs to be fitted with new ankle foot orthotics, to keep her feet flat and support her ankles, but we are reluctant to do this in case we are further disadvantaged.

I feel sure after reading the above you will appreciate more the stresses involved in having a child with special needs. Ariane is a beautiful child full of fun and

life and deserves a better chance to reach her full potential. With the current funding situation she is compromised in many ways.

As my local member of Parliament, I ask you to give this matter your consideration and ask you to take this up with the minister and to raise it in Parliament.

I put the plight of this child before the minister. I am happy to supply the names of the parents, but I do not want to put them on the public record. I seek the minister's intervention.

Goulburn Ovens Institute of TAFE

Mr KILGOUR (Shepparton) — I direct to the attention of the Minister for Tertiary Education and Training the site of the former North Shepparton Technical School, which was built in the late 1950s. For a number of years the site has been used by the TAFE college in Shepparton. Originally the technical school had approximately 1000 students but that number was reduced to approximately 350 and it was decided that education in Shepparton would benefit from closing the site. Students transferred to the South Shepparton campus of the Wanganui Secondary College and the TAFE college moved onto the site. For a number of years it has been known as the Storey campus, after a former tertiary education minister in another place, the Honourable Haddon Storey, who made the arrangements for the TAFE college to use the site. The site has also housed the district office of the education department in Shepparton.

Because the TAFE college has changed the way it operates — some training is no longer done in the college but in industry outside — less room is needed at the Fryers Street campus. The building services division has also been moved out to the Wanganui campus.

That means they will no longer need the Storey campus site.

I ask the Minister for Tertiary Education and Training to work with the Goulburn Ovens Institute of TAFE to see what can be done about using that site for the betterment of special education or Koori education. I also ask the minister to work with the Minister for Education who, in his usual caring way, will I am sure be happy to bring about the best possible use of the site for education.

I know there has been a transfer of land and money and so on, but I hope we can keep this excellent site,

which is well situated, for educational purposes. I also hope that students will be able to continue to use the Shepparton site, whether for special education or Koori education. I ask the Minister for Tertiary Education and Training to work closely with the Minister for Education on the issue.

Program of Aids for Disabled People

Mr BATCHELOR (Thomastown) — I raise for the attention of the Minister for Youth and Community Services a matter I have already written to him about but to which I have yet to receive a reply. It concerns a constituent of mine, Vicki Rerakis, who has a five-year-old daughter called Tess who has severe spastic quadriplegia.

Tess needs specialist equipment and aids to assist her to make her everyday life more enjoyable, mobile, accessible and fulfilled. However, despite the fact that she is entitled to receive the equipment from the government and that her request has been supported with the required medical evidence, she has been unable to get what she needs and has been put on the waiting list. She has now been waiting for eight months, which is far too long for a small child in desperate need of specialist equipment.

I ask the minister to investigate the matter to find out why the request has not been satisfied and to fix up the situation by providing the specialist equipment that is needed — a wheelchair, a standing frame and a stride chair — so that Tess, who is five and a half, can commence school next year. She needs the equipment: if she does not get it, she will not be able to enter mainstream schooling.

In a letter to me, her mother describes how the failure to get the equipment affects Tess's everyday life:

Tess cannot walk, she cannot crawl or get onto or off a chair, and she cannot dress herself or put her shoes on. She cannot wash her hands or have a bath, she cannot get in or out of bed, she cannot eat or drink without assistance, she cannot move from one position to another. These are some of the basic activities we need to be able to do in order to have some sort of normal life.

I have only pointed out the necessities. There are other things that Tess would like to do that she cannot. She cannot ride a bike or play with a ball or climb on playground equipment at the park or any outside activities. She cannot play with other children because she cannot follow them from one room to another,

games like hide and seek computer games, Nintendo games are out of her capacity.

I ask the minister to provide the equipment through schemes such as the PADP scheme, which is designed to help children such as Tess but which clearly fails to do so.

Intervention orders

Mr FINN (Tullamarine) — I draw to the attention of the Attorney-General the issue of intervention orders, which is not only very serious but also of considerable delicacy and, might I say, controversy. Over a number of months my office has received numerous complaints about the issue. Many of my constituents tell me —

Honourable members interjecting.

Mr FINN — Honourable members may well joke about this, but it is a serious issue and one I hope they will listen to.

Many of my constituents tell me that intervention orders are often used as weapons in custody battles in the Family Court. I hope the Attorney-General will examine these serious matters. Over recent months I have heard a string of stories of tragedy and misery, mainly from men, but some women have also passed on their stories to me. The stories tug at the heart, and they should be quickly and urgently examined. On the evidence presented to me I believe there is a strong probability that injustices may have occurred. I do not believe it is confined to my electorate and may well be a statewide if not a nationwide problem.

I am not making judgments about who is right and who is wrong, but there is no doubt the problem exists and there may well be cases where injustices have occurred. It needs to be sorted out as quickly as possible. Without disclosing any confidences, I believe we may have seen gross abuses of the intervention order system in Victoria over a number of years.

I ask the Attorney-General to institute an inquiry to discover the truth. Something seriously wrong may be going on in our society which affects thousands of men, women and, more importantly, children, and it must be sorted out. I ask the Attorney-General to help ease the pain and suffering of thousands of people by instituting an inquiry to get to the bottom of this serious problem.

Program of Aids for Disabled People

Mr BRACKS (Williamstown) — I refer the Minister for Youth and Community Services to cutbacks to the Program of Aids for Disabled People. A constituent of mine in Yarraville has sought funding for his son, Louis, who has severe cerebral palsy and is unable to walk, crawl or sit independently. He is seeking support for a specialised car seat so that Louis can be supported to travel around and move between places. That is a reasonable request and I cannot understand why the minister cannot find approximately \$80 000 from his departmental funds to support that program.

Even though there is an enormous waiting list for people to be funded from this program, the minister has cut back the program to something like \$6000. Many parents have children requiring support from the program and I do not understand why the minister cannot find the \$80 000 that is required to support the program adequately. The minister could find the funds by abolishing one senior executive service position in his department.

Mr Reynolds interjected.

Mr BRACKS — The Minister for Sport interjects, 'What happened when we were there?'. The former Labor government had 660 senior executive service positions for 200 000 public sector workers, but with 50 000 fewer public servants there are now 720 senior executive service positions. I ask the minister to provide the necessary funding of \$80 000 for the program so that people like Louis can receive what is due to them — an \$850 special car seat to assist in transporting him in his parents' car.

It is not a big request of the minister. It is miserable that he has cut back the funding. In this case there was a waiting list of four months, after which the parent was told he could not get assistance for his disabled child. I am happy to provide the minister with the full details. I ask him to check his budget and try to provide the funding. As I said, the attempt by the minister to cut back is miserable.

Eltham Primary School

Mr PHILLIPS (Eltham) — I seek from the Minister for Education additional funding for one of my local schools, Eltham Primary School, in Dalton Street, Eltham. The principal, Mrs Geraldine McCredie, recently wrote to me seeking additional funding for urgent outdoor works. The asphalt basketball and netball court in the school grounds is

in a sad state at present and desperately needs resurfacing and upgrading.

Over the past few years this good school has been lucky enough to obtain from the minister urgently needed administration upgrade funding, which was not obtainable under the former Labor government due to its mismanagement and neglect of schools. Of the 25 schools in the electorate, not one received a penny under Labor. Since 1992 the coalition government has injected millions of dollars in capital works in an attempt to overcome the backlog caused by the neglect and mismanagement of the former government. However, no matter how hard the government tries, it is hard to catch up with the maintenance schools need both internally and externally. Everywhere one looks, schools need maintenance.

The minister is doing an excellent job. The school has received some money, but more money is needed to finish the repairs. Eltham Primary School has a growing population and a good catchment area, and it is in a good community. The school has little open space, and the basketball playing area is very important. Anyone who has played on an asphalt surface will understand how slippery and dangerous damaged asphalt can be, especially to children.

Eltham Primary School recently sought funding from the department, which said the school would probably not get a guernsey because of its low priority on the minor works maintenance list. It asked the school to reconsider its own financing. That would be difficult as the cost is between \$20 000 and \$30 000, which is probably out of the school's reach in the short term. Eltham is one of a number of schools of similar age whose asphalt surfaces are 20 to 30 years old, breaking up and in need of the same sort of maintenance. I ask the minister to reconsider the school's request and to say whether a small amount of money can be found.

Program of Aids for Disabled People

Mr THWAITES (Albert Park) — I ask the Minister for Youth and Community Services to investigate the funding of the Program of Aids for Disabled People. A pamphlet setting out the aim of the PADP states that it is a state government program that helps people to remain living independently in the community by providing them with equipment, aids and home modifications. It is a worthy aim, but unfortunately the program is insufficiently resourced to fulfil its purpose and to

ensure that families with disabled children are able to receive the sort of government support they deserve.

The problem is well illustrated by the situation facing Ms Annette Zizza of 35 Wellington Crescent, Lator. This single mother, who is trying to cope on her own, is 30 years old and has a two-year-old child called Gemma. Gemma has a rare form of epilepsy known as Lennox Gestaut syndrome. As a result, her development is severely delayed. As a rule, parents with children of Gemma's age would hope to be able to enjoy spending time with them, playing, talking, shopping, visiting friends and going for walks. Because of the disability Gemma has and because of the lack of support from the PADP, unfortunately Ms Zizza is unable to do those things we all want to do.

What is particularly needed in this case is a paediatric chair for Gemma, which would help her to sit up straight and to breathe properly. It would also give her head support and teach her to use her limbs in a more practical way. Also, Ms Zizza would be greatly assisted if Gemma were to have access to a standing frame that would help her to stand up straight, give her back support and allow her muscles to develop. Finally, a special pram would be of great assistance. A normal pram cannot be used; what is needed is a special pram with an upright position that will allow Gemma to sit upright.

Mentone Body Corporate Management

Mr LEIGH (Mordialloc) — The matter I direct to the attention of the Attorney-General concerns an organisation known as Mentone Body Corporate Management. The matter goes back a number of years and this is the third time I have mentioned this firm and its principal, Mr Michael Prichard. I last raised this matter on Tuesday, 5 October 1993, but Mr Prichard has continued to operate in exactly the same manner. In a letter dated 17 July a Mr Ellis states:

During the latter half of 1995 the owners of Martens Place took possession of their units. In January 1996 Kingston Rise, the builders, arranged a meeting to finalise the setting up of the body corporate. Quotations from Mentone Body Corporate Management and others were submitted, and MBCM was selected to act on our behalf.

The first year passed without incident until the annual accounts were presented, where it was noticed that MBCM had paid themselves fees in advance of their

entitlement. At the annual general meeting, held on 10 February 1997, a question was put to Mr Michael Prichard as to why. His answer was that it was company policy. After further questions Mr M. Prichard walked out of the meeting. Following that Mr M. Prichard resigned on 24 February 1997.

Further communication was difficult as he refused to return phone calls. We finally received the books of the body corporate to find the cheque books were held by a rubber band and three stubs [were] missing. There were no bank statements prior to the date that he resigned; these related to the first 12 months.

On examination of the accounts in detail it was found that MBCM had used its position in the drawing of cheques to pay itself in advance, using money that was a refund from insurance which belongs to the owners.

The other point of contention in the accounts was the terminology used in relation to the MBCM fees, [under] the title 'Leg and Prof Fees'. We referred the matter to Mr G.W.H. Chambers, solicitor, for his opinion. His suggestion was to refer the matter to the Law Institute for comment.

Once again this man is pretending to be a legal practitioner. On another occasion that I know of an 80-year-old man came into my office in tears saying that Mr Prichard was going to sue him for defamation. We should get rid of this creep. In the first case I referred to Mr Prichard threatened to sue that person on the basis of trying to get the body corporate books returned. This man charged for 2½ hours for a 20-minute meeting in my office with regard to the corporate accounts. It is a scandal that he gets away with it. Will the Attorney-General advise what can be done about this man? I do not believe a body corporate should be using Mr Prichard.

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

Program of Aids for Disabled People

Mr LANGDON (Ivanhoe) — The matter I direct to the attention of the Minister for Youth and Community Services concerns a constituent of mine, Mrs Ivy Hegarty, who writes about her three-and-a-half-year-old son, Nathan. She states in her letter, dated 30 August:

We have a three-and-a-half-year-old son Nathan. Nathan was diagnosed with cerebral palsy soon after

birth. Due to his disability Nathan's lower and upper limbs are affected, which greatly restricts his mobility.

Nathan is at a stage in his life where he requires the aid of a wheelchair. This will enable him to gain independence and will help with his integration with other children. It is also difficult for us to lift and carry Nathan due to his age and size, making everyday life harder. By having a wheelchair this will help to compensate for these types of problems.

I have a letter from Nathan's doctor at the Royal Children's Hospital that explains his dilemma. I ask the minister to meet Mrs Hegarty's requirement and to provide a wheelchair for Nathan as soon as possible.

Responses

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I respond to the issue raised by the honourable member for Shepparton. I joined him on Friday night at an enjoyable function where I wore my two portfolio hats — Tertiary Education and Training and Minister assisting the Premier on Multicultural Affairs. Representatives from 14 different ethnic communities were present from the Shepparton and Goulburn Valley area. Some 450 people joined together in the awarding of English language certificates to first-generation migrants at a fantastic evening organised by the local TAFE institute. A number of elderly migrant women who have recently learned to speak English came up to me and said, 'Mr Honeywood, we can now communicate with our grandchildren for the first time'.

The Goulburn Ovens TAFE institute is a fine example of what a true local community education provider should be. However, it has suffered for a number of years because in the Shepparton area alone there are three distinct campuses. The difficulties naturally include inefficiencies in staffing and course provision. I am certain that in raising this matter with me the honourable member for Shepparton is cognisant of the desire by Goulburn Ovens TAFE to consolidate its operations and thereby broaden the range of courses it can offer the local community whether they be for mature age students or school leavers. I will discuss the issue with my colleague the Minister for Education to ensure that if the decision is made to remove the current campus of the Goulburn Ovens TAFE, it can continue to carry on as a worthwhile community asset for the people of Shepparton and the wider community. I commend the honourable member for

Shepparton on raising this important education issue on behalf of his local community.

Mr GUDE (Minister for Education) — The honourable member for Frankston raised a matter for my attention in her normal caring way. She has made a strong commitment to education and young people in her electorate. On this occasion she referred to the concerns of a number of people in her community about hearing-deficient youngsters. She correctly identified the tremendous work that our colleague the honourable member for Cranbourne has done in developing and supporting the Pearcedale Primary School, which has approximately 22 youngsters who are hearing impaired. The school has a marvellous program and I have had the privilege of attending —

Mr Cole interjected.

Mr GUDE — I am tempted to pick up the remark of the honourable member for Melbourne, but I do not want to embarrass him by repeating his inane comment. The school's caring program emphasises the need for more support for hearing-impaired youngsters at secondary level. The honourable member for Frankston has given the Mount Erin Secondary College tremendous support. I am aware that a number of members are involved on school councils as part of a community service, but I know of no other member who has made a bigger contribution to a school council than the honourable member for Frankston.

I have had the privilege of visiting the secondary college on a couple of occasions. The principal's name is John Burrell, and he is a first-class principal. I am pleased to inform the house that a facility for the deaf will become available at the beginning of next year for hearing-impaired children in this area, and the project is strongly supported and driven by the honourable member.

I pay tribute to the principal, parents of students at the school and the school council because they have been prepared to make the facility available and to support youngsters in this community. Nothing could be more worthwhile than the process that has been undertaken down there.

The honourable member for Eltham raised for my attention his concerns about the Eltham Primary School and the need for resurfacing of the bitumen on a basketball court. He correctly pointed out that, after 20 or so years of neglect by the previous government, this government has been able to

support the school with an administration upgrade of between \$20 000 and \$30 000. A school such as this, which has been led so well by Geraldine McCredie, deserves this kind of support.

Quite frankly, I do not know how the honourable member for Eltham spares the time to get around all of his schools — no doubt it is because he keeps his eye on the ball, so to speak, and has been able to bring the needs of his electorate to the government's attention. Unlike our predecessors in government, we do not ignore those needs.

There is a problem with bitumen in a number of schools, as reported by many members who spend a good deal of time visiting schools. You, Mr Speaker, would recall that not long ago we travelled through your electorate looking at a number of the schools. A significant amount of playground space has been bituminised and now requires attention.

Honourable members would be aware that as a result of the recent Premier's audit many of these problems are turning up, and I assure the honourable member that I will have a close look at the school and see what can be done. I am confident that the issue he has raised will turn up in the audit process.

It is the government's aim to secure, where possible, a commitment to funding for the most urgent school requirements. We need to remember that when this government came to office we found wanton neglect rampant in schools. The previous government had neglected them beyond belief, whereas this government has made a clear commitment to upgrade schools and provide appropriate facilities to the students and very fine teachers in school workplaces.

The government's commitment is to right the wrongs of the previous administration and secure the best quality educational outcome for students. Again, I thank the honourable members for Eltham and Frankston for the matters they raised, and I assure them that the government will, in its normal caring fashion, do everything possible to secure the best educational outcomes for our children.

Mrs WADE (Attorney-General) — Two matters were raised with me. I will deal first with the matter raised by the honourable member for Tullamarine. He referred to intervention orders which, as all members would know, are granted in cases of domestic violence and other cases which are not relevant to the issue raised.

It appears, however, that the honourable member for Tullamarine has not identified the major problem, which is the enormous increase in the incidence of domestic violence in the community and the number of cases coming before the courts. Whenever I go to the Magistrates Court the issue immediately raised with me is the very large increase in domestic violence cases and the sympathetic ways in which courts are endeavouring to deal with the matters. The increase over the last few years has been enormous: in 1993-94 the court dealt with 10 966 cases and in 1995-96 the figure had risen to 17 205.

The honourable member for Tullamarine said some constituents had approached him alleging that intervention orders are being used as a weapon in family law matters. That allegation arises from time to time, as do allegations of sexual offences involving children in relation to family law matters. It may well be the case in a small number of matters but I suggest that all members would recognise that the courts have enormous experience in dealing with these cases. The police have brought many of the cases before the courts, and are increasingly doing so, and it would be rare indeed for a court to issue an intervention order in circumstances involving no domestic violence and where the matter was merely an allegation by one party against another. The situation is that interim orders are issued, so both parties can come back to the courts before any final intervention order is issued.

All I can say is that if any of the constituents of the member for Tullamarine wish to raise with me the details and circumstances of cases where they believe there has been illegitimate use of court proceedings I will refer the matter to the Chief Magistrate and I am sure he will follow it up.

However, I suggest that all members should pay as much attention as they can to the greater issue of domestic violence. The government has put a lot of effort into providing better services in Victorian courts and more places in refuges; in providing more refuges, better services to domestic violence victims and better outreach workers. I have spoken to a number of women from non-English-speaking backgrounds who are experiencing considerable difficulties in this area, and have tried to provide appropriate services for them. I therefore do not believe the government should be deflected from its concern in this area by allegations concerning what I imagine would be a very small number of cases.

The honourable member for Mordialloc raised with me a matter he raised previously in the house in

relation to an organisation called Mentone Body Corporate Management. He directed my attention to *Hansard* of 5 October 1993 in which he expressed other concerns about Mentone Body Corporate Management in relation to a different set of unit owners. Their concern in that instance was to get rid of Mentone Body Corporate Management. I endeavoured to provide assistance in that matter, and I trust the owners were successful. In this case the unit owners appear to have already dispensed with the services of the management company and Mr Prichard, and the concern in this case is that moneys may have been misused.

The honourable member for Mordialloc has given me some papers associated with this matter and I will follow it up.

Dr NAPHTHINE (Minister for Youth and Community Services) — The honourable members for Pascoe Vale, Northcote, Thomastown, Ivanhoe and Williamstown and the Deputy Leader of the Opposition raised with me concerns about the Program of Aids for Disabled People (PADP) scheme. They highlighted in their presentations a number of individual cases. I believe all the cases involved young children who are in need of specialised aids and equipment to help them improve their quality of life, given that in many cases those children suffer from severe disabilities and delayed development.

I am sure honourable members would agree that every effort must be made to support families who are looking after disabled children. If the honourable members will provide me with details of those individual cases I will examine each case and report back to them. The honourable member for Thomastown says he has done that, and I am sure the matter is being addressed.

The honourable member for Williamstown made some introductory remarks about cutbacks to the PADP scheme when he was raising the matter. By interjection I asked him to confirm whether he was talking about the PADP scheme and he said he was referring to cutbacks to that scheme.

However, by referring to cutbacks to the PADP scheme the honourable member once again displayed his ignorance and lack of understanding, because there have been no cutbacks to the PADP scheme. The Program of Aids for Disabled People was originally a commonwealth scheme that fundamentally commenced as a system of aids of

equipment, particularly for older persons who would otherwise be forced prematurely into hostels or nursing homes for the want of walking frames, wheelchairs or other equipment that would enable them to maintain themselves in their own homes in the community.

In 1987-88 the commonwealth transferred that program to the then Victorian Labor government. It transferred with that program \$2.7 million, which was at that time being spent on the PADP scheme. I advise the house that in 1996-97 under this government \$11.6 million was spent on the PADP scheme — certainly no cutback. Since I have been minister there have been significant increases in funding for the scheme, including an additional \$2 million payment in June of this year.

In 1996-97 the PADP scheme, through its 31 centres across Victoria, issued 20 760 items of equipment to Victorians who were in need of that equipment. That included renovations to houses and bathrooms where necessary to enable people to live in the community. Unfortunately, there are still people on waiting lists in some areas. The government is endeavouring to increase funding wherever possible to reduce waiting lists. If honourable members wish to present individual cases to me I am happy to investigate each of them.

It is clear that cuts have not been made to the PADP scheme. That allegation by the honourable member for Williamstown is mischievous. Funding for the PADP scheme, which many honourable members have mentioned, has consistently been increased, certainly while I have been minister, from the \$2.7 million allocated to it by the Labor Party in 1987-88.

The important PADP scheme provides vital equipment and aids to assist the elderly and the disabled to enjoy a better quality of life in the community. I am committed, wherever possible, to providing as much money as possible to the PADP scheme to ensure people are provided with appropriate equipment as soon as possible.

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

House adjourned 10.50 p.m.

Wednesday, 17 September 1997

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.06 a.m. and read the prayer.

PETITIONS

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

Williamstown Road: traffic reduction

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 a concern with the massive increase in traffic consequent upon the Webb Dock and City Link development.

Your petitioners therefore pray that the Minister for Roads and Ports immediately address traffic reduction measures in Williamstown Road.

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

By Mr Thwaites (695 signatures)

Midland Highway: Guildford bypass

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:

Seek that the Midland Highway continue to pass through the Guildford township and oppose any plans for the highway to be built around Guildford so that it becomes a bypass.

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

By Mr Cameron (175 signatures)

Marine and coastal special investigation

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

The humble petition of the undersigned citizens of the state of Victoria calls on the Minister for Conservation and Land Management to immediately release the final

report of the marine and coastal special investigation by the Land Conservation Council because:

this report has taken six years of work including 2000 public submissions,

there is an urgent need to have a conservation strategy in place before the Victorian coastal strategy and Victorian aquaculture strategy are implemented,

there is an urgent need for marine parks as only .05 per cent of marine waters are protected.

Your petitioners therefore pray that the minister release the final report of the marine and coastal special investigation by the Land Conservation Council immediately.

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

By Ms Garbutt (175 signatures)

Water: charges

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

This petition of the undersigned citizens of the state of Victoria showeth their grave concerns at the proposed 50 per cent increase in water charges, announced today — 26.7.97.

What happened to the proposed service charges reduction?

Gardening is one of our few remaining interests, but at this rate of increasing charges we will not be able to afford even this. God gave water to sustain the life of His creatures, not to line the coffers of the regional bureaucrats!

Your petitioners therefore pray that the state government will step in and stop these local 'standover' tactics.

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

By Ms Garbutt (165 signatures)

Upper Yarra Valley: natural gas

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 we the undersigned are deplored at the lack of progress in supplying natural gas to the Upper Yarra Valley.

Less populated areas such as Silvan have had this service for many years. We find this discriminatory action unacceptable.

Your petitioners therefore pray that the Premier immediately take charge of this matter and provide the Upper Yarra Valley with natural gas.

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

By Mr Loney (1390 signatures)

Gas industry: privatisation

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the planned selling off of the Gas and Fuel Corporation will not be to the benefit of the Victorian public.

Your petitioners therefore pray that due recognition is made of the contribution that has been made by the publicly owned Gas and Fuel to the social and economic wellbeing of the Victorian community and that the state government immediately abandon its proposed privatisation of the Victorian gas industry.

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

By Mr Loney (407 signatures)

Auditor-General: independence

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:

we oppose any reduction in the powers and independence of the Auditor-General, and fear that a lessening of autonomy is not in the interests of all Victorians;

the absence of an independent Auditor-General will lead to corruption and inappropriate management of public funds;

the Auditor-General's office is operating effectively, and achieving its purpose in ensuring government accountability.

Your petitioners therefore pray that:

the Auditor-General's office retain its powers, in their entirety, to conduct audits on all government-owned or controlled agencies, and all bodies responsible to the state government;

the Victorian government proceed no further with its proposal to restrict the powers and independence of the Auditor-General.

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

By Mr Savage (969 signatures)

Gaming: machines

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

The humble petition of the undersigned citizens sheweth concerns at the social environment of Victoria.

Your petitioners therefore pray that the Parliament of Victoria will not enact laws to allow more electronic gaming machines.

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

By Mr Paterson (124 signatures)

Laid on table.

Ordered that petition presented by honourable member for Geelong North praying that due recognition is made of the contribution made by the publicly owned Gas and Fuel Corporation to the social and economic wellbeing of the Victorian community and that the government immediately abandon its proposed privatisation of the Victorian gas industry be considered next day on motion of Mr LONEY (Geelong North).

PAPER

Laid on table by Clerk:

Environment Conservation Council Act 1997 — Request by the Minister for Conservation and Land Management requiring the Environment Conservation Council to investigate Victoria's marine, coastal and estuarine areas.

CONSTITUTION (AUDITOR-GENERAL) BILL

Mr BRUMBY (Leader of the Opposition) — I desire to move, by leave:

That the house now consider forthwith a bill to enshrine the independence of the Auditor-General in the Constitution Act 1975 by (a) recognising the existence of the Office of the Auditor-General in the Victorian constitution; (b) entrenching the independent feature of the office; (c) preventing Parliament from changing laws affecting the independence of the office of the Auditor-General without referendum to amend the Constitution Act 1975 and for other purposes.

Leave refused.

AUDITOR-GENERAL: INDEPENDENCE

Mr BRUMBY (Leader of the Opposition) — As a consequence I desire to move, by leave:

That this house:

1. Supports the opposition's legislation to enshrine the independence of the Auditor-General in the state constitution;
2. Reaffirms that the role of the office of the Auditor-General is to review the actions and decisions of government for the people of Victoria to ensure there is no corruption and that the public interest is being properly served;
3. Notes that the Kennett government, having been caught out on Intergraph, child protection, Crown Casino, the misuse of the Community Support Fund and public funding of political advertising is now seeking to silence the office of the Auditor-General;
4. Calls on the government to reverse its decision to back the key recommendations of the review of the Audit Act; and
5. Condemns the government for its cowardly, underhand and insidious attempt to nobble the Auditor-General and undermine the authority of the Parliament and calls on all government members to support the independence and the integrity of the Auditor-General.

Leave refused.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Lovely Banks Primary School

Mr LONEY (Geelong North) — I grieve today for all Victorians affected by the obsessive nature of this

government. The matter I raise concerns parents who find that the grounds of the schools their children attend are contaminated. It also concerns the failure of the government and the Directorate of School Education to give any information regarding that contamination, either to those parents or to anyone else.

Early in May this year a constituent came to my office to express concern about the school her child had attended, Lovely Banks Primary School. I say 'had attended' because the school was forcibly closed by the government last year and the site sold off early this year. Her concern was that the Lovely Banks Primary School oval was contaminated by lead and other heavy metals and had been for many years. My constituent came by the information following the auction of the school site early this year. She rang the property office of the DSE to inquire about the nature of the contamination and to ask for a copy of the report that had been done on the site. She spoke to Mr Geoff Stocco, who told her that no information about the matter would be made available and that it was none of her business. He said that if she really wanted any information she would have to go through the right channels and lodge an FOI request.

Following her coming to my office, my staff contacted the regional office of the DSE to ask about the contamination claim. They spoke to an officer in the DSE regional office, who was very nervous about the matter but who confirmed that the site was contaminated — although he said it was the region's belief that it was low-level contamination. However, he said a report on the contamination had been made available during the auction process. He then suggested that we contact the property office in Melbourne and speak to the manager, Mr Peter Greenham, about the issue. From the moment we contacted the DSE and Mr Peter Greenham, the run-around began.

On May 13 this year we contacted the property office and asked to speak to Mr Greenham. We were told that Mr Greenham was not available but that he would ring back. On 16 May, Mr Greenham returned the call, so it took him three days to get back to us. He refused to give my office any information at all. He said that the constituent had no right to talk to her member of Parliament, her locally elected representative, and that if she wanted any information she should go through the proper channels. When pressed to say what the proper channels were if they did not involve her member of Parliament, Mr Greenham said she should write to

him directly, outlining the reasons why she was seeking the information. She wrote to Mr Greenham on 23 May. As of today, she is yet to receive a reply, much less an acknowledgment that her letter has been received.

My office then contacted the selling agent in Geelong, Carr Real Estate, to ask what it knew about the contamination and the report that the DSE regional office told us had been circulated at the auction. Carr Real Estate said that it had not been given any reports concerning the contamination of the site and that it had not been advised at any stage either before or during the auction that the site was contaminated. Further, no reference to any contamination of the site was included in the section 32 vendor's statement.

Carr's stated that representatives from the DSE arrived at the site on the morning of the auction and spoke to the highest bidder between the auctioneer's second call and the knock down. Carr's believes that during that time the DSE representatives informed the highest bidder of the possible contamination of the school site and provided him with an extract from the report, not a full copy. Even after the auction, the report was not made available to Carr Real Estate.

As a consequence of that action by the DSE, my office contacted the Environment Protection Authority to find out about the obligation on a seller to notify a prospective purchaser that a site was contaminated, only to be informed that it is a buyer-beware situation. In fact, the advice from the EPA was that there is no obligation on the seller to reveal anything at all about the contamination of a piece of land he or she is selling. It also appears the government has no obligation to reveal to the parents of children who have been using a school site for a number of years that the site is contaminated.

On 16 May Mr Greenham was contacted. He said he would investigate the matters and come back with the information. By 16 June no response had been received from Mr Greenham to either my constituent's written request or the numerous telephone requests made on this matter, so my office contacted him again. We were told the department's legal experts were considering the request for the report. He promised that when a response was sent to my constituent a copy would be sent to me. I suppose he still intends to keep that promise, but we do not know because no response has been received to this day.

Because I am the state member of Parliament for the area in which the school site is located, on 18 June my office again contacted Mr Greenham to request a copy of the report. That telephone call was followed up with a written request, but again there was no response. Some weeks later, on 3 July, we again rang Mr Greenham but he was not in; we were told by his office that it would get him to call back. Because of our failure to get anywhere, on the same day we contacted the minister's office to see whether the matter could be expedited. We were told by the minister's adviser that she would look into the matter and get back to us.

On 30 July, when neither Mr Greenham or the minister's adviser had got back to us, we again telephoned to be told by the adviser that she expected Mr Greenham would have contacted us. When told he had not done so she said she would speak to him and arrange for the report to be sent to us. On 14 August we again contacted the minister's office because there had been no further contact from anyone — and still no report! The minister's adviser apologised for the delay and said she had forgotten. She said she would make some inquiries immediately.

On 9 September we still had not received a response, so we contacted the minister's office again. Again we received an apology because the adviser had not called back. We were told she was advised against sending the report but she would confirm that advice with Mr Greenham. On 10 September the minister's office called to inform us that the adviser had spoken to Mr Greenham and that he would definitely contact my office that afternoon. When he had not telephoned by late afternoon my office contacted him, and — surprise, surprise! — Mr Greenham was in his office, but he said he was waiting on a telephone call from someone else on the matter and he would call us back before 5.00 p.m. Of course there has been no telephone call back up to this very moment, and in spite of our having contacted Mr Greenham's office and leaving messages a number of times there is still no response on this important issue.

This is a history of a total failure by the DSE to respond to repeated written and telephone requests for information from a constituent and a member of Parliament about an important matter. The matter is being shrouded in total secrecy. The DSE's approach to contaminated school sites is to pretend they do not exist, it is not happening and if the department does nothing it will all go away.

Parents have a right to information about possible effects on the health of their children, which is why my constituent and others are seeking this information. One cannot seek information before one is aware it exists, and the first time they were made aware of it was on the day of the auction. Repeated requests for information were made from that day on. This matter has now run for approximately five months, but there has been continual frustration and delays. Mr Greenham has failed to respond to reasonable requests within reasonable time lines.

A conspiracy of silence has grown up around the matter. The worst of it is that although the regional education office told us there was only a low level of contamination, because we have not seen the report the silence and secrecy surrounding the matter have inevitably aroused suspicion among those seeking information that the site contains much more serious contamination. That may not be the case, but suspicions are inevitably raised when matters are dealt with in such a ham-fisted manner.

People have the right to gain access to information about whether their children have been subjected for years to lead-contaminated sites and whether their health has been affected in any way. It is a medical issue. They are entitled to have the information. It is not good enough for the DSE simply to refuse to release the report and to force people to use all sorts of mechanisms, including FOI — which the government is probably going to wipe out anyway!

The other issue is the toothlessness of the EPA. If its advice is correct and the contamination of sites in Victoria does not have to be revealed by the people who sell that land, it is about time we addressed that issue and changed the environment protection legislation so that those sites are revealed.

Gippsland: drought

Mr RYAN (Gippsland South) — I advise the house of the current position following the drought and unseasonable conditions that have had such an impact on the Gippsland region over the past 12 to 15 months, and in doing so I grieve for the many members of the farming community who have suffered the ill effects of those conditions and the many communities that have been subject to those sorts of influences. I do so on the basis that this has been a significant issue in my electorate during the past year. However, I can also report that the position seems to be improving. Indeed, I go so far as to say that Gippsland is on the way back — certainly South Gippsland and Central Gippsland.

The position is not quite so bright in eastern Victoria and East Gippsland, which still has its own problems — indeed, the Minister for Agriculture and Resources is currently involved in processing applications for exceptional circumstances relief, but the position in the electorate of South Gippsland seems to be improving.

Yesterday I spoke to various representatives of the farming community, staff from Ellinbank, who have been involved in the extensive phone-out over the past couple of months; the Murray Goulburn management at Leongatha, to get the perspective of the cooperative; and representatives of the Rural Finance Corporation. This morning I spoke to representatives of the Southern Rural Water Authority based at Maffra.

The general picture presented is that the situation that applied in South and Central Gippsland six months ago has undergone a tremendous transition. I am told by Murray Goulburn that the production figures are up by 5 per cent on the previous 12-month period. A few months ago one would not have thought that would be the case. Production figures seem to be slightly on the improve on those of the past 12 months. Importantly, the integrity of the herds seems to have been maintained. One of our great fears was that the difficulties we have experienced would result in the herds suffering long-term damage. Fortunately, that seems to have been largely avoided and the general quality of the herds does not seem to have suffered. However, the cattle are leaner than would be expected for this time of the year, and they have calved later.

In relative terms, there is no question that pasture growth has been excellent. We have been fortunate to have had an extremely mild winter. I venture to suggest that if last year we had had the winter that has prevailed this year, many of the difficulties we have experienced over the past 12 months would not have arisen. This winter has been excellent. Since the end of the autumn sittings there has been intermittent rain and rather balmy conditions have prevailed. The general combination of events has resulted in probably the best conditions one would want for plenty of pasture growth.

However, conditions have not been general throughout the area and there have been exceptions. In particular, the regions around the Koo Wee Rup swamp and Yinnar are still very short of rain. I emphasise that although the situation appears to have stabilised and turned in our favour, we are still dependent on additional spring rain falling over the

next few weeks. Nevertheless, in various properties throughout South Gippsland farmers are now able to start cutting silage. As the season progresses a second cut may be available to them — a marked difference from the situation that existed only a few months ago.

Rural Finance Corporation figures are instructive. Through the efforts of departmental officers and, in particular, the Minister for Agriculture and Resources, Pat McNamara, farmers have been able to gain access to the various forms of benefits available to them as auspiced by the corporation. Under the productivity enhancement scheme 250 applications have been received: 111 have been approved, 12 have been declined and the balance are presently under consideration, with further information being sought about some. As at 15 September, 85 exceptional circumstance applications had been received: 59 had been approved, only 2 had been declined, and the others were under consideration. Additionally, all the 21 applications received for the \$5000 advisory grants have been approved. That indicates the preparedness of the farming community to get access to the various forms of assistance available through the RFC.

One issue is clear from all of this: there is no doubt that it will happen again. One of the lessons to be learnt from farming is that it is very much about risk management and about appropriate finance being made available to ensure that farm enterprises are able to withstand the sorts of pressures that result from conditions such as those we have seen in these past months.

From my discussions with various people over the past couple of days, it is apparent that issues such as grazing management will be critical to the future of farms in the region. Clearly, farmers have seen the benefit of rotational grazing — that is, resting areas of their farms to encourage pasture growth. The department continues to run its Target 10 programs: its officers are doing a great job in ensuring that farmers receive the best advice about what the programs can offer.

The all-important issue of water management is also a fundamental aspect of farming enterprises. My electorate is divided into two parts for water management purposes. The first is in the northern area, north of the Strzeleckis and around the Nambrok-Denison irrigation district, where farming enterprises are based on irrigation schemes. I am pleased to say that this morning the level of the

Glenmaggie weir, which has a capacity of 200 000 megalitres, topped the 100 000 megalitre mark. I am assured by staff at Southern Rural Water that there is every prospect of a full delivery of water rights this season, which I am sure will be of great relief to the farmers in the area. One matter of grave concern was that there would not be enough going through the weir to satisfy water rights, but that seems to have fallen away.

There is also the question of the supply of water down the Thompson River. In last year's season we received about 78 000 megalitres through the hydro scheme, and I hope that will continue. In addition, through Melbourne Water we have access to about 5000 unused megalitres from last season and a 12 000 megalitre call under a bulk entitlement, as well as a further 10 000 megalitres in the event that that becomes necessary because of a renewal of drought conditions. So the water supply for the area north of the Strzeleckis and the irrigation districts seems to be fairly sound for the rest of the season. However, in the area south of the Strzeleckis around South Gippsland the availability of water for stock has become a crucial issue. We will need to keep a careful eye on that. Many farmers have turned their minds to on-farm irrigation systems to supplement the natural rainfall. That has become a crucial issue for the future management of farms in the district.

In all of this the financial management of farms has been a significant factor, which has been highlighted over the past few months. When talking to the older hands in the farming industry it becomes apparent that the use of different mechanisms to manage properties in a whole-of-farm sense has made the difference for many people. Those who have not had the foresight to plan properly for the events which they have confronted have suffered the worst. It is apparent that some of the practices of farmers who have been on their properties for two or three decades have been very conservative, and they now see the benefit of planning for events such as those which have just befallen them.

Through the department, the government has told farmers about the need for future planning. There has been a general acceptance by the farming community of the need for planning, which has been highlighted over the past few months. Only a week ago I attended a drought advisory meeting at a bowling club at Heyfield. When Peter Jennings from the department was on his feet in his capacity as the rural counsellor, giving advice on various matters, the rain on the roof became so heavy that he had to stop because we just could not hear him. That

augured well for the season — and we need much more of it. Importantly, many more programs are being implemented to keep farmers advised about the best ways to manage their properties.

I pay tribute to the staff of the agriculture department and the Department of Natural Resources and Environment, who have contributed an enormous amount over past months. A phone-in was conducted from Ellinbank, and much cooperative work has been done between departments, particularly through the officers at Leongatha and Ellinbank. Only a couple of weeks ago I was at Leongatha with the Minister for Agriculture and Resources. We spoke to the staff to hear first-hand about how things were progressing and to commend them on their great efforts. I also do so in this forum.

I also commend the finance industry, which coming from me is a big thing — although by the same token, I must say it has stood by the Gippsland farming community in these difficult times. I am pleased to say that in the main it has seen fit to support the industry, which is fundamental to communities in Gippsland.

I also pay credit to the minister, Pat McNamara, because it was he who drove so many of the initiatives which led to schemes being developed to assist farmers throughout Gippsland. It was he who leaned on people in the appropriate places to ensure that the interpretations in the productivity enhancement scheme were enhanced, and it was he who was instrumental in applying to the federal government to have the exceptional circumstances issues dealt with.

I give credit where credit is due. The front page of the *Leongatha Star* had the headline 'Good job, Pat'. It is a true representation of the minister's work because he has done a great job. When the minister was in Gippsland some weeks ago he attended a meeting at the Yarram UDV no. 18, and I was pleased to hear the people there commend the minister for the great work he has done.

Inevitably, difficult times attract carpetbaggers — people who want to get involved not because of the merits of the issue but because they want to get something for themselves from the misery of other people. That is exactly what has happened in Gippsland. One of the worst examples is the publication by two or three people in South Gippsland — I specifically exclude members of Parliament — of blatant lies. They have been

peddling untruths to the effect that 18 farmers in South Gippsland have committed suicide over the past 12 months because of the difficult drought conditions. That is patently wrong and is not the case at all. No farmer in Central or South Gippsland has committed suicide. I grieve for the poor families of the individuals who have taken their own lives, because they have been exposed to terrible assertions. It is a tragedy. The people peddling those untruths and lies stand condemned.

Agriculture is a great industry, and the time has come when it can be said that the cycle has turned — Gippsland is on the way back.

Preschools: funding

Ms CAMPBELL (Pascoe Vale) — I grieve for Victoria's preschool system, which is underfunded, lacks government administrative support and is unfairly and unreasonably relying on volunteer committees of management and treasurers. The government is funding commercial child-care centres without ensuring qualified kindergarten teachers are employed to provide programs for the children. In fact, kinder programs are not always provided.

I grieve for Victoria's preschool system because it denies many disabled children integration aides. It forces families who want to be successful applicants for integration aide positions to complete a six-page form that necessitates presenting their children in a way that undermines the confidence of the children and the families.

I grieve for Victoria's preschool system because it denies children who require a second year of kindergarten the opportunity of repeating that year. I grieve for small rural communities that will lose small class-2 kinders, which will be phased out within the next 12 months.

According to the Commonwealth Grants Commission Victoria's kindergarten system receives the lowest per capita funding of any state or territory. In 1995-96 Victoria spent \$12.68 per head of population on the preschool system. The Australian average is \$18.50. Victoria contributes one-third less than the Australian average. One of the legacies of the Kennett government's spending cuts is that Victorian kindergartens now receive the lowest dollar allocation per head of population!

Children whose parents are unable to afford kindergarten fees have deserted the preschool

system. Often they are children who most require the wonderful opportunities that kinders provide in contrast to more affluent families who are financially able to provide a range of activities for their children. Lest anyone is under the impression that the government allocated an extra \$3.6 million in late March 1997 to support the kindergarten system, it should be clearly stated that those funds were unexpended funds that the minister had to get off his books by June 1997.

The lack of funding for Victorian kindergartens has meant that the average family is paying \$500 per annum, with the highest being \$640 per annum, for a child to attend one year of kindergarten. That is far more expensive than sending a child to a private school. It is a disgrace that it is cheaper to send a child to a private school than it is to give him or her one year of preschool.

Victoria's kindergartens are being kept afloat by a financial life raft of chocolate and lamington drives and volunteer committees of management that are spending more time managing the kindergartens than enjoying their preschool children. They are keeping kindergartens afloat because they are prepared to make a strong commitment to those services. Children who are lucky enough to live in a municipality that supports preschool education are being provided with opportunities that children living in municipalities that do not support kindergartens are being denied.

Last month a child was threatened with expulsion from the Strathfieldsaye kindergarten just outside Ballarat. Was it to do with physical violence or abuse? No, it was because the child's parents could not afford to pay the \$50 fundraising levy. I grieve for the committees of management of kindergartens such as Strathfieldsaye, which was put in the difficult position of either expelling the child to keep the kindergarten afloat or risking a deficit. I grieve for kindergartens in Ballarat and Melbourne that are employing debt collectors to recover fees.

Kindergarten committees of management are now expected to run small businesses and take responsibility for payrolls, superannuation, Workcover, long service leave payments and insurance. They have responsibility for replacing staff and ensuring provision for staff sick leave is made. It is a small business operation, and in Kennett's Victoria we are told that we should know how to run the state and understand financial responsibilities and the importance of training staff. Committees of management do not receive training;

they do not receive information that will allow them to make informed decisions on how they should run kindergartens. It is a sink-or-swim mentality, and three kindergartens have sunk because their committees of management have been unable to manage the business. Those children have been denied a year of kindergarten because the Kennett government has not provided adequate training for committees of management and has put far too much responsibility on them.

Recently I held a kinder forum in the City of Casey, which covers Cranbourne, Berwick, Doveton, Hallam, Doveton Park, Pearcedale and Endeavour Hills. The comments of the parents attending that forum are worth putting on the public record. The Woodbine Road kindergarten in Cranbourne explained that it now employs a former treasurer to do the books because the task for the committee of management and the current treasurer was too onerous, required unreasonable time and expected levels of knowledge that the committee of management did not have. I shall quote Dianne Williamson of Brentwood Park preschool at Berwick:

It is too much responsibility. We are always fundraising. When it comes to fundraising, I feel like a leper with my friends.

I did not think that in 1997 in Victoria there would be people who would feel like lepers. Thanks to the Kennett government parents on kindergarten committees of management feel like lepers. When their friends and families see them they think, 'Here's danger. Here's a worry. We will have to have our hands in our pockets to keep that kindergarten afloat'. Dianne Williamson at Berwick should not have to feel like a leper because of the Kennett government's cutbacks in kindergarten funding.

I have also spoken to parents from the Iris Ramsey kindergarten in Ballarat. They have said it is absolutely essential that their committee of management, particularly their treasurer, receives support from the government. They do not believe they are getting that support. The only way the Fountain Gate committee of management was able to get a parent to put up his hand for election as treasurer at the annual general meeting was by assuring him that the Casey City Council supported preschool education and provided payroll support.

I grieve that although qualified teachers are not employed in commercial child-care centres, such centres receive funding for preschool programs. The

government provides approximately half the sessional preschool rate of funding to commercial child-care centres for kindergarten programs. That would be an excellent initiative if it were implemented properly, but the government has not implemented it properly. When visiting the cities of Wyndham and Casey, I was advised that although commercial child-care centres receive government funding for kindergarten programs in some cases they neither employ kindergarten teachers nor provide kindergarten programs.

My next point is particularly pertinent given matters raised last night in the adjournment debate, and should be taken on board by Parliament. I grieve for the children of the state who require the assistance of an integration aide in kindergartens but are denied that service. Families who wish to apply for an integration aide next year must have completed a detailed, six-page application form by Friday, 19 September. The only way a child is likely to receive the help of an integration aide is if the family paints its son or daughter in the worst possible light.

The Australian Early Intervention Association is particularly concerned at the negativity of a form headed 'Application to support children with severe disabilities in preschool in 1998 special education program'. The association is concerned because it is not enough for parents to write on the form that a child has a severe or major intellectual disability and that assistance is required. I will give a couple of examples of what parents must write.

Parents of children with eating disabilities must write that the child will choke without the assistance of an integration aide. Parents of children with severe mobility problems have been advised they must write that the child will be a risk to himself or herself or others without the assistance of an integration aide. The situation in Victoria is appalling. Victorians would like to think the state was enlightened and supported the families of children with disabilities, but such families are being denigrated and humiliated. The form is an insult to those children and families.

How bad is the situation? My consultations suggest that only two-thirds of the children who require the assistance of an integration aide are receiving that service. On Monday night I spoke to members of the Knox Save Our Children's Services Committee. This year, of the 39 preschool-aged children with disabilities in Knox who required the assistance of an integration aide, only 27 received such assistance — and they received assistance for a

maximum of only 5 hours of the 10 or 12 hours during which they were supposed to attend kindergarten. Next year the situation will be similar.

The Knox Save Our Children's Services Committee is a pro-active and wonderful group. In conjunction with the local council the committee has formed Equi-Knox, a group that will enable the community, service clubs, councils and parents to combine to support children who require the assistance of an integration aide.

I grieve that children are denied a second year of kindergarten when it is required. Previously it could be noted on an application form that a child was emotionally disadvantaged or immature and the child could then attend a second year of kindergarten. That is no longer the case. The criteria that must be met for a child to attend a second year of kindergarten is far too strict. The requirement that two areas of developmental delay are required is far too onerous and severe. Children are being forced into preparatory school before they are ready. In past days we have heard how dramatic the literacy problem is in our primary schools. It is vital that children have a proper grounding and the head start that kindergartens provide.

Finally I grieve for children from non-English-speaking backgrounds. Kindergartens are required to pay for telephone interpreter services, and because the cost to committees of management of such services is becoming prohibitive, many are not accessing them.

I grieve for the loss of the primary-care-provider role in which kindergartens once excelled when they were universally accessible. They were able to identify children at risk or those suffering with behavioural problems, family dysfunction or learning and physical disabilities. It is an absolute disgrace that that is no longer the case.

Northern and western suburbs

Mr FINN (Tullamarine) — I grieve for the people of the northern and western suburbs of Melbourne. As the sole representative of the government in that area — indeed, the only member of the government between Eltham and Geelong — unfortunately I am subjected frequently to seeing the abuse of the system by some of my less-than-ethical opponents in the Labor Party. The latest abuse is the attempt by the Labor Party to rewrite history and again con the people of the northern and western suburbs. The Labor Party thinks such action is its birthright.

The latest attempt at rewriting history concerns the Upfield railway line, in particular the crossing at Box Forest Road. In an article I read recently the federal member for Wills, Kelvin Thomson, a former member of the house, called for boom gates at that level crossing on safety grounds. That request sounded very familiar, so I did a little research.

I went back to February 1979, almost 20 years ago, to a newspaper — a rag of some sort anyway — called the *Wills Citizen*, a journal of the combined branches of the Australian Labor Party in the Wills electorate. I understand the branches have been so successful they have combined, leaving only one branch! In this magazine, for want of a better word, the then Labor candidate for the seat of Coburg, Peter Gavin, is quoted as stating:

In Coburg we have many crossings which are both dangerous and a handicap to efficient road and rail movement.

Nobody can argue with that. He continues:

These include the Moreland, Bakers, Shorts, Boundary and Box Forest roads, and Reynard, O'Heas, Munro, Bell and Gaffney street crossings. Under a Labor government all these hazards would be phased out.

Nearly 19 years after that statement was made, the Labor member for Wills is still pushing for that to happen. At least he was until a month or so ago, when I was happy to be in the position to announce that after the long years of Labor neglect the Kennett government has come to the party.

The Kennett government said it would look after the interests and the safety of the people of the northern and western suburbs of Melbourne in a way that the Labor Party could never do. It is all very well for members of the Labor Party to tell us how much they love the northern and western suburbs of Melbourne, but one must examine their record, which is atrocious and appalling and would at the slightest glance make the people of those areas realise that they have for years been conned by Labor.

The Labor Party has taken them for a ride. While talking about the 1979 election, which was when that particular promise was made, I shall turn to some of the other promises made by the Labor Party almost 20 years ago. Was the Labor Party able to deliver those promises in the Decade of Darkness between 1982 and 1992, when it was sent to where it rightly belongs? No.

In the area of transport, the Labor Party promised a railway loop line between the Broadmeadows and Upfield railway lines at Somerton to enable Coburg residents to work in Broadmeadows. There is nothing to stop Coburg residents from working in Broadmeadows now. However, the railway loop line between Broadmeadows and Upfield has never happened. Another Labor lie!

The Labor Party said it would extend the Sydney Road tramline to Campbellfield. It has never happened. Another Labor lie! Also, the Labor Party said it would restore the Sunday services on the Upfield railway line. It had 10 years in which to do so, but who is restoring the Sunday services on that line? The Kennett government.

Mr Mildenhall interjected.

Mr FINN — The honourable member for Footscray is obviously touchy about this issue. I do not blame him; if I had the sort of record his party has I would be ashamed of it too. I do not know how he can hold his head up in this house today while I go through this litany of Labor lies. The Kennett government will restore Sunday services on the Upfield railway line, if indeed it has not already done so. The Labor government promised it would do so in 1979, but almost 20 years later the Kennett coalition government is bringing it about. Another Labor lie!

The next promise I refer to is the duplication of the train line beyond Merlynston. The last time I was there, which was not long ago, it was a single track. We can put that in the basket marked 'Another Labor lie!'. The Labor Party also said it would install extra stations in Campbellfield. I do not believe there are extra stations in Campbellfield. We can clearly mark that as 'Another Labor lie!'.

It said it would modernise the antiquated signalling so that the trains could run faster and on time. Anybody who used the public transport system, in particular the railways, during the Decade of Darkness when Labor was in government, will recall that the signalling system was not modernised and that if a train arrived at all it was worth throwing a party. It is this government that is now turning its efforts to remedying the problem the Labor Party promised it would address some nine years ago. Once again we bring out the basket that is clearly marked on the front 'Another Labor lie!'.

It is extraordinary that Labor Party members have the gall to show their faces in the northern and

western suburbs after what they have perpetrated over many years. It is a disgrace! The people of those suburbs must remember at all times that the Kennett government has delivered, whereas the Labor Party lied when in government. We, as a coalition government, have delivered.

The Labor Party has tried to tell us through extraordinary contortions of the mind that when in government it never attempted to close the Upfield railway line. I recall that for weeks, if not months, the local newspapers ran front page stories every week. If it was not happening, what disposed journalists to write about it or seek quotes from people such as Jack Culpin and Gerry Hand, real Labor men who were opposed to the closure of that railway line. The newspapers obtained photographs of the then Minister for Transport, Jim Kennan, telling the world that the closure of the Upfield railway line was high on the agenda. Again we see the Labor Party attempting to deny history by saying something that is blatantly untrue. It is yet another Labor lie to the people of the northern and western suburbs of Melbourne. The Kennett government has assured the future of the Upfield line, something the Labor Party tried vigorously over a long period to take away from the people of those suburbs.

I feel somewhat isolated in my area. Apart from the fact that I am the only government member whose electorate is between Eltham and Geelong, I am also the only member who actually lives in his or her electorate. I recall that before his election to this house some four years ago the honourable member for Broadmeadows, the innumerate one, the Leader of the Opposition, Mr John 6-by-9 Brumby, gave a clear and categorical commitment that if he were elected to represent the people of Broadmeadows he would move into the Broadmeadows electorate. It is my understanding that the Leader of the Opposition since that time has moved on no fewer than three occasions, but not once has he moved into his own electorate of Broadmeadows. Here we go again — yet another Labor lie!

I see the honourable member for South Barwon concurring with me about this scandalous situation, and I am sure every honourable member would shake his or her head in disgust at the lie that has been told by the Leader of the Opposition. It is appalling not to live in one's electorate. That is bad enough, but to be elected on the promise of moving into the electorate and then not keep that promise is something the people of Broadmeadows should keep in mind. But they are probably getting used to

it, because the former member for Broadmeadows, the one who jumped ship when he realised all was lost, the one who committed political euthanasia, was a long-time resident of the magnificent suburb of Ivanhoe, which of course has much in common with Broadmeadows. He felt very strongly for the people of Broadmeadows, so much so that he stayed in Ivanhoe — and I understand he is still there to this day.

As I said, I am one of nine members in the Parliament who represent the areas covering the City of Hume. Of those nine members I am the only one who actually lives in that municipality. One out of nine — and that one just happens to be a member of the Kennett government! The people of those areas would be well advised to bear that in mind when they next face the ballot box, as I am sure they did in March of this year when the Labor Party was given a right old shellacking in the council elections. Those areas are traditionally hard-core Labor areas, yet they were beaten quite convincingly by local, hardworking independents.

Although I have said this in the house before, obviously nobody took any notice of me so I will say it again: the Labor members in these areas will not represent their constituents. Every day my office is contacted by people from Broadmeadows, Yan Yean, Niddrie, Pascoe Vale, Sunshine, Footscray, Werribee, Altona and Preston — you name it; they come from right across the northern and western suburbs. They all come to me. I have become known as the member for the northern and western suburbs of Melbourne and it is causing considerable strain on my office. I request respectfully that members of the Labor Party who allege to represent those areas do the jobs they are paid to do and stop palming these people onto me, because I have enough work to do. My electorate is growing; I have many young families to look after. I have my work well and truly cut out for me, thank you very much.

The Labor Party has a lot to answer for in the northern and western suburbs of Melbourne. The tide is turning in those areas. I am the only government member in the area, but I have no doubt that will change at the next election. The tide is turning and those areas are also on the move.

Mildura: financial management

Mr SAVAGE (Mildura) — I grieve for the people of the Mildura electorate and specifically the people of the Mildura Rural City Council. Prior to the local government amalgamation process we had four

vibrant, well-run, financially sound municipalities: the shires of Walpeup, Karkaroc and Mildura, and the City of Mildura. Our councils were well represented by democratically elected councillors. Rates and services were provided at a level that was suitable to the community. We had no deficits and no significant borrowings. In mid-1994 the rumours were that there was going to be a coup d'état on local government, and that proved to be correct. The cry from the then Minister for Local Government that there would be no forced council amalgamations proved to be incorrect.

I will deal in some detail with the results of this grand social experiment. In January 1995 the Mildura council was taken over by commissioners. The first controversial measure that they introduced was to secretly sell off the former head office of the Shire of Mildura at a bargain-basement price to the regional water service, the Sunraysia Rural Water Authority. Not only was that done in secret and on very generous terms but also the Sunraysia Water Rural Authority was given time to pay for the premises. As a consequence, the new municipality leased large premises in Madden Avenue, Mildura and there were significant costs associated with the leasing and the fit-out of such premises. No tenders were applied for and the deal was done in secret, which is contrary to normal local government business practice where tenders are invited for the supply of office space or equipment.

During the fit-out process of the new building I was advised by a number of people that the CEO had purchased a \$10 000 desk. I submitted a freedom of information application and I received a reply back that the desk concerned had cost only \$1188. I have since been advised that the invoice relates to the desk supplied to the secretary of the director of corporate services and not the CEO and the real cost was hidden in the overall budget for interior decorating.

In the early part of 1996 the Mildura Rural City Council took over a number of road contracts for the Shire of Yarriambiack and Vicroads. I received a number of complaints and concerns about the blow-outs and the time delays, especially in relation to the Sturt Highway and the Hopetoun-Walpeup Road. As a consequence I contacted the chief commissioner, Hugh Delahunty, querying the perceived cost overrun and the time delay. The response I received indicated that the project was proceeding satisfactorily. The loss posted in the *Sunraysia Daily* on Monday of this week states that the cost overrun is \$550 000, which is amazing.

The Vicroads Sturt Highway contract lingered on for an extra five months over the contract completion dates and the Vicroads liquidated damages for non-completion were running at \$1000 a day. My simple calculations reveal that the cost overrun on that project was more than \$1 million. When I publicly queried these cost overruns I was vigorously criticised by the then chief commissioner Delahunty in the *Sunraysia Daily* of 15 January this year when he said that my comments showed a lack of understanding.

On 27 November 1996 I submitted another freedom of information application on the cost of the project. The result came back on 23 December stating that the expected profit for this project was \$81 000. This was truly an amazing financial loaves-and-fishes result. We had 20 men working for more than 8 hours a day, 6 days a week for an extra 5 months. With plant and machinery and the Vicroads liquidated damages at \$1000 per day, quite clearly this was a monstrous lie perpetrated at the direction of the CEO, Mr Graeme Davy.

On 10 January 1997 I again wrote to Mr Davy indicating my dissatisfaction with this response. I sought further information that would have been readily available from the computer database of the project costs. Guess what? My request was refused. The issue was also minuted at the community consultative meeting in an inquiry about the cost overruns and the extra time delay. In a detailed letter of 13 January to the Minister for Local Government I said:

It is inconceivable that 20 men with plant and equipment can work 6 days per week for an extra 5 months and only reduce the profitability by \$117 000 approximately.

I believe that the commissioners for the Mildura Rural City Council are allowing gross mismanagement to occur in the road making area and that they are suppressing the true cost of this contract.

Another surprise: I received no response from the minister! Under the commissioners the total loss on this project has gone from an \$81 000 profit to an \$800 000 loss — a truly amazing turnaround and creative accounting at its best. There is worse to come. The true loss may be more due to the fact that an aggrieved contractor sued the council for non-payment and received payment of approximately \$70 000 from the Mildura Rural City legal expenses account, which would mean that there was possibly no corresponding purchase order

for the total road project. This would mean that if proven the total blow-out of the road cost budget would be more than \$2 million. This is a serious suggestion of corruption which urgently needs further investigation by the recently appointed municipal inspector. The already published total road losses are nearly \$2 million. Why were we repeatedly told by Mr Davy and the commissioners on 4 March that the losses were only \$140 000?

I requested a copy of the exit audit that was done prior to the departure of the commissioners and was refused a copy. I obtained a copy of the exit audit, but nowhere in it is there a mention of the significant losses that pertain to either superannuation liability or the road project. I will read the last paragraph of the exit audit, which states:

A significant and complex stage in those reforms has been the amalgamation process. It is clear that Mildura Rural City Council has managed this transition very competently. The sound financial strategies, organisational restructuring and management processes have brought the rural city through that phase of reform in a strong condition ready for the incoming council to take up its responsibilities.

Hall Chadwick would like to extend its appreciation in respect to the cooperation it has received from commissioners, senior officers and staff in the undertaking of this due diligence report.

It is a failed concept if it failed to pick up the serious concerns and financial mismanagement. How did the due diligence report not observe such a significant deficit? There is only one reason, and that is that the director of corporate services, Mr Garry Wescombe, is alleged to have directed his staff to delete purchase orders from the database to achieve a budget target. Thus there was no scrutiny by the exit audit.

After the completion of the exit audit the data was re-entered. Mr Wescombe has been engaged in directing staff to behave unethically and conceal the truth. The chief executive officer, Mr Graeme Davy, has also been similarly engaged in corrupt and deceptive practices involving the serious concealment of significant financial mismanagement.

A municipal inspector has been appointed with terms of reference. The terms of reference are extensive but insufficient, and the last term, no. 5, reads as follows:

Specifically the agreements awarded to the in-house team for road construction to determine why there were significant overruns and why the council and/or the contractor was not aware of this issue until the audit of the financial statements occurred.

I believe the terms of reference are too narrow. Clearly they should incorporate every financial aspect of the Mildura Rural City Council, including scrutiny of all purchase and order books, and whether some senior staff should continue to hold their positions. There is possibly worse to come due to the poor performance of CCT in the parks and gardens area, where there is a perceived loss of \$4 million. With the road costs, the amount of the deficit could be up to \$6 million. Add this to the superannuation liability of \$3.9 million and the result is disgraceful.

The commissioners have failed abysmally in ensuring an efficient changeover of restructure and have left significant financial burdens. The Kennett government has failed to produce the benefits to the people of the MRCC and has created a monster. Why did the Minister for Planning and Local Government fail to inquire into my allegations nine months ago, which were almost identical to the complaints lodged on Monday by the Mayor of the Mildura Rural City Council? Why has the power been taken away from councils to sack, suspend or remove unsuitable CEOs?

Mr Finn — It hasn't. That is not the case at all!

Mr SAVAGE — Yes, it is. Why was Darebin council targeted and the Mildura Rural City Council ignored until today? It is timely for some of us to be reminded of Proverbs 11:14, which appears in the vestibule of this building. It states:

Where no counsel is, the people fall: but in the multitude of counsellors there is safety.

Bushfires: prevention

Mr McARTHUR (Monbulk) — The issue I raise in the grievance debate concerns fire management across Victoria, particularly in relation to the coming summer fire season. The issue directly affects people who live in my electorate, which covers most of the Dandenong Ranges, and this year also has the potential to seriously affect people right across Victoria. It is common knowledge that this summer we face a fire season that is potentially worse than the 1982-83 season, which resulted in the Ash Wednesday fires, causing widespread damage

across a wide range of areas in Victoria, loss of property and loss of life.

It is important at the outset to note that effective fire management essentially requires a partnership between landowners — whether private owners or the Crown — and the various emergency services as well as the government at both the state and local levels. In recent years the operation of that partnership has improved significantly. I take the house back to 21 January this year when serious fires erupted in the Dandenong Ranges resulting in substantial loss of housing but, even more tragically, the loss of three lives. The partnership between the emergency services — the CFA, the MFB, which backed it up, the Victoria Police, and the Department of Natural Resources and Environment firefighting crews — was exemplary. It was far better than had ever been achieved before and resulted in the fires being controlled far more quickly than in the past. Nevertheless the fires caused substantial damage and resulted in three fatalities.

It is important to continue to improve that partnership and make the system work more effectively. Unfortunately, we cannot prevent fires happening. We know very well that some of them are caused naturally, and in fact the two major causes of bushfires and wildfires over the past 20 years have been lightning and deliberately lit fires, which account for approximately 46 per cent of all fires. We cannot prevent fires that occur naturally, but we can improve the program put in place to fight fires when they occur, and we can reduce the seriousness of the fires.

It is one thing to go out and fight a fire once it starts — and we know that the various services throw all possible resources into fighting fires — but it is another to assist in the process by reducing the amount of available fuel that can feed a fire. By reducing the amount of fuel well before the fire starts we significantly reduce the intensity of the fire. Sadly, it is true that no matter how much equipment and personnel resources we have and how many resources we throw at fires, once they start the most intense fires are beyond control.

On a bad day in the Dandenong Ranges, the Central Highlands or East Gippsland, with a high fuel load, low humidity, high temperatures and high winds, we do not have the resources to stop a fire. It does not matter how many CFA volunteers and DNRE firefighters we throw at it, we cannot stop a major fire head on; but if we can reduce the amount of fuel

available on that given day, we significantly reduce the intensity of the fire, and can therefore control it more easily. That is the area we need to examine. Reducing fuel availability for fires can be done in the lead-up to the current fire season, but it needs to be done as a regular management tool on private and public land every year, because fuel reduction that occurred five years ago is of no use when a bushfire occurs this summer.

Fuel reduction that occurred three years ago will have a greater effect, and fuel reduction that occurred this autumn will have the most significant effect on the intensity of fires that might occur this summer. It is important that the community, public and private landowners and land managers have a regularly programmed strategy of reducing fuel availability as a normal part of their operations and that the community supports that activity.

Autumn fuel reduction burns, which are seen regularly in my electorate of the Dandenongs, result in loud complaints in the media and from the public that they should not happen. The general complaint is that they don't look good; they fill the sky with smoke and cause pollution. Yes, they do indeed fill the sky with smoke and, yes, they do cause pollution; but they do so for a very good reason. They protect the areas of national park and state forest from the much greater devastation of wildfire in summer; they protect private property, public safety and human lives.

For those reasons I believe the community, environmental groups and the media should support fuel reduction burning in public land areas across the state when it is properly carried out and planned. Fuel reduction burning is very important in my electorate as well as other public land areas in the Central Highlands and East Gippsland, and it should be supported by the public and the media. I appeal to the media, during this spring and in coming years when fuel reduction burns occur during the autumn and spring, to put the positive case for fuel reduction burning because it is in the best interests of the public and of proper land and environmental management of public land and national parks across Victoria.

Recently I have had a number of discussions with senior people in both the CFA and the Department of Natural Resources and Environment in relation to the coming fire season in an attempt to work out how effectively those two bodies are planning for the coming fire season and what stage they have reached in planning and preparation in comparison

to a normal year. As we all know, this year the state has a serious rainfall deficit, prompting public discussion about the drought and the effect it is having on farms and livestock.

It needs to be recognised that the drought has the potential to seriously increase the probability of very high intensity fires this summer. I am happy to advise the house that both the CFA at statewide, regional and brigade levels and the Department of Natural Resources and Environment are very well advanced in their preparations for the coming fire season. Their training programs are six to eight weeks ahead of the normal schedule. The Department of Natural Resources and Environment is planning to recruit its summer fire crew several weeks ahead of normal recruitment time.

The department has approximately 1100 permanent staff trained to fight fires and carry out fire management programs. In addition to its normal complement, DNRE employs somewhere between 600 and 800 summer fire crew. All are trained, have been assessed for fitness and are available to help in fire management during the summer. I am also pleased to see that the chief fire officer and the Secretary to the Department of Natural Resources and Environment have the planning and management program well advanced this year in anticipation of the worst case scenario. I sincerely hope that we do not have serious fires this summer but I believe we must be prepared to deal with that eventuality.

Earlier I spoke about the 20-year rolling average. It is worth noting that, on average, for each of the last 20 years there have been something like 585 fires which have burnt around 115 000 hectares of land. During the 1982-83 season the average number of fires was about the same, but the area burnt was massively increased because of the conditions, the high fuel load and intensity of the fires. The result was a huge loss of property and life.

We need to be aware that this year the potential exists for a repeat of that situation. It takes more than just government action, the efforts of CFA volunteers or of the men and women in the Department of Natural Resources and Environment to reduce the danger. The community can do a great deal to protect itself against the danger of fires in the coming summer, and I hope all who live in areas that may be threatened by bushfires are starting now to consider what they should do.

Whether they live in the suburban fringes of the Dandenongs or in country areas across the state that may be at risk, landowners should be protecting themselves now and considering whether they will stay in their houses and fight a fire if it comes. They should start to plan now — not in December or January but now. They should discuss their plans with other members of their families and neighbours and contact their local CFA brigades for advice on how to minimise damage and protect houses and property against fire. Residents should contact their local councils, which will have municipal fire prevention committees that can advise them. They should cooperate with others in their streets and localities to form community fire guard groups so that people in the smaller localities can plan their programs together. That could include plans to ensure that the old or infirm can be shifted out of the area on total fire ban days or have some way of getting out if a fire starts. These things should be done now — as I said, not in December or January or February but now. It is important to do the planning and the preparation now, because if people wait until the smoke goes up it will be too late and they may lose their property and, at the worst, their lives of the lives of those they love. It is important that people take it very seriously; that they do the preparation now and do it quickly.

I urge all members of the house to take that message to their communities, just as I urge the minister to continue her vigilance in preparing for the fire season this summer, and I urge the Secretary to the Department of Natural Resources and Environment to take every available step to reduce the danger and risks to Victorians. We should all take an active and responsible part in preparing for fires, and it is something that all members of the community can assist in. I hope a fire does not come, but I believe we need to be prepared for it.

Nazi war criminal

Mr DOLLIS (Richmond) — I wish to grieve over the fact that Australia continues to have grossly inadequate mechanisms to deal with suspected war criminals who seek refuge in this country. Often they come to Australia because they have been shunned by other countries. The Leader of the Opposition has placed this issue very high on the Labor Party's agenda. He is as concerned as I am about Australia's ability to deal effectively with war criminals. We are concerned that this inaction has had serious consequences.

This is an issue about ethical and moral considerations and Australia's standing on the international stage. A recent example of the flaws in our system occurred when a suspected Nazi war criminal, Konrad Kalejs, was deported from Canada to Australia and arrived in Melbourne a few weeks ago. Mr Kalejs had previously been ejected from the United States following a finding that he was a member of the notorious Arajās Kommando, a death squad accused of murdering more than 30 000 Jews during the Second World War.

It must be remembered that the Nazi extermination of thousands of Jews began in Latvia. In the early 1940s the Nazis deported an estimated 20 000 Jews from Germany, Austria and Czechoslovakia to Riga, Latvia's capital. To make room for the newcomers the Latvian authorities decided to exterminate the Jews of the Riga ghetto. And so the mass murdering began.

Between 1984 and 1994, the United States justice department mounted a case in order to deport Kalejs. Through exhaustive testimony the justice department confirmed that in the time immediately after Kalejs joined the Arajās Kommando, the unit liquidated thousands of civilians, who were mainly Jews. The United States post-trial brief states:

Because the unit had so few members who were available to be assigned to any particular shooting operation and because the shooting operations took place so frequently, all Latvian auxiliary security police (Arajās Kommando) personnel were personally involved in the killings, even the staff of the supply department and the motor-pool mechanics. These executions were supervised by officers such as Kalejs who were present at the shooting sites.

It was on those grounds that the USA deported Kalejs. The Canadian government recently followed the lead of the USA and deported Kalejs to Australia after it was held that he was a high ranking officer in the Nazi-affiliated Arajās Kommando unit. It was also held that he was a supervisor in the Salaspils concentration camp in Latvia where prisoners suffered starvation, disease, torture and execution, and where quasi-medical experiments were performed on many people. Because of his rank at the camp Mr Kalejs had the power to supervise executions. Evidence also suggests that he was involved in numerous unspeakable crimes as one of the senior officers of the Arajās Kommando.

Mr Kalejs joined and continued to remain a member of the Arajās Kommando of his own volition.

Members of the kommando were able to leave, or at least be transferred to areas where they could have different duties, yet he chose to remain a member. Ironically he is now in Australia, but not by choice. He is here because he has nowhere else to go. Although he is not permitted to enter Canada or the USA, he can reside in Australia because of the inadequacy of our laws.

Countries such as the USA and Canada have established mechanisms to remove the citizenship of and deport people who have committed crimes against humanity, and war criminals who have lied about their wartime activities in their attempt to achieve right of entry and avoid punishment. The situation of Mr Kalejs is not an isolated case. According to information uncovered by the Australian government's special investigations unit there are many fugitives from justice residing in Australia.

The Canadian Attorney-General, Mr Allan Rock, has explained the Canadian position on this issue, stating that the Canadian government has:

... both a legal and moral commitment to Canadians and the international community to ensure that World War II crimes against humanity, regardless of time and place, are addressed.

He added that the Canadian government:

... will ensure that it meets its commitments in this area.

I ask that Australia also meet its commitments to the Australian people and the international community. We must ensure that World War II crimes against humanity are addressed, regardless of when or where they took place. This is an important issue, both ethically and for Australia's international reputation. The current justice system in Australia means that we are practically powerless.

At the moment Australia relies solely on the War Crimes Act to bring to justice suspected war criminals such as Mr Kalejs. However, the legislation is limited in its effect, particularly in relation to World War II criminals. The criminal burden of proof can be onerous in situations where a crime is alleged to have been committed more than 50 years earlier. For example, it is very difficult to find surviving witnesses to testify in any such trials.

Between 1986 and 1992 Australia attempted to initiate cases against a large number of suspected Nazi war criminals residing in this country.

Although Mr Robert Greenwood, QC, and others worked very hard to bring suspected war criminals to justice, not one trial was successful. This lack of success was a corollary largely of the problems I have just mentioned involved in the running of war trials.

There is a point of view that there is nothing Australia can do about Mr Kalejs. Under our legal system retrospective laws would be needed to deport Mr Kalejs in the way he was deported from Canada. However, that sidesteps the true moral issue, which is whether Australia is willing to take some responsibility for effectively bringing such a suspected war criminal to justice. Australia must therefore examine other options for addressing the obvious failure of the current system.

In that regard I call upon the Attorney-General to place the issue high on the state government's agenda and consult with her federal colleague so that the federal government takes appropriate action. The federal government has already indicated that Kalejs will be prosecuted if enough evidence can be obtained from the Canadian authorities to mount a case under the War Crimes Act. However, no action has yet been taken despite the fact that a large amount of evidence has been on record since 1994, when the case that resulted in the deportation of Kalejs was first heard in the United States.

It is important that the federal government pursues an extradition treaty with Latvia, where the war crimes Kalejs is alleged to have committed took place and where he must be tried for crimes against humanity. Cooperative arrangements can be made with Latvia to ensure that Kalejs is brought to justice under that country's legal system. Extradition treaties are not a new thing for Australia, and work needs to be done so that people suspected of war crimes can be tried effectively.

I hope the Attorney-General and her federal colleague will provide us with more satisfactory answers than those we have received to date. I also hope we handle this matter with sensitivity and care. I was greatly disturbed to hear the Premier urging the Australian Jewish community to forgive Mr Kalejs. On 3AW, he stated:

If you want to take an entirely Christian view, I think the last words Jesus uttered on the cross were, 'Forgive them for they know not what they do'.

As Robert Manne has pointed out, Mr Kennett simply indicated that he adheres to an old stereotype of the merciful New Testament Christian and the vengeful Old Testament Jew. I implore the Attorney-General to take whatever steps are necessary to ensure that the federal government follows some of the alternatives I have outlined. It is important that we are able to explain to our children that the Konrad Kalejses of this world are not allowed to get away with crimes against humanity because of the failure of our justice system. If this Parliament and the Australian government fail to act in this matter they will have avoided their moral responsibility to the international community and Australian people to act when asked to do so.

I hope the Attorney-General and the Premier will act sensitively and take appropriate steps to make sure that Konrad Kalejs and people like him do not escape justice by being able to get away with the serious crimes they have committed against humanity. Let us hope that in future matters of this sort will be treated sensitively and that comments like those made by the Premier will not be heard either on the airwaves or anywhere else in the state.

Media: privacy laws

Mr I. W. SMITH (Polwarth) — I am normally content to look after the interests and concerns of my constituents, which is what I spend my time doing, but today during this grievance debate I complain about the Australian paparazzi. I do so because of the psalm singing and chest beating by the Australian media after the recent death in Europe of the Princess of Wales. Members of the Australian media virtually said, 'We are different from the paparazzi in Europe; we have some respect for the rights and privacy of individuals here'.

I can tell the house from my experience that the media in Australia are just as intrusive, dishonest and disregarding of people's privacy as they are in Europe. The only difference is that there are fewer public figures in Australia for the media to maul. There is less circulation of the media and, therefore, less money available for journalists to chase people, as they do in Europe.

Honourable members know that just over two years ago most Australian media published untrue allegations about me. My homes were staked out for days. I could not enter or leave my homes without interference to my privacy. Camera lenses were placed against windows. I was ambushed everywhere I went, and was asked loaded and

intrusive questions. All my friends, relatives and even former employees, going back over many years, were contacted and similarly asked loaded questions. About 40 journalists were crawling around in my electorate for whatever gutter comments they could dredge up from whatever enemies I may have had from the past.

Little or no credit was given by the media to the fact that I resigned as Minister for Finance not because I had done anything wrong but that in the best traditions of the Westminster system I had resigned from the portfolio to take responsibility for what was being alleged. I believe subsequent legal actions have totally vindicated me in the position I took.

But that is not the point I grieve about today. The media will run with any allegations about prominent people. People without two bob to bless themselves with can go onto the street and make all sorts of allegations which the media will run with. Buried in the bottom of the media commentary, whether it be in the print media, on television or radio, will be a small legal disclaimer. But by the time people reading a story get to that part of the text they are so overwhelmed by the headline and major part of the story that the legal disclaimer is meaningless and provides no realistic balance to what damage has been inflicted on their victim.

How has this situation arisen? It is a relatively new phenomenon in this country and has occurred because of the recent practice of crediting by-lines to individual journalists. That has ensued probably because of the advent of television, when each journalist reporting says, 'This is so-and-so reporting' from wherever he or she is reporting. In an attempt to be competitive the print media publish small photographs of their lead journalists and give them their by-lines. That seems to provide the ever increasing treadmill of competition for intrusion and glamour in their stories, which often completely lack balance and have no sense of fairness or decency attached to them whatsoever. In fact, it is simply gutter competition.

Unfortunately, on the one hand the processes of the law are far too slow and costly to provide justice for the victim; on the other hand, they do not provide a realistic disincentive to the media. Some members of the media in this country will stoop to all the depths of invasion of privacy complained about by Earl Spencer at the funeral of his sister, Princess Diana.

Contrary to the law some media will print or refer to Family Court actions or child support actions. It is

inevitable that the standards of the media in Australia I am grieving about will deteriorate. Our media are not capable of self-regulation as they are too competitive. The privacy of people needs stronger protection. Our privacy laws and particularly our defamation laws need to be updated. Every journalist needs to know that if he or she invades a person's privacy, swift and affordable recourse to the law is available to the victim.

It is not unreasonable to think that a bond system should apply to individual journalists, particularly those who write feature articles. After all, bonds are part of the reality in many endeavours in life when professional people — perhaps those in the extractive industries or even the fishing industry — want certain privileges. Rather than have our media standards deteriorate further by the actions of two-bit journalists who have nothing to rub together but who are backed by their media barons, individual journalists should be subjected to some form of personal bond system which could apply some discipline to their intrusive behaviour.

Allegations which are untested in court should not be permitted to be splashed across the media. If the media want to print allegations they should be required to wait until the relevant court case is under way and then be required to have some balance in the way they report the case.

Legal actions under defamation laws are not accessible to people of small or even considerable means. The processes involved in our defamation laws are incredibly costly, too numerous and far too slow to move into action. Our defamation laws need to be urgently overhauled to provide a realistic and competitive process for the victims so that, regardless of their means, victims will have some chance of clearing themselves against any dishonest or false allegations made by members of the media.

In conclusion, I restate that in spite of the psalm singing and chest beating by the media following Earl Spencer's comments after his sister had been killed in a road accident, I know that the media in Australia intrude unbelievably into the private lives of people, and that they are dishonest in the way they approach people, ask questions and then report. That practice should not be allowed to continue.

One of the fortunate side effects, if there could be any, from the death of Princess Diana is that the climate is probably now right for governments to take responsibility and review the relative laws I

have referred to so that there can be a fair and reasonable balance between the right to privacy of the individual and the rapacious power so often flagrantly abused by the media in this country.

Port of Melbourne: reform

Mr BRACKS (Williamstown) — I grieve for the state of the port of Melbourne and its future. If honourable members look at the government's record over the past five years on reforming the port they will see that it has gone to sleep. For the first two years in office the Treasurer was intent on selling the port of Melbourne, but he ignored the need to manage and reform the port to get better outcomes through multiskilling, lower costs and increased productivity. The Treasurer's preferred course of action — his aim and sole wish — was simply to have a fire sale of the port of Melbourne, which he subsequently carried out at the ports of Portland and Geelong.

History now shows that the Treasurer was rolled by his own constituency, the Victorian Chamber of Commerce and Industry, which did not want the port sold. The chamber wanted the government to take responsibility for port reform, to drive good outcomes and establish a productive port so that Victoria would have a better base for its exports. The chamber believed the port was crucial to that aim.

During its first term of office one had the amazing spectacle of the then Minister for Roads and Ports wanting to do something about the port but being prevented by the Treasurer, who took control of the port simply to attempt to dispose of the asset. In the meantime nothing was done. The government did not reform labour market practices or attempt to drive reform by reaching agreement with the Maritime Union of Australia on multiskilling and improving work practices.

The government's adoption of a one-track view prevented real reform. By neglecting port reform during its first term in office the government put itself in the dreadful position of having to try to create an effective and efficient port. Worse still, following that sorry state of affairs the government threw in the towel completely.

When the Melbourne City Link project was being discussed and options were being considered with the two final bidders, it was suggested in the environmental impact statement that a 43-metre high bridge be constructed to link Graham Street and the Tullamarine and Westgate freeways so that

container shipping would still be able to use four berths, two each at Victoria and Swanson docks. It was estimated that approximately \$50 million had been invested for two of those berths.

Out of left field came the Premier's wish for a low-level bridge. That effectively meant that the four berths at Victoria and Swanson docks would no longer be usable because container ships would not be able to get in there. Crazy! The Treasurer effectively closed his eyes to port reform and the Premier came in over the top and picked a consortium bid that proposed a low-level bridge. That necessitated a total rethink of how container vessels used the port.

The answer was to look at some redevelopment of Webb Dock and a new land mass to be used for either cranes or container storage. That proposal has also stalled because there is understandable resistance to it from residents on both sides of the bay. It also conflicts with the government's other objective, which the opposition supports, of bringing the residential population closer to Port Phillip Bay.

Finally the government realised it had to do something. A whole term in office had passed and the government had undertaken no port reform. The City Link project had been announced, berthing facilities had been lost and the government did not know what to do. Essentially the government had a problem with the port of Melbourne. There had been no discussions with the union movement on proper labour market reform. The answer, quite rightly, was to get in a new competitor to compete with Patrick and P & O Australia Ltd, the duopoly that operates the port's terminal facilities, and to attract further investment for Appleton Dock, which was the only bit left that City Link would not cut off and which required an enormous amount of investment if it were to become a true container terminal.

That was the big, new achievement! It was an excellent initiative to try to get a third competitor into the port and to obtain investment other than government investment — taxpayers' dollars. The opposition supports private investment in Appleton Dock.

Expressions of interest were finally called for that development in October 1996. Prior to that the Orient Overseas Container Line, a well-established operator and investor in ports around the world, had expressed an interest in developing Appleton Dock. Subsequent to that expression of interest, tenders were called and 43 expressions of interest

were received for the redevelopment of the dock. A short list was drawn up of Patrick, P & O and OOCL, and subsequently the Treasurer announced that OOCL was the successful and preferred tenderer. All that remained was to work out contract arrangements for getting into the port of Melbourne investment of \$150 million of new money from a private consortium, and 150 direct jobs and a whole series of other jobs as the result of the growth of the port and its trade.

The Treasurer crowed about his achievement — and that is on the record and in newspaper reports. Why shouldn't he crow about it? After going to sleep on port reform for five years he had finally done something. After destroying the usefulness of four berths because of a silly decision on a low-level bridge — a Western bypass bridge that should have been 43 metres high — he had a third competitor and investment for a new container terminal. This was good for Australia and Victoria because Melbourne could ensure that it had the pre-eminent deepwater port in Australia. Of course the Treasurer crowed loudly!

The Treasurer even resisted claims by the unsuccessful bidders. Patrick and P & O both took legal action against both the Port of Melbourne Authority and the state government for what they thought was unfair practice during the tender process. They claimed they were not given the same information and opportunity as the successful bidder. The Treasurer vigorously defended the government, and stated, 'We have gone through a proper process. We have picked OOCL, the best investor for the port, and I will vigorously defend the claim for \$100 million damages that Patricks are seeking because we believe that this is a good deal for Victoria.' That was the Treasurer's crowning achievement.

It is now history that to the shock of everyone, especially cabinet, it was announced in July of this year that the contract with OOCL would not be signed. In fact, OOCL announced that it was pulling out its investment, which in all likelihood will go to Sydney. That was an extraordinary outcome!

Victoria has moved back five years. The state has had no port reform. We were told the duopoly was to be broken to create good competition; and that Melbourne was to be the transport hub of Australia with the standard gauge rail line from Melbourne to Adelaide, a curfew-free airport, a good deepwater port, the Western Ring Road to link up the Princes, Hume and Calder freeways and a new container

terminal. That was to be the crowning achievement to be pursued by the government. Yet almost on the same day that OOCL announced that it could not accept the Treasurer's claim for port charges — which seemed to be the nub of the dispute and the reason why it did not go ahead — the Premier separately announced that Victoria was to host a world yacht regatta at the port of Melbourne. That's fine, but if the government cannot negotiate a deal about the future of manufacturing industry in this state and if all it can do instead is pull in a yacht regatta and think that that is economic policy, one has to question the government's credentials.

The Treasurer has still not given an adequate explanation of why he could not close the deal and secure a \$150 million new investment for Appleton Dock. The only explanation that has been given is the Treasurer's claim that OOCL was unreasonable in saying that charges in the port of Melbourne were too high and should have been reduced and that he would not compromise. I have a list showing the charges that apply in 30 major ports around the world. Of those ports, Melbourne has the fourth highest.

Mr Honeywood — That's your mates from Trades Hall.

Mr BRACKS — What you have not done — —

Mr Honeywood interjected.

Mr BRACKS — I will take up the interjection.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member will address the Chair.

Mr BRACKS — I will make a separate point. Can you tell me when the Treasurer has sat down and negotiated with the Maritime Union of Australia? Not once has he gone down there to discuss labour market reform, work practices or multiskilling.

Mr Honeywood interjected.

Mr BRACKS — In fact, before the last election other members of the opposition and I went down to the MUA and negotiated a policy for reducing the number of staff at the port of Melbourne, and at the time VECCI endorsed that policy. In the meantime, the minister let the OOCL investment slip through the state's hands.

The level of port charges was the reason given for the loss of the OOCL investment. Based on an index of 100, Melbourne has the fourth highest charges of any port of the 30 surveyed and the highest charges of any port in Australia. The government has been in power for five years and clearly cannot do anything about bringing port charges down. One of the real reasons for this has been revealed — the obsession the government has with not wanting to talk to the union movement to get real productivity reforms. I challenge the Minister for Tertiary Education and Training or the Treasurer to talk to the union movement and take part in proper negotiations on reduced labour costs, multiskilling and increased productivity. If they did that, they would find they had a receptive audience.

Here's the rub: those in the industry, including P and O and Patrick, know that the real reason the Treasurer did not want the OOCL investment to proceed was that it had an enterprise agreement with the MUA to achieve good productive outcomes at Appleton Dock signed, sealed and delivered. The Treasurer did not like it because the container line was doing the job he should have been doing in securing an enterprise agreement with the MUA to drive the investment.

The government's blinkered view of the union movement and the Treasurer's obsession with wanting to break the MUA resulted in their losing that investment for Victoria. It was not about port charges. Clearly, if the government were interested in manufacturing it would have negotiated to bring port charges down.

This is a bungled effort and a tragedy for Victoria. The state has lost a \$150 million investment to Sydney — and that will be announced in the next two weeks. On almost the same day that the Premier announced a new yacht race for Melbourne, that important investment was lost to the state.

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

Drugs: heroin overdoses

Mr McLELLAN (Frankston East) — I grieve for the families and relatives of people who have died as a result of heroin overdoses. The loss of between 500 and 600 young people a year due to heroin overdoses is one of the tragedies of our society, and I do not believe it should be tolerated any longer.

I will divide my grievance into four parts: the first will be on sentencing, the second will be on a national war on drugs and the third will be on media campaigns; and in the fourth part I will offer the house some information on the Naltrexone program and dispel a couple of myths widely circulating about that drug.

Since I have been a member of Parliament the Sentencing Act has been strengthened on two occasions. Anybody who is convicted of dealing in commercial quantities of drugs such as heroin can receive up to 25 years in prison. We have yet to see the judiciary in this state or anywhere else in Australia apply decent sentencing that reflects the expectations of the community. A good example involves an incident that occurred in New South Wales in the past few months.

As I understand it, two Victorians travelling between Sydney and Melbourne had several million dollars worth of heroin in their motor vehicle when it was pulled up by the police. The passenger claimed he was a hitchhiker. Subsequent inquiries by the police found that he was the brother-in-law of the driver. However, after the court case the passenger walked away without a conviction and the driver got three years. Is it any wonder that police in the different states are frustrated with results such as that given the effort they have to make and the amount of paperwork they have to do to get these people to court? It is an absolute disgrace and something has to be done about it.

If the members of the judiciary are not prepared to use the law as it stands, there is only one option — that is, to take away their discretionary powers and introduce mandatory minimum sentences. It seems to be the only way that some of them will get the message that we have to get serious about people who deal in drugs and as a result get away with murder.

A second issue is the national war on drugs. I must have nodded off at some time, because although I read in the newspapers and hear on *Witness* or on Ray Martin's show that we have lost the war on drugs, I cannot recall having seen one fought in this country. I do not believe there has been a serious attempt to curb the use of drugs or their importing or anything else to do with them. In fact, over the last few years the number of customs officers has been reduced by several hundred and funding for the Australian Federal Police has been cut. A whole raft of things has been done to suggest that we are not really serious and do not really want to do

anything about the importing and distribution of drugs.

I want to see a program run, possibly by the federal government, under which there is a big sign at every port of entry into this country that simply says: 'If you are convicted of importing drugs of a commercial quantity into this country, the mandatory minimum sentence you will face is 25 years'. Let's make the message clear. If you are an Australian citizen and you are convicted, you should lose all your assets. Those assets should be sold and the money put into drug rehabilitation centres. We can no longer ignore this issue. Sentencing has to reflect the rewards people get from dealing in drugs. It is a multibillion dollar industry in Australia. I do not believe sentencing in this country reflects the seriousness of the crimes these dealers in death are committing.

The third issue I grieve about is the media campaigns that have been run in this country seeking the legalisation of drugs such as heroin. I, and most people, oppose any such move. The media goes to great lengths to recruit support for its theory.

You must feel sorry for the parents of young people who have died from heroin overdoses, but the media goes along and talks to them and leads them to believe that if heroin were legalised their children would have been able to get controlled doses and would still be alive. The reality is that those who are drug-free most certainly would be alive, and that is what we should be aiming for. We should not be aiming for heroin trials or maintenance programs, because that will mean people are still addicted to illegal substances.

I recall some words quoted in the debate on drugs in this place. They came from an article written that appeared on the front page of the *Herald Sun*. The American writer said, 'Drugs are not dangerous because they are illegal; they are illegal because they are dangerous'. That point should be foremost in people's minds. Legislation outlaws certain drugs for a specific reason — these drugs are killers, and the people who deal in drugs are killers. They are no better or worse than Martin Bryant. They are killers, and they should be treated as such.

I now move to the Naltrexone program. Currently 16 countries are using this drug. Contrary to popular belief its use did not begin in Israel. Its use in a rapid detoxification program began in Vienna in 1988, when it was used by Dr Norbet Loimer. The drug has also been used differently in America since 1983

and in Britain since 1985. It has been trialled in other countries such as Spain, Germany, Israel and the United Kingdom. It has been used all over the world and has been proven to be very good as a heroin and opium antagonist, but it is not a wonder drug. It is not new. It is only recently that it been given public exposure in this country. Some of that exposure has been quite negative, and I shall speak about those matters in a moment.

There are two main detoxification clinics — one in Israel run by Dr Weissman, who has treated some 3000 patients, most of whom have undergone the rapid detoxification program. Many have undertaken the program under general anaesthetic — it is a very harrowing experience! Naltrexone is used with a series of sedative drugs in the detoxification program — honourable members would have read about the remarkable effects of the program in the newspaper recently. It is wonderful to read about the young people who have their lives back as a result of the program.

The second clinic is run by Dr Colin Brewer of the Stapleford Centre in London, which has treated 2160 patients, of whom only 160 underwent the program under general anaesthetic with the other 2000 receiving sedation treatment. The article in this morning's newspaper says that patients are strapped to the bed and all sorts of terrible things are done to them, but that is not true. They are sedated, but they are not strapped to the bed or put in straitjackets. There are certain risks when people are undergoing massive withdrawal, but most of the patients are sedated and sleep through the program. The rapid detoxification program is completed in a short period. It is feasible, if he or she is opium free, for the patient to start the program within 24 hours, albeit on a low dose 0.1 milligrams of the drug, which is increased over a week to the full dose. It can be taken orally by tablet or fluid or implanted. At the moment implants have been used successfully in London.

I shall now talk about the deaths of three patients after being involved in the Naltrexone program. The first patient was being treated by a Spanish medical organisation called Cita, and he died in London. Not long before he went on the program the patient had suffered serious head injuries when a bus was blown up as a result of IRA terrorist activity. I telephoned London and was told that to this day no coroner's inquest has been completed, so there is no finding on the reason why the man died. What is known is that he had suffered severe head injuries and the anaesthetist stated that he did not have that

information at the time and had he had it he may have done things differently. Perhaps the patient might not have been put on the program.

The second death occurred in the USA, when the patient died after general anaesthetic when the tube was removed to allow him to go back on a normal breathing cycle. It was the first occasion that the anaesthetist had applied the treatment — he was rather new at it — but the coroner's report showed no correlation between the drug and the cause of death. What is the campaign all about! The third patient died after returning home following detoxification. The patient had been stabilised. The coroner's report said there was no obvious cause of death.

Those people could have died from respiratory problems, as a result of the anaesthetic or from heart attack — who knows! The fact is that there is no clear link in the post mortems or coroner's reports that has been able to confirm that they died as a result of the Naltrexone program. That assumption is untrue.

Mr Micallef — Obviously they didn't die from natural causes!

Mr McLELLAN — How do you know? The bottom line is that until a clear link is proven we are duty bound to ignore the speculations about these alleged deaths. I want to see this drug registered in this country. I understand a company from Berwick has done a deal with Du Pont Merc in Washington state to import the drug into Australia — it simply needs to be registered — and I suggest that it is in the interests of this country that the drug should be registered quickly.

At present two or three people a day are returning from overseas after undergoing massive detoxification programs in London and Israel, but if the supply of drugs is declared the customs officers have no option but to seize all but one week's supply. The patients must then go to their doctors for their subsequent drug needs. If they do not declare the drug supply, all the drugs will be seized. The drug is necessary for the ongoing treatment of these patients, who have spent a lot of money going overseas for their detoxification. The present policy jeopardises their recovery. Until the drug is registered for use in this country that will remain the case.

It is time we got on with the program of trying to save lives. Every year 600 or 700 young people in

this country die from drug overdoses. When the road toll was the issue we did something about it. That was very successful right throughout the country, with Victoria leading the charge. It is now about time we again led the charge and did something about the number of young people who are dying of heroin overdoses.

Premier: defamation proceedings

Mr HULLS (Niddrie) — Today I grieve about the way the Premier continues to use the public purse as his own private piggy bank. In particular, I refer to his use of public funds to initiate defamation proceedings.

At the outset we must be crystal clear about the government's guidelines for the payment of ministers' legal costs. Those guidelines are found in the report by the Senate Legal and Constitutional References Committee, dated February 1997. The government's policy, which is set out on pages 15 and 16 of that report, makes it clear that there are circumstances in which public funds should not be used to assist a minister. In part it says:

... where personal impropriety, including intentional defamation, is alleged against a minister, or the proceedings are brought by a minister for personal benefit ...

Of course, that personal benefit could be a public apology or could involve seeking damages of some sort. The policy says that in normal circumstances the public purse should not be used. It says, however, that:

Such assistance might be given if the overriding interests of the state require a civil proceeding to be brought ... In these cases applications for assistance are required to be decided by the cabinet —

of which, of course, the Premier is a member.

An assessment prepared by the Attorney-General has to be provided to the cabinet in each case.

On the basis of these guidelines I suggest that it is totally inappropriate for the Premier to use public funds to initiate defamation proceedings. The whole purpose of a person initiating defamation proceedings is to receive compensation for a supposed injury to his or her reputation.

The brake on people running around issuing defamation writs willy-nilly has always been the

costs involved, particularly the potential liability of having to pay costs if the actions are unsuccessful. In a nutshell, it can be an expensive exercise because people have Buckley's chance of getting legal aid, and if they lose they could be up for plenty.

It is absolutely outrageous for the Premier to be using taxpayers' funds to launch defamation proceedings in the expectation that he will get money that he can use to extend his house or build a swimming pool — or even in the expectation that he will get an apology. I would also suggest that it is a breach of the government's own guidelines.

An honourable member interjected.

Mr HULLS — In answer to the interjection, 'Has he done it?', I point out that under freedom of information provisions — yet another avenue of ensuring government accountability that Mr Kennett wants to get rid of — the opposition obtained a document showing that the Premier used \$69 830 of taxpayers' funds to sue the *Australian* and one of its journalists, Beatrice Faust. In an article in the *Weekend Australian* of 17 February 1996, Ms Faust compared Kennett's Liberals with Hitler's Nazis, particularly in stifling dissent and centralising power.

Our very thin-skinned Premier sought damages, claiming his feelings had been hurt. In his taxpayer-funded writ, which is worth reading, the Premier claimed the article was defamatory because it painted him as:

... a tyrant, comparative in terms of evil to Adolf Hitler ...

He also claimed it painted him as a person who:

... stifles legitimate discussion in a manner and degree comparable to the actions of Adolf Hitler;

... has a secret agenda —

this is the Premier claiming this —

which is to smash the parliamentary system and centralise power in himself just as Adolf Hitler did on an elected mandate;

... has the very real potential to enact actual policies as shocking and destructive as those of Adolf Hitler unless the electorate resists earlier and more effectively than the Jews resisted Hitler;

... is sufficiently similar in terms of immorality, style and thinking to Adolf Hitler that he deserves to be regarded as a slightly imperfect version of the Fuhrer;

... follows and has adopted Nazi policies and processes.

That is what the Premier claimed the article was all about. He said that by reason of its publication he had been gravely injured in his credit and reputation, had been greatly distressed, humiliated and embarrassed, and had been held up to hatred, ridicule and contempt.

It is absolutely extraordinary that that came from the same man who told John Laws on radio 2UE on 1 August 1997 that he greatly admired Mussolini. When asked to explain which leaders he admired, the Premier said:

... a lot of what he (Mussolini) did initially was good.

Most Victorians have their views on which of the Italian dictator's qualities the Premier admires. It should not go unnoticed that during his initial period — the period referred to by the Premier — Mussolini introduced strict censorship laws, personally chose all newspaper editors and prohibited anyone from practising journalism without a certificate of approval from the Fascist Party.

It is also interesting to look at the Premier's answers to interrogatories prior to the matter being settled. When asked whether, as a result of reading the Beatrice Faust article, anyone had thought less of him, the Premier's answer was no. When asked whether, as a result of reading the article, anyone believed he was a tyrant comparable to Adolf Hitler or that he had a secret agenda to smash the parliamentary system as Adolf Hitler did, the Premier's answer was no. When asked whether, as a result of the article, he had suffered any financial loss, loss of income or loss of prospective income, the Premier's answer again was no.

Interestingly, when he was asked whether, prior to the publication of the article, he had stifled or attempted to stifle dissent, the Premier refused to answer on the basis that it was too vague or oppressive, which is fascinating. Those answers and the allegations in the writ clearly show that the Premier, in breach of his government's own guidelines, has used the public purse to muzzle a journalist. He has done a Bjelke-Petersen and inappropriately used public monies to initiate what is commonly known as a stopper writ.

The practice was absolutely frowned on by Mr Tony Fitzgerald in his report on corruption in Queensland. The report contains a special section which deals with defamation actions and their funding from the public purse. It is worth looking at that section on page 143, where his opinion is made absolutely clear.

The use of public resources at any time or in any way to inhibit or suppress the expression of opposing political opinion or a criticism of any administration is wholly objectionable ... While personal abuse and wrong allegations are to be condemned, they do not justify the use of public resources to provide legal redress for individual members.

Tony Fitzgerald goes on to say:

If members of Parliament (including ministers) choose to resort to legal redress, it should be at their own cost just as any damages recovered would be to their personal material gain.

In defence of getting his snout into the taxpayer-funded trough to finance his stopper writ, which was aimed at stifling any criticism of him, on 11 September Mr Kennett said on the Neil Mitchell show on 3AW that he had received not one cent from the defamation action. When asked by Ross Warneke:

So you got nothing out of it?

The Premier replied:

Not one cent.

Ross Warneke then stated:

All right, I hope that answers the question.

The Premier replied:

So when we actually pursue matters on our own accord with our own money we stand to lose or to win. Some I have lost, some I have won, I should say.

Ross Warneke then asked:

How do you decide between the two, though? How do you decide that you should sue as Premier or as Mr Jeffrey Kennett?

The Premier answered:

You just make an assessment as to whether you think it is more appropriate, one or the other.

That response by the Premier raised more questions than it answered. That was particularly so in relation to the defamation writ issued by the Premier against Kerry Packer's GTV9 in 1993. That is the famous — or infamous — writ which, it has often been alleged, resulted in the Premier receiving a massive sum of \$400 000.

The Premier was asked in this house on 19 June 1996 whether any taxpayers' funds were used to pursue that defamation matter. The Premier stated that it was a private matter and that no taxpayers' funds were used. Let us compare the two writs: one in which the Premier used almost \$70 000 of taxpayers' money and the other for which allegedly not one cent of taxpayers' money is used.

Both writs have a statement of claim and in both writs the plaintiff, Mr Kennett, is described as 'the Premier of the State of Victoria', 'the Leader of the Liberal Party in the Parliament of the State of Victoria', and 'the member for the electorate of Burwood in the Legislative Assembly in the Parliament of the State of Victoria'. Clearly, in both writs Mr Kennett is suing in his public capacity as Premier of Victoria.

The question that must be asked is: on what basis does he decide to dip into the public purse compared with using his own funds? It is in light of the Premier's extraordinary answer on 3AW on 11 September when he said, 'You just make an assessment as to whether you think it is more appropriate, one or the other', that the timing of the Packer writ must be assessed.

On 18 June 1996 the Premier was asked in this house about his defamation settlement with Channel 9. He told the house that the settlement took place some 18 months prior to 18 June. That means the settlement occurred some time after 18 December 1994. From this we can be confident that from December 1993 until some time after December 1994, and possibly until late June 1995, the Premier and GTV Channel 9 were involved in negotiations involving what payment, if any, should be made to the Premier of this state.

During the time frame of the negotiations numerous crucial decisions were being made by the Victorian government in conjunction with the Victorian Casino and Gaming Authority over issues relating to Crown Casino. They include things such as the

number of gaming tables, design changes and Crown's advertising rights, as well as increases in the holdings of certain companies, including those owned by Mr Packer, who greatly increased his holdings in Crown Casino.

The Premier was at the forefront of decisions being made about the casino. To provide absolute confidence that the decisions made about the casino, and Mr Packer's involvement in particular, were not influenced by negotiations concerning the substantial defamation settlement received by Mr Kennett, the Premier must immediately advise the house whether at the time he was making decisions about Mr Packer's involvement in the casino he declared that he was in the middle of negotiations with Mr Packer over the defamation payout.

The Premier must come clean and assure Victorians that he absented himself from any decisions about Mr Packer's involvement in the casino while he was negotiating with him over a hefty defamation payout. The Premier must also assure Victorians that the only reason he did not use taxpayers' funds in the Packer matter was that he already knew he was on the winner. Unless he comes clean Victorians are entitled to assume that a nod and a wink deal was done with Mr Packer and that he knew he was about to get a substantial sum from Mr Packer, which was why he used his own money. Unless he comes clean Victorians are also entitled to assume that the decisions made by the Premier in relation to Mr Packer's involvement in the casino were influenced by the expectation or knowledge that Mr Kennett was on the verge of receiving a substantial defamation payout.

The Premier must also prove to Victorians that he actually paid money back in relation to the Faust matter. Where did it go? The former Minister for Finance, the honourable member for Polwarth, is present in the chamber. We should know where the money went; where does it show up in the accounts? How much was it? The Premier cannot claim that it is covered by any confidentiality agreement because he used taxpayers' funds and he said that any moneys he received were paid to the state.

More appropriate guidelines need to be established to stop Fitzgerald-type corrupt defamation payments in this state. Mr Fitzgerald made it clear that it is inappropriate for taxpayers' funds to be used to gain such payouts. In one instance Alan Bond paid \$400 000 to the former Premier of Queensland, Sir Joh Bjelke-Petersen, as an

out-of-court settlement. That was roundly criticised by the media as having the potential to encourage a form of corruption in that state. That is the last thing we want to occur in Victoria, which is why the Premier must come clean and explain why he used taxpayers' funds for one defamation matter and not the other and what happened during the negotiations with Mr Packer. Otherwise Victorians are entitled to assume that there was a nod-and-a-wink deal between Mr Packer and the Premier of this state.

Gippsland: drought

Mr ANDRIGHETTO (Narracan) — I grieve for the people of Gippsland and for the farmers who have been affected by the terrible conditions they have had to suffer in the past six to nine months. In particular I grieve for the community at large because of the misinformation being spread in the local media that is designed to bolster the agenda and further the aims of some people.

I refer in particular to a letter sent to the editor of the *Warragul Gazette* on 8 July this year. I preface my remarks about the letter by acknowledging that I appreciate that journalists and editors play an important role in the dissemination of information throughout the community, whether good or bad, and that they should have free expression of opinion. The community is fortunate to have a publication such as the *Warragul Gazette* and I feel fortunate that the community is so well served by the publication.

However, I compare it with other publications nearby, and I commend the editor and the journalists associated with the newspaper for the generally unbiased opinion. I do not say they have not been savage on me at times, because they have, but I believe they have reported fairly and they make sure members of the community are recognised and rewarded for their efforts.

I refer now to a letter to the editor of the *Warragul Gazette* from Ronald Ettery which was published on 8 July. He says that 18 farmers have committed suicide as a result of the drought conditions and that nothing is being done to alleviate the problems farmers face. I read that letter with great interest and made immediate inquiries as to the veracity of the statement. I was informed that it is totally erroneous and a malicious attempt to distort the facts and gain a political edge. I did not do much about the letter until recently, when I attended a function at which I was approached by a concerned constituent who

told me he was most upset because 20 farmers had committed suicide because of adverse drought conditions. It concerned me that following my questioning it became clear that he derived his information purely from gossip in the community, gossip started by irresponsible misinformation in the press. Once the snowball starts rolling, it cannot help but get larger. The number of fictitious suicides continued to increase.

As late as today I have continued my inquiries to find out the real numbers and I thank the staff members of the Coroners Court for their assistance. They informed me there were no suicides by farmers attributable to the adverse weather conditions that have affected them so dreadfully and greatly. Not satisfied with the figures from the Coroners Court, I decided to inquire of the regional ambulance service. Again I was assured by the people at the front line that they had attended no suicides involving farmers this year and certainly none involving farmers who had committed suicide as a result of the adverse weather conditions.

It is of great concern and grieves me that the community is given this atrocious, deceitful and spurious advice. I hope such notions are put to rest by my bringing the truth to light and that any credibility Mr Ronald Ettery may have had at one time has been destroyed. He is a prolific letter writer. It appears a small group wishes to further its political agenda. I do not include in that group any elected members of Parliament. I hope any credibility Mr Ettery had has been totally destroyed.

I turn to the work being done by the government to address the horrendous situation that has faced good and bad farmers throughout the region. I commend the good work of the Department of Natural Resources and Environment and, in particular, that of Richard Habgood, who has been instrumental in introducing several measures that have greatly assisted farmers, including the constant monitoring of events so that the farmers affected can be assisted and plans can be made for the future. The department has ensured that all members of Parliament have been fully briefed on the matter.

I thank the Deputy Premier in his capacity as Minister for Agriculture and Resources for his many visits to my electorate, especially those instigated at the request of farmer constituents who wished to speak to him personally and show him their farms. Following my request the Deputy Premier agreed to visit the area and witness first-hand what was going on. That was not his first such trip. Previously he has

visited many country areas and gathered information as he did when visiting my electorate. His visit did a great deal to appease those farmers who attended the meeting, ensuring them that the government was not sitting on its hands but doing a great deal to put in place mechanisms that would assist them.

Staff from the Department of Natural Resources and Environment personally contacted by telephone 2700 farmers, generally dairy but also beef farmers. They openly made the department's services available. All farmers have had to do is ask. It is pleasing that about 40 per cent of those contacted wanted follow-up service. Although few wanted farm visits by a team set up by the department, the majority of the 40 per cent wanted further information. I congratulate the department for being so forward thinking and conscientious in getting to those farmers in need. An additional rural financial counsellor has been appointed, and I understand that service has been working well.

At this stage the most important program established by the Department of Natural Resources and Environment is Target 10. It was set up to deal with the possible consequences of what has been called the El Niño effect. Through Target 10, 12 workshops have been set up. One in five or approximately 500 farmers in the area have attended those workshops. They are not designed to concentrate on the doom and gloom of what has happened. I understand that the feeling of the workshop attendees has been positive and that preparations are being made for the worst. It is pleasing to see there has been a turn in the approach taken by and feelings among farmers in the electorate.

The kind winter has been a godsend. It could not have come at a better time. Although the rainfall has been lower, the amount of rain has never been an issue. Generally Gippsland gets far too much rain in the winter, so the lower rainfall has helped. The milder conditions have allowed for a little grass growth and have been kinder on the stock. I do not in any way wish to downplay the seriousness of the situation, but at least there are signs that, with the return of growth and providing the weather conditions hold out, most farmers will be able to get through this difficult time.

It is interesting to note that according to milk producers the production of milk in Gippsland this year has been about on par with that of normal years. The horrendous increase in the costs incurred

in maintaining that production is what has made the difference. It has resulted in drastic reductions in farm income and in some cases a negative income. I am pleased to see that the federal government is considering equalisation schemes that will allow for farm income to be equalised over several years. I have no doubt that the achievement of a totally holistic approach to farming practices in this country will be the best thing to come out of the series of bad farming experiences.

I also wish to thank Ruth Macdonald and Bev Hobson from the primary care arm of the West Gippsland health care group. Those from the primary care arm as well as Richard Habgood from the Department of Natural Resources and Environment instigated at a meeting in my office the establishment of the West Gippsland farmer support group. That group has been instrumental in getting to those most affected by the terrible conditions and has been able to help many farmers with utility support, financial counselling, grief and loss counselling and so on. The group has been able to refer to psychologists those in need of such services. I am informed that in some cases the group has brought families closer together. Generally when facing a crisis families pull together to see their way out.

I am pleased to be able to inform the house that the West Gippsland farmer support group has ceased to meet on a regular basis because things are ticking over well. Some 32 farmers and sharefarmers regularly seek assistance from the group, but they too can see a turning point. Without ignoring the seriousness of the Gippsland situation, it is easy to see a turnaround. I hope the media continue to report responsibly.

Essendon hospital

Mrs MADDIGAN (Essendon) — I speak on behalf of the many westerners who have come to depend on the health services provided by Essendon hospital, now a campus of the Royal Melbourne Hospital, and voice their concern that the government will shortly remove those services. The Essendon hospital has provided an excellent health service for many years, and north-west residents are distressed at the loss of public health services in the area. They would like to see the government reassess its policy on the Essendon hospital. It should understand that public health services must be made accessible to the many older residents in the area.

The ACTING SPEAKER (Mr Maughan) — Order! The time for debate has expired.

Question agreed to.

Sitting suspended 1.01 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Breast cancer

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to his statement during the 1996 election campaign when he said:

The government has made women's health a priority, and it is our intention in a second term in office to build on our already proud record in the fight against breast cancer.

Is it not a fact that he has failed to honour his undertaking to the women of Victoria by running a health system in which public patients are today being forced to pay more than \$140 for each hospital visit needed to receive the crucial breast cancer drug, Taxol?

Mr KENNETT (Premier) — I am somewhat intrigued by the question. Yesterday, both in Parliament and outside, the Leader of the Opposition led me to believe that the big issue of this sessional period was to be jobs, jobs and jobs — but that has not even lasted 24 hours. It seems that once again the opposition has returned to Parliament after four months off with no strategy. After the incredible example yesterday of his own lack of numerical ability, on the second day of this sessional period we find ourselves being asked a question of this nature.

What we have said about breast cancer is that it is probably one of the least recognised killer diseases in our community. Other diseases such as AIDS have received more public attention in recent times. We are not downgrading the attention that it has —

Mr Thwaites interjected.

Mr KENNETT — Here we go again, the Wonder Kid.

The SPEAKER — Order! The Deputy Leader of the Opposition should not be asking supplementary questions across the table.

Mr KENNETT — What we actually did, after Labor being in office for 10 years and not giving \$1 to breast cancer as a specific program — —

Honourable members interjecting.

Mr KENNETT — You had it as part of a health budget, competing for funds with every other disease that exists in man or woman. We committed an extra \$30 million over a period, which importantly was welcomed by all the scientists as well as all the women's health organisations. We are the first state in Australia to say that breast cancer, the largest killer among women, deserves to be given a high priority.

Mr Haermeyer interjected.

Mr KENNETT — The honourable member for Yan Yean says it is all froth and bubble, or words to that effect. His electors should clearly understand that he does not give a damn about breast cancer as it affects, threatens or kills women. Ours is the first Victorian government that has tried to give breast cancer a higher public profile. Not only that, we have provided an amount of money that the previous Labor government never even thought about, let alone committed itself to, and we will continue to do so.

Mr Brumby — On a point of order, Mr Speaker, the Premier was asked a specific question: why is it that today in Victoria public patients — —

The SPEAKER — Order! A point of order is not an opportunity to ask a question again.

Mr KENNETT — The government is proud of what it is doing for women with breast cancer, and we will continue to do as much as we can. As we have done in the past, we will be prepared to argue the case publicly, as against some of the other diseases, the treatment of which is well supported by the media and other organisations in society. That has meant that they have attracted most of the money for research, whereas the treatment of breast cancer has not attracted the attention, the money and the support it deserves.

Drugs: Turning the Tide program

Mrs McGILL (Oakleigh) — Will the Premier advise the house of the progress of the government's commitment, as part of its Turning the Tide program, to trialling alternatives to methadone for the treatment for heroin addicts?

Mr KENNETT (Premier) — This is a problem that confronts men and women of all ages, but particularly young people. Again as a first, the government asked Professor Penington to carry out an inquiry into the use of drugs in our society. Professor Penington later spoke to Parliament, and we had a good debate on the issue.

Mr Thwaites interjected.

Mr KENNETT — If the Deputy Leader of the Opposition has a question, he should have the courage to ask it instead of just sitting there looking like the imbecile he is.

Following the Penington inquiry, we have put in place a wide range of reforms that deal with not only treating patients but also trying to educate the public about the risks associated with drug use and abuse. Through the Turning the Tide initiative the Victorian government is making a major contribution to the development of new service options for people who are opiate dependent. We are to trial four new drugs; South Australia is to trial two; and I think New South Wales will trial one.

There are other treatments around the world that we should take note of. One trial currently taking place in Israel is using a drug differently from the way we will trial the same drug here, which is by means of pills. The trial in Israel involves what is called an ultra-rapid opiate detoxification treatment.

The trial is being conducted by a Dr Weissman who has treated approximately 4000 patients in four years. A properly suited patient voluntarily undergoes treatment over a 6 or 8-hour period; when the patient is asleep a range of medical procedures takes place. There is significant interest in the utilisation of this process in Australia, but I am interested because it represents a different option.

It is important to understand that the treatment is the result of a great deal of personal experience by him and his small staff; it is not something you can start up today and introduce a potential client to tomorrow. The program requires a great deal of attention. Currently four or five doctors from

Westmead Hospital in New South Wales are in Israel observing Dr Weissman perform his techniques, and the government supports and encourages that initiative.

Dr Weissman will be in Australia next month. He will travel to New South Wales to follow up on the visit that is taking place in Israel. I hope he will have time to come to Melbourne to further discuss the program. I have spoken to people at the Turning Point Alcohol and Drug Centre who have the responsibility for conducting the trials that we are undertaking to see whether Dr Weissman's method may also be trialled. They are prepared to take it on board for consideration and to report back to us. We should not believe that this new system will be the be-all and end-all; it is another method of treating people with heroin addiction that has to be considered. I will await a report back before, with the Minister for Health, I decide whether it is appropriate for Victoria to go down this track.

The Victorian government has put an additional \$100 million into implementing the recommendations of the Penington report, which has been worth while. However, given the problem it is never enough. Victoria and all the other Australian states must continually do more. The federal government must also do more, particularly in detention because heroin unfortunately is so readily available that in many parts of the state it is cheaper than marijuana — and because it is so cheap much of it is impure, which causes great problems.

The Victorian government will continue to do what it believes to be right based on medical advice. It is prepared to trial different programs, whether they be the one in Israel or the four on trial here and in the other states. It is a pity that some people, particularly those on the other side of the house, consider the issue to be irrelevant; they are not even interested in the answers to the questions to one of the great social scourges of our time. If the Labor Party is not interested the coalition government will continue to do what it can to try to root out this evil, and not only from Victoria. It must be done at the national level because no-one will be able to do it from one state or one territory. All states and territories together with the commonwealth must be involved, and we need a much more concerted approach than we have today.

Taxol: government funding

Mr THWAITES (Albert Park) — I refer the Premier to the fact that under the Medicare

agreement the commonwealth pays for drugs in private hospitals and the state is responsible for providing drugs in public hospitals. Given that the commonwealth has done the right thing and has put Taxol on the free list for private patients, why has the government not put a single dollar into funding Taxol for cancer patients in public hospitals?

Mr KENNETT (Premier) — I thank the honourable member for his question. I will take it on notice, seek advice and get back to him.

Building industry: statistics

Mr TREASURE (Gippsland East) — Earlier the Minister for Planning and Local Government informed the house of an upward trend in building activity across Victoria. Will the minister now inform the house whether this trend is continuing?

Mr MACLELLAN (Minister for Planning and Local Government) — The positive trend in building statistics in Victoria is continuing and I am sure it is welcomed by all members of the house, as it is welcomed by the trade union movement and its representatives who meet with me to review the figures. The honourable member for Yan Yean will be delighted to know that during 1996-97 under the coalition government there was an \$816 million increase in private sector building work in Victoria. He will also be delighted to know that the amount of building work increased from \$4.8 billion to \$5.6 billion. That amounts to a 17 per cent increase or \$816 million of private sector non-government construction work in Victoria.

The honourable member for Gippsland East will be pleased to know that during the first months of this year the trend has continued and there are useful signs of that trend reaching into rural and regional Victoria as well. Through the analysis of monthly statistics we now have the ability to give more detailed information about the nature of the increased work.

In the first months of this year the trend is increasing compared with last year's figure of \$816 million. Figures have increased right across the range in Victoria; they represent an enormous revival in the building industry and one which augers well for the future. I stress to honourable members that the figures I have quoted do not include government projects or the casino complex. Of course, there are some in the industry who will say that is because — —

Opposition members interjecting.

Mr MACLELLAN — I guess that is better than being innumerate. I have had personal experience. I know Grammar students have trouble with numbers. It may yet be the experience of the Deputy Leader.

The trends continue. In July private sector building permits amounted to \$506 million, an increase of \$71 million or 16 per cent over the corresponding figure for July in 1996. The building industry is in a healthy position and I encourage honourable members to continue to take an interest. As the figures emerge from month to month I will be only too happy to provide them to the house. I dare say there will be months when we will be disappointed; inevitably there will be downturns, but out of 12 months last year 11 realised an improvement representing an \$816 million increase in private sector building work.

Public transport: automatic ticketing

Mr BATCHELOR (Thomastown) — I refer the Minister for Transport to the tender specifications for the bungled automatic ticketing system which required penalty payments of up to \$214 000 a day for certain delays. I ask: what is the amount of penalty payments or compensation which the Public Transport Corporation could have been paid by Onelink due to the years of delay in the introduction of an automatic ticketing system in Melbourne; and if these payments have not been paid, why not?

Mr COOPER (Minister for Transport) — The honourable member for Thomastown is certainly not privy to the contract arrangements between the PTC and Onelink, the consortium which is in the process of developing the automatic ticketing system. The details of the contract are commercially confidential.

An Honourable Member — Who's paying for this?

Mr COOPER — I can tell you that we are not paying at the moment, and that is a very interesting interjection because this is one of the most significant things about the automatic ticketing system implementation. The implementation phase is being done with not one cent of the taxpayers' money, which is vastly different from anything that the opposition, when it was in government, tried to put in place in public transport.

The government will not sign off on phase one of the implementation system until it is sure that every aspect of the commissioning tests has been considered, and will not be signing off whether or not it is urged to do so by the honourable member for Thomastown or any of the other illiterates on that side of the house. The government will continue to protect the people of Victoria.

The automatic ticketing system will remain in phase one, the commissioning stage, until we are satisfied that it has met all the commissioning tests. In the meantime we will continue to work hard with the Onelink consortium and the Public Transport Corporation to ensure that the system will be put into place.

Firearms: licence applications

Mr ROWE (Cranbourne) — Is the Premier aware of the cumbersome nature of Victorian firearm licence application forms in comparison with those in other states and, if so, will he inform the house whether the government is prepared to have Victorian application forms simplified in line with forms used in the other states?

Mr Thwaites — Don't tell me you've got details on this one! You've got the answer to this, have you?

Mr KENNETT (Premier) — You are a very good deputy! I thank the honourable member for his question. He wrote to me about this issue on 4 September, and I must admit that on the recent trips that I have had into rural Victoria, down the west coast and to Gippsland, the number of times this issue was raised obviously justified concern by a number of people at the — —

Mr Thwaites — The bowling organisations!

Mr Brumby — Three and a half million dollars of taxpayers' money on bowls, is that right?

The SPEAKER — Order! The Leader of the Opposition and his deputy will cease interjecting across the table.

Mr KENNETT — There is obviously great concern about the difference in requirements between the states of New South Wales, South Australia, Tasmania and Victoria. In Victoria we require the shooters to fill out a form that is 12 or 14 pages long, compared with about 2 pages in the other states.

In getting firearms back from the community — and my ministerial colleague held a press conference on the matter today with the Chief Commissioner of Police because there are only about two weeks to go before the amnesty runs out, and Victoria has collected close to 200 000 guns — we tried to make sure that there was uniformity in the way the firearms legislation worked, not only between Victoria and New South Wales but throughout Australia.

It therefore seems unfair and incorrect to demand that Victorian citizens fill out a 14-page long form when other states can do it in 2 pages. I assure the honourable member that the minister and the government will look at this matter very seriously. There is no reason why we should have such a bureaucratic demand in place and I will ensure that we reduce our paperwork requirements from the 14 pages back to 2 as quickly as possible.

Orient Overseas Container Line

Mr BRACKS (Williamstown) — I refer the Treasurer to the day on which he admitted he was not aware of the Victorian unemployment figures — the same day the OOCL (Orient Overseas Container Line) announced it was pulling out of the \$140 million development of the port of Melbourne because it had been frustrated and embarrassed by the bureaucratic processes and insincerity of the Melbourne Port Corporation and the government of Victoria. Is it not a fact that, because of the Treasurer's bungling, an investment potentially worth around \$350 million a year and the thousands of jobs that would have created have now moved to Sydney?

Mr STOCKDALE (Treasurer) — The Melbourne Port Corporation is one of the great success stories of the current government. Not only has it received a large number of proposals for new investment but in recent years it has increased its turnover from around the 4 per cent that was projected in its long-term forward estimates to in the order of 8 to 9 per cent.

Mr Bracks — What about OOCL?

Mr STOCKDALE — I'll get to that. We know who is protecting the interests of Victoria and who is trying to undermine them, don't we? We know who actually destroyed this state. They are great at putting in the little throwaway line about unemployment, but recently the honourable member for Niddrie was posturing on radio about

the rate of unemployment in Victoria at present — 9.2 or 9.3 per cent, depending on which index you want to use — and he was asked a simple question, 'What was it when you were in office? The answer — 12.5 per cent! He had to concede there was 12.5 per cent unemployment.

Mr Bracks — On a point of order, Mr Speaker, the Treasurer is clearly in breach of standing orders. I ask you to bring him back to the question.

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

Mr STOCKDALE — The first part of question concerned Victoria's unemployment rate. I am simply making the point that when the Labor government was in office, the unemployment rate in Victoria peaked at 12.3 per cent, and the honourable member for Niddrie at least had the decency —

Mr Bracks — On a further point of order, Mr Speaker, on a matter of correctness, it was the member for Williamstown, not Niddrie. The Treasurer cannot even get his facts right!

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

Mr STOCKDALE — I have the unusual experience of apologising to the honourable member for Niddrie. I don't have time to listen to the rantings of the Labor opposition on radio. I rely on information from others, and if they mistook the honourable member for Williamstown for the honourable member for Niddrie I would have to apologise to him. That is a pretty dastardly slur, in anybody's book!

In fact, Victoria's unemployment rate has been dramatically reduced since this government came to office, and over most of the period it has been in office Victoria's private sector growth in employment has outstripped that of the rest of Australia.

We remain committed to the redevelopment of the port of Melbourne. There has been a strategic review of its long-term development options. It is still open to negotiations with container terminal developers including OOCL. If OOCL wishes to come back and pursue negotiations with the Melbourne Port Corporation and the Victorian government we remain ready to meet with its representatives. We believe there is no realistic prospect of the proposed

development in Sydney, and we remain open to negotiation with OOCL or any other party that wants to redevelop the port. We are confident that there will be significant further development and that Melbourne will reinforce its status as Australia's premier port.

Rail: Flinders Street station

Mr McLELLAN (Frankston East) — Will the Minister for Transport inform the house of the multimillion dollar program to bring the Flinders Street station into the 21st century and outline how the Jolimont track rationalisation works will improve train services?

Mr COOPER (Minister for Transport) — As honourable members would be aware, Flinders Street station has been the hub of Melbourne's Met Trains network for nearly 150 years. By 1934 there was a daily average of 282 000 passengers entering and leaving the station, and as a result railway officials at the time claimed it to be the world's busiest railway station. Even today, although Melbourne has four more city stations, there are more than 100 000 passengers going to and from Flinders Street station every day.

Through the decades the station certainly has not kept pace with the needs of the travelling public, so it was with pleasure that I was able to announce today that the government will spend \$24 million on revitalising the Flinders Street station. That fulfils a coalition pledge made at the last election — in contrast, I might add, to promises that the Labor Party made and never kept during its time in government.

Between now and June 1999 many major works will be carried out to give travellers amenities worthy of the station's importance. Some of the works have already begun: some structural works have been completed on platform no. 1. The upcoming works include the provision of escalators, stairs and lifts linking the station concourse with platforms 1 to 13, thus vastly improving access for everyone but particularly for the mobility impaired. A wide, well-lit concourse, which will be not only more aesthetically pleasing but more practical for the huge numbers of train travellers using the station, will be built. There will be upgraded retail outlets, new booking and information offices, a relocated and upgraded police booth and improved toilet facilities. There will be further upgrading of platforms including re-levelling to reduce the gaps between trains and the platform surface, modern tiling and

new platform buildings. The long-needed upgrading of the Elizabeth and Degraives streets subways, including improved lighting, will also occur, along with the provision of better passenger information. These works will bring Victoria's facilities into the 21st century while ensuring the integrity of the building as a Melbourne landmark. Of course, the heritage of the building will be considered at every turn, with only the interior amenities of the building being changed.

While Flinders Street station is being upgraded major works will also be carried out to rationalise the nearby Jolimont railyards at a cost of \$123 million. By 1999 there will be only 12 rail lines between Flinders Street and Richmond. By then 41 sidings will have been relocated to the suburbs, opening up about 10 hectares of land for all Victorians to enjoy. That means that the simplification of operations between Richmond and Flinders Street stations will enable train speed limits to be increased to 80 kilometres an hour, well above the present maximum of 50 kilometres an hour, thereby enabling dramatic improvement to service delivery. As well there will be the relocation and upgrade of Metrol, the nerve centre of train running operations, and that will also enable dramatic change and improvements in metropolitan train management.

The Flinders Street Station upgrade and the Jolimont rationalisation project are major transport works which, taken together, will result in vastly improved customer facilities, reduced journey times and better service delivery for all Victorian train travellers.

APOLOGY TO ABORIGINAL PEOPLE

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

That this house apologises to the Aboriginal people on behalf of all Victorians for the past policies under which Aboriginal children were removed from their families and expresses deep regret at the hurt and distress this has caused and reaffirms its support for reconciliation between all Australians.

In introducing this very important debate today I acknowledge that it is brought to the Parliament by both sides of the house and will be debated along agreed terms between the parties: four speakers from each side and 10 minutes for each speaker. I thank the opposition for its assistance in this matter.

In May 1996 the commonwealth government released a Human Rights and Equal Opportunities

Commission report entitled *Bringing them home*. The report detailed the findings of the commission's extensive investigation into the practice and effects of the separation of Aboriginal and Torres Strait Islander children from their families.

The report has already played an important role in highlighting a part of our history of which many people know little. It describes in great and often harrowing detail how the separation of Aboriginal children from their families has impacted on both individuals and communities. The report also reminds us that this practice did not occur in the distant past but during our lifetimes and in our state. Acknowledging and apologising for these past practices and working together for a positive future is therefore what this motion is all about. The future must be built on acknowledgment and appreciation of the events of the past, ways in which they continue to impact adversely on the lives of Aboriginal people and means by which the hurt can be overcome.

The Victorian government is committed to redressing these disadvantages in partnership with the Aboriginal people. In areas such as education, health and housing can be seen the very tangible gains that can be made through such partnerships. The government acknowledges that the report raises many issues of concern to Aboriginal communities across the state.

The report is a long and complex document and includes 54 recommendations which are currently being considered in detail by all governments in Australia. Some of the recommendations are controversial and may not be supported in full by the government; others, however, are consistent with current Victorian government policy and practice. I assure the Aboriginal community that the government is giving serious consideration to all the reports and recommendations as it prepares its response.

I have requested that the minister responsible for Aboriginal affairs coordinate the preparation of a comprehensive Victorian government response to the report to be laid before the house later this sitting. It is a detailed submission to the inquiry. The Victorian government acknowledges that many past practices in the management of Aboriginal affairs and child welfare systems would be unacceptable today — in fact I would find them abhorrent.

The report also notes the grief and shock that some non-indigenous parents who fostered or adopted

Aboriginal children are still suffering. Their pain was caused by responding to appeals that stressed the supposedly unwanted nature of these Aboriginal children and that they faced a lifetime in institutions.

Last year the Victorian government formally pledged itself to Victoria's cultural heritage and diversity. In November this house unanimously passed a motion reaffirming its commitment to maintaining Australia as a culturally diverse, open and tolerant society. The motion also reaffirmed the commitment of the house to the process of reconciliation with Aboriginal and Torres Strait Islander people in the context of addressing their profound social and economic disadvantage. In my remarks at that time I acknowledged that Aboriginal people occupy a special place in Victoria as members of an indigenous community that suffered greatly in the past through acts of discrimination. This discrimination and its long-term effects must be understood and acknowledged if Aboriginal people and other Australians are to achieve genuine reconciliation within the context of a truly multicultural Victoria.

I have said previously that reconciliation must be sealed in the concept of freedom for all Australians; that we are a free and independent people who are able to demonstrate the capability of living together with understanding and dignity. The Victorian government is committed to working with Aboriginal communities to deliver programs to address their undoubted disadvantage but, more importantly, this government is committed to assisting Aboriginal communities to become economically sustainable and reach a point where they are no longer overwhelmingly dependent on government support. To achieve this Aboriginal people need to feel confident that their unique place in this society is both understood and appreciated.

This motion of apology is another important step in the process. It acknowledges history and says that we as a community are sorry for the pain and suffering caused to Aboriginal people. It is also a commitment to make sure that such events do not take place again. By restating the house's pledge to the process of reconciliation we are saying that we believe Victoria's multicultural composition is truly enriched by the contribution of Aboriginal communities and their unique cultural heritage.

This motion conveys our sorrow to the Aboriginal people of Victoria for the hurts of the past. From a personal perspective — my involvement from 1980, when I was appointed minister responsible for

Aboriginal affairs; for the responsibilities I had then and still have today to all members of this community; for the very special relationships I have developed with individual members of the Aboriginal community and some tribes — I want to express my own sorrow and apology to the Aboriginal people. The motion also provides a point from which we can look forward to building a strong future together.

Mr BRUMBY (Leader of the Opposition) — On behalf of the state opposition I second the motion. The forced removal of Aboriginal and Torres Strait Islander children is a shameful part of Australian history that occurred in every state and territory of Australia.

The separation of Aboriginal and Torres Strait Islander families began as early as 1885 in Victoria and New South Wales, and I think many people are unaware that the program of forced separation continued in some states until the 1970s. Indigenous children's institutions were still operating in various parts of Australia in the 1980s.

Children were taken under government policies of protection and assimilation. They were taken on the basis of having indigenous people adopt European culture and behaviour to the exclusion of their families and cultural backgrounds. The assimilation policy assumed that over time indigenous people would simply die out and would be so mixed with the European population that they became indistinguishable.

Indigenous children, particularly those of mixed heritage, were removed from their families in the hope that Aboriginal and Torres Strait Islander identities would totally disappear. The government practices separated tens of thousands of Aboriginal children from their families, and many of them have never found each other again. The pain of separation is well within the living memory of many Aboriginal families and traverses many generations. Indigenous communities are still affected by the trauma of separation and its impact on family and cultural life.

As the Premier said in April of this year, the report of the national inquiry into the separation of indigenous children, now better known as *Bringing them home*, was tabled. Like many members of Parliament and members of the Australian public, I closely read and followed the media reports of the time but did not read the full report of the Human Rights and Equal Opportunity Commission.

Having written to the Premier requesting that this debate be brought on, over the last week I have read the report and watched the accompanying 32-minute video. I particularly commend the video to all honourable members, who I know have large amounts of reading material to get through. The report — particularly the case studies and the video — shows in the most powerful and graphic way possible the extraordinary hurt, damage, distress, destruction and in many cases death that was inflicted on Aboriginal families by the policy of forced separation, however well meaning that policy may have been at some times in some states.

One needs to understand that what drove the policy of forced separation in some cases was a benign intent, but in most cases it was aimed at destroying the culture of the Aboriginal people through their assimilation into our European culture. That is why Sir Ronald Wilson used the word 'genocide' to describe the report. Many people were shocked at the use of that expression. However, if one relates the dictionary definition of the word to the destruction of a culture and to the destruction of a race, as is done in the dictionary, one is left with no doubt whatever that the program of forced separation was intended to kill off, to destroy, the culture of the Aboriginal people and the people of Torres Strait and to assimilate them into our white European population.

Worse still, when one looks through the case studies one sees that forced separation involved removing young people not only from their families and communities but also from their land, which has such a vital, crucial and almost religious link for Aboriginal people. *Bringing them home* concluded that between one in three and one in ten indigenous people were forcibly removed from their families in the period from 1910 to 1970. In some cases families were removed over three and even four successive generations.

The Human Rights and Equal Opportunity Commission concluded that across Australia up to 100 000 Australians of Aboriginal descent have been affected by forcible separation. We do not have long to speak in this debate, but I think the case studies describe most powerfully the impact of forcible separation. I will read part of the report dealing with the case of Paul. It states:

For 18 years the state of Victoria referred to me as state ward no. 54321. I was born in May 1964. My mother and I lived together within an inner suburb of Melbourne. At the age of five and a half months both

my mother and I became ill. My mother took me to the Royal Children's Hospital, where I was admitted.

Upon my recovery the Social Welfare Department of the Royal Children's Hospital persuaded my mother to board me into St Gabriel's Babies' Home in Balwyn ... just until mum regained her health. If only mum could've known the secret, deceitful agenda of the state welfare system that was about to be put into motion — 18 years of forced separation between a loving mother and her son.

Early in 1965 I was made a ward of the state. The reason given by the state was that, 'Mother is unable to provide adequate care for her son.'

In February 1967, the County Court of Victoria dispensed with my mother's consent to adoption. This decision, made under section 67(d) of the Child Welfare Act 1958, was purportedly based on an 'inability to locate mother'. Only paltry attempts had been made to locate her. For example, no attempt was made to find her address through the Aboriginal Welfare Board.

I was immediately transferred to Blackburn South Cottages to be assessed for 'suitable adoptive placement'. When my mother came for one of her visits she found an empty cot. With the stroke of a pen my mother's heart and spirit had been shattered. Later, she was to describe this to me as one of the 'darkest days of her life'.

The story goes on to deal with Paul's adoption:

In January 1970, I was again placed with a foster family.

Later it continues:

When I'd say to my foster family, 'Why am I a different colour?' they would laugh at me and would tell me to drink plenty of milk, 'and then you will look more like us'. The other sons would call me names such as 'their little Abo'.

He says that from the time he was 5½ months old until she found him when he was 18, his mother never gave up trying to locate him. He continues:

She wrote many letters to the state welfare authorities pleading with them to give her son back. Birthday and Christmas cards were sent care of the welfare department. All these letters were shelved. The State Welfare Department treated my mother like dirt and with utter contempt, as if she never existed. The department rejected and scoffed at all my mother's cries and pleas for help. They inflicted a terrible pain of

separation, anguish and grief upon a mother who only ever wanted her son back.

It goes on for generation after generation. I turn next to the story of Millicent:

At the age of four I was taken away from my family and placed in Sister Kate's Home Western Australia, where I was kept as a ward of the state until I was 18 years old. I was forbidden to see any of my family or know of their whereabouts. Five of us D children were all taken and placed in different institutions in Western Australia.

It continues:

My daughter was born in 1962 at King Edward Memorial Hospital. I was so happy, I had a beautiful baby girl of my own who I could love and cherish and have with me always.

But my dreams were soon crushed: the bastards took her from me and said she would be fostered out until I was old enough to look after her. They said when I left Sister Kate's home I could have my baby back. I couldn't believe what was happening. My baby was taken away from me just as I was from my mother.

Millicent says that when she returned to Adelaide she was told her baby was dead. She told the inquiry:

I didn't even get to hold her, kiss her and had no photographs ...

The good news from that story is that the daughter was later reunited with her mother.

Another story concerned Rose:

We always lived by ourselves. Not that we thought we were better than any other Koori family. It's just that the white welfare, if they seen a group of Koori families together, they would step in and take their children away never to be seen again.

We moved from South Gippsland to East Gippsland. By this time I was about nine years old. My parents pulled me out of school because the welfare was taking the Koori kids from school never to be seen again. My parents didn't want this to happen to us. That's why we always lived by ourselves.

The story continues that the next day welfare took all his brothers and sisters and placed them in homes.

I turn to the story of Lance:

Dad died when I was about two. My parents were married, but they often lived apart. When I was a little kid, they gave me to an uncle and aunty and the police took me away from them and put me in a home. I have never been with my brothers and sisters at all. They were also put into the same home. My brothers and sisters did not know that I existed until a nun said, 'Come and meet your little brother'.

The stories go on and on. I could turn to hundreds of case studies like those I have just read to the house. I refer also to the story of Tony — —

The SPEAKER — Order! The honourable member's time has expired, but the 10 minutes per member is a loose arrangement. I do not want to cut members off if they wish to complete their speeches. Does the Leader of the Opposition wish to round off his remarks?

Mr BRUMBY — I thought the 10 minutes was a loose arrangement. The opposition supports this apology; it is crucial that this apology be made to the Aboriginal people of Victoria and Australia. It is important to apologise unreservedly for the policies that have led to such horrible stories, for the policies which have affected so many Aboriginal families.

I believe the Premier's motion to be an act of good faith and I support it. I commit all members of the opposition to work towards further improving the Aboriginal culture and story, and towards improving future opportunities for Aborigines.

Mrs HENDERSON (Minister responsible for Aboriginal Affairs) — It is a great pleasure for me to speak in support of this very important motion and it is also a pleasure to do so in the presence of members of the Aboriginal community who are in the public gallery today.

The release of the Human Rights and Equal Opportunity Commission report into the separation of children from their families is one of the markers of a critical time in race relations in this country. The final report, *Bringing them home*, is the conclusion of at least two years investigation by the commission.

Bringing them home is a very moving story. It is a story of loss and of suffering, but it is also a story of courage and determination. It is about children, their families and their communities that have been separated through no wish of their own.

The painful details revealed in many of the interviews conducted during the inquiry's hearings during the past two years left us with a strong message that those attitudes, policies and practices should be consigned to the past. However, at the same time it showed the effects of the attitudes, practices and policies which have been felt deeply by the Aboriginal community not only in Victoria but throughout Australia. The effects of those policies are seen in the continuing disadvantages for the Aboriginal people in Victoria in employment, health and education. Those policies also affected the self-esteem of many Aborigines; the policies certainly affected their identity. It is difficult in a multicultural society to be able to relate if you do not know where you have come from and who your family were.

As Minister responsible for Aboriginal Affairs I have had the great privilege and pleasure in the past 15 or 16 months of meeting hundreds of Aboriginal people throughout Victoria and of meeting with Aboriginal organisations. During that time I have often heard stories of past practices and how they impacted on the culture of Aboriginal communities. I also heard people speak of what it meant to them. For many, this report represents a real turning point; it is a point in their lives from which they are able to move on because somebody has actually heard their story and, most importantly, somebody has acknowledged that story.

The report is a reminder in fairly chilling terms about a history of which many people are unaware. What has been very much a private story for many people has now, as a result of this report, been exposed to the public. At the inquiry people spoke of their experiences and of their dislocation, and they certainly spoke of their loss. They spoke about how Aboriginal families were much affected by the difficulty of their colour. Many told the inquiry that they grew up with a feeling of isolation. They had a feeling of nobody to rely on and they certainly felt they were on their own. One woman told the inquiry:

I've had to counsel myself from an early age — in the homes I never showed my tears.

Another theme in the report centred on the effect on parents. In her autobiography the late Margaret Tucker told of the bewilderment of a non-Aboriginal manager of a reserve from where she was taken and how he observed her mother's grief. She states:

He did not take into account that Aboriginal hearts could break down with despair and helplessness — the same as any other human heart.

That common theme runs throughout the report. The Aborigines who were not removed from their families also experienced difficulties with policies. The families were always on the move. Many children were not sent to school through fear of being taken or being recognised by the authorities. Many parents were quite strict with their children in the fear that if they misbehaved they could come to the attention of the authorities. The practices did not affect just one generation; they affected many generations afterwards.

It was difficult for those Aborigines who had been separated from their families when it came to forming their own families. Many had no real or vital experience of nurturing and being loved. However, one of the striking things about the inquiry during the past two years, when people spoke about their experiences, was the lack of bitterness.

In his song 'Took Children Away' Archie Roach, the famous Victorian songwriter, sings:

I write and sing in such a way as not to sound bitter or heavy or coming down on people, I'm just saying this is what happened.

It is up to governments to respond to that generosity of spirit by seriously considering this report and by reviewing the existing policies and practices in consultation with the Aboriginal community.

The Victorian government has acknowledged the significance of the inquiry and has cooperated extensively. Only recently the chairman of the commission commended the Victorian government for its extensive submission which included a lengthy and historical overview of the legislation and policies of Aboriginal affairs and child welfare since settlement. The submission gives an insight into the past injustices in Victoria, but, importantly, it also describes some of the significant changes since the 1970s. That period has marked new beginnings of legislative processes aimed at ensuring welfare practices were sensitive. Self-management emerged as a guiding principle and Aboriginal organisations were established to provide services.

Today's practice of legislating on child welfare is geared to an appreciation of and respect for the

interests of the Aboriginal community and its culture. The standards that have been set by Victoria in respect of the placement of indigenous children and the involvement of indigenous organisations is recognised in the report as a model that should be adopted universally. However, that is not to suggest that no more can be done.

A great deal has been achieved by the partnership between government and the community, and by working together we can do more in the future. As the Premier said, the government is currently considering its response to the report's 54 wide-ranging recommendations. Some will be easy to achieve, others will be difficult and far more complex.

The report also demonstrates that the path of reconciliation will not always be an easy one. To achieve real reconciliation we need to work together as a community so that we can actually deal with and heal the hurt suffered by Aboriginal people as a result of past practices.

I always feel very privileged to speak in this chamber. Today I also feel very proud to stand here as Minister responsible for Aboriginal Affairs and support this important motion.

Mr HULLS (Niddrie) — In speaking to the motion I advise the house that the shadow minister for Aboriginal affairs deeply regrets not being here today. The doctrine of terra nullius was always going to invoke racism. A policy that denies the existence of a race of people and actually denies any entitlement to land, rights or any status instantaneously creates an underclass. As a result of terra nullius and its implications, Australia will always have a situation akin to apartheid — superior versus inferior.

Let there be no doubt that the doctrine of terra nullius was the catalyst for some of the most inhumane, savage and illegal treatment meted out to indigenous Australians. Victoria must not delude itself that with the advent of the High Court's courageous and correct decision in the case of Koiki or Eddie Mabo, the hatred and vilification of the prejudice to and the pain experienced by Aboriginal and Torres Strait Islander people has ceased.

One has only to cast one's mind back a few years, when after the Mabo decision was handed down — it quashed the ludicrous doctrine of terra nullius — certain public figures were aghast and warned people that their backyards were at risk. Perhaps in

an attempt to whip up poll-driven hysteria they actually told white Australians that as a result of Mabo the Hills hoist and the backyard was now up for grabs. Given the harm, hurt, despair and distress that policies of past governments have bestowed on our indigenous population, today we must be ever vigilant to ensure that we denounce inhumane, pathetic and blatantly racist statements made by public figures.

All Victorians need to understand the frightful and degrading history of the Aboriginal population before there can be true reconciliation in this state, and in Australia. As the Governor-General so succinctly stated in August 1996:

It should, I think, be apparent to all well-meaning people that true reconciliation between the Australian nation and its indigenous peoples is not achievable in the absence of acknowledgment by the nation of the wrongfulness of the past dispossession, oppression and degradation of the Aboriginal peoples.

Prior to being elected to Parliament, in the late 1980s I was the solicitor retained by the West Queensland Aboriginal and Torres Strait Island Legal Service. I recall on a number of occasions acting for a lovely young bloke by the name of Alistair Riversleigh. Alistair was typical of a number of young Aborigines. He used to get into a bit of strife from time to time. It was nothing serious — a bit of petty theft, a few driving offences and the like.

I remember talking to Alistair one day about his family and how he came to live in the north-west Queensland town of Doomadgee. He told me that years ago some members of his family had been herded, like cattle, from their traditional lands to a church mission. I recall him telling me of his feelings of emptiness and his longing to return to his rightful home. He was depressed, agitated and felt little sense of worth. Not long after that conversation, Alistair was found hanged in a police cell in Doomadgee. He had committed suicide.

Alistair was a statistic in the Aboriginal deaths in custody inquiry, but he was also much more. He exemplified the pain and anguish that follows forced removal from a place with which one connects. His death was the culmination of a number of things, but no doubt his disconnection with his heartland was a major contributing factor.

I recall other stories of people being forcibly removed from their homes, being forbidden to speak in their native language, and being told that they

could only connect with their parents through wire fences! As a result, in January 1996 I attended the Northcote hearings and I observed the interest and participation of Victoria's Aboriginal people in the inquiry. I attended because I wanted to learn more about the history of the stolen children. I have a small daughter and it was almost impossible for me to imagine the pain that many of these people had gone through.

As honourable members know, the inquiry looked at the consequences of past policies and practices, with collective responsibility for the effect on today's Australians. Many Victorians, individual Aborigines, agencies such as the Victorian Aboriginal Child Care Agency and the Victorian Aboriginal Legal Service, academics, former government officials, and churches contributed to the inquiry.

Marjorie Thorpe, the inquiry's Victorian co-commissioner, should be congratulated for her contribution to the conduct of the hearings and the drafting of the report. Marjorie brought specialist expertise in the area of health — particularly mental health — and the consequences of removal, and was able to represent Victoria's Aboriginal communities in exhausting rounds of hearings and consultations throughout the state.

The hearings revealed the devastating effects on individuals of being wrenched away from their families as children, having to grow up in institutions without the care, love and affection of parents and siblings, frustrating attempts to relocate family members, and exclusion from Aboriginal communities and culture. The stories that were heard reflected the dislocation of whole families and communities.

The stories revealed the systematic denial of adequate housing, education and other basic needs, so reducing the opportunities for successive generations of Victorian Aborigines to live well, gain employment, earn their incomes and participate in public life in the way that, in the main, non-Aboriginal Victorians take for granted.

Many governments acknowledged that those practices adversely affected every Aboriginal family. In fact, those practices amounted to gross violations of human rights. The report provides an opportunity to make effective reparation for the wrongs done by successive governments. It is now up to governments to seize the opportunity. It is still open to question whether they will do so. Like many

others, I was amazed to hear the Victorian government delegation tell the Aboriginal and Torres Strait Island social justice commissioner, Mick Dodson, that although the government's submission supported the principle of indigenous self-determination, it could not actually define the term.

The report describes the process of separations in Victoria, beginning with occupation in 1843. Right up until 1957 non-government welfare agencies removed large numbers of kids on the basis of neglect. The Bolte government then pursued a policy of merging and dispersing, of confining families to missions and expelling certain members of families. The Adoption Act was a tool for the separation of Victorian Aboriginal kids.

There was a rapid turnaround by the Cain government, which acknowledged the right of families to have a say in their children's futures and provide for their needs. The Children and Young Persons Act introduced by that government incorporated the Aboriginal child placement principle. The Victorian Adoption Act is now held up as a model for the rest of Australia, evidence of which is found at page 486 of the report.

The national inquiry not only looked at past practices, but also made the point that indigenous children are still ripped away from their families by the juvenile justice system. To Victoria's shame the report points out that Victoria leads the way in some respects. The report reveals that Victoria has the highest rate of placement of indigenous children in substitute care in Australia. That shows a great gap between the rhetoric and the reality when it comes to placing the opportunity and responsibility for the wellbeing of Aboriginal children in Victoria where it belongs — with Aboriginal families and communities.

COAG is preparing a response to the report of the national inquiry. The extent to which it adopts the practical recommendations made by the Human Rights and Equal Opportunity Commission will reflect the government's commitment to social justice for Victorian Aborigines and reconciliation in this country.

Based on my experiences I am more than happy to support this bipartisan motion. Obviously, some of the shame we all feel results from practices that could only be described as apartheid, which we all feel strongly about. I congratulate the Leader of the

Opposition and the Premier on the motion. We have a lot more to do: it just does not end here.

Dr DEAN (Berwick) — I do not intend to join the debate on the motion without facing up to all the issues involved, because the crux of the motion is that we, the wider community, must face up to one of the most important and tragic issues of our past. I am amazed at the number of red herrings raised in relation to this issue. I have come to the conclusion that that goes to the very reason why it has taken us so long to make this acknowledgment.

I believe that we find ways of avoiding the issue whenever our own view of history is threatened. One of the red herrings that has been raised is the nature of the apology motion, what it means and whether it should be phrased as an apology. I have been searching for a way to try to get to grips with that particular red herring, in an effort to prevent it diverting us from the true nature of the debate. I would like to adopt the words of the Governor-General, who also faced up to this issue in 1996 when he said:

That is not to say that individual Australians who had no part in what was done in the past should feel or acknowledge personal guilt. It is simply to assert our identity as a nation and the basic fact that national shame, as well as national pride, can and should exist in relation to past acts and omissions, at least when done in the name of the community or with the authority of the government.

He then went on to make his own personal apology, which was his choice. For the same reason, a head of state may apologise to another head of state for some act or omission by his government. Again, for the same reason a school principal may apologise to the community for acts undertaken by members of his school community. In those circumstances it is so important that an apology is made.

I want to acknowledge, as I think the motion acknowledges, a terrible thing that happened in this country, all the more so because it happened to our indigenous people. We, of course, cannot feel the same degree of grief that they must feel as a consequence of what happened to them, in the same way as the friend of a family cannot possibly feel the same degree of grief felt by the parents of a child who dies. Nevertheless, we want them to know that as far as we can, we grieve with them.

We are now so far down the track that it is impossible for us to know what was in the minds of

the people who perpetrated this tragedy. We know that social norms have changed enormously and that we could not imagine such a thing happening today without malice being involved, but things were very different then so we simply cannot say what was in their minds. What I hope we can say is that we are becoming more civilised in our relations with other human beings. Whatever the truth of the thoughts of those who acted out this tragedy, it is no less a tragedy as a consequence of their thoughts and their reasons. Many of us still do not understand the true extent and nature of the tragedy.

I will make two brief references to the *Bringing them home* report. This was a contribution made to the inquiry by Link Up:

We may go home, but we cannot relive our childhoods. We may reunite with our mothers, fathers, sisters, brothers, aunts, uncles, communities, but we cannot relive the 20, 30, 40 years that we spent without their love and care, and they cannot undo the grief and mourning they felt when we were separated from them. We can go home to ourselves as Aboriginals, but this does not erase the attacks inflicted on our hearts, minds, bodies and souls by caretakers who thought their mission was to eliminate us as Aboriginals.

A further reference to what happened brought the enormity of it all home to me:

Indigenous children have been forcibly removed from their families and communities since the very first days of the European occupation of Australia.

In that time, not one indigenous family has escaped the effects. Most families have been affected in one or more generations by the removal of one or more children. Nationally, the inquiry concludes that between 1 in 3 and 1 in 10 indigenous children were forcibly removed from their families and communities between 1910 and 1970.

Finally, it is necessary for us to understand the brutality of the scheme that was put in place. This is a quote from one of the contributors to the report:

They put us in the police ute and said they were taking us to Broome. They put the mums in there as well. But when we'd gone about 10 miles they stopped, and threw the mothers out of the car. We jumped on our mothers' backs, crying, trying not to be left behind. But the policeman pulled us off and threw us back in the car. They pushed the mothers away and drove off, while our mothers were chasing the car, running and

crying after us. We were screaming in the back of that car.

The state passed laws to enable that to happen. It created a chief protector, who was automatically made legal guardian of all Aboriginal children and so-called half-castes. In effect, a people who had been walking this country, looking after their children and developing their communities for 45 000 years was advised by another people that they had to be assimilated into that entirely new and alien culture. The result for those Aboriginal people has been insecurity, low self-confidence, feelings of worthlessness, depression, suicide, delinquency, violence, alcoholism and abuse.

Children who were taken from their parents are twice as likely to have health problems and twice as likely to be arrested as those not taken from their parents. If we look at the entire Aboriginal population, we discover a statistic that I suspect shows just how much work is yet to be done. For every 100 000 people, the number of Aboriginal juveniles incarcerated is 539, whereas for the rest of Australia the figure is 25. It is a bit difficult to escape the consequences of an Aboriginal incarceration rate that is 20 times higher than the rate for all other groups put together. Having acknowledged that this has happened, where do we go from here? There are a number of lessons we can draw and a number of directions we can look to.

Firstly, we cannot have reconciliation without both parties understanding the needs of the other and clearly recognising and acknowledging the great tragedy and grief suffered by Aboriginal communities is a first step in recognising that need. This is essential before any advance can be made.

Secondly, I hope we have finally learnt that interfering with other cultures in an endeavour to force them into our belief system is both tragic and ignorant. Such ignorance has probably caused more misery and pain under the banner of misplaced righteousness than all the other mistakes we have made put together.

If we understand and acknowledge this tragedy we are in a good position to move forward in our relationship with our indigenous people. They are our indigenous people — not in a patronising way — and we should be proud and keen to ensure that they are the banner, if you like, of our country.

I for one see the future of indigenous people as being a strong one. If they are given the opportunity they

will have the choice to be doubly educated — they will be able to choose to become doctors, lawyers, businessmen and businesswomen, teachers and leaders in this community and they will also be able to choose to become highly educated by their peers and leaders in their own culture and traditions so that they can stand proud. That is the direction for which we should be aiming, and I believe it is eminently achievable.

Mr BATCHELOR (Thomastown) — I unreservedly offer my apology to Aboriginal and Torres Strait Islander people and nations for the appalling way their families and children have been treated by officialdom since the white invasion of Australia. I do this as a member of this Parliament, which is the supreme law and policy-making institution in Victoria. We, as parliamentarians, carry the burden of responsibility for previous governments who devised, encouraged and allowed the most appalling policy, laws and practices to be perpetrated against the indigenous members of the Victorian community. They were policies based on race, illegitimate notions of welfare, theft of land, neglect and the separation and destruction of families, language and culture and individual self-esteem. The sum total of all this represents a policy of genocide. That is what comes through in the report entitled *Bringing them home*.

This report documents the shameful history for which we must atone. Reparation needs to be made, and this must begin with an apology. Today's motion is an apology to our indigenous community, but it is merely the beginning of the process; it is not the end. As a nation, as a state and as a humane and compassionate community we must commence with an apology and move towards reconciliation. The apology begins the long journey, and our responsibility as parliamentarians is to ensure that that journey continues and that sufficient intellectual and financial resources are committed to enable reconciliation to be achieved.

As the Leader of the Opposition said earlier today, the impact of this abuse is not just in our distant past. We have heard the tragic stories of Paul, Millicent, Rose and Lance — these are just a few of the many stories that have been reported to the Human Rights and Equal Opportunity Commission — and they graphically bring home to us the impact of past policies. The report shows that this is a contemporary issue and that the effects of those policies have taken their toll on our indigenous communities today. They cannot suffer years of

abuse and neglect perpetrated by officialdom without that impact continuing.

As a young boy at school I lived in comparison a privileged life. I remember being taught the so-called virtues of assimilation under the education system of the time. If honourable members read the chapters of *Bringing them home* they will see the faults and fallacies of the policy that was deemed by the bureaucracies of the 1950s and 1960s to be appropriate to be taught to the children of that time. I also remember an Aboriginal student at high school who was part of a foster parent arrangement. The implications and experience of my fellow student have haunted me since, particularly after reading the report.

The national inquiry by the Human Rights and Equal Opportunity Commission into the separation of Aboriginal and Torres Strait Islander children from their families entitled *Bringing them home* details for all of us the tragedies and experiences that indigenous people have suffered from the beginning of the white invasion through to contemporary times. The report has nearly 700 pages, and it is my view that it should become a standard text for study by children in the current education system. Evidence was taken from all over Australia. In Victoria open evidence was received from 44 individuals and organisations and a further 145 confidential submissions were made. The responsibility being accepted by the Victorian Parliament today is explained by the opening quotation in the text of the report, which was given in one of the confidential submissions made in Victoria. It states:

Our life pattern was created by government policies and are forever with me, as though as an invisible anchor around my neck. The moments that should be shared and rejoiced by a family unit, for [my brother] and mum and I are forever lost. The stolen years that are worth much more than any treasure are irrecoverable.

That is the lesson that we, as parliamentarians, should acknowledge. It is our burden and responsibility to make this apology today and to ensure that no similar action is ever again perpetrated on our indigenous community. We must ensure that the necessary intellectual and financial resources are made available.

It is interesting to look at what has happened in our history. This is not the first time the Victorian Parliament or government has examined the

treatment being dished out to the indigenous community. In 1955 a newly elected Premier commissioned Mr Charles McLean to review and recommend changes to the Victorian Aboriginal affairs policy. During the inquiry he visited the indigenous community at Mooroopna, which had been largely left to its own devices. He reported that during his visit 59 adults and 107 children were living there. The tragedy is that after official attention was paid to that community 24 of those children were forcibly removed following government-instituted proceedings.

We must learn from the mistakes of the past when parliaments and governments inquired into these matters. We must ensure that the outcome in the 1990s, as we head towards the year 2000, is not just an apology but one that leads to the implementation of real, substantial, meaningful and long-term changes in partnership with our indigenous community.

I am pleased to be part of the debate. I am cognisant of the responsibility that falls on all members of this and subsequent parliaments. I am prepared to accept my share of that responsibility to ensure that we move from making an apology towards reparation and reconciliation. The opposition asks that all members of all governments do the same.

Mr RYAN (Gippsland South) — As the next millennium is nigh, I stand to contribute to a debate on an issue which had its genesis in this country about 200 years ago. I do so because I believe the issue goes to the principles on which this great nation stands.

The motion deals with past policies in the Victorian context, and it is those that I will address. When considering the motion I had regard to the development of policy in this crucial area. I also had regard to the *Bringing them home* report, which other members have referred to. I considered not only the brief document that encapsulates its essence but also the tome comprising 700 pages. Although I have not read all the report, I have read a lot of it. To put it at its simplest, the report is extraordinarily instructive about what has gone before.

In this context the earliest piece of Victorian legislation was the Aboriginal Natives Protection Act, which was passed in 1869. It is extraordinary when you consider the issues in today's light. Clause 2 says:

It shall be lawful for the Governor from time to time to make regulations and orders for any of the purposes hereinafter mentioned, and at any time to rescind or alter such regulations (that is to say) —

(I.) For prescribing the place where any aboriginal or any tribe of aborigines shall reside ...

(V.) For the care custody and education of the children of aborigines.

On the face of it, the house passed legislation prescribing the Governor's capacity to enact provisions that had those general effects. The provisions seem all the more remarkable when one contemplates the speeches made at the time the legislation was introduced. I refer to the debate in this place on 19 August 1869 — 128 years ago. Mr Macbain is reported as saying:

The bill which the Minister of Justice desires to introduce is a very short one, and has received the careful consideration of the Board for the Protection of the Aborigines. The board have long felt that they have not the power to protect the interests of the aborigines in such a way as to be of service to them. There have been so many attempts to interfere with the rights of the aborigines, and, the board not having the legal power to prosecute and punish the offending persons, it is absolutely necessary that a bill of this description should be passed into law.

Further, Mr Duffy said:

I think it is a reproach to this country that we have taken so little care of those who, after all, are the real owners of the country. I shall be glad to see a well-considered measure passed which will, even at this late hour, when so few of the aborigines remain, take steps for their comfort and protection. I am glad that such a bill has been introduced.

In the Legislative Council on 31 August 1869, the Honourable J. McCrae said:

In rising to move the second reading of this bill, the object of which is to provide for the protection and management of the aboriginal natives of Victoria, I am compelled to say that legislation on the subject at this time is only the performance of a very tardy act of justice to a long-neglected portion of the human family. There can be no doubt that we have been inexcusably remiss in our legislation with regard to the aboriginal natives of this country — those who have been the lords of the soil for ages past, and whose lands we have to a large extent usurped. I cannot but regard it as most censurable that the legislature have not long since taken their case into consideration.

The extraordinary thing is that the two sets of circumstances do not seem to sit together. The legislation which was then before the house and to which those speeches were devoted seems extraordinarily at odds with the content of the speeches.

The practical outcome of the policy of that government, represented by its legislation, can now be seen in the *Bringing them home* report. I strongly endorse the comments of the Premier, the Leader of the Opposition, and other honourable members, that the document is required reading. We should take account of what it has to say, because the stories it contains are nothing less than compelling tragedies.

Having said that, I make two principal points. The first is that the wisdom of hindsight is a wonderful thing. If it were available to us when we were executing our duties, perhaps we would do much better than we are often perceived to do. Heaven forbid that we should ever again go down the path of agreeing to legislation of the nature I have referred to, supported by speeches of the nature I have read from, because that would lead to the sorts of staggering outcomes mentioned in the compelling document I just had in my hand. There is a lesson in this for all parliamentarians. So I make as my first point the effects of those policies, which gave rise to the legislative initiatives that are the reason for the motion.

As for the second point, I find it extraordinary that a government pursued policies that sought to destroy the concept of the family. I say that in an age when the family is regarded as the foundation of our society — and in a completely apolitical sense I can say, free from the fear of criticism, that of all the things we endorse as parliamentarians, the family unit is the most important. Those of us who have the privilege of representing our folk in Parliament have much to learn from this. Perish the thought that we should ever again enact legislation with the direct intent of destroying the very fabric of family life, which today we say we hold so precious.

I can but reflect in a distant sense on the events of 200 years ago and on what was enshrined in the legislation passed 128 years ago and the appalling damage done to the people who were subject to it. It is in that context that I support the motion.

It is important that while we properly dwell on the motion before the Chair we reflect on the comments of the Premier, the Leader of the Opposition, the Minister responsible for Aboriginal Affairs and other

honourable members who have contributed to the debate, all of whom have said that there is a way forward, a way for us to collectively examine the contents of the report and go about establishing how to live together to better serve not only the indigenous people but also the great nation of which we are all part.

Ms KOSKY (Altona) — I, too, am pleased to speak to this motion. I am devastated that we have to have a motion of this type before the house. The history of Aboriginal people in Victoria and Australia has far too often been influenced by brutality, exploitation and segregation. The findings of the report *Bringing them home* are a tragedy for us all. It is a tragedy for the nation and a tragedy for Victoria and, of course, for indigenous Australians most of all.

Throughout our history as a nation we have been uncomfortable with people who are not white. The White Australia Policy was clear evidence of that attitude. Worse still, as a white nation, we asserted our dominance through our culture, our knowledge and our government policies for indigenous Australians — those who owned this land.

This attitude was considered to be a charitable approach and was supported by many churches and governments, but it was anything but charity or concern for all Australians; it was about the superiority of White Australia and the denigration of Aboriginal culture and values. It was an attempt to wipe out the Aboriginal race, not through direct genocide but through the destruction of their culture and lineage. It amounted to the same thing.

The separation of Aboriginal families occurred in a number of ways. It occurred through forced separation of Aboriginal children from their families. I shall read one experience recorded in *Bringing them home*:

My mother told us that the eldest daughter was a twin — it was a boy. And in those days, if Aboriginals had twins or triplets, they'd take the babies away. Mum swore black and blue that boy was alive. But they told her that he had died. I only found out a couple of years ago — that boy, the nursing sister took him. A lot of babies were not recorded.

Separation also occurred under duress. It was different from compulsion because it could be achieved without the application of force, but it usually resulted in threats or moral pressure. I again read from the report:

I remember another friend of mine in St Ives. She wanted to adopt a little Aboriginal baby. And she was telling me when she got this little one that she went out to the mission and said she wanted a little baby boy. The mission manager said, 'Mrs J has a couple of boys (already), we'll take her third one'. So they adopted that child. If Mrs J would have objected, she said the welfare officer says, 'Well, if you don't give us that child, we'll take the other two'.

They did not have much of a choice. Separation also occurred through undue influence, through which a person was induced not to act on his or her own free will. I again refer to an extract from the report:

'The 'Harold Blair Holiday Schemes', which was basically run by Mr Killoran in Brisbane through the Queensland Aboriginal Affairs Department, would organise holiday homes over the Christmas holidays in Melbourne (for Queensland children). After three weeks ... the couple would say, 'I'd love to keep little Mary for a little longer'. 'Sure you can keep Mary a little longer'. No reference to the parents. Within a few months the next question, 'Could I adopt Mary?'. 'Yeah, you can adopt Mary'. This was not an AWB (Aborigines Welfare Board) Victorian adoption. It was done through the Queensland Native Affairs Department, direct adoption kind of by mail order and by phone call ... This was the experience of a girl retained by a Victorian family when the mother died, in spite of the fact that her father was still alive.

Whatever the method, the result has been devastating for the children, the parents and the families involved. The children lost parents, a sense of identity, their culture, their history and, of course, had an unclear future. If you do not know where you come from it is difficult to move forward.

We know that many children removed from their families have suffered from alcoholism, crime and the lack of a future. The Minister responsible for Aboriginal Affairs referred to Archie Roach, who wrote a very moving song about this issue. He and Ruby Hunter often talk about the devastation they suffered and how music moved Archie Roach away from alcoholism.

Additionally, for indigenous children families constitute the entire community. White Australians not only took indigenous children from their immediate families, they took them away from their broader families — something white people fail or refuse to understand. We could learn a lot from them. So it was not only the parents who were lost, but siblings, grandparents and entire communities.

The children lost a sense of belonging, a sense of home and the experience of parenting. I refer to another story from the report:

The memories about clients certainly do not tell the opposite story — of children 'saved' or 'rescued' from situations of mystery and neglect, or of children who were lucky enough to be given a chance in life. In reality, many have felt their chances were taken away — chances given only by growing up in a loving environment, not by being institutionalised as a child! For example, one of their clients who was taken away along with her siblings describes how, when her sister was grown up (most of the siblings had found each other at this stage) 'she didn't know how to hug the babies, and had to be shown how to do that'.

Many children went to foster homes or were taken by adoptive families where negative views of Aboriginal people and their culture were actively promoted. In many cases Aboriginality was denigrated. These people did not understand Aboriginal culture and did not want to understand because they thought Aboriginal culture was less worthy than their own. Of course, for parents the experience was heartbreaking. I cannot imagine the pain, the helplessness and the absolute despair that parents, particularly mothers, must have felt when their children were taken from them. That pain, of course, never disappears. It stays with the mother all her life.

We have seen the results of atrocities among Aboriginal members of our community. As a nation, we cannot draw a line in the sand and say it will not happen again. We must reflect on what has happened in the past and the report on the stolen generation assists us in that.

We must acknowledge the crimes committed against Aboriginal people by white people and we must apologise with the full knowledge of what white communities did. I apologise unreservedly for the mistakes of my forebears. As I said, the apologies will not take away the pain, but they are an acknowledgment of the errors of white governments and their attempt to rewrite history. If we do not apologise as a Parliament, who will? We cannot have any reconciliation if we cannot accept national responsibility for the major errors of the past. I do not understand why some people in Australia have difficulty apologising when the same people expect the Japanese to apologise for what occurred during the Second World War.

The inquiry has not finished with this report, the recommendations must be followed through. Australians must understand their history to ensure such errors do not occur again. We must move forward to reconciliation, which will occur only through respect for Aboriginal people and their self-determination. We still have a long way to go.

Ms DAVIES (Gippsland West) — I commend the state government and the opposition for their support of the motion. I add my personal apology to the Aboriginal people for the pain and suffering caused to them by government policies in the past and present. We have to remember that these things occurred in the not-too-distant past. The children of Aboriginal people of my age were removed.

When I was growing up I spent a portion of my primary school years at Echuca Primary School. A girl by the name of Faye Charles attended that school. She was a quiet student who sat at the back of the classroom and rarely participated actively in class. A few years later I saw her picture on the front page of the then *Sun*. She had had a baby. The baby had been taken away from her, and she wanted her baby back.

I am talking about somebody of my own age. As a mother, I ache when I imagine her pain and I cannot imagine how I would cope with what she and many others like her for many years must have had to cope with. So many of our Aboriginal people now — not two generations ago but now — either had their babies taken away from them or were themselves taken away. Our community has to recognise how many Aboriginal people are still suffering the consequences of those policies. We have a responsibility to take all possible measures to alleviate and help people deal with their pain and the problems resulting from it.

I thought over recent years that some progress had been made towards encouraging all parts of the Australian community to accept and be tolerant of each other's similarities and differences. I feel that the federal government in particular has taken us backwards recently and that reconciliation has been damaged. That is a tragedy.

All politicians say they want the community to move forward. No matter where we have come from, where we live now and what we are doing, I believe in my gut and with my whole heart that the only way we will move forward is if we move forward together. And acknowledging the pain and suffering of the Aboriginal people resulting from

state, federal and local government policies is a first step.

The motion expressing our regret and our apology for the removal of Aboriginal children from Aboriginal families is only part of that acknowledgment. It is only a beginning. I hope that we can all move forward from that beginning together. I give my wholehearted support to the motion. We say sorry. I am sorry for the hurt that our community has caused the Aboriginal people.

Motion agreed to.

Mr Brumby — On a point of order, Mr Speaker, I draw to your attention page 4 of the *Daily Hansard* issued today, which records question time yesterday. A question was asked of the Premier. In answering my question the Premier referred to ABS investment figures. I quote what I believe the Premier actually said:

What he, the Leader of the Opposition, does not understand is that unless industry reinvests in capital equipment you are not going to have jobs. So which state is growing faster than any other state? Victoria! And Victoria grew by 20 per cent. And let me give you other figures.

The Premier continued:

New South Wales, 2 per cent; Queensland, 2.6 per cent ...

And so on. When I referred to the *Daily Hansard* today, I found that it states:

Which state is growing faster than any other state? Victoria!

Then inserted in the preface to each sentence is the word 'employment'. It reads:

Employment in Victoria grew by 20 per cent!
Employment grew by only 2 per cent in New South Wales, by 2.6 per cent ...

And so on. Yesterday's record shows clearly that the Premier was referring to ABS capital investment figures. There is no way, shape or form anyone could put an interpretation on that fact and assert that employment had grown by 20 per cent.

Mr Speaker, I ask you to examine the *Hansard* record. Having listened to the tape, I contend that the meaning of the Premier's answer has been

changed. Employment in this state has not grown by 20 per cent, yet that is now what *Daily Hansard* records the Premier as having said. I ask you to examine the matter and clarify accurately the record.

Mr Kennett — On the point of order, Mr Speaker, the circumstances as I remember them were very much as the Leader of the Opposition has stated. I was referring to capital equipment having grown at 20 per cent. I would be surprised if I had said 'employment' because I knew that was not the case. I have no idea how the word 'employment' got there because I never look at or correct my greens. I am surprised the Leader of the Opposition has so much time on his hands that he would want to read *Hansard* in the first place. Given that he has done so, I reconfirm that my recollection of my contribution yesterday is as he stated.

The SPEAKER — Order! I shall examine the matters raised by the Leader of the Opposition. Given that the Premier has said he made no corrections, I will ask Hansard what happened and report back to the Leader of the Opposition.

ROAD TRANSPORT (DANGEROUS GOODS) (AMENDMENT) BILL

Introduction and first reading

Mr KENNETT (Premier) introduced a bill to amend the Road Transport (Dangerous Goods) Act 1995 and for other purposes.

Mr KENNETT (Premier) — I move:

That the bill be printed and, by leave, the second reading be made an order of the day for next day.

Mr BATCHELOR (Thomastown) — I ask the Premier for a brief explanation of the bill.

Mr KENNETT (Premier) (*By leave*) — That is feisty stuff from the honourable member for Thomastown so early in the sitting. The bill is to do with dangerous goods and their transport.

Mr Brumby — On a point of order, Mr Speaker, the standing orders provide for a brief description of the bill. With due respect to the Premier and recognising his obviously onerous workload, it is not a sufficient answer to simply read a one-line description. The standing orders provide that members have the right to ask for a brief description. The honourable member for Thomastown has asked

a question in good faith. He deserves a reasonable answer.

The SPEAKER — Order! A question was asked, and an answer was given. If the answer is unsatisfactory, the honourable member for Thomastown should take that up with the Premier.

Motion agreed to.

Read first time.

ELECTRICITY INDUSTRY (FURTHER MISCELLANEOUS AMENDMENT) BILL

Introduction and first reading

Mr KENNETT (Premier) introduced a bill to make further amendments to the Electricity Industry Act 1993, to amend the National Electricity (Victoria) Act 1997 and certain other acts and for other purposes.

Read first time.

PORT SERVICES (AMENDMENT) BILL

Introduction and first reading

Mr KENNETT (Premier) introduced a bill to amend the Port Services Act 1995 and the State Electricity Commission Act 1958, to repeal the Port of Melbourne Authority Act 1958, the Port of Geelong Authority Act 1958, the Port of Portland Authority Act 1958 and for other purposes.

Read first time.

FORESTS (DUNSTAN AGREEMENT) (AMENDMENT) BILL

Introduction and first reading

For **Mr McNAMARA (Minister for Agriculture and Resources)**, **Mr Kennett** introduced a bill to ratify a further agreement and to amend the Forests (Dunstan Agreement) Act 1987 and for other purposes.

Read first time.

**EDUCATION (WORK EXPERIENCE)
BILL**

Introduction and first reading

For Mr GUDE (Minister for Education), Dr Napthine introduced a bill to amend the Education Act 1958 to make further provision for work experience arrangements and for other purposes.

Mr MILDENHALL (Footscray) — I ask the minister to give a brief description of the contents of the bill.

Dr NAPTHINE (Minister for Youth and Community Services) (*By leave*) — The bill makes changes to work experience arrangements to reflect the four-term year we now have in schools rather than the former three-term year. It will allow a person who has undertaken work experience to go to the same employer on more than one occasion. Currently there is a restriction that prevents a person returning to the same employer for work experience within the one year, but the bill will allow a person who is later able to find suitable work experience with the same employer to take advantage of that later opportunity.

Motion agreed to.

Read first time.

URBAN LAND CORPORATION BILL

Introduction and first reading

For Mr MACLELLAN (Minister for Planning and Local Government), Dr Napthine introduced a bill to establish the Urban Land Corporation, to repeal the Urban Land Authority Act 1979 and for other purposes.

Read first time.

**DOCKLANDS AUTHORITY
(AMENDMENT) BILL**

Introduction and first reading

For Mr MACLELLAN (Minister for Planning and Local Government), Dr Napthine introduced a bill to amend the Docklands Authority Act 1991 and to repeal the Development Areas Act 1973 and for other purposes.

Read first time.

**LOCAL GOVERNMENT
(MISCELLANEOUS AMENDMENT) BILL**

Introduction and first reading

For Mr MACLELLAN (Minister for Planning and Local Government), Dr Napthine introduced a bill to amend the Local Government Act 1989, the Building Act 1993 and the Local Government (Amendment) Act 1996, to repeal the Public Authorities Marks Act 1958 and for other purposes.

Read first time.

**CRIMES (MENTAL IMPAIRMENT AND
UNFITNESS TO BE TRIED) BILL**

Introduction and first reading

Mrs WADE (Attorney-General) — I move:

That I have leave to bring in a bill to reform the law relating to fitness to stand trial for criminal offences and to the defence of insanity, to amend the Corrections Act 1986, the Crimes Act 1958, the Intellectually Disabled Persons' Services Act 1986 and the Mental Health Act 1986 and for other purposes.

Mr HULLS (Niddrie) — Will the minister give a brief description of the bill?

Mrs WADE (Attorney-General) (*By leave*) — I am surprised that the honourable member for Niddrie is seeking an explanation of the bill because of the long lead time. I would have thought he would have been aware of the proposals to change the Governor's pleasure system, which covers people who are found to be unfit for trial or to be not guilty on the basis that they were insane at the time the crime was committed.

That system which currently leaves those people under the control of the executive government is obviously inappropriate. I am surprised it has lasted so long. I believe it should have been replaced some 30 to 40 or more years ago. We are now proposing to replace it with a system that will ensure that people who are unfit for trial go through a special set of proceedings that will establish whether they are unfit. If the person is found to be unfit there will be a further proceeding to see whether he or she was actually responsible for the action with which that person is charged. So, instead of immediately being under the Governor's pleasure if a person is found

to be unfit for trial, there will be an inquiry to establish whether that person, or indeed some other person, may have committed the offence and whether there might be an element of self defence or any other matter that might be raised in a normal trial. At the end of that proceeding the court, instead of being restricted to giving a Governor's pleasure order, will have a range of options. There will be safeguards on the future of any person who is subsequently held in prison or a mental institution, or indeed is under supervision in the community.

Motion agreed to.

Read first time.

COMMONWEALTH POWERS (FAMILY LAW-CHILDREN) (AMENDMENT) BILL

Introduction and first reading

Mrs WADE (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Commonwealth Powers (Family Law-Children) Act 1986 with respect to the reference of matters to the commonwealth Parliament and for other purposes.

Mr HULLS (Niddrie) — Will the minister give a brief explanation of the bill?

Mrs WADE (Attorney-General) (*By leave*) — The bill covers a circumstance that was not covered in previous references to the commonwealth. The state has referred to the commonwealth power to enact legislation with respect to children in circumstances where the family law jurisdiction overlaps our child welfare system. However, that referral power does not include children who are ex-nuptial children and are also subject to a child welfare order. It has been decided that all states will refer this extra power. It has been done in a couple of states and we are now doing it in Victoria.

Motion agreed to.

Read first time.

SENTENCING (AMENDMENT) BILL

Introduction and first reading

Mrs WADE (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Sentencing Act 1991, the Crimes Act 1958 and the Magistrates' Court Act 1989 and for other purposes.

Mr HULLS (Niddrie) — Will the minister explain the purpose of the bill?

Mrs WADE (Attorney-General) (*By leave*) — This is a bill that makes a number of amendments to the Sentencing Act in particular, with other amendments to the Crimes Act and the Magistrates' Court Act. The principal amendments in the bill provide for the sentencing of certain people involved in a crime where a number of people are charged and one person indicates he or she will plead guilty and give evidence against the others involved in the crime and is sentenced on that basis, but subsequently, when the later trial comes on, the person fails to give evidence as was indicated at the time of his or her sentencing. Legislation in the commonwealth and New South Wales jurisdictions allows such people to be re-sentenced in those circumstances, and the government proposes to introduce that legislation in Victoria.

The bill provides for the way in which people fined under the PERIN system can convert their sentences to community-based orders. There are also a couple of other relatively minor provisions.

Motion agreed to.

Read first time.

FINANCIAL INSTITUTIONS LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Mrs WADE (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Building Societies Act 1986, the Co-operative Housing Societies Act 1958 and the Financial Institutions (Victoria) Act 1992 and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation of the bill.

Mrs WADE (Attorney-General) (*By leave*) — The bill is fairly small. It makes amendments to pick up some relatively minor problems and addresses some issues affecting the financial institutions scheme — for example, an amendment provides for the winding up of a couple of funds that existed under the Building Societies Act which are now no longer

necessary and ensures that the money from those funds goes into the administration of the scheme. There are a number of other amendments of mostly a machinery nature.

Motion agreed to.

Read first time.

HIRE-PURCHASE (FURTHER AMENDMENT) BILL

Introduction and first reading

Mrs WADE (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Hire-Purchase Act 1959 and the Goods Act 1958 and for other purposes.

Mr HULLS (Niddrie) — Again, I seek a brief explanation of the bill.

Mrs WADE (Attorney-General) (*By leave*) — With the introduction of the consumer credit legislation the Hire-Purchase Act is rarely used. The purpose of the bill is to repeal provisions of the Hire-Purchase Act for most hire-purchase agreements, but the government will leave in operation a couple of provisions that involve the purchase of farm equipment by farmers. Sections 24 and 25 will remain in place for two years and will then sunset. Some other provisions from the Hire-Purchase Act are being moved into the Goods Act.

Motion agreed to.

Read first time.

WILDLIFE (AMENDMENT) BILL

Introduction and first reading

Dr NAPTHINE (Minister for Youth and Community Services) — On behalf of the Minister for Conservation and Land Management, I move:

That I have leave to bring in a bill to amend the Wildlife Act 1975, the Conservation, Forests and Lands Act 1987 and for other purposes.

Ms GARBUTT (Bundoora) — I seek a brief explanation of the bill.

Dr NAPTHINE (Minister for Youth and Community Services) (*By leave*) — The purpose of

the bill is to improve and enhance the enforcement provisions under the Wildlife Act and to clarify the duties of officers who will be able to enforce these procedures under the Conservation, Forests and Lands Act. As honourable members would be aware, the Wildlife Act is important in protecting our native flora and fauna. It has been a number of years since the enforcement provisions have been reviewed and they needed significant upgrading.

Motion agreed to.

Read first time.

DISABILITY SERVICES AND OTHER ACTS (AMENDMENT) BILL

Introduction and first reading

Dr NAPTHINE (Minister for Youth and Community Services) introduced a bill to amend the Adoption Act 1984, the Children's Services Act 1996, the Community Services Act 1970, the Disability Services Act 1991 and the Intellectually Disabled Persons' Services Act 1986 and for other purposes.

Read first time.

HEALTH SERVICES (AMENDMENT) BILL

Introduction and first reading

Dr NAPTHINE (Minister for Youth and Community Services) introduced a bill to amend the Health Services Act 1988 to replace certain references to nursing homes and hostels, to provide for offences in relation to supported residential services, to extend the period for the commencement of proceedings in respect of certain offences and for other purposes.

Read first time.

MENTAL HEALTH (VICTORIAN INSTITUTE OF FORENSIC MENTAL HEALTH) BILL

Introduction and first reading

Dr NAPTHINE (Minister for Youth and Community Services) introduced a bill to establish the Victorian Institute of Forensic Mental Health, to amend the Health Services Act 1988 and the Mental Health Act 1986 and for other purposes.

Read first time.

PODIATRISTS REGISTRATION BILL

Introduction and first reading

Dr NAPHTHINE (Minister for Youth and Community Services) introduced a bill to make provision for the registration of podiatrists, the investigation into the professional conduct or fitness to practise of registered podiatrists, to regulate the advertising of podiatry services, to establish the Podiatrists Registration Board of Victoria and the Podiatrists Registration Board Fund, to repeal the Chiropodists Act 1968 and to make consequential amendments to other acts and for other purposes.

Read first time.

MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL

Introduction and first reading

For Mr REYNOLDS (Minister for Sport), Dr Naphthine introduced a bill to amend the Melbourne Sports and Aquatic Centre Act 1994 to make further provision for the Melbourne Sports and Aquatic Centre land and for other purposes.

Read first time.

VOCATIONAL EDUCATION AND TRAINING (TRAINING FRAMEWORK) BILL

Introduction and first reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That I have leave to bring in a bill to amend the Vocational Education and Training Act 1990 and the Adult, Community and Further Education Act 1991 to make further provision for vocational education and training and adult, community and further education, to amend the Accident Compensation Act 1985, the Accident Compensation (Workcover Insurance) Act 1993 and the Pay-roll Tax Act 1971, to make consequential amendments to other acts and for other purposes.

Mr MILDENHALL (Footscray) — I ask for a brief description of the bill.

Mr HONEYWOOD (Minister for Tertiary Education and Training) *(By leave)* — The bill proposes a new arrangement to attract new apprentices. It is a national agreement between all state and territory ministers to provide a more flexible situation where trainees and apprentices can come together as one. The bill will ensure more on-the-job-training with a range of providers to deliver that apprenticeship training. The bill also contains amendments to the Adult, Community and Further Education Act which pertain to the governance of the ACFE board.

Motion agreed to.

Read first time.

UNIVERSITY ACTS (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That I have leave to bring in a bill to amend the Deakin University Act 1974, the La Trobe University Act 1964, the Melbourne University Act 1958, the Monash University Act 1958, the Royal Melbourne Institute of Technology Act 1992, the Swinburne University of Technology Act 1992, the Victoria University of Technology Act 1990 and the Tertiary Education Act 1993 and for other purposes.

Mr MILDENHALL (Footscray) — I ask the minister for a brief description of the bill.

Mr HONEYWOOD (Minister for Tertiary Education and Training) *(By leave)* — I am pleased to provide a brief description. The bill envisages changes to the governance arrangements of all of the eight publicly funded universities in Victoria to bring them in line with the recent Hoare report, which is a commonwealth report into governance, following recent governance arrangements made in other states including South Australia. The governance issues form the vast bulk of the bill.

Motion agreed to.

Read first time.

UNIVERSITY OF BALLARAT (AMENDMENT) BILL

Introduction and first reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That I have leave to bring in a bill to amend the University of Ballarat Act 1993 to provide for the merger of The School of Mines and Industries Ballarat Limited and the Wimmera Institute of TAFE with the University of Ballarat and other miscellaneous matters, to make consequential amendments to the Vocational Education and Training Act 1990 and for other purposes.

Mr MILDENHALL (Footscray) — I ask the minister to provide a brief description of the contents of the bill, please.

Mr HONEYWOOD (Minister for Tertiary Education and Training) (*By leave*) — I don't know where the honourable member gets his literary skills from, but anyone reading the description of the bill in the notice paper would see exactly what it is all about. It involves introducing a bill to amend the said act so that we can have a merger of three institutes into one. That is the full extent of the bill.

Motion agreed to.

Read first time.

INTRODUCTION AGENCIES BILL

Second reading

Debate resumed from 22 May; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — The opposition supports the bill. As the Attorney-General said in her second-reading speech, it is an appropriate response to an industry that has the potential to cause considerable social damage to some of the most vulnerable members of our community.

It comes about as a response to a report dated May 1994 entitled *Introduction Agencies in Victoria — A report of the joint Office of Fair Trading and Business Affairs and Consumer Advocacy and Financial Counselling Association Working Party*.

The report gives a fairly thorough history of introduction agencies in this state, and I will read

some sections of the executive summary into *Hansard* because the report found that there were a number of problems resulting from what could be described as sharp practices of some — probably a minority — of the agencies. The bill seeks to address some of those problems.

The executive summary makes it clear that we are talking about a fairly large industry. In 1994 it was estimated that it had a turnover of more than \$12 million. The industry has been set up to assist members of the community to find friendship and companionship, but many people, for a whole range of reasons, are not able to find that companionship, whether it be short term or long term, through what some of us might consider to be normal avenues. Therefore, they contact introduction agencies in an endeavour to seek out companionship.

The working party found that many complaints had been made against a small number of agencies operating in Victoria, and that for the period July 1989 to December 1993 only 15 agencies were responsible for some 82 per cent of the complaints to the Office of Fair Trading and Business Affairs and the Small Claims Tribunal.

The report goes on to find that although the 15 agencies comprised a small number overall, 4 of them generated a disproportionate 53 per cent of the complaints, while the remainder of the agencies — 55 in all — were responsible for 18 per cent of the complaints. Therefore, although there were a substantial number of complaints about introduction agencies, they came from people who had dealt with a small number of agencies.

It is interesting to analyse some of the complaints. Somewhere in the report it says that 69 or 70 per cent of the complaints concerned poor service. I guess to some degree that is understandable, because if people go to introduction agencies seeking solace, friendship and companionship, even if they are introduced to a large number of people, unless they actually get the perfect partner — and, as we all know, in this day and age that is extremely difficult — they will leave dissatisfied, so it is a vague measure to say that 69 or 70 per cent of complaints about these agencies were about poor service.

The report found that some agency principals simply saw the business as an avenue through which to make money. It found further that some agencies had no real commitment to providing a quality service and were fairly cavalier in their

approach not just to consumers but also to the government.

The report also found — and this is what the bill seeks to address — that there were no defined standards of service within the industry, nor were there appropriate information disclosure mechanisms. No doubt that was of grave concern to a number of people who expressed dissatisfaction with the type of service that was being delivered because in any field, whether people are dealing with lawyers, doctors or introduction agents, they require disclosure, as much knowledge as possible about the services that are being undertaken on their behalf, information about the cost of service that is to be provided and, obviously, a quality service. In order to find the perfect match by going through one of these introduction agencies people must ensure that all appropriate steps have been taken on their behalf because of the money they have paid to the agency to deliver a quality service.

The report also established that the advance-payment nature of the industry meant there was little incentive for some agencies to provide a service to consumers once the agencies had received their money. Apparently in some situations people would go to introduction agencies and find that before any service was delivered large amounts of money were required to be paid upfront. Indeed, at the briefing I had on this matter only a couple of days ago some figures of around \$5000 to \$10 000 and even higher were mentioned. It is outrageous for that sort of upfront money to be paid and no service to be provided. The report suggested it was common practice among shonky agencies to demand upfront fees, and once they were paid there was no incentive to deliver any form of quality service.

The report found there had been other complaints that related to misleading and unfair conduct. It quoted an example of continual pressure being exerted on clients to pay the agency additional money for allegedly upgraded services. There were also faults relating to potential contracts and, finally, allegations of fraud through unauthorised debiting of credit cards, and I will deal with particular examples shortly.

It was something of an eye-opener to me at the briefing to be able to ascertain exactly how the industry works. Before my briefing from the department I had spoken to people from a number of introduction agencies, and I will deal with their concerns later. The briefing from the department

suggested that an enormous amount of pressure was placed on clients to seek upgraded services. I was not sure what those upgraded services were; it almost sounds like horse breeding! I am told that people would go off to introduction agencies, were required to pay a certain amount of money upfront and then told that the sort of person they were looking for was not in that category and if they wanted to find the appropriate person they had to pay some more dough and, hopefully, the person they were looking for would be in the higher category. Once the people paid the extra money they were told the search of the records did not reveal an appropriate person — 'But we're sure we'll find someone for you in the AAA class category' — and even more money was required. On a number of occasions — and I have to emphasise that this occurred in only a small number of agencies — rip-offs were taking place: people in agencies were preying on vulnerable members of the community.

As a result of this report the government has decided to introduce legislation. It maintains that as a result of the report it put the industry on notice that it ought to clean up its act and adopt a voluntary code of conduct, get rid of its sharp practices and improve its service delivery. I am advised that a number of agencies did not take up the offer of signing on to the code of conduct, but in fairness I must point out that the introduction agencies that I met with advised me that there had been very little consultation with them; they stated that they were the minor players in the industry and advised that the real consultation was taking place with the top organisations in town such as Yvonne Allen and Associates.

A number of aggrieved introduction agencies advised me that they had been left out of the consultation loop and that on a number of occasions they actually tried to enrol in the code of conduct but, as they put it, were given the cold shoulder. I put that on the record. Obviously I have no evidence to support those claims, but they were made at a meeting with me that took place only a few weeks ago. The groups that came to see me were gravely concerned about the lack of consultation with them and were of the view that the legislation comes about as a result of the lobbying of groups such as Yvonne Allen and Associates in an endeavour to get a number of other players out of the market to ensure that the larger introduction agencies will have the cream of the market in Victoria. I simply raise that point because I have an obligation to do so. As I said, the agents who saw me were extremely concerned about being left out of the loop.

The introduction agency industry increased in size during the 1990s as people found that searching for partners had become increasingly difficult. There are many reasons for that: I suppose in the past people met partners or companions in the workplace. All I can say, speaking from this particular workplace, is that it is difficult to meet a perfect partner.

An opposition member interjected.

Mr HULLS — I am advised by the honourable member for Dandenong North that I haven't been looking hard enough! Each time I look opposite it gets harder and harder to find the perfect partner.

The task has been made more difficult because of changes in work practices and places. In the past the workplace was a common meeting point for couples but, to sound a political note, Victoria now has high unemployment — 9.3 per cent — and those who are unemployed have no workplace in which to make contact and form a partnership. It is more difficult without a job. In the past social, sporting and other community organisations have also been areas where people found companionship, friendship and some sort of solace; but because the government has removed funding from those areas a lot of previously fertile ground for people to meet and mix with each other has gone.

Another reason for the increase in the number of introduction agencies could be the use of new technology, particularly in the home, so that people stay home to work rather than going out to a workplace and socialising as often as they did in the past. Whatever the reason, a flurry of new introduction agencies has certainly come onto the market. That makes it even more important to ensure that the industry is properly regulated.

I do not want to generalise but often people who go to introduction agents are people who feel somewhat disadvantaged. Perhaps because of their workplace arrangements they have not been able to meet people. Perhaps they feel vulnerable because they do not have a partner and are unable to find an appropriate companion. Perhaps they are disabled. Perhaps they are simply desperate to find some sort of friendship or solace. Those circumstances often result in particular groups of individuals taking advantage of the situation.

If I am right in asserting that large numbers of vulnerable people go to introduction agencies the people who run agencies have a special duty of care to their vulnerable clients. If in the past there have

been shonky operators and charlatans involved in the industry it would have been easy for them to use the vulnerability of their clients to their own benefit.

There are a number of reasons why in the past the industry has attracted some disreputable people. One reason was the absence of substantial start-up costs. In the past it was an easy industry to get into. Anyone could put up a shingle stating that he or she was an introduction agent and there were very few probity checks, if any. I do not think there were probity requirements in the past. The bill addresses that situation.

In the past there has been the suggestion of a linkage between the industry and prostitution. The groups that came to see me some time ago wanted to break that link and remove any hint of a connection. Undesirable people have also been attracted to the industry because a very quick buck was able to be made in it. There has existed a capacity to extract large sums of money from people without having to deliver substantial quality services. The legislation seeks to address that.

In the past many circumstances have led to extreme difficulty in detecting a number of practices that have breached the Fair Trading Act and various other statutes, and in enforcing the law. Gross misrepresentation to clients about the nature of services has taken place, but because of the state of mind and vulnerability of the people using the services there has been a reluctance to report problems. People have been embarrassed about complaining about the lack of quality of service delivered to them.

In addition, in the past there has been constant and fairly persistent harassment of potential clients. Large up-front payments have been required, yet there has been very little or no delivery of service. Clients have made payments up to or in excess of \$20 000.

The legislation addresses the practice of agency staff members pretending to be clients in order to sign up individuals. False advertising has taken place. I am advised that advertisements include a photo of a very attractive female or male who is allegedly on the books of the particular introduction agency, but when potential clients ask for that person they are told he or she has already been taken. In fact the person shown in the photograph was never available and was used as a way of getting people in the front door of the agency.

In the past there has also been exploitation of disabled people, who are most vulnerable to unfair practices. A number of case studies are set out in the report tabled by the Attorney-General in 1994, from which I have already quoted. It is important that the details of a couple of the cases are recorded in *Hansard* because they do give an overview of some of the malpractices that have taken place in the industry.

I repeat that I am talking about a small percentage of agents. The report states that only a small percentage of agents have done the wrong thing, and the legislation seeks to address the problems posed by those particular agents.

I will refer to the person mentioned in the report as Mr X. Mr X contacted an agency and attended an interview at which he was told that he would have to pay \$800 to meet the girl of his dreams. Who would not pay \$800 to meet the person of their dreams if they were in the market for a partner? For his \$800, Mr X was provided with some names of women, only one of whom wrote back to him, and she said she did not wish to meet him. That is what he got for his \$800!

Mr X was then told that he should upgrade to the marriage level, which would cost him another \$1200. He was going to be put into a new, you beaut, marriage category. He informed the agency that he did not have that amount of money. The agency informed him that it would whack him into the higher category, and that although it was going to cost \$1200 it would not bill him for three months. The agency then went ahead and immediately billed his credit card for \$1200, which put him \$1200 over his limit. The original contract included a clause that there would be no refunds.

After paying \$800 and \$1200 — \$2000 in total — this fellow was overdrawn on his credit card, yet he was still going home and dreaming on his own. Mr X then felt obliged to continue to use the service because he was so indebted to it. He specified that he wanted to meet women who were non-smokers, had no children, and were physically fit. Of the five women he was recommended to meet, one was not interested, one could not be contacted, another lived more than 1½ half hours away, one had a child, and the last was a smoker. He missed out on all fronts.

That is a fairly typical example of cases detailed in the report involving a lack of service, up-front selling of products and involving unauthorised credit card billing. As painful as that case was, it was

not as painful as the next case. I will call the next person Mr Y. Mr Y made contact with an agency by telephone and was told that the cost of services ranged from \$290 to \$1890 a year. He was told that he could be looked after for \$1290, and that that was the recommended price. When he went to the agency to take up the offer he was told that the \$1290 was unacceptable and that he really required the \$6000 marriage service. I do not think I spent \$6000 on my own wedding!

Mr Y was told to upgrade to the top-of-the-range service, that the \$6000 marriage service was necessary. He was told that that service, which included the placement of advertisements in the newspapers, would guarantee marriage. He signed a contract but was then told he could not meet any women until he paid the balance of \$5000.

Although he had signed a contract and was told initially that it would cost almost \$1300, he was then told nothing would be done for him until he paid a \$5000 balance. He was informed that the agency dealt only in cash or Mastercard, and that someone from the agency would visit his office next day to collect the money from him. This extraordinary story would be funny if it were not so serious!

The staff member from the agency accompanied this gentleman to his bank. Mr Y asked whether she had the contract with her, as promised, but she did not. He said he would not pay until he received the contract but was told that unless he paid up he would lose his \$1000. He paid the money and later visited the agency where he was told the price had risen to \$8000. He said he could not pay and asked for the contract he had signed the previous day. He was told no contract existed and that unless he paid another \$2000 he would lose all his money.

He reluctantly agreed and said that he needed time. He gave them his credit card details and was told he would not be billed for three months. He was then told to return to the agency next day to examine its files. However, on the following day he was too ill to attend. Then he was contacted by his bank and told he was over his credit card limit by \$1000, that the agency had already billed him.

He contacted the agency and was told that he had authorised the payment to the agency on the day when he was actually ill and could not visit the premises. He then got hold of the credit card voucher and realised that the signature on it was not his. No refund was given and he received no services. He never returned to that agency. I am not

saying that story would be common throughout the industry but it is an absolute disgrace to the introduction industry. It is a case of an industry preying on vulnerable people.

The Attorney-General is to be congratulated for introducing the bill which will ensure such practices do not continue. The two examples I have related to the house highlight the problems this bill addresses, including the requirement that an introduction agent must give notice of its intention to commence or continue to provide a service thereby making that known to the government and to the public.

The bill also disqualifies certain persons — basically persons convicted of a criminal offence — from operating a service. That provision addresses the lack of probity I referred to earlier. The bill outlaws certain practices including agency staff pretending to be clients, which has been a major problem. Also prohibited will be the practice of advertising persons who are supposedly waiting to be contacted when such persons do not actually exist. Also, personal information provided to an agency must be used only for the purposes for which it is given.

The bill ensures that information given to clients before signing or entering into what can be costly contracts must include costs and the time frame for certain services. The bill restricts the amount of money that is to be paid upfront to 30 per cent of the total cost. That will establish an incentive to ensure the agency provides a service. In the past a number of shonky agencies have required huge initial payments but have delivered little or no service. The opposition welcomes the requirement for a certain up-front payment.

However, a concern has been raised with me by a number of agencies about whether the 30 per cent is appropriate. Some agencies have said they require a substantial up-front fee to pay for substantial advertising space on behalf of clients. They are concerned that an initial 30 per cent of the total fee may not enable them to advertise as they have done previously. Obviously the industry and the Attorney-General will monitor that provision to ascertain whether the 30 per cent payment is appropriate. I welcome the fact that the Attorney-General is attempting to ensure that huge amounts of money are not paid upfront for what amounts to no delivery of service.

The legislation has a three-day cooling-off period on contracts. Prospective clients have the right after some thought to be excused from contracts. I

welcome that provision. It does not mean that no work will necessarily be done on behalf of clients during the first three days. An agency will need to decide whether during that three-day period it will start the process of arranging introductions.

Obviously, the onus will be on the agency, and if a client decides to change his or her mind, any money spent during that time by an agency will need to be paid to it.

The bill also attempts to correct what has clearly been a marked failure in the industry about the lack of information of services available in certain agencies. The agencies have not properly advertised or described to potential clients the exact nature of the services provided. Many people visit agencies in the expectation they will be shortly married or at least will have some sort of partnerships established, but agencies have not advised their potential clients of steps to be taken by them to have their clients meet their goals.

It is important that the house is aware of a number of concerns raised by the sections of the industry with which I have consulted; I hope the Attorney-General will address them in due course.

As I understand it, the Victorian Introduction Agency Association has recently been formed by a number of Victorian introduction agents. That association does not support the bill in its current form, particularly because it is angry at not having been consulted. Its members say that only the top end of town has been involved in the consultation process. They also say that the provisions relating to restrictions on up-front payments, disclosure of the number of clients on the database and restrictions on written contracts will be detrimental to the industry.

The association has told me that many of the introduction agencies now based in Victoria will move interstate because they believe the legislation will be too restrictive. I do not agree with the association. I have examined the legislation and I have received a briefing from the department — although I do not necessarily always accept everything the department says about its legislation — but having also spoken to the industry about its concerns, I conclude that the legislation should be welcomed. Victorians will be in a better position to judge some of the ramifications of the legislation further down the track. The opposition does not oppose the bill because it is a bona fide attempt to clean up the industry. Nonetheless, the opposition will monitor the legislation to ensure that it achieves its objectives.

I shall raise some minor matters for the attention of the Attorney-General. Clause 10 exempts from the provisions of the act a person who simply publishes publicly available listings of people seeking to enter relationships. Would that enable some shonky players in the industry to get around the legislation? A shonky operator could increase his or her database by using this clause to contact a number of people who advertise in the classified columns of the *Herald Sun*, the *Age* or some of the local newspapers. This matter does not seem to have been addressed by the legislation. Has the minister given it any thought?

Under the legislation players who want to start up in the industry have to advertise the number of people they have on their books, the purpose being the more people they have on their books the more they can attract customers. I do not want shonky agents setting up in the industry by going to the classified pages of some of the newspapers to compile their databases and offering the same service the newspaper purports to offer and advising their clients that they have a huge database which includes people who advertise in the newspaper. The legislation does not address that, so it will have to be monitored.

Clause 40 deals with the enforcement of inspections and searches. It makes it clear that an inspector may enter premises on or from which a person is acting as an introduction agent at any reasonable hour in the daytime to inspect the books to ensure there has been no contravention of the legislation and the like. Under clause 40(4), an inspector may not enter a residence unless the occupier of the residence has consented in writing to the entry and the carrying out of a search. The basic philosophy behind that is that a person's home is his or her castle and so on, but will that provision encourage introduction agents to set up in a residence?

Residence is not defined in the legislation. Will it mean that a large number of introduction agents will move out of offices into residences in the full knowledge that an inspector cannot enter residences unannounced to conduct inspections without the approval of the occupiers? The Attorney-General must address that issue.

If a small number of shonky operators and charlatans in the industry do not want their businesses inspected or regulated the last thing Victoria wants is a legislative loophole to allow such operators preventing their premises being inspected

by setting up businesses in residences rather than offices.

The opposition commends the government on introducing the legislation. As a backhander, it has to be said that the report was handed down in 1994 and it is now 1997. How many lonely hearts have been burned and people ripped off because of a three-year gap between the original report and the introduction of the legislation? No doubt the parliamentary secretary will be able to quantify that in due course — being a lonely heart himself. The opposition certainly does not oppose the legislation.

Ms McCALL (Frankston) — I assure the honourable member for Niddrie that the feeling is entirely mutual on whether there should be any attraction on this side of the house. I also take up the other point about the search for the perfect partner. Judging by current divorce rates in the world, clearly it is an extremely difficult issue. Unless you are someone like my parents who managed to find a perfect partnership in each other for more than 50 years, I suspect it is almost impossible to ask the same of an introduction agency. Quoting the honourable member for Niddrie, I stand as one of the disadvantaged and vulnerable with a difficult state of mind.

Mr Hulls — I always say that.

Ms McCALL — Thank you very much. The people of Frankston may disagree with you. Eleanor Roosevelt said, 'It is not fair to ask of others what you are not willing to do yourself'. So I talk as someone who, along with a number of friends some time ago — before the report of 1994 and before the voluntary code of practice came into play — actually went on a register with a number of these agencies. I hasten to say not because we were desperate in any sense of the word.

Mr Leigh interjected.

Ms McCALL — Despite what the honourable member for Mordialloc is suggesting we did it simply as a recognition that the service was there. We had been on the receiving end of some unsolicited mailings and some rather difficult phone calls. People had rung us up at our respective places of work asking certain intrusive and particularly offensive questions. We had received a series of most interesting mailings from a strange group in Queensland which had daisies all over its letterhead — I do not know whether daisy or wallflower was the appropriate flower — suggesting

some sort of companionship for those who were terribly busy but single and, I hasten to say, successfully single, or to quote Ita Buttrose, radically celibate. I quote an article from the *Australian* of 16 August which says:

Helping singles find a mate is one of Australia's fastest growing businesses.

It is also one of Australia's least regulated businesses, tarnished by horror stories of financial and emotional abuse.

I am extraordinarily lucky to have been blessed with an English sense of humour. So I did not feel I would be emotionally abused by going along to one of these places. However, I was conscious of the fact that such places deal with people's feelings — and feelings, when attached to money, sometimes take on horrific proportions.

We agreed between the six of us that we would do this as an empirical study, so we opted to choose six different agencies with which to register. Before anyone misunderstands me, we did not do this in a trivial state of mind; we did it as a genuine exercise to find out what the agencies did and how genuine they were in finding partners. None of us went in with any idea that we would find a soul mate or a husband, but we did at least think we would find what is known in the vernacular as a handbag — someone who was reasonable, someone one could take to official functions and who was entertaining and erudite, unlike the honourable member for Niddrie.

So off we went and registered with these different agencies. I am happy to report that some five years later two of the six are happily married to people they met as a result of the agencies, which is an excellent outcome.

Mr Leigh interjected.

Ms McCALL — I was a Young Conservative, not a Young Liberal. I met my husband through the Young Conservatives — which is probably worse than the Young Liberals, if the truth be known — and I left him behind. I am grateful to report that he is now 12 000 miles away.

Returning to the bill, two of the six are now happily married and living interstate. They are not happy that they are living interstate but they are happily married. The other four are not: we are still single but still hopeful, if that is the right expression. We

are staying single because, believe me, it is probably cheaper and a lot less hassle. In my former career in personnel management, I interviewed lots of applicants for jobs. I took them through their resumes, helped them fill in their forms, coached them in improving their skills and abilities and talked about the expectations they had of the marketplace.

I was absolutely appalled, as were my colleagues, by the poor standard of interviewing skills displayed by the people in the introduction agencies, and to my mind that is a fundamental part of the major problem. These agencies are dealing with people's feelings and emotions. If you are asking people to part with their money and open their hearts, bare their souls and discuss what they consider to be the very essence of their personalities — be it their English sense of humour or a number of other attributes — you should at least afford them the courtesy of being professional. We would all agree that applies to everything we do.

After reading the report that came out in May 1994, I am disturbed that so few of the dating agencies agreed to adopt the code of practice that was introduced. I would like to correct the honourable member for Niddrie: apparently it was not automatic; you had to agree to comply with the terms of the code. That was absolutely essential and related to issues as fundamental as the type of form people were asked to fill in.

An honourable member interjected.

Ms McCALL — Perhaps he is one of the disadvantaged; perhaps he is vulnerable with an unstable frame of mind. I do not know. If nothing else, that makes at least two of us!

Another issue is the discriminatory nature of some of the questions. I know these were highlighted in a couple of cases that went before the commission earlier this year, when some of the supposedly more reputable companies asked for the right to discriminate against some of their clients. They probably would have discriminated against me on the basis that I was too picky; however, they raised some important issues. I quote again from an article in the *Australian* of 13 August, which says that as a result of the tribunal ruling:

... the three agencies were not allowed —

one of these three is one we visited some time ago —

to refuse to provide their services to any person but they did grant a partial exemption on the basis that they could:

refuse services to people who were married that had not separated from their partner.

That was one of the problems we struck. One of my friends went along to one of the so-called meetings. She had joined the agency in good faith, believing she would meet divorced or unmarried men. After an evening of being wine and dined by a gentleman, she was horrified to find that he was a married man travelling interstate who thought it was an easy way to get dinner guests! You meet them anywhere: you do not need to pay money to an agency to meet those sorts of people. I am told it commonly happens in Parliament as well, but I will not presume to comment!

The tribunal found that an agency was also at liberty to obtain information from clients to help it match them with others. In other words, it was able to ask reasonable questions, which I would assume were along the lines of whether they smoked or drank or whatever. If you made it any more intrusive than asking about personal proclivities, you would be in all sorts of trouble. The tribunal also found that an agency could advise potential clients that, because of their attributes and the attributes preferred by other clients, it would be difficult to find partners for them.

That brings us to issues such as whether they are only looking for six-foot blondes and so on. I am delighted that the tribunal is aware of that and that its ruling will govern the way these agencies behave. It is therefore a real pity that we have had to introduce the legislation. Given the report that was put out in May 1994, it is a great shame that people have not agreed to comply with the code of practice that was introduced in 1995 and have been allowed to continue to exploit members of the public to the extent they have.

I quote from an article in the *Australian* of 14 August, in which Yvonne Allen said:

When the Parliament meets in spring, that bill is going to curtail a lot of very, very dubious practices ...

And what is interesting is that some agencies in Victoria have declared that they will move interstate.

If they are the very dubious ones, they are welcome to go interstate — so long as they do not continue sending me letters with daisies on the letterhead or

ringing me up at work and asking me personal questions!

I refer to the nature of the questions we were asked. One of the agencies a friend of mine registered with videotaped her interview and proceeded to give her guidance on grooming and how she spoke and advised her to have her teeth capped. They recommended she do a series of things which, apart from anything else, would have involved a great deal of personal expense. In her view, that was not the reason for going there. She went as the person she was, not as the person the agency would have liked her to become.

I do not propose to talk about any of the technical aspects of the bill. Having bared my soul about how traumatic it was going to the agencies in the first place, I can only say that I am particularly delighted that the Attorney-General has, may I say, grasped the daisy and decided to do something about it.

One can only hope that in future Victorians who choose to use introduction agencies, not because they are vulnerable or disadvantaged but because they are in the sorts of jobs that we are, which makes it difficult to meet people with similar interests — and God forbid there are people out there with interests similar to ours! — will be free to do so without the fear of being discriminated against. They may find their soul mates or their perfect partners, but they may also find people who make the perfect handbag for the perfect evening!

Mrs WILSON (Dandenong North) — My contribution will certainly not be as amusing as that of the honourable member for Frankston. I congratulate her on the frankness of her remarks. It is nice to have some humour in this house, because too few of us have the ability to laugh at ourselves.

I also congratulate the Attorney-General on addressing the concerns of people who have been complaining about a certain sector of the introduction agency industry for a number of years. Most members know that attempts to regulate or to bring some sense into the industry go back a long way. In fact, in 1979 the previous Liberal government tried very hard to bring some sense into the industry and to get rid of the charlatans, but it was unsuccessful. In 1989 the Labor government tried again to introduce a code of conduct or to get the industry to regulate itself. Unfortunately, it too was unsuccessful. The Attorney-General deserves congratulations for having the courage to bring in this legislation.

It will go some way towards making the introduction agency business more accountable. I hope that the legislation will eliminate much of the fraud that has been the subject of many complaints to the Office of Fair Trading and Business Affairs and that it will protect the interests and the reputation of the more reliable and honest agencies. I understand that some of those agencies have been operating for 20 to 25 years and that very few complaints have been made against them.

I would have preferred to see the introduction of a system for licensing the agencies, but I realise it would have been enormously difficult to police. Of course, there may also be difficulties in policing this legislation. When she sums up at the end of the debate, I would appreciate the Attorney-General explaining how she believes that can best be done.

The general impression of introduction agencies is that there are a few good ones that operate honestly by providing legitimate contacts and introductions for their clients and there are a large number of bad ones. This is not the case. I believe there are a greater number of good agencies than bad ones, but the bad ones give the whole industry a bad reputation.

Like other honourable members, with the exception of the honourable member for Frankston, I have had no contact with introduction agencies other than to deal with complaints from my constituents. Some years ago a number of agencies that were operating in the Dandenong area caused enormous harm and grief to people who resided in my electorate. Fortunately, I was able to put the people in contact with the former consumer affairs department, and I know they were assisted to seek refunds through the tribunal or were able to demand a better level of service from the agencies.

I suppose people like me who grew up after the Second World War were the lucky ones, because there was never any shortage of partners. We met young men who escorted us to various social functions through churches, sporting groups, social groups, relatives and friends. My interest in introduction agencies arose as result of the publicity received by introduction agencies over the past few years because of the shonky practices engaged in by a small number of operators.

The owners of an agency in the Dandenong area were involved in 12 other agencies across metropolitan Melbourne. From July 1994 to October 1996, 128 people filed complaints against the agency in the Small Claims Tribunal and 94 won orders for

full refunds. That particular agency was up to every trick in the book to obtain money, money and more money from its clients, but it failed to provide any sort of reasonable service.

An article in the *Herald Sun* of 8 February gives some indication of the activities of the Ryder agency, the owners of which were Mr Peter Van Haasen and his wife Jenny. The article says that affidavits tabled by the Office of Fair Trading and Business Affairs in the County Court at that time state:

Lonely men who paid thousands of dollars to meet women for casual or permanent relationships were regularly duped by female staff pretending to be prospective partners or to tee up dates.

Many were conned with sexually enticing phone conversations and plays to get more money from them — and never even got to meet a potential companion.

One former agency worker alleged that men were virtually promised sex but she 'never heard of any guy getting what he paid for'.

Many men were encouraged to take out loans or to borrow from family or friends and supposedly wealthy dates vowed to help repay money once they upgraded membership 'so we can finally meet' —

the partner of their dreams. The article continues:

One ... man who paid \$16 000 and 'got ... nothing' was pressed for \$50 000 for 'life membership' before he sought a court order for refunds.

As I said earlier, this couple were operating 12 agencies with bizarre sounding names including Get It On Introductions, Ryders Dating Contacts, Affairs Galore, Kinkies Casual Relationships and Dirty Affairs.

People who use introduction agencies are difficult to typify. As we heard from the honourable member for Frankston, she and six of her friends — who could probably find quite amiable partners in any sphere of life — undertook an exercise to find out what various introduction agencies were offering.

A profile of clients from the 1994 report into introduction agencies described people who lodged complaints with either the Office of Fair Trading and Business Affairs or the Consumer Advocacy and Financial Counsellors Association, the co-writers of the report. They said the majority of complainants

were men, mainly in their 40s or 50s, lonely, poorly educated, with few social or communication skills. Many were from non-English speaking backgrounds — that is relevant — and had unrealistic expectations of the type of woman they would meet through the introduction agencies.

These unrealistic expectations may well have arisen because of the type of advertising that was undertaken by introduction agencies. All honourable members would have seen the newspaper advertisements with photographs of glamorous young women who entice clients to the agencies. They encourage clients to take the first step and to spend a lot of money — often more than they can afford. The clients are, in the main, vulnerable people and they are being ripped off by a small minority of unscrupulous operators.

Although the Office of Fair Trading and Business Affairs has reported that there has been an increase in the number of complaints, I believe, as would most honourable members, that this number is probably only the tip of the iceberg. Most clients would probably be too embarrassed or ashamed to admit they have sought the services of an introduction agency and they would be doubly embarrassed to admit they have been ripped off. It is not the sort of thing one would confide to one's friends, relatives or workmates. I believe many complaints would never see the light of day.

I understand there are at present something like 80 agencies operating in Victoria — most of them in the metropolitan area. Many agencies have multiple offices. It appears to be a relatively simple matter for an agency that is taken to court or is brought before the Small Claims Tribunal in one state to pack up quickly and transfer its operations to a different location. Some agencies that have had problems in New South Wales have quickly transferred to Victoria, and vice versa.

When the report on introduction agencies was written for the Attorney-General in 1994, it was estimated that the industry turnover was some \$12 million per annum, but given the lack of contracts, probity and receipts in that industry, one wonders whether that might be a very conservative estimate of the amount of money that goes through the industry. I believe much of the fraud goes undetected and unreported.

At this stage I will mention some of the complaints previously received by the Office of Fair Trading and Business Affairs, which appear in the 1994

report. It states that 66 per cent of complaints concern contractual matters relating to lack of service or poor services.

The report points out that some agencies see the industry simply as an avenue through which to make money. They have no commitment to providing quality services and are cavalier in their approach to consumers and to government. Secondly, the report states that there are no defined standards of service or appropriate information disclosure mechanisms in the industry, so even the most prudent consumers have difficulty making informed choices. Thirdly, the report makes the point that the advance payment nature of the industry means there is little incentive for some agencies to provide services to consumers once they have the money in their hot little hands.

I hope the bill will eliminate many of these complaints, because the agencies will be compelled to give clients an indication of the types and levels of service they are able to provide. In addition, only 30 per cent of the fee will be required up front, with the balance being paid if and when a satisfactory level of service has been provided.

Because so many people who use these agencies appear to come from non-English-speaking backgrounds, I suggest to the Attorney-General that there is a need to provide consumers with information in their own languages to eliminate any misunderstanding about what is being offered and what is to be provided.

Another significant complaint that has been brought to the notice of the Office of Fair Trading and Business Affairs is that agency staff often pose as prospective clients. It is probably a method of buying time when an agency has been unable to match up a client. That highlights the need to scrutinise the methods used by agencies to match their clients with suitable partners.

It was interesting to see that in a letter to the Office of Fair Trading and Business Affairs one of the major agencies, Yvonne Allen and Associates, referred to comprehensive questionnaires, in-depth interviews and computer systems to determine compatibility and questioned whether many of the agencies used those techniques. Yvonne Allen, who has been operating in the field for 25 years, has made a number of comments. Apparently she uses the most up-to-date techniques in matching partner with partner.

The Attorney-General has said that she hopes other states will introduce similar legislation. That would make things much easier for everyone concerned, because it would allow each state to identify who owns and operates each agency and would prevent people who have been convicted in one state from immediately setting up shop in another.

As I said, this is a step in the right direction. Although I would have preferred a licensing system, I hope the bill will go some way towards cleaning out the rogues in the industry, making it much safer for vulnerable, emotionally starved and lonely people to contact suitable partners.

Mr McARTHUR (Monbulk) — I find myself in an unusual position. By nature I am not someone who supports increased regulation of or government interference in business affairs. But I support this bill for a range of reasons, which I hope to make clear as I go along.

There is no doubt that there are agencies in the introduction industry that provide effective and reputable services to people who want to be introduced to others of a like mind or who are looking for long-term relationships. There are agencies that have effectively provided those services for many years. By the same token, a number of people in the industry see it simply as a way of taking advantage of other people's difficulties and making a profit from their embarrassment. They do not provide a service at all. Because that group has continued to exist, despite the best efforts of the decent operators to clean it out — and despite the industry being urged by the Attorney-General to clean itself up — we are now debating a bill that will regulate introduction agents. The opposition has said that it supports the legislation, but the honourable member for Niddrie, who is about to do a runner from the chamber, was fairly critical of the Attorney-General, saying that the consultation process prior to the —

Mr Kennett interjected.

Mr McARTHUR — He was indeed, Premier; he was critical of the Attorney-General for not allowing enough consultation.

Mr Hulls interjected.

Mr McARTHUR — You would not be. I am glad to hear you are supporting the Attorney-General.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member will address the Chair.

Mr McARTHUR — Mr Acting Speaker, I am glad to hear that the honourable member for Niddrie is not at all critical of the Attorney-General, supports her in all matters relating to the bill and rejects the allegations made by some members of the industry about a lack of consultation. It is good to hear him recognising that the government, and in particular the Attorney-General, has gone to some lengths to consult on this matter.

As opposition members have pointed out, there is a long history of complaints about certain people in the industry involving malpractice, fraud, misleading advertising and failing to deliver the services offered. There is also a long history of people attempting to do something about that other than by regulation. For a number of years now the Attorney-General has been urging the industry to clean up its act. She has worked in cooperation with the industry to develop a code of practice. She has given considerable support to the industry in the process and has urged all its members to sign the voluntary code of practice. However, in doing so, the Attorney-General issued the warning that if the industry could not regulate its own affairs she would be forced to do so.

That is where we are now. The voluntary code of practice has been developed and members of the industry have had the opportunity to sign and adhere to it. However, a significant number of operators have refused to heed the Attorney-General's advice and have not signed the voluntary code. Therefore, she is now following up on her threat, which is why we are debating a regulatory regime for introduction agencies. That has been done with some reluctance, but it has become necessary because of the unwillingness of industry operators to abide by fair trade practices — that is, fairly treating the people they invite to buy their services and fairly providing them with those services.

Honourable members have already given a range of examples of the scams that have gone on, and I am sure that as the debate continues others will give more lurid examples. I can personally attest to the fact that many members of the community have fallen prey to some of the more nefarious operators in the industry. For some five or six years my wife provided consumer advice and support in Mildura, where she was the local consumer affairs

representative. She regularly represented people before the Small Claims Tribunal.

A friend of mine who was the manager of his own business and who had been happily married and had a family was left a widower. He was a successful businessman and was able to express himself socially, yet he felt the need to get in touch with an introduction agency and to sign on for the basic level service.

He was told that for the small amount he paid they would give him a range of options, but because he was a man of standing in the community he might not find them suitable to his taste. They suggested that he should move up a few levels. This man was lonely, vulnerable and embarrassed by the situation. He did not tell his friends that he had signed up with an introduction agency. He took up the offer of moving to the top level and paid several thousand dollars for the privilege, but got nothing as a result.

My wife got to know about this and told him she would take up the matter. He eventually agreed, and my wife took the case to the Small Claims Tribunal, where an order was made in his favour. It took a long time and an enormous amount of work. It was successful despite the objections of the introduction agency, which did not believe it had done anything wrong. There was no written contract outlining the services to be provided and no record of the services provided or purchased.

It is always difficult to fight a case at the Small Claims Tribunal or in a court of law. Because people are embarrassed when they do not get value for the money they have paid they do not complain. I have no doubt that my friend would never have voluntarily approached a consumer affairs adviser and sought help. My wife found out about his predicament by chance during a conversation and convinced him to take action. I doubt that many people who are defrauded in this manner complain about it; they are too embarrassed to admit that they were conned into believing some luscious young lady was desperately waiting for them and that they paid many thousands of dollars, sometimes tens of thousands of dollars, to meet her.

Despite that embarrassment a substantial number of people have complained about the practices that have been followed. Some agents have a long history of unsavoury practices. They start an agency, run it for a while, build up a history of complaints and then close it and start up another one. There is a

regular stream of people who are willing and able to be fooled into parting with their money.

Ms Gillett interjected.

Mr McARTHUR — The honourable member for Werribee may regret that comment and the fact that she gained preselection for the Labor Party. She would have a better career if she had chosen a different party. I am sure most honourable member sympathise with people who are defrauded when they are going through vulnerable times in their lives. They are embarrassed that they need some social contact.

Most honourable members would agree that it is reasonable, after repeatedly telling the industry to self-regulate, for Parliament to say, 'We have asked you to clean up your act. You have refused to do so. We are about to set in place a series of rules that will make it safer for people to buy your services'. The new rules will indicate who is entitled to run an introduction agency and who is not. They will ensure that a written contract is exchanged between the service provider and the client and overcome the major problem — pre-payments. People have been charged large amounts of money, sometimes thousands of dollars or even tens of thousands of dollars, for services that are often less than satisfactory. Once the money is paid it is difficult to get it back if the service is not satisfactory. The bill provides that up to 30 per cent of the contract can be pre-paid with the rest being paid by instalments during the course of the contract. That is an additional safeguard for the customer.

There is a clear reason to clean up these shonky operators. The honourable member for Dandenong North referred to the 1996-97 annual report of the Office of Fair Trading and Business Affairs and to the activities of Peter and Jenny Van Haasen, who traded under such company names as Kinkies Casual Contacts, Knickers Casual Contacts, Complete Contacts, Dirty Affairs and Melbourne in Touch, just to name a few. The names of those businesses clearly indicate that the people who established them did not really intend to provide a legitimate introduction agency that would assist two people looking for companionship or a long-term relationship. If I were looking for a partner I doubt that I would go to a business called Kinkies Casual Contacts. If I contacted that agency it would be with the expectation that I would meet someone who did not want a long-term relationship.

Mr Batchelor — What is the basis of this knowledge?

Mr McARTHUR — The department's annual report. Unlike some members opposite, I can read and add up. I did not go to Melbourne Grammar's accelerated mathematics program. It is clear that anyone who establishes a business with that sort of name is attempting to take advantage of somebody's loneliness or wish for a brief affair or casual sex. Such a business is not interested in providing an introduction service for people interested in a long-term relationship. Frankly, Victoria does not need that sort of service. There are plenty of other ways for people to get such a service, and those other avenues are also regulated in this state.

If the legislation achieves the end of cleaning up the introduction agency business, if it puts the Dirty Affairs and Kinkies Casual Contacts agencies out of business and leaves the legitimate service providers to carry on what is a reasonable and necessary service, that will be to the benefit of the community and should be supported.

I congratulate the Attorney-General on introducing the legislation and particularly on having the patience to go down the road of attempting to get the industry to self-regulate and clean up its own act before she got to this stage. All honourable members should see the necessity for the legislation and support its passage.

Mr MILDENHALL (Footscray) — As the honourable member for Niddrie said, the opposition does not oppose — indeed, it strongly supports — the legislation and its regulation of introduction agencies, but the subject of the legislation does not have a completely positive history of parliamentary deliberation.

It is of some regret — in my view it is scandalous — that it has taken this long for such legislation to be put forward. The inadequacies of the industry were well known many years ago. The extent to which the industry had been infiltrated by convicted criminals, shonks, charlatans and crooks was well known to the government. The minister, in choosing self-regulation and a voluntary code of conduct, neglected her responsibilities and left some of the most vulnerable people in our community exposed to the seedy low-life operators in that industry.

By 1993, shortly before the report that has been referred to by other speakers appeared, there had been an extraordinary level of complaints about the

industry. They had gone from making up approximately 1 per cent of all complaints received by the Office of Fair Trading and Business Affairs to almost 4 per cent within the four-year period from 1989 to 1993 and the total number of complaints received about the industry had topped the 650 mark. I do not know what threshold of complaints has to be reached before the office is triggered into action.

Honourable members have been told of many such complaints this afternoon. Some of the most extreme rip-offs that can be imagined have been described. I would have thought the nature and sheer number of complaints would have sparked the department into action. What sort of action did we get despite the nature of these complaints? In the second-reading speech the minister outlines the type of criminal activity that was rife in the industry:

... failure to provide any service; the provision of service materially different from that sought; high-pressure sales techniques; misleading representations; unauthorised credit card deductions; excessive prepayments; inadequate disclosure and an evasive approach to consumer complaints, including in many cases failure to comply with orders of the Small Claims Tribunal.

That is a fairly long list of what I would have thought to be fairly serious complaints against an industry. In addition, there is a long list of behaviour allegedly criminal in nature that required the attention of the police.

When the report was released in May 1994, opposition members thought the introduction of legislation with robust licensing provisions and a mandatory code of conduct would be the most appropriate response. The opposition called on the minister to adopt that approach. Given the poor reputation of the industry and its history of failed self-regulation and of not complying with voluntary codes of conduct, a determined, more robust and interventionist response would have been appropriate.

I have spoken to members of the consumer groups who participated in the working party. Their view is that a fairly active approach should have been adopted by the government and that an appropriate response to the severity of the report's conclusions would have been fairly heavy-handed regulation. They were disappointed that, after their participation in the collection of information and deliberation on issues and after the severity of the

problem had become apparent, the department recommended a voluntary code of conduct. They felt they had been led up the garden path by the department's process.

The minister chose self-regulation despite two previous governments having been unsuccessful after going down that path and regardless of the characters involved in the industry. Honourable members have been at pains to point out that a majority of operators have had a reasonable level of ethical behaviour, but nobody has denied that some real shonks have been involved in the industry. Despite the history of failed self-regulation, the minister decided to proceed down the path of self-regulation.

At the time I spoke with an operator who is experienced in the field, Yvonne Allen, of Yvonne Allen and Associates, who commented on the likelihood of the success of voluntary regulation and her willingness to participate in it as an experienced and senior operator. After telling me how unsuccessful the previous attempts had been, she said, 'If Mrs Wade thinks I'm going to sit down with a school of sharks, she can think again'. That is what she thought about the likelihood of self-regulation succeeding and of her willingness, as the best-known operator in the field, to participate.

Armed with the knowledge of the lack of willingness of senior members of the industry to participate, the failure of self-regulation and startling figures demonstrating how bad the industry was, the minister set sail down the path of self-regulation and a voluntary code of conduct, against the wishes of consumer groups and operators experienced in the field.

The code of conduct was introduced in early 1995. It did not take long for the characteristics of the success of that attempt at self-regulation and the attitude of the industry to it to appear. There were two main characteristics: one was that the industry largely ignored the code of conduct. By late 1995 the department was reporting that some 30 per cent of industry members were associating themselves with the voluntary code of conduct, and by the time the minister delivered her second-reading speech on this legislation only 5 of the approximately 70 agencies were abiding by the code of conduct for Victorian introduction agencies — 30 per cent within the first year and 5 out of 70 agencies a couple of years beyond that. Industry members have deserted the code of conduct in droves. It obviously had no relationship with the way they operated. Because it

was voluntary they ignored it, and the shonks and charlatans continued their nefarious activities.

Dr Dean interjected.

Mr MILDENHALL — Some of the flotsam and jetsam of this house who slip in and out of the debate —

The DEPUTY SPEAKER — Order! The honourable member for Berwick is disorderly with his interjection. I will give him the call next if he would like to refute some of the suggestions that have been put by the honourable member for Footscray, but at this stage the honourable member for Footscray has the floor and I should like to see him continue without interjection across the chamber.

Mr MILDENHALL — The voluntary code of conduct was ignored by the industry. It would praise the level of regulation to call it light handed and the code was certainly without any teeth, so by October 1995 the industry was deserting it in droves.

An article that appeared in the *Sunday Age* some months after the introduction of the code illustrated some of the worst practices taking place in the industry. These are examples of the worst rip-offs of vulnerable and lonely people one could possibly imagine. There was absolutely no sign that the practices of the charlatans in the industry, a distinct minority, had improved. An example relates to Mr Carlo Calabrese from Gippsland, who at 36 years of age had received a redundancy payment from the SEC. As a result of his dealings with a Melbourne introduction agency he lost \$37 000 before that agency went into liquidation. Not only that, following that agency going into liquidation he was contacted by a woman from the agency who recommended another firm. He thought he had nothing to lose so he signed up again.

As a result of that recommendation he signed up with Class Introductions of King Street, Melbourne, which had opened in early 1995, probably coinciding with the voluntary code of conduct. The record shows that in addition to losing his first \$37 000 he lost another \$43 000. All the nefarious activities continue unabated. The company charged him \$3176 for a classified advertisement that was placed in the *Herald Sun*; later he found out that the advertisement actually cost \$300. That sort of misleading, fraudulent misrepresentation characterises the industry. Those practices are obviously rife. I could go into further details on that

particular example, but it is sufficient to say that it bears all the hallmarks of the worst of the practices that the earlier working party report complained about. I raised the matter in an adjournment debate following the appearance of the article in the *Sunday Age*. The Attorney-General, in her capacity as Minister for Fair Trading, wrote to me in response and said that the voluntary code of conduct was not self-regulation and that the Office of Fair Trading and Business Affairs was considering using measures such as seeking to execute deeds of assurance under the Market Court Act as a way of waving a big stick or putting more teeth into the voluntary code of conduct.

The other measure she referred to as a way of bringing such practices to heel was an advertising campaign the fair trading office had conducted that resulted in some 160 calls for copies of the code. I do not know whether that was an outstanding success because by 1993 we had already notched up 650 complaints. Only 160 people requesting information about the code is a dismal response.

The minister was using the obscure Market Court Act to try to bring these shonks to heel, as well as an advertising campaign. Clearly the government had no commitment, determination or resolution on doing anything about this industry — 10 years of attempts at self-regulation, and did the minister learn anything from that? No, the light-handed, free-market, anything-goes approach of this government says, 'She'll be right. We'll talk them into it and run an advertising campaign that will attract the readership of at least 160 people'. It was clearly an inadequate response in determining the measures to be taken to control the industry.

Some of the remarks made today have reinforced the strength of comments that these practices have continued unabated since the government's failed attempt at a voluntary code of practice was introduced. The honourable member for Frankston said it was a great shame that such practices have continued over recent years. The honourable member for Dandenong North referred to the hundreds of complaints made against one operator; and not only had that operator been active in the Dandenong area, the trading name sounds remarkably similar to the title quoted by the honourable member for Monbulk. It is clear that the complaints have continued, and I will be interested to hear the minister's summing up of the number of complaints since 1994. I would be surprised if the number of complaints has decreased, as the industry by and large has ignored the government's

miserable attempts to bring about ethical behaviour in the introduction industry.

I have examined the complaints made by the Victorian Introduction Industry Association about the government's legislation. By and large they are not complaints that ought to be adopted or considered by the government as sufficient to require a change in legislation. I do not endorse the association's complaints about agencies having to have a sufficiently sized database, about the 30 per cent up-front limit and about the regulation of instalments to be paid. I believe they are reasonable government requirements.

The legislation ought to be tight. Unfortunately, it assumes that the shonky people in the industry will be difficult to weed out and that consumers will need heavy-handed regulation for their protection. A number of speakers have described the characteristics of the typical users of these services as male, from non-English-speaking backgrounds and aged between 40 and 60 years. They are the largest cohort of the statistical sample. However, they by no means represent the whole range of the services' past or present clients. A large group of vulnerable people use such services, and it is with those people in mind that the legislation ought to be drafted and applied.

The honourable member for Niddrie made a comment that I would ask the government to take up. Agents who discussed the proposed legislation with him indicated that they would desert Victoria in droves and operate from other states. I encourage the minister to advocate a national approach to this type of legislation because, unfortunately, some of the operators in the industry will seek every refuge to continue preying on vulnerable people. I do not know whether a consumer affairs forum exists, but this legislation is an ideal topic for discussion. I am sure there is an appropriate interstate forum.

The agency association made a wide-ranging complaint about the failure of the government to consult, mainly concerning the passing discussions its members had with the honourable member for Berwick. Most of the industry was not involved. The government's commitment to a consultative project is legendary — there is token consultation about most matters. I should have thought there would have been extensive discussion, particularly with the ethical operators, given the long history of government attempts to deal successfully with the industry and its long list of failed attempts. Surely

there was a lot of experience to draw from and much we could have learnt to get the legislation right.

I have no significant complaints about the bill's content and detail; it covers most of the areas well. The bill cannot cover the obvious credit-card fraud because that is a different type of offence and not related solely to introduction agents. It is obviously dealt with elsewhere. The activities that the Minister for Fair Trading can reasonably legislate for have been covered. The only shame about the bill is that it has been so long in coming, because many people have been unnecessarily ripped off. I hope the legislation proceeds quickly through both houses of Parliament and that it has a real impact, that it is accompanied by a well-resourced information and awareness campaign and that it will be targeted specifically at the groups we have discussed. The legislation should be targeted at the various language groups that are well represented in the database of the department where most complaints have been received. The department could then ensure that copies of the legislation in brochure form are provided in the agencies where those who are likely to use such services will see them. That would be a positive step forward.

I support the bill. It is a pity that it has not appeared before now, but it is welcome, and I am sure that many consumer protection and advocacy agencies will also welcome its appearance. Many of those who have fallen victims to the shonks in the industry will also welcome the fact that these practices have been effectively outlawed and that in future people will receive substantial protection from some of the worst features of the introduction agency industry.

Dr DEAN (Berwick) — I begin by apologising to the honourable member for Footscray for yawning during his speech. It is not the sort of thing one ought to do, but when one hears the same speech on every bill it becomes a bit boring. All the honourable member's speeches are inconsistent, and on this occasion he is not even in step with the shadow minister's speech or with the rest of his party. He seems to wake up halfway through the debate and say, 'How can I throw a bit of mud around here?'. When people throw mud without thinking about it they become inconsistent. On the one hand the honourable member is saying, 'You did not consult enough. You should have taken time to talk to everyone', but on the other hand he says, 'You have taken far too long to bring the legislation forward. You should have been much quicker'. He says, 'There are good parts of the industry', but then he refers to all the shonks and says, 'You need much

tougher legislation'. What that will do to all the outstanding members of the introduction agency business he does not say.

It is a great shame, and I suppose that one day — God help us all! — the honourable member for Niddrie may even get into government. In the unlikely event that he does, who knows how he will cope with the needs of the various interest groups to ensure they are all heard and then act accordingly? You cannot just decide to do a pirouette because a couple of people in an industry are shonks and within a couple of months create draconian legislation. We witnessed that process for 10 years and, frankly, we are sick to death of it. The former Labor government left the entire free-trading Victorian state absolutely bound hand and foot with legislation, regulation and administrative decisions made on the spur of the moment, which gave them no freedom to act.

Therefore, when I stand up here and say, 'Yes, we did take a fair bit of time and we did do everything we possibly could to encourage the industry to make its own determinations and be self-determinative', I mean that is exactly what we did, and we would do it again.

If the honourable member is asking whether we try to avoid regulating people in this community, the answer is that we do, and we are not ashamed of that. I suppose that is the difference between us and the opposition: this side of politics is very keen to let people run their own lives if they possibly can and not interfere unduly unless it becomes necessary, whereas that side of politics says, 'We are Big Brother. We know best. We will say what you should do and how you should think, and we will legislate accordingly'. That is the difference between us, and that is why I am on this side of the house and the honourable member for Niddrie is on that side, and why I am in government and he is not.

All these things are part of a gradual process. Introduction agencies have been around for a long time. The honourable member is talking and acting as if there were no introduction agencies when his lot were in government for 10 years, but I can assure him that there were. They have been in existence for a long time, and over a period, beginning in about 1990, we found that the number of complaints about these agencies was increasing. This is because they are playing a much larger role than they used to, and I am sure that says something about the way relationships develop these days.

Looking back through history we can see the increase in the number of complaints that were lodged until it reached a point where it was necessary to take some action. In 1993 the Attorney-General put together a working party that produced a report in May 1994. That was a totally appropriate step, and it is important to work through a report if we are to introduce fresh legislation and restrictions on an industry that has never been restricted before.

On 8 December 1993 the government wrote to all the agencies telling them about the working party and asking them to make some contributions to its work. The results showed that there were serious failures within the industry and something had to be done. The working party found that many people were ill informed and that it was not a proper market, and therefore something had to be done about it.

On 22 June 1994 the Director of Fair Trading wrote to every agency enclosing a copy of the report with a warning saying, 'This is the report. We will act on it, and we want your comments'. The director received insufficient responses, which was probably the first indication that the industry was not yet taking seriously the fact that it may end up being regulated.

On 18 August 1994 a second letter was sent. On 25 January 1995 a further letter was sent saying, 'We are looking at putting together a code and we ask for some responses to that'. On 2 April 1995 the *Age* ran a special report on the proposed code so that the entire industry and the people of Victoria had an opportunity to examine and understand what the code was about. On 22 May 1995 all agencies received the code together with three forms of undertaking.

During this time there was much activity, with people in the fair trading area trying to ensure that every agency had an opportunity of contributing to the code, then trying to obtain adherence and, if possible, an overall agreement to the code. On 24 May 1994 *Entre Nous* tried to form an association to enable the industry to operate as an association. That did not work, and on 26 May the Attorney-General said, 'We have the code. Not enough agencies are agreeing to it — only 11 organisations are agreeing'. She therefore issued a warning through a press release saying, 'You have had all these letters. You know what the situation is, and if you do not adopt the code or change your practise, we will legislate'.

While all this was going on the Attorney-General was running a further inquiry to see whether the report, the responses to it and the code were having an impact. The inquiry ran from January 1994 to May 1995 and was completed in February 1996. By that time a second report had come out. The government said, 'Things haven't changed; in fact, they are getting worse. You have had your warnings. You have had all the consultation you could possibly imagine. Nothing has changed and in fact the second inquiry said it has worsened, so we will legislate'.

It has taken from February 1996 until now to formulate brand-new legislation to cover an entire industry as intricate as this through consultation and the proper processes. That is a perfectly appropriate time line. If one thing has become clear about the Attorney-General, it is that when she makes up her mind to do something through necessary legislation she is quite confident and courageous in bringing it about. I assure the house that plenty of people would still say to this day that there ought not be regulations in this industry, but the history of this shows why the introduction of legislation is so important.

The bill takes a completely new approach and has some interesting facets. I believe it will serve as a template for any future legislation of this nature.

Debate adjourned on motion of Ms BURKE (Pahran).

Debate adjourned until next day.

Sitting suspended 6.31 p.m. until 8.05 p.m.

ASSOCIATIONS INCORPORATION (AMENDMENT) BILL

Government amendments circulated by Mrs WADE (Attorney-General) pursuant to sessional orders.

Second reading

Debate resumed from 22 May; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — Neither I nor other members of the opposition have seen the amendments that have been circulated. I am not sure what they are about; I would be interested to hear. I have just had a quick look at them and they seem to deal with things such as the reinstatement of the

provision regarding the cancellation of incorporated associations.

I will give some of the history of the Associations Incorporation Act of 1981 and its purpose because it is that act that the bill amends. As most members of the house would know, the original act was introduced to provide a simple and inexpensive means by which unincorporated non-profit associations could obtain corporate status. Such corporate status was required because numerous problems existed as a result of unincorporated associations not being entities recognised by the law. They could not hold property, sue or be sued. Small clubs — mainly sporting — community organisations, kindergartens and the like had a whole range of problems, which is why the original legislation was introduced.

Prior to the introduction of the Associations Incorporation Act, unincorporated associations could not hold property in their own right or enter into contracts in their own names. They could not take out insurance policies to cover any liabilities they incurred, particularly in relation to people acting on their behalf, and they could not make simple arrangements to dispose of property when the associations ceased to exist.

People who had dealings with unincorporated associations incurred a myriad of problems. It was usually difficult to enforce agreements made with people acting on behalf of the associations, and those who suffered loss or damage as a result of the activities of unincorporated associations often had enormous problems in establishing exactly who was liable for loss or damage.

As honourable members will know, often members of committees of such associations would disappear or could not be found or the like, and it was very difficult to have any sort of legal relationship with such organisations. A subcommittee of the then Chief Justice's law reform committee was set up to look at the problems and consider how best to overcome them. The subcommittee reported in 1980 and the law reform committee adopted its recommendations in October of that year. The Associations Incorporation Act, which was passed in 1981, came about as a result.

It is interesting to look at the terms of reference of that subcommittee because they set out exactly the sorts of problems it was envisaged would be overcome by the 1981 act. In his second-reading speech on the Associations Incorporation Bill, which

is recorded at page 4285 of *Hansard* of 4 December 1981, the then Minister for Transport, the current Minister for Planning and Local Government, sets out the terms of reference of that subcommittee. The report states:

The terms of reference of the subcommittee were:

What steps, if any, should be taken to enact legislation which:

- (a) would enable unincorporated associations to sue or be sued in contract or in tort?
- (b) would overcome or mitigate the problems which arise where gifts are made to unincorporated associations inter vivos or by will?
- (c) would enable members of all or some specified classes of unincorporated associations to enforce their rights as such members inter se?
- (d) would facilitate the equitable distribution of the assets of an unincorporated association upon the dissolution of such a body?

Obviously it was envisaged that a whole range of problems existed with these small organisations and their legal status, not just with people who were associated with them but also with people who were having dealings with them.

It is important that honourable members understand what the effects of incorporation were under the 1981 act. Those effects are set out succinctly in the minister's second-reading speech of 4 December. At page 4287, the report states:

Once the certificate of incorporation has been granted certain consequences will flow. First, under clause 14 the association gains corporate status with perpetual succession, the power to hold and dispose of property in its own name and the capacity to sue or be sued in its own name. Secondly, under clause 15 the liability of the members of the incorporated association for its debts and liabilities is limited to the extent provided for in the rules of the incorporated association. However, if an incorporated association breaches the prohibition against trading or securing pecuniary profits for members contained in clause 51(1), the members aiding and abetting that breach will be personally liable for any debts of the association arising out of the activities that constituted a breach of the prohibitions. Thirdly, under clause 16 powers relating to the investing, borrowing and giving security for debts and borrowings are vested in the association. Fourthly, under clause 8 any property that has been held on trust

for an unincorporated association automatically vests in the incorporated association.

The original act set in place a structure to enable community organisations and community groups to have some sort of legal status — to enable them to own and purchase property and to be sued as legal entities. That provided real solace to members of the committees of what were in the main voluntary organisations because it meant they could volunteer their services to a community group or organisation and know they were covered by an act of Parliament that made the corporate entity — that is, the association — a legal entity in its own right.

Although the original legislation has been amended a number of times since 1981, the bill before the house attempts to address a number of problems that have arisen with it. The bill seeks to address two main issues. The first is that under the current legislation the registrar does not have the power to refuse to incorporate an applicant under the act, and as a result larger and larger organisations have been incorporating.

Less stringent accountability standards apply to organisations that incorporate under the current legislation and some groups have been using it to ensure that they are not subject to the accountability standards that exist under the Corporations Law. It could be said that some organisations have been abusing the spirit of the Associations Incorporation Act. The other problem is that some of the accountability procedures under the legislation need to be tightened up. The bill seeks to do that.

As I said at the outset, I have not had the opportunity to thoroughly examine the house amendments that have been thrust upon the opposition at the 11th hour by the minister. The Attorney-General's attitude to dealing with legislation in this place causes me some concern. Four months after the second reading of the bill the Attorney-General came into the chamber at a quarter past eight tonight and dropped some house amendments on the Victorian public without giving the opposition any real opportunity to scrutinise them.

I will refer to the amendments as best I can in due course, but the general thrust of the bill is not opposed by the opposition for a number of reasons, which I will set out shortly. The original act was designed to allow small, non-profit organisations to incorporate easily without having to comply with the more rigid accountability provisions that

regulate corporations. That opportunity provided under the act was never intended to be used by large organisations with substantial assets and cash flows.

However, in recent times the act has been utilised by some substantial organisations. I understand some 800 incorporated associations now have annual revenues of \$500 000 or assets of more than \$1 million. I do not think Minister Maclellan would have envisaged that such organisations would ever be utilising the less stringent accountability provisions of the legislation when he introduced the original bill.

About 80 organisations have an annual revenue of more than \$3 million, 12 of which have an annual revenue of more than \$10 million. No longer are we talking about small voluntary organisations; these are organisations with substantial revenue which should be accountable pursuant to the normal Corporations Law rather than under the Associations Incorporation Act.

Such large amounts of money are entrusted to organisations often from well-meaning members of the public on the basis that the money will be used effectively and that the people working in the organisations, whether on a voluntary or paid basis, will act in an ethical and proper fashion.

It is all very well to say that, but when dealing with voluntary organisations which handle large sums of money it is appropriate that we tighten to some extent the accountability of those organisations while at the same time retaining a proper balance. The last thing we want is to have stringent accountability provisions scaring off voluntary workers in non-profit voluntary organisations such as sporting organisations, kindergartens, social clubs, community organisations, or whatever. A proper balance must be found. As I understand it, the Attorney-General is trying to achieve that balance through this bill.

New section 29 to be inserted by clause 18, a sensible provision, deals with conflict of interest. It provides that committee members of an:

... incorporated association must not knowingly or recklessly make improper use of information acquired by virtue of his or her position in the incorporated association so as to gain, directly or indirectly, any pecuniary benefit or material advantage for himself or herself or any other person, or so as to cause a detriment to the incorporated association.

The clause makes it crystal clear that any committee member is required to disclose any direct or indirect conflict in a contract or proposed contract with an incorporated association and to refrain from participating in decisions in which he or she has a pecuniary interest.

Many members of committees of voluntary organisations volunteer their time because they have deep-held beliefs that the particular community organisation is acting in the interest of the community and is a community asset. They want to be part of the scene and to ensure the local community retains that asset, whether it be in the form of a kindergarten, a sporting organisation or a community organisation.

A number of people have been unable to differentiate and have actually blurred the lines between their roles in community organisations and, if you like, their roles in private business. The legislation makes it clear that there should be no conflict of interest between a person's role in a community organisation and his or her office.

New section 29 is an interesting provision for this government to insert into the act because this government has worn conflict of interest on its sleeve like a badge of honour. I am surprised that this legislation is now being debated. Does it have the imprimatur of the Premier? Does he understand that a conflict of interest provision is being inserted in this act? The Premier has no concept of the conflict of interest theory.

I congratulate the Attorney-General for slipping this legislation by the Premier — perhaps it happened while he was on holidays! At last she has quite properly decided that propriety in government is essential. She has whacked this clause into the bill to ensure conflict of interest cannot be tolerated. She may get quite a slap over the knuckles when the Premier finds out about clause 18, but I hope she grins and bears it. The Attorney-General must be congratulated for discovering what conflict of interest is all about and for hoodwinking the Premier by including that provision without his knowledge.

The clause makes it clear that if a person acquires information because of his or her position on a voluntary organisation, he or she cannot use that information for improper purposes. The opposition supports that concept. The bill refers to appropriate standards and advises members of local community organisations that they must understand the

responsibilities of their positions on those organisations. They must treat such positions with the respect they deserve.

The opposition welcomes the provisions about the winding up of organisations because the government has encountered legislative difficulties when certain wound-up organisations have distributed their final assets in what can only be described as an inequitable fashion. I welcome any provision that allows the registrar to equitably distribute assets.

The opposition has no problem with the bill, but it does have problems with the process through which the amendments have tonight been circulated. The Victorian Parliament sits on only about 30 or 40 days a year — less than any other Australian Parliament. The house has been in recess for nearly four months, during which time the government should have analysed its legislation, conducted briefings and consulted. However, at the eleventh hour the chamber discovers it is faced with debating 34 amendments. Is the opposition expected to roll over and accept the amendments?

Had the legislation been not as technical as it is or had we not supported it, we would have been now jumping up and down. We will still complain to the Attorney-General about her action tonight because it displays incompetence. The circulation of the amendments is inappropriate and a slap in the face for democracy. Victorians would be amazed if they knew that after nearly four months away from this place the government is to move 34 amendments which it expects honourable members to scrutinise, analyse and debate at a minute's notice. The Attorney-General has supplied me with her notes on each of the amendments to be moved later and I shall now read those notes to the house.

The SPEAKER — Order! The details of the amendments which the honourable member wishes to read into *Hansard* should be disclosed during debate on clause 1 in the committee stage.

Mr HULLS — In that case, Mr Speaker, we will debate the amendments during the committee stage, but I reiterate my concern about the way the amendments have been circulated. I would have thought a new spirit of cooperation with the Attorney-General may have been evident during this sessional period. We have had our bouts in the past over a whole range of legislation but I will not rake over them again. As a result of those bouts her

reputation has been tarnished and her desire for democracy called into question.

The Attorney-General has got off on the wrong foot. It is extraordinary to provide these amendments at the last minute, but to her credit she has been kind enough to give me her notes on the amendments we will deal with during the committee stage.

The bill was presented to the opposition some months ago, and we do not oppose it. We agree with the Attorney-General that a number of organisations have used the legislation to ensure that they do not have to face up to the more stringent accountability requirements of other legislation and, therefore, this legislation is certainly not opposed by the opposition. However, I reiterate: the way the amendments have been introduced is quite appalling.

Debate adjourned on motion of Mr E. R. SMITH (Glen Waverley).

Debate adjourned until later this day.

MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL

Second reading

Debate resumed from 22 May; motion of Mr REYNOLDS (Minister for Sport).

Mr PANDAZOPOULOS (Dandenong) — The opposition will not oppose the Melbourne and Olympic Parks (Amendment) Bill but will highlight some concerns about its implications. The purpose of the bill is to remove the management of the National Tennis Centre and place the facility in the hands of the Melbourne and Olympic Parks Trust because the centre is fully utilised by Tennis Australia for only one month of the year, during the Australian Open. For the rest of the year it operates as an entertainment venue and as a venue for basketball, ice skating and sumo wrestling. Some of its facilities are used year round as offices for Tennis Australia, Tennis Victoria, the coaching program of the Australian Sports Commission and the public hire of tennis courts and tennis coaching.

The opposition wants an unequivocal guarantee from the government that in future tennis will continue to be the pre-eminent focus for Melbourne Park, because once management is handed over to the Melbourne and Olympic Parks Trust, over time Tennis Australia could come to be regarded as just

another tenant of the venue. The marketing name Melbourne Park is associated with tennis — a huge advantage to the state. The government should guarantee that under future administrators tennis will not become just another tenant but will remain the pre-eminent focus of the venue.

A lot of work has been done to guarantee the Australian Open tennis tournament, one of the few grand slam events around the world, which is so essential to the marketing of the image of this state and an event which brings in about \$100 million a year to Victoria. When the Minister for Sport responds I would like him to give that unequivocal guarantee.

The move, in many regards, seems logical. Discussions have been held between Tennis Australia, the government and the Melbourne and Olympic Parks Trust. Tennis Australia acknowledges that for 11 months of the year the venue is not used simply for tennis and that there could be an advantage in focusing its year-round energies on tennis itself — the coaching programs and the clinics held there — to continue to develop that sport at Australia's pre-eminent tennis venue. But there are a few concerns.

Interestingly, a lot of work was done to ensure that the National Tennis Centre would be made available as one of the grand slam venues, and it is important for honourable members to remind themselves that that was a Labor government initiative. The building was a far-sighted design to ensure that Victoria had state-of-the-art facilities.

Mr Reynolds — Including the financing.

Mr PANDAZOPOULOS — I will remind the minister of some of the statements he made in Parliament about parkland et cetera. I am sure he will be impressed when he is reminded. As a result of the Labor Party's vision, Victoria now has the best tennis centre in the world and will keep the Australian Open so long as the venue is looked after, tennis is not lost as the focus of the centre and it does not become an entertainment venue for concerts or whatever.

It is worth while going through the history. When the National Tennis Centre was being constructed the Australian Open had decayed, attendances and prize money were low and many of the best players in the world skipped it — they avoided coming to Melbourne. In 1983 attendances plummeted to 69 000 and Victoria was in danger of losing its

important grand slam status, locally to Sydney or to Germany or Japan. Construction of the centre was completed on target and in time for the 1988 Australian Open. That demonstrated Labor's commitment to sport.

As I have said in this place on numerous occasions, the opposition will not let this government, the Premier or the minister try to create the impression that the Labor Party is composed of a bunch of anti-sport wowsers. The fact is that Labor has an excellent record in providing state-of-the-art facilities — for example, the Great Southern Stand at the MCG and the light towers, which attract such pre-eminent events as the Bledisloe Cup.

Melbourne attracted the Bledisloe Cup because this city has the biggest stadium and can guarantee filling it. It should not be forgotten that, despite Liberal opposition criticism, it was a Labor initiative to erect the light towers at the MCG and it was a Labor initiative to construct the National Tennis Centre. During the recent sumo wrestling event at the centre the Premier, as an advertising man, loved having his photo taken with the sumo wrestlers. Melbourne attracted that event because it has a great venue like the National Tennis Centre with a seating capacity of 15 000 that is large enough to generate profitable ticket sales. Labor gets the kudos for that.

In many regards the government is the beneficiary of those early Labor initiatives, although it wants to project the image that it is better than the previous Labor government. But it is fair to say that the government has continued trying to ensure Melbourne has elite events that will provide an opportunity for Australia's elite athletes to train and will attract quality events from interstate and overseas. It is important that the government does not simply try to redefine the past and pretend that no positive things were done under Labor because the government is the real beneficiary of Labor's initiatives — the Great Southern Stand at the MCG and the National Tennis Centre. Both venues assist Melbourne's reputation, which is so important in attracting other events, including the Commonwealth Games, and the opposition has proudly worked with and supported the government in its bid for the games.

The official rugby union dinner for the Bledisloe Cup also attracted delegates from the Oceania region. I greeted them at the door to the function, demonstrating that the opposition does support Melbourne's bid for the Commonwealth Games. It was good to see them attend the Bledisloe Cup and

view it from the Great Southern Stand — a Labor initiative! Let's put to rest the argument that Labor members are a bunch of wowsers about sport. It is the government that really needs to improve its performance, at least in grassroots sport, given the declining participation rate.

Mr Reynolds — How about getting back to this bill?

Mr PANDAZOPOULOS — We are still on the bill.

Mr Reynolds — Not quite: you are not even close.

Mr PANDAZOPOULOS — The tennis centre has been a success story despite the vicious campaign waged against it by the Liberal Party. Last year the Australian Open was attended by more than 390 000, and it had an operating surplus of \$9.38 million. Melbourne Park is also a good venue for other important sports such as basketball. It can be used when we want a venue with a larger capacity than the Glasshouse. An amazing range of events have been held there, including ice skating, circuses, pop concerts, motor cross and all sorts of other things.

It is important to remember who was opposed to the construction of the tennis centre.

Mr Reynolds — Read what I said.

Mr PANDAZOPOULOS — I will read what you said. The opponents included the Kooyong Tennis Club, conservationists, the railway unions, unfortunately, the management of Olympic Park and the Melbourne City Council.

Mr Reynolds — The railway unions!

Mr PANDAZOPOULOS — Yes. There are some interesting quotes from a leaked document the minister had! Who was the bigger opponent of the project, the one who tried to undermine it from the start? Who tried to give the impression that it was supportive when it was not? Unlike the then opposition, Labor does not try to denigrate the government's initiatives in sport. We have not tried to denigrate new projects like the Docklands stadium; instead we have supported them. Last November, before the government announced where the new football stadium would be, we said it should be in the Docklands.

The Labor Government was criticised for building the tennis centre next to the Yarra because of problems that water could cause. We could run exactly the same argument about the Docklands stadium given the precinct it is located in, but we will not because we support it and see it as an important asset for the state.

The Liberal opposition took every opportunity to denigrate the Labor government's plans. It spread furbies criticising great government projects such as the Great Southern Stand at the MCG and the tennis centre. The then opposition leader, the current Premier, dismissed an idea as soon as it was announced, and the Liberal Party fell in behind him. However, it was good to see that the National Party — it was not in coalition at the time — did not kowtow to the Liberal Party but thought independently about the interests of the state. It wholeheartedly supported the Cain government in its development of the National Tennis Centre.

Unfortunately, the Liberal Party wanted to play politics. The current Premier and the current sports minister could not help themselves, continually calling the centre Cain's Cathedral. They attacked the car parking arrangements and the building of the footbridge between Yarra Park and the centre, claiming that parkland would be destroyed. The then Leader of the Opposition acted out of character in opposing the development for the sake of saving parkland, even if the argument was false. Eventually, a commitment was made to find additional parkland to compensate for the parkland lost in constructing the tennis centre.

If the Liberal Party had had its way a second-rate centre would have been built. It would have quickly lost its appeal, and the Australian Open as a grand slam event would have been lost to Melbourne. It is worth while looking at what members opposite said at the time.

Mr Lupton — Are you talking about the bill?

Mr PANDAZOPOULOS — I am talking precisely about the bill, which is about Melbourne Park. The government has tried to create the impression that it has brought all these major events to town. Recently, an article in the *Age* reported the Treasurer as taking the credit for the Australian Open and the Melbourne Cup! That is the image the coalition wants to project, but the reality is that the work started a lot earlier, before it came to government.

In this place on 27 November 1985, the honourable member for Gisborne referred to the tennis centre as Cain's Cathedral. He is also reported as saying:

I am simply criticising the site for the proposed centre.

The Liberal Party was critical of the location of the National Tennis Centre, something it now applauds because the centre is in Melbourne's sporting and entertainment precinct, which is valuable in attracting events to Melbourne. On 1 October 1985, the then shadow sports minister is reported in *Hansard* as saying:

... the centre will be known as 'Cain's Cathedral'. The centre will be constructed as a monument to the Premier; it will be done without consultation, discussion, forethought and without anyone knowing exactly what will happen and how much the centre will cost the public.

How the wheel turns. In those years, more information was available to the opposition than is the case today. The FOI laws were not as gutted as they are now, so there was ample opportunity for the opposition to get access to the information it needed. It was given regular briefings to update its knowledge of the status of things. There are a lot of events held in this state that opposition members are not briefed on, supposedly because of the cost to the public. The Commonwealth Games bid committee has provided briefings on its own initiative, which we have appreciated — and that is one of the reasons why we have supported the bid so wholeheartedly. The then shadow minister is also reported as saying:

The opposition does not disagree with the principle of a National Tennis Centre.

The Liberal Party was having it both ways, as is its wont.

In fact it believes a need exists for such a centre ... However, members of the opposition have distinct reservations about the proposals contained in the bill and the location of the stadium.

The two-bob opposition was having two bob each way. It wanted the tennis centre but not on that site. What an excuse! No wonder it was in opposition for another seven years. We refuse to act as irresponsibly as that.

Mr Reynolds — How about getting back to the bill, the one we are debating today. Can you bring yourself back to 1997?

Mr PANDAZOPOULOS — The shadow minister said this about Premier Cain:

The Premier recognised that it was to the political advantage of the government to force the Victorian Football League to play the grand final at the Melbourne Cricket Ground. The Melbourne Cricket Ground was a traditional venue and the government believed the grand final should remain there because it had been played there for many years and was a tradition.

The shadow minister also said:

I wonder whether tradition has now be thrown out the window because the Australian tennis championships and other important tournaments have been played at Kooyong tennis stadium for many years. It seems that tradition does not hold much water in this case.

The then shadow minister for sport said Kooyong should remain the venue for the Australian Open. I know it is embarrassing now, but that is the advantage of *Hansard* — I can quote it back to you!

The SPEAKER — Order! The Chair has been very tolerant of the honourable member for Dandenong, who has spent the whole time talking of the past. I suggest to him that he now address the bill before the house.

Mr PANDAZOPOULOS — Thank you, Mr Speaker, but it is important to remind ourselves.

The SPEAKER — Order! You have done so and you should now speak on the bill before the house.

Mr PANDAZOPOULOS — The past is very important in the sense that — —

The SPEAKER — Order! You have done that adequately. I ask the honourable member to address the bill before the house; otherwise his address might be somewhat shortened.

Mr PANDAZOPOULOS — Absolutely; but I reiterate the initial point I wanted to make to the minister, who was not in the chamber, to highlight the importance of the venue and the Australian Open to Melbourne and also to highlight the struggle that went on to get that venue in Melbourne.

Mr Reynolds interjected.

Mr PANDAZOPOULOS — I ask the minister to guarantee that when he responds. In our discussions with Tennis Australia — although it is supportive of the new management arrangement — it expressed concern that over time the role of Melbourne Park as the pre-eminent stadium for the Australian Open could be downgraded because future governments or future managements of Melbourne Park may force it to be just another tenant like any other tenant in the building.

Mr Reynolds — That is Tennis Australia?

Mr PANDAZOPOULOS — Absolutely! It is important. The government should guarantee it. It should put on the record that it is very supportive of that being the case. That is why I believe it was important to explain the amount of work that was necessary to establish the tennis centre. The Australian Open is very important to the state. However, despite its importance there was a lot of opposition by the Liberal Party to the proposal. We know in the current climate there is a lot of opposition to events coming to the state, but it is not coming from this opposition. The opposition believes it is important to point out that the Liberal Party in opposition opposed, criticised and undermined the venue.

Immense opportunities exist for ensuring that catering and staffing arrangements at Melbourne Park achieve economies of scale by the sharing of staff with other venues the Melbourne and Olympic Park Trust manages. The same staff work at the Glasshouse and at Olympic Park, but at the moment there is a lot of bureaucracy. Over time the new management arrangements would allow for cost savings to be made.

Tennis Australia will continue to pay its debt of about \$2 million a year until the year 2013. It is in a reasonable financial position and looks forward to being able to focus its capital contributions on improvements totally related to tennis. It is starting work any day now — if it has not started already — on the player facilities. During the first week of the Australian Open in January some 250 participants try to use a small room for canteen purposes. That facility will be extended and linked up with other private player facilities. Investment from Tennis Australia will be going into tennis facilities rather than into lighting or staging normally associated with shows or concerts. We need to remind ourselves that when they were in opposition, the

current minister and the Premier were critical of the venue.

Mr Reynolds — On the bill!

Mr PANDAZOPOULOS — I am on the bill!

Mr Reynolds — Only just; not even just!

Mr PANDAZOPOULOS — One of the key criticisms made by the Liberal Party in opposition was about the parkland.

Mr Reynolds — Now you are back into history; back on the bill!

Mr PANDAZOPOULOS — This is not history. It applies to the current situation. As honourable members know, there are other potential extensions of Melbourne Park. The opposition supported the stage 2 extension.

Mr Reynolds interjected.

Mr PANDAZOPOULOS — We didn't oppose it! It was part of the stage 2 plan. Remember the Cain government built stage 1 and the Kennett government built stage 2. That is good. We have extra facilities, which are great, with more outside courts and a function centre. However, it is interesting to note that concern has been expressed about the Melbourne Park function centre losing events to Crown Casino. Recently it won the Logies, but there is concern about losing the grand prix ball.

The opposition supports the velodrome on that site, which may use up additional parkland. The government's attitude to parkland when in opposition is relevant to its attitude now. The government is saying that some parkland can be used for important state venues, but in the past the Liberal Party tried to scuttle the project because of its attitude on parkland. The minister knows that if the velodrome is to proceed — —

Mr Reynolds interjected.

Mr PANDAZOPOULOS — It is Melbourne Park. It is the same site. As the minister knows, if the velodrome gets off the ground it will be a multipurpose facility that will be used for tennis as well and will be managed by the Melbourne and Olympic Park Trust. It is entirely relevant to the bill. This is a bill about the management of those types of facilities.

The DEPUTY SPEAKER — Order! The bill is specifically about Melbourne and Olympic parks. For the honourable member to refer to other venues under the ambit of this bill is in the Chair's view drawing what you might call a long bow.

Mr PANDAZOPOULOS — I am sorry Mr Deputy Speaker, they are all the same venues. The Melbourne and Olympic Park Trust will manage Melbourne Park and all the facilities around it as well as any extensions to it. We are not talking about any other venues. They are across the road from each other.

The DEPUTY SPEAKER — Order! The honourable member should proceed.

Mr PANDAZOPOULOS — If the velodrome is to be built on that site additional parkland will have to be excised. It is logical that the velodrome facilities, which will also cater for tennis, should be close to the tennis stadium. There is also a need to replace tennis courts used by the public and for coaching to take place on other parts of the site. Additional parkland is likely to be needed for that purpose. The Melbourne and Olympic Park Trust will have to decide that, as will the government. It is important to remind ourselves about what those now in government said when they were in opposition.

Mr Reynolds — Oh, come on!

Mr PANDAZOPOULOS — When he was Leader of the Opposition, the Premier said on 1 October 1985 — —

The DEPUTY SPEAKER — Order! Before taking the Chair I heard Mr Speaker counsel the honourable member for Dandenong on the history of the issue. If I remember his words correctly he encouraged the honourable member to deal with the substance of the legislation in a projected rather than an historical way. I remind the honourable member that the Chair will be attempting to uphold the thrust of the ruling laid down by Mr Speaker.

Mr PANDAZOPOULOS — I do not intend to go into massive detail putting the Premier's past statements on the record. However, it is entirely unfair if the lead speaker for the opposition is not able to show the government's double standards by making comparisons between what it now says with what it said when in opposition. I believe brief comments are entirely proper. I have not yet mentioned anything the Premier said in the past when he was Leader of the Opposition.

Mr Reynolds — Yes, you have!

Mr PANDAZOPOULOS — The Premier is reported in *Hansard* of 1 October 1985 as criticising the proposal because of the loss of parkland it entailed. He knows very well that the only way to build the velodrome is to use a small parcel of land. The key is to make other parkland available in the area. Less track is needed in the Jolimont railyards, so a real opportunity exists to convert some of the land into parkland. It is entirely inappropriate for the minister to not want to be reminded about his party's attitude to the building of the tennis centre.

In winding up I point out that opposition members are not a bunch of wowsers about sport. We have a good track record, and we will support positive initiatives by the government that add value to sporting events and bring extra investment, employment and tourism to the state. We will not act irresponsibly on these sorts of issues, as the government did while in opposition.

I inform the minister, because he missed the start of my comments, that I would like an unequivocal guarantee that no future government and no future administrators of the Melbourne Olympic Park Trust will undermine the venue's main emphasis, which is tennis. Tennis Australia is not just any normal landlord: it is because of its work and the work of its predecessors that we have this venue. Therefore, the organisation should play a continuing prominent role and have an important say in the future of Melbourne Park. That is the key to securing the Australian Open for Melbourne, which each year brings \$100 million and massive overseas publicity to the state. The minister would reassure everyone concerned by giving that guarantee in his reply.

Apart from that, I accept that there are logical reasons for the bill. The Labor Party will support anything the government does in sport that is reasonable and logical.

Debate adjourned on motion of Mr E. R. SMITH (Glen Waverley).

Debate adjourned until later this day.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE BILL

Second reading

Debate resumed from 23 April; motion of Mr GUDE (Minister for Education).

Mr BRACKS (Williamstown) — I am pleased to be the lead opposition speaker on the bill. Since its establishment in 1975 by the Liberal Hamer government, the Construction Industry Long Service Leave Board has been an absolute success story, running for the full term of the Labor government and the first five years of the current government.

We should all reflect on the fact that the scheme came into being because the industry partners — the building and construction companies, the developers and the building unions — decided to get together to ensure that, given the transient nature of the industry, building workers could carry their long service with them as they moved from one site to another, thus creating a career path. The board was established on the great principle that in a transient industry long service leave benefits for workers should be fully funded, based on a levy on building companies and developers — which we know at times spring up and disappear just as quickly and do not meet their obligations.

Each year a rate is set to determine how much building companies and developers are required to compulsorily contribute to the Construction Industry Long Service Leave Fund, which is now called CoINVEST. Sometimes it has been 5 per cent of the employees wages and salary arrangements. Sometimes the rate has been higher, and sometimes it has been lower. For the past three years there has been a zero rate — in other words, employers, developers and builders have not been required to contribute anything. The investment profile of the construction fund has been built up to such an extent that based on current estimates it now has a surplus of \$135 million and a net worth of about \$300 million.

The accrued long service leave benefits of workers who have 10 years of service despite moving from one company to another can be covered without extra contributions to the scheme being required. It must therefore be given a tick and rated a success. The scheme has provided for good collective arrangements in the building industry. It is a little bit of socialism, if you like, which a Liberal government introduced in 1975 and which this government has supported for the past five years. It has even allowed the industry partners to run it themselves, which is extraordinary. When it suits, a Liberal government — even this crowd — is prepared to oversee a little bit of socialism.

This government has presided over the CoINVEST fund and its socialist principles, which involve

vesting long service leave arrangements collectively and requiring the heavy hand of government to ensure that building companies make the necessary contributions and that the benefits are there for employees — and that it runs in the public sector.

I have had a long association with the scheme. At one stage I worked in the department that administered it, so I am familiar with how it functions. It is amazing that since this government was elected in 1992, the board of CoINVEST, the previous Construction Industry Long Service Leave Board, has been interested in being privatised. At one stage representatives from the board went to the then Minister for Industry Services, the honourable member for Mitcham, and said, 'We would like to be privatised. We would like to be a true industry sector company'. The minister, as was his style, said, 'Oh well, I might get around to it at one stage'. He got around to something else — he was compulsorily retired — and a new minister was left to accede to the wishes of the board. I must say it was a funny situation, although I do not want to have a go at him.

An honourable member interjected.

Mr BRACKS — That is right. I do not want to have a go at the former Minister for Industry Services, whose shadow at the time was the honourable member for Springvale. As I said, he took a while to act — in fact, he did not act at all — and it was left to the new minister to accede to the board's request.

This is a bill the industry wants. The unions collectively involved in the building industry — the Construction, Forestry, Mining and Energy Union, the Australian Workers Union and the other building unions — and the building companies and the developers have got together and said they want a new arrangement separate from government.

I do not blame them. I would not trust the government and the Treasurer with a hollow log that has a net worth of \$300 million and a surplus of \$135 million. If I were a building worker wanting to ensure that the money was preserved and applied just to long service leave benefits, or if I were a developer who was levied to provide for that arrangement, I would want to be outside the government's purview as well. I do not blame them; it is probably a sensible arrangement. It was common knowledge that this would happen. I knew about it, and I think most people in the industry knew about it.

People knew on 1 April this year that CoINVEST was likely to be privatised. I raised the matter during the adjournment debate on 1 April, April Fool's Day. I asked the Minister for Planning and Local Government whether CoINVEST would be privatised in the near future. The Treasurer may remember the issue being raised. The minister's answer to me was the usual attempt at invective. He said then:

The honourable member for Williamstown raised a matter for the Minister for Industry, Science and Technology in another place regarding a proposal, as he put it — largely an invention of his imagination — to privatise what used to be known as the Construction Industry Long Service Leave Board, CoINVEST.

I am right, despite the invective from the minister. I remind honourable members that this occurred on April Fool's Day. The minister's answer does not stand the test of time, because I and everyone else in the industry knew that CoINVEST was to be privatised. The minister now looks silly; he should have answered the question properly. The government obviously planned to privatise CoINVEST at the request of the building and construction unions and the industry. That would have been a good explanation. Instead, the minister tried to score some cheap points when solid information would have been sufficient, but he has been caught out. It was not a product of my imagination. It was well known at the time that there were plans to privatise CoINVEST.

The opposition supports the privatisation of CoINVEST and the bill. It puts the lie to the accusation made from time to time that the opposition opposes every measure, every reform and all changes to the public sector. Sometimes outsourcing, contracting out and privatisation can be good things. This is a sensible arrangement that the unions and the developers agree with. They have decided they would prefer to run the organisation themselves. Why should they not run it themselves?

The opposition supports the request to have the organisation outside the government's purview and direct management. I would not like the Minister for Finance to manage the scheme because I do not think he or the government would keep it for the purpose for which it is currently intended. I think it is better off by itself. It is like waving a red rag to a bull to say to this government that it should keep its hands off something that is working well and has \$150 million in assets. The temptation would be too great. It is no wonder the organisations have lobbied

the government for the past five years to privatise CoINVEST so they can establish a company under the Corporations Law.

Although the opposition supports the bill, it does not support the fact that at this time some matters are outstanding and unresolved, and as a consequence I desire to 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 superannuation, redeployment and redundancy matters for existing public sector CoINVEST staff are resolved'.

Some transfer matters between the staff currently running CoINVEST and the new arrangements proposed under the memorandum of association and the enterprise agreement are outstanding. I refer to three matters in particular: superannuation, redeployment and redundancy. The matters are close to resolution but have not been resolved, and the reasoned amendment illustrates that the matters should have been resolved prior to our debating this bill today.

Most honourable members are aware that when public sector agencies such as the former State Electricity Commission, the Gas and Fuel Corporation and the Public Transport Corporation have been proposed to be privatised superannuation has been an important issue. The Treasurer knows this because he is trying to revisit some of these arrangements. The proposals involve establishing a new superannuation entity into which current superannuation arrangements are transferred. The privatised organisation is required to adopt the existing arrangements so that the same conditions flow into the new industry. That is important. That was successfully done with the former State Electricity Commission and the Gas and Fuel Corporation. It has been less successfully done with the Public Transport Corporation, hence the dispute. I understand that is now close to resolution.

I am informed that the options that were available for the former SEC and gas workers are not available for CoINVEST staff. Either the government has a policy on this issue or it does not. There is bipartisan support for superannuation measures and the translation arrangements that have been established. If the government has a policy on these matters, it should implement it.

A memorandum dated 7 March from the director of CoINVEST to board members indicates the staff superannuation options then on offer. The memorandum states:

Portability option — where the full value of their superannuation is preserved in the state scheme and increases by the CPI rate each year until retirement after age 55.

Resignation benefit — where the employee is entitled to receive a refund of their own contributions plus interest, with the employer contribution being preserved until retirement after age 55.

Transfer option — which enables the full value of the superannuation discounted by the number of years remaining to age 55, to be rolled over to a private superannuation fund.

The correspondence I received today states that although the minister says staff issues regarding privatisation have been resolved, that is not the case. Negotiations are ongoing and there is no agreement with management on several issues. When addressing the issue of privatisation staff have asked that the matters be resolved prior to legislation being passed. I will do my best to ensure that that occurs. We are asking that the arrangements made for former SEC and Gas and Fuel staff apply to CoINVEST staff. They should not have to resign from the superannuation scheme and roll over their benefits. They should have a choice and should enjoy the same superannuation benefits under the privatised CoINVEST company. The issue should be resolved.

I have been sent some examples of the options available for employees of CoINVEST. They have given me a table indicating the value of the options in dollar terms. It states:

Three typical examples of the losses which will be incurred if the transfer option being offered to staff at CoINVEST is taken.

The table then indicates that for a person aged 38 years the retrenchment value is worth \$82 000, the transfer option is \$47 289 and the loss in dollars is \$34 711. For a person aged 33 years the retrenchment value is \$66 825, the transfer option is \$29 780 and the loss in dollars is \$37 045. For a person aged 37 years the retrenchment value is \$72 711, the transfer option is \$41 932 and the loss in dollars is \$30 779. I seek an assurance from the Treasurer that these potential losses for some staff at CoINVEST will not

occur and that the issues will be resolved, but they have not been resolved at this stage.

I have had advice from CoINVEST staff that the matters have not been resolved. The Minister for Transport would be aware of these issues from his dealings with the Public Transport Corporation. He would have discussed such matters over a long period. The same situation has arisen at CoINVEST.

CoINVEST might be a smaller organisation, but no matter how small it is the government should have a policy on such matters. If a policy is good enough for former SEC and gas industry workers, it should be good enough for public transport and CoINVEST workers. There either is or is not a policy. Government policies should not be revisited and different rules set up for different categories of employees just because an organisation happens to have been privatised and it is convenient to revisit the arrangement. The reasoned amendment was moved because that matter needs to be examined.

The second matter I have mentioned is redeployment and redundancy for existing public sector CoINVEST staff. Voluntary departure packages are usually on offer where there is to be such a massive change, and I understand that some but not all staff have been offered such packages recently. Although no packages were available at the time the reasoned amendment was drafted some have been offered since, and such matters have largely been resolved.

What has not been resolved is the right to redeployment in the state public sector under the Public Sector Management Act for those employees who choose not to go to the privatised CoINVEST company. The rights of the public sector employees involved are unclear. Some who have had long careers in the Victorian public service may only recently have arrived at CoINVEST. Those people might like to pursue their careers as public servants, and not necessarily in the organisation in which they are currently employed. It is fair for them to have planned to be career public servants. Redeployment issues that arise because employees choose not to go to CoINVEST should be resolved before the vote on the reasoned amendment. I have put forward the substantial matters underlying the reasoned amendment.

It is not apparent in the legislation that the superannuation arrangements involve an unfunded liability of some \$2.7 million for employees who were under the current unfunded scheme in the

Victorian public service. Who will pick up the tab for the unfunded liability before it is transferred to a fully funded scheme with CoINVEST Ltd? I understand that the \$2.7 million is a matter of dispute because it has not been resolved whether the state government has responsibility for employees who have been longstanding public servants and what liability the privatised company will have to pick up. That question also needs to be addressed.

A further question has been raised on previous occasions by the Minister for Finance. As I mentioned the earlier, CoINVEST is an unmitigated success. It has worked well. I am glad the Minister for Transport is in the chamber. On 1 April he accused me of having a vivid imagination in suggesting that CoINVEST would be privatised. I place on record that what I imagined has been realised.

Mr Cooper — Your suggestion.

Mr BRACKS — No. In the adjournment debate you suggested I had a vivid imagination in suggesting that CoINVEST would be privatised.

Mr Cooper interjected.

Mr BRACKS — I am sure you will. It is your style to pick up such things and make such accusations.

The other matter I raise concerns a request made on approximately 3 April 1997 by the Minister for Finance in another place, the Honourable Roger Hallam, of which I have details. The matter needs to be clarified by the Treasurer, who is at the table.

Prior to the bill coming before the house and before the proposal to privatise CoINVEST was put forward, the Minister for Finance sought to have \$60 million of CoINVEST's \$135 million surplus from existing long service leave funds applied to fund training in the construction industry in Victoria. The minister put that proposal to the board, and the board rejected it, as it should have done.

The board was established under the Hamer government in 1975 and was maintained by successive governments for a specific and narrow purpose — to have a fully funded scheme and to have funding available for long service leave in the building industry, which is essentially a transient industry. The government should clarify whether under the new arrangement it still seeks \$60 million of the \$135 million surplus to apply to purposes

other than long service leave funds for employees in the construction industry — that is, to training. I know the current board has rejected that option, but I have not seen any further correspondence. I hope the Minister for Finance has not pursued his original request or sought to gain leverage in the new arrangement to ensure that happens, because it would be contrary to the spirit of the legislation and the scheme.

The final issues I raise concern minor matters in the bill. I understand that the current CoINVEST legislative arrangement allows for a right of entry to the workplace for CoINVEST staff so that employee registers can be checked to ensure records are updated. Clearly a tracking exercise is required to check the status of employees in the building industry who move from one project to the other. The existing act ensures that right of entry.

However, on my reading of the bill that right of entry will no longer be provided legislatively and there will need to be cooperation between industry partners for that to occur in the future. CoINVEST Ltd may have problems in accessing workplaces to check that the records held are accurate in all cases. That becomes an important matter where large amounts of funds are provided for long service leave. That is a minor matter that should be re-examined.

The opposition supports the proposal for the new board, which will be made up of four elected employers from building and construction firms and four elected persons from trade unions representing employees from those construction firms in the new privatised CoINVEST arrangement. That is a good balance. The eight elected directors will be able to nominate expertise to ensure that they have the right personnel on the board. The eight elected members can nominate three persons they believe will add value to the organisation.

The two essential functions of the board that we are aware of are to administer and control the payment of long service leave funds and ensure that the tracking exercise is well established, and to manage the investment portfolio to ensure that the minimum possible contributions required from employers are provided for over time.

As most honourable members would be aware, this has been one of the great success stories over the past couple of years. A zero levy has been required from building employers because the fund surplus of \$135 million is sufficient to cover any requirement

of the scheme to pay out long service leave benefits. That is a good position to be in. It is important that one or two of the three appointed members of the board will have the capacity to manage the investment well and prudently over time.

The other matter that is of concern is that the organisation will no longer be subject to public accountability but will operate under the Corporations Law. The Auditor-General will no longer audit the accounts of CoINVEST. The audit will be carried out by private auditing firms and the annual reporting arrangements mean that the report will not be made to this Parliament. In the absence of that requirement I hope the Minister for Finance will report under the legislative arrangements on progress, on how the new industry scheme is working and on whether it compares with the scheme that has been under government management since 1975.

The government supports this privatisation but does not support the arrangements which may see the staff at CoINVEST who are currently employed to administer the scheme not receive the same benefits as other public sector workers whose functions have been changed by outsourcing and privatisation. Matters of superannuation, redundancy and retrenchment should be worked through effectively with all staff, and that is what the reasoned amendment seeks to have done.

The DEPUTY SPEAKER — Order! The honourable member for Box Hill will speak to the bill and to the reasoned amendment.

Mr CLARK (Box Hill) — In indicating the opposition's support for the bill the honourable member for Williamstown raised a number of matters. I am not in a position to respond to many of them, but there are three on which I want to comment briefly.

The first is the honourable member's citation of figures comparing retrenchment benefits with the transfer option for employee staff of CoINVEST. It struck me as surprising that the honourable member seemed to suggest that a measure of disadvantage for transferring staff was a loss of a retrenchment benefit. The reason that seemed to be striking is that those employees are not in fact being retrenched — their employment continues from the public sector organisation to the private sector organisation and therefore it does not seem to justify being classified as a retrenchment other than in the technical sense of the word. Adopting that as the measure does not

seem to justify a claim that a disadvantage is occurring.

The second point made by the honourable member related to access to records to determine whether an employer is complying with an obligation to make a contribution if at some stage in the future employer contributions are required. On my reading of the bill, the keeping of records and the ability of the trustee to obtain information is covered in clauses 8 to 11. The honourable member referred to the trustee entering sites to inspect documents. I am not sure that is a necessary power.

Clause 11 provides a mechanism for enforcement by way of the trustee applying to the Magistrates Court for an order to direct people to comply with an obligation to provide information to the trustee, and certainly in terms of the legislation that would seem to give the trustee a degree of power to obtain the required information.

The honourable member also commented on the fact that the Auditor-General does not have a role in auditing the accounts of the private trust. As I am sure the honourable member will realise, it is somewhat difficult to have one's cake and eat it too. If the scheme is being privatised, which is something the opposition supports, it is fair, reasonable and appropriate that a private sector auditor should conduct the audit unless there is some particular reason why that should not be the case.

However, although the bill provides for the privatisation of the scheme, it is a scheme that still relies on the force of law to operate, and it therefore properly has certain provisions that give statutory compulsion to the scheme. It creates a statutory obligation on employers to make various payments and gives a statutory right to workers to obtain the benefits to which they are entitled. It is fitting, given the fact that this is ultimately a scheme that relies on the force of law for its effect, that the government, through the Governor in Council, reserves the right to determine the scope of coverage of the scheme as set out in clause 7, which provides that:

The trustee must not, without the prior approval of the Governor in Council, exercise any power, authority or discretion given to the trustee by the trust deed the exercise of which would have the effect of enlarging the class of persons capable of being paid benefits out of the fund.

If it were not for that provision it would be delegating to a private trust the power to extend the

scope of its own coverage. It is more appropriate that the government retain control over that so that what is conferred to the private sector is the ability to administer a scheme that has a fixed coverage that cannot be enlarged without the approval of the government.

The honourable member for Williamstown referred to the structure of the representation on the trust and to the fact that there are four employer and four employee representatives and three independent directors of the trust company. That balance is an importance consideration. Both employers and employees have a significant stake in the fund. Obviously one half are contributors and the other half beneficiaries. It is important that both sides of the building industry work together constructively to ensure that contributions are minimised, investments are made prudently, records are kept properly and the entitlements of the workers are safeguarded.

The government appreciates the opposition's support for the bill, notwithstanding the reasoned amendment moved by the honourable member for Williamstown. Let us all hope the scheme will be capably and well administered by the private sector.

Mr LONEY (Geelong North) — I join the shadow Treasurer in seeking an adjournment of the debate on the bill to further consider the issues involved, particularly those relating to staff arrangements. However, there is another matter about one particular group of employers that I want to raise. As the shadow Treasurer said, a number of staff issues should have been determined prior to the bill being introduced. The opposition wants debate on the bill to be deferred until those matters are resolved.

The shadow minister went into some detail about his concerns, so it is unnecessary for me to repeat them. Essentially they relate to the transfer rights of employees and superannuation entitlements for the current staff. Staff members should not be required to resign from the State Superannuation Fund and thus lose their superannuation continuity in order to take up their positions in the new privatised CoINVEST, or at least not without having satisfactory superannuation arrangements. It is the level of security that most workers believe they have and to which they are entitled, particularly when they enter a scheme such as the state superannuation scheme. To deprive them of that benefit through an action not of their own making is palpably unfair.

Important issues surround the portability of superannuation entitlements. If employees are to be transferred into new schemes prior to portability taking place and prior to this legislation passing through the house, I believe the employees are entitled to be informed of the level of benefit of the new superannuation scheme to which they are to be transferred. What will the scheme offer them? What provisions for the recognition of their time will the current scheme allow? What rights of transfer are involved in entering a new scheme? And what scheme will they be transferred to? Employees are entitled to have definitive answers to all those questions before these matters are proceeded with.

Voluntary departure packages present similar problems. The shadow Treasurer said that some VDPs are now being offered. That is a recent development and there is still some lack of clarity about the right to VDPs and redeployment which should be fully determined. An enterprise bargain agreement should have been made prior to the establishment of the new structure, and the conditions of the EBA should have been included in the legislation when it was introduced. Staff members are entitled to some clarity and definition, particularly when these circumstances should have been foreseen by the government prior to the introduction of the legislation. Those issues should have been satisfactorily resolved before the bill was presented.

After all, the proposed new structure is based on the presumption of a total transfer of staff from one organisation to the other; one organisation continues to be the same organisation but with a different management structure and ownership at arm's length from the government.

We are really talking about no change to the employees, no change to the operation of the structure, and no change to the jobs or duties of the people involved there. However, we seem to be talking about change to people's entitlements and the way that transfer of management is carried out. As the shadow Treasurer said, these issues were dealt with in the transfer of Gas and Fuel and SEC employees to their recent newly created structures, and not without some pain. However, they were dealt with and resolved prior to change occurring in those industries. There is no reason why that should not have been done in this case. The treatment of staff and their entitlements is not being handled as though a transfer of management is taking place; they are being treated in an entirely different way. They are being handled as if they are finishing up at

one job and being re-employed at another. CoINVEST employees should not be subjected to possible losses purely because of a desire to change the way the scheme is managed and regulated.

CoINVEST has been a successful scheme. It boasts some 70 000 registered workers, 18 000 working subcontractors, 10 000 participating employees and 5000 principal contractors; it has been an important institution in an industry where traditionally there had been no portability of benefits. Building workers traditionally were subject to changing jobs often as one construction job finished and a new one started. There was no portability of benefits. Workers had no right to superannuation or long service leave in any practical sense; they got paid off at each job and went on to the next one. CoINVEST has ensured the portability and responsibility of some of the entitlements that other organisations take for granted. It has been successful to the extent that it has a net worth of some \$300 million and an accumulated surplus of around \$135 million. Currently there is no levy on employers, which has been the case since 1993. The fund has been well administered and successful and has benefited both employers and employees.

However, I raise an issue surrounding one group of employers for the minister's consideration and for the consideration of the Minister for Finance. I have been approached by a number of employers, members of the Exclusive Brethren religious faith in the Geelong region, who have a particular concern stemming from their beliefs. The honourable member for Melton has also received representations from Exclusive Brethren employers in his electorate. Essentially, the issue is a conscientious objection to compulsory participation in a privatised CoINVEST.

These employers are not seeking to avoid their obligations; they have always met their obligations in the current CoINVEST, and indeed in matters such as superannuation. However, they do have a conscientious objection to being placed compulsorily into a privatised scheme. The matter has not been satisfactorily resolved in this case, although it has previously been satisfactorily resolved for them in relation to superannuation. I will quote from some of the letters I have received to outline their objections. One letter states:

The proposed changes to CoINVEST would mean that I could not have part in it with the result that we would be outlawed from building sites in our working operations.

This would drastically affect our business and would certainly mean the dismissal of employees. There are many others known to me in Geelong who would be affected in the same way.

Another letter states, in part:

Some years ago I obtained exemption on grounds of conscience from superannuation schemes where I was required to be a participating employer or member. The proposed CoINVEST arrangement involves voting rights for members and I could not participate in this.

I do not wish to avoid my obligations as an employer to make provision for long service leave for my employees. All I ask is that a way be found to do this without violating my conscience before God. Ideally, this would be by retaining the scheme under full government control; if not, then a conscience clause would be required in the act to allow for payments by non-participating employers.

A further letter states:

The reason why we have been able to register with CoINVEST and to make contributions is because it is controlled by the government; i.e. the board is appointed by the Governor in Council ... We have not had opportunity to examine the details of the proposed transfer of the board's responsibilities to a corporate trustee, but it seems quite likely that we will be unable, on account of conscience, to continue to participate as we have since 1980. If this is the case, we are anxious that some provision for conscience should be made so that we do not find ourselves in breach of the law.

Some of these people wrote to the minister responsible for Workcover, the Honourable Roger Hallam in another place, about this issue. He replied to them, essentially, that they should take the matter up after the scheme is privatised and speak with the new owners. That misses the point of what they are saying about their conscientious belief. The employers require this issue to be dealt with prior to the setting up of the new structure or they cannot deal with it. That becomes their problem.

The opposition is seeking from the government a commitment that it will look seriously at this request from the group of employers and perhaps find a way to meet the commitment in relation to superannuation. That could be done before the bill passes into another place, and through Parliament.

Mr THOMPSON (Sandringham) — By way of preliminary comment I point out that the benefits

under either the original Construction Industry Long Service Act or the new trustee situation are basically underpinned by what takes place in the wider economy.

I will refer to the important work undertaken by the Victorian government that is at present attracting investment to Victoria. For example, according to figures up to March 1997, private business fixed investment increased by 33.5 per cent in Victoria, compared with 14.7 per cent nationally.

According to the Access Economics *Investment Monitor* Victoria has \$10.7 billion worth of projects currently committed or under construction, and that is more than any other state.

A range of projects are under development in Victoria. The Melbourne Exhibition Centre has been completed, as has the Melbourne Sports and Aquatic Centre; there are a number of high-rise developments in the city; work is taking place on the new museum, and there is the Jolimont development and Federation Square. These projects will benefit people actively involved in the construction industry.

A number of years ago through the Jennings group I had occasion to work with a number of people such as Lumpy and Cactus. These labourers worked in the construction industry and benefited over the years through the provisions of the original legislation.

A number of important features will be maintained under the trustee, including the fact that the trustee must require employees to pay a long service leave charge; construction workers will have a statutory right to take long service leave; obligations will be imposed upon construction industry employers to keep and lodge records; and the provision for reciprocal arrangements where other states might have comparable schemes continued.

I conclude my contribution by referring to an article that appeared in today's newspaper showing what good work may be done by some former Labor Party icons. The *Herald Sun* reports that under a \$10-million plan it is proposed to build a 92-room luxury hotel in Werribee Park — the electorate of the honourable member for Werribee. A former Labor Prime Minister had this to say about the Victorian government:

I must say I've found it a pleasure to work with the Victorian government and its officials. They have been extraordinarily positive.

They take the view of how can we do things, rather than how can we stop things.

That is a ringing endorsement of the splendid work being undertaken by the Victorian government at present, and the workers who take long service leave will benefit from the ongoing investments being attracted to Victoria.

Mr BAKER (Sunshine) — I thank the honourable member for Sandringham for his grace and courtesy in allowing me to speak briefly. I, too, appreciate the value of a scheme of this kind for people who are in nomadic occupations. As a former journalist I am well aware of how difficult it was in the old days, because of the nomadic nature of journalism, to organise any form of retirement benefit let alone seriously contemplate achieving long service leave provisions that were generally available in the wider community. Because of that I was very pleased to be the inaugural chairperson of the Journalists Union Superannuation Trust which was set up under the aegis of Labor governments to deal with that problem. It was in good shape when I left it and I hope it still is today.

I also wish to comment briefly on behalf of a few of my constituents who are employees of this organisation, and I reaffirm and reinforce the pleas made for consideration to ensure that their benefits, particularly superannuation benefits and employment tenure, are not in any way threatened by this proposed shift. It seems to me that people of the political hue of those sitting opposite me and elsewhere around Australia have been a bit fast and loose when dealing with the superannuation rights of people. When people are nearing the end of their working lives or careers they are at their most vulnerable in providing for their retirement because, put simply, they have no opportunity to reorganise their lives and finances. They are running out of time, as I am at this moment, and on that note I will finish.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The time appointed under sessional orders for me to interrupt business has arrived.

Melbourne: student accommodation

Mr COLE (Melbourne) — I raise a matter with the Minister for Planning and Local Government with some trepidation because this is one of the very rare occasions when somebody from the opposition is actually asking the minister to intervene in an area, which is something he seems to do with alacrity. In this case it is to protect residential development in my electorate and to ensure that the area does not end up with a lot of substandard student accommodation or, indeed, no student accommodation at all.

It would appear there is a loophole in the planning scheme. There are two aspects to this loophole. One is that what is often labelled as student accommodation and therefore does not have to comply with the residential requirements that other developments have to comply with can subsequently be sold off as a residential development and not as student accommodation, even though it has been said to be student accommodation. In other words, it is masquerading as student accommodation in order to get a planning permit for what would otherwise be residential development.

The second aspect is that some of the so-called student accommodation is of such a substandard level that it is disgusting to suggest it could be purported to be student accommodation. In some cases the areas are not even 6 feet long, and they are not much wider than that, which means that people taller than 6 feet would not be able to sleep in it or would have to sleep with their knees folded up. I would have great concerns about that!

The minister must investigate planning applications using the term 'student accommodation' because the accommodation is either grotesquely substandard or there is clear exploitation of the planning scheme to sneak in residential developments which in the normal course of events would never be accepted under the planning scheme.

The Melbourne City Council is hopeless on this issue. It will not make up its mind; it panders to people when it should not and won't provide any information to the residents. I want to make it clear that we are seeking student accommodation. We need student accommodation because of the increase in the number of students attending RMIT. We are not against student accommodation — we actually want it — but we will not get it unless the minister intervenes to prevent the present practices from

going on. That is not to say, 'Pull in every application'. We want an amendment to the planning scheme to provide for the issue of student accommodation.

Crown witness allowances

Mr THOMPSON (Sandringham) — I raise for the attention of the Attorney-General the amount of reimbursement or professional fees that might be payable under the Evidence (Crown Witness Allowances) Regulations 1992. The matter was raised with my office by Mr Len Timewell, a retired policeman who occasionally appears as a forensic document examiner in courts.

The issue arose in 1992 when Mr Timewell was involved in civil proceedings as an expert witness and criminal charges arising out of the original civil case were subsequently laid. Three years after that he was required to provide a professional opinion on documents upon which he had commented earlier. He spent time refreshing his memory by perusing a file that he kept at the time; he was on stand-by for a court case on several days, waiting for the case to be called on; when he appeared in court he was involved professionally for 1 hour and in addition to that he had travelling time to and from the court.

For his level of expertise and his time he was reimbursed the sum of \$79.50, plus money for out-of-pocket travelling and meal expenses.

The issue of concern to Mr Timewell is that it is not really possible for a professional witness or expert to survive adequately on the level of remuneration provided by such payments. Mr Timewell has retired. He has made these comments at the end of his career for the benefit of those who might come after him. He proposes an amendment to the act that might lead to an increase in the amount of money that would be payable — —

The DEPUTY SPEAKER — Order! The honourable member for Sandringham cannot call for a change of legislation on the adjournment. He can call for action by a minister, but he must not call for a change of legislation.

Mr THOMPSON — The issue is for this matter to be reviewed and looked into by the minister to ascertain whether further action may be appropriate. The Scrutiny of Acts and Regulations Committee, of which I was a member, reviewed the Evidence Act a couple of years ago, but this was not an issue that

was specifically drawn to its attention. Action may be worth while so that expert witnesses can be reimbursed at an appropriate level where the skill of such witnesses is of great importance to the outcome of criminal trials in particular, but also of civil litigation.

Wantirna Heights Primary School

Mr MILDENHALL (Footscray) — The government has raised the closure of schools to an art form.

The DEPUTY SPEAKER — Order! The honourable member should start by naming the minister to whom he wishes to address the issue.

Mr MILDENHALL — I raise a matter for the attention of the Minister for Education. I ask the minister to review the closure of Wantirna Heights Primary School.

The closure of the school really takes the cake and demonstrates the government's determination to close schools across this state in a wholesale program, the end of which we have yet to see. The saga of the closure of the Wantirna Heights school should concern honourable members on both sides of the house. A series of management difficulties at the school, about which the department and government did nothing, eventually led to its closure.

Following the appointment of a new principal, by May 1996 differences had started to emerge between the principal and the school council and formal complaints were made. By the end of that year the honourable member for Bayswater had expressed his confidence in the school council president, who had recently resigned, and concern had been expressed to the minister about the lack of progress on any investigation of the matters.

By the start of this year the parents had started pulling students out in droves. The principal was on extended stress leave, from which he is yet to return, and the future of the school was in peril. The local member, the honourable member for Bayswater, was still expressing confidence in the future of the school and the government had recently spent more than \$250 000 on its future. After a great deal of discussion the school council decided to close the school.

It is of great concern that a school council can close a school regardless of whether the community needs

the school. The minister said that it was up to the school council, and that he would do anything he could to help close or merge the school but would not to lift a finger to help it. That is of extreme concern. A survey of parents indicated that most wanted the school to stay open. Clearly there was a difference between the views of many of the parents and those of the school council. I ask the minister to investigate the way the issue was handled by regional management.

Colac arts and cultural centre

Mr I. W. SMITH (Polwarth) — I raise a matter for the attention of the Premier in his capacity as Minister for the Arts. Recently, with my support, the Shire of Colac-Otway forwarded to the Premier a proposal for the construction of a new arts and cultural centre in the city of Colac. That centre would serve the entire municipality. No-one who knows Colac could deny it is an area deprived of culture. The facility proposed by the civic fathers will cost about \$4 million; they have requested a grant of \$2 million as a government contribution to the project over time.

The shire has asked me to extend to the Premier an invitation not only to examine and approve its application but to visit the proposed site. However, if his busy schedule does not permit such a visit, perhaps the Premier's parliamentary secretary could discuss the proposal with the shire representatives at Colac.

Colac does not have a cinema. The complex, to be operated by the private sector, will include a cinema as well as interactive rooms where students and members of the community can visit, surf the Internet, do their homework, entertain themselves and participate in modern communal activities which will add greatly to life in the community. The complex will also offer a viable alternative to the hotels and poker machine venues that seem to be so popular in Colac. In commending the project to the Premier, I ask the house to note that the project would significantly benefit the city of Colac.

Banks: financial institutions duty

Mr SAVAGE (Mildura) — I raise for the attention of the Treasurer, and in his absence the Minister for Youth and Community Services, the financial institutions duty on bank accounts in Victoria, an issue I have raised with the Treasurer on a number of occasions.

A 77-year-old constituent of mine, a self-funded retiree, lives in Murrayville, close to the South Australian border. Unfortunately, his bank, Westpac, closed its branch in Murrayville so he was forced to move his account across the border to Pinnaroo in South Australia. That branch later closed. He was then forced to drive a round trip of 140 kilometres to do his banking. He removed his money from the Pinnaroo branch and returned it to Victoria via an account at Berri. He was penalised a significant FID impost because he moved his account to the Commonwealth Bank at Murrayville — the only bank left in the town. His total FID bill of \$150 is a substantial amount for that elderly gentleman.

I understand there is no way FID can be waived by Treasury, but on the basis of unfairness and the gentleman's age, as well as the fact that FID was never intended to penalise anyone in such circumstances, perhaps an ex gratia payment could be made to my constituent. No FID would apply had the Westpac branch transferred his account to another Westpac branch. Also, the transfer of funds from one branch of a bank to an interstate branch of the same bank incurs no FID. I ask the Treasurer to review the case and to consider making an ex gratia payment to my constituent.

Princes Freeway: Geelong-Melbourne corridor

Mr LONEY (Geelong North) — I raise for the attention of the minister representing the Minister for Roads and Ports in another place the minister's recent approval of a trial of the use of B-triple trucks on the Melbourne-Geelong corridor of the Princes Freeway. While not making a comment in regard to the other roads in Victoria on which he has allowed a similar trial, I believe the minister's decision on the use of the Geelong-Melbourne corridor is blatantly nonsensical and should never have been made.

The minister has apparently disregarded any consideration of the safety of other users of this stretch of road, which has an accident and fatality record among the worst of any section of highway in Australia. It was recently highlighted in a coroner's report because of the high number of fatalities that have occurred over recent years.

These monster trucks are of some 33.5 metres in length — which has been reported as being the equivalent of a 10-storey building turned on its side — and up to 77 tonnes in weight. Their carrying capacity is about 50 per cent more than the carrying

capacity of B-doubles, which are the biggest trucks currently operating in Victoria. By allowing the use of B-triples the minister is further endangering road users. The minister has apparently also totally disregarded the condition of the road, which has resulted in the speed limit being kept at 100 kilometres per hour.

The already immense volume of truck traffic has led to local calls for a third lane to be added to the Werribee-Geelong corridor to improve safety. That stretch of road is particularly dangerous for drivers when overtaking in wet weather because the visibility of other drivers can be affected for some distance. There is also concern about the increasing non-compliance of B-double operators who will be allowed to operate these B-triple trucks, and the minister's own department has reported on that issue.

I ask the minister to review his decision in the best interests of all users of this road. I ask him to revoke his decision to allow the trial and instead give a commitment to upgrade conditions on the corridor to include a third lane from Werribee to Geelong, thus improving the safety of road users rather than jeopardising it, as the current decision is doing.

Rochester: Sir Hubert Opperman museum

Mr MAUGHAN (Rodney) — I raise a matter for the attention of the minister representing the Minister for Finance and it concerns lot 94, Moore Street, Rochester. The Shire of Campaspe has been negotiating with the Victorian Government Property Group regarding the above piece of land with the view of obtaining it to construct a building to house a museum complex to honour Rochester's favourite son, Sir Hubert Opperman, who was born in that town.

I had great pride in being present when Sir Hubert made his last ride and donated his bike and a whole range of other artefacts to the Rochester community to set up the Rochester museum. The Premier, who is at the table, has seen the statue as he has been through Rochester. It is a magnificent statue commemorating one of Australia's most notable sports people.

Sir Hubert Opperman is, of course, very well known, and the Rochester community wants to build a museum honouring his life. The community is negotiating with the Victorian Government Property Group to secure lot 94, which is 26 metres deep and 8 metres wide. Some 12 metres is needed.

I raise this matter to ask the minister whether he can see his way clear to provide an additional 4 metres from the car park. I understand it is required for access to the existing Rochester station platform and that the museum committee is more than happy to make that access available. I ask the minister to raise this issue with the Minister for Finance to determine whether the Rochester community can obtain that extra 4 metres of land.

Coliban Water: water and sewerage agreements

Mr CAMERON (Bendigo West) — I raise for the attention of the Minister for Agriculture and Resources the conduct of Coliban Water. The matter concerns forcing unwanted water agreements on non-urban water users and the implementation of sewerage schemes in some towns. The old permit scheme has been discarded and channel users have been told to sign a so-called agreement or they will not have any water. In effect, with guns pointed at their heads they have been told to sign.

Neither Coliban Water or the government will release documents showing why this scheme has been introduced. Clearly the public is being treated with contempt. People can no longer trade their water entitlements. For example, a gentleman from near Castlemaine was negotiating a sale of his water entitlement for thousands of dollars at the time this arrangement was imposed. He has lost thousands of dollars because of this government-sanctioned theft.

I urge the minister to stop disregarding country people and at least introduce a time frame where people who want to sell or trade their entitlements can do so before any so-called agreement comes into effect. The new agreement has many problems, including allowing Coliban Water to close a channel simply by giving six months notice. In fact, it has made it clear it wants to close or phase out many channels, but now, in a partial back-off, it has said that will not be considered until next autumn. That concession is hardly soothing news given that the intention has been spelt out.

The old permit scheme made channel closure a last option and then only when it was reasonable and after full consultation. I urge the minister to impose a similar condition in the new scheme and to review the new scheme to make it fair for users. In Maldon a sewerage scheme is to be put in place, but the government will not contribute any funds to it despite taking \$20 million a year from country Victoria in water and sewerage taxes. I urge the

minister to look at this matter. Further, I point out to him that some people on larger blocks are being charged two capital contribution costs even though they do not plan to sell parts of their land or build second dwellings. I ask the minister to put in place a scheme whereby the second capital contribution becomes payable if and when a building permit is issued or part of the land is sold.

Will the minister set out whether local democracy will be the determining factor in Dunolly as to whether a sewerage scheme is to be implemented? The public wants certainty.

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

Rail: South Yarra station

Ms BURKE (Pahran) — I raise with the Minister for Transport railway stations and PTC works in my electorate. My electorate has been served well by public transport with multimodal systems. Stations are improving with the stationeers program and timetables have improved incredibly. In the late 1980s when you looked at a station you would see graffiti all over it. It is a delight to look at the stations in my electorate today. Hawksburn station is looking fabulous.

Mr Gude — Are they premium stations?

Ms BURKE — They are premium stations, like many throughout Victoria. The Chapel Street project is progressing extremely well, and I am proud to say that people who walk past that can see what a great improvement that is to Victoria, particularly to the shopping centre.

My request to the minister concerns the South Yarra station, which has a very prominent position in my electorate. It plays a major part in the streetscape of Toorak Road and has been the secondhand rose for quite some time in the area. Improvements at South Yarra station have been talked about for quite some time. Some work has been done; I have seen improvements in the timetables and the press-button facility to check what is happening and when the train is due. The station, however, is rather shabby and tired and needs improvement. I ask the minister to speed up the improvements to the South Yarra railway station, if possible, to enhance the shopping centre and transport in my electorate.

Essendon Airport: sale

Mrs MADDIGAN (Essendon) — I direct the Minister for Planning and Local Government to the proposal by the federal government to sell the Essendon Airport site. I understand the federal government is waiting for the state government to agree to the implementation of a planning scheme for the 305-hectare site to permit aviation activities prior to the sale. I understand that if the state government refuses to accept this responsibility the airport will be leased.

As the minister is aware, there is strong opposition to aviation activities among the large population of residents in the area. I ask the minister to provide the residents of Essendon, Niddrie, Pascoe Vale and surrounding areas with the government's view on the future use of the airport and whether it is willing to take over planning responsibility. Concern has been expressed about current protections for residents, including the curfew — which is relevant to this issue — and which may be lost if the federal government seeks to maximise the amount of money it can get from the sale of the airport.

It is also relevant that there be general agreement that the site is worth more as a non-aviation site. The location of Essendon Airport makes it a development opportunity for the state government because it is situated between Melbourne Airport and the central business district. It is a bigger site than Docklands and is fully served by public transport and other general services.

The residents are well justified in their concern about the government's action. A public meeting held a couple of months ago was well attended by more than 400 residents. There was a strong move by those residents to find out the government's view on the site, particularly the requirements of the federal government, the action it intends to take on planning issues and whether it will ensure that residents are protected if aviation activities continue. The curfew is one of a number of issues including noise and pollution controls and problems with ground running noises. I ask the minister for guidance on his government's policy. What can the residents of Essendon expect from the government in protecting their interests?

TCF industry: training centre

The DEPUTY SPEAKER — Order! The honourable member for Clayton has 2 minutes.

Mr LIM (Clayton) — I seek from the Minister for Tertiary Education and Training a commitment to secure the establishment of the centre for TCF training excellence in Melbourne which was foreshadowed by the federal cabinet when it decided last week to reject the Productivity Commission's recommendation to cut tariffs on the TCF industry.

I take pride in having been actively involved in the local campaign to have the recommendation of the Productivity Commission rejected. It was pleasing to be involved with the local council representatives, union representatives, TCF industry leaders and employees — both in factories and outworkers — who joined me in a vigorous campaign in Clayton. I thank the shadow Treasurer, who took considerable time to join us in this very important campaign. It is even more pleasing to know that federal cabinet accepted the ALP proposal for the setting up of the centre for TCF training excellence.

I urge the minister to secure the centre for Victoria, which is the TCF heartland of Australia, with direct employment levels of 46 000 and 140 000 outworkers. It is only fitting that I lobby for the centre to be located in the south-east region of Melbourne, which has the largest segment of the TCF industry in this state.

Responses

Mr KENNETT (Premier) — The honourable member for Polwarth raised a matter for me in my capacity as Minister for the Arts, one of the three areas of responsibility I have, of which he is well aware. It related to an application from the Colac-Otway Shire Council for funding for a cultural centre, which would include a multimedia cinema.

Obviously we would like to see resources being used to provide facilities throughout the state so local communities can have access to the diverse range of the arts. As an example, tonight I introduced the new guest conductor of the Melbourne Symphony Orchestra, Markus Stenz, who will join us for three months each year for four years. He is a wonderful young man who will greatly assist the orchestra in its move to a corporatised form. The orchestra plays around the state — and I would like to see it playing in the Colac facility.

As I understand it, the cost of the project is approximately \$4 million. The honourable member asked whether the government would make a \$2 million contribution. I think an application for

that has been made to the Community Support Fund. The fund has its own secretariat, which analyses each application based on its merit and on its meeting certain criteria. In most cases it seeks a 50 per cent contribution from the local community, which can come from local government or local government and other bodies. If it is — —

Mr Mildenhall interjected.

Mr KENNETT — The honourable member for Footscray talks about the Footscray arts centre, which I have visited about twice in the past year. I am not sure whether he was there on either occasion, but I was certainly there on his behalf, trying to ensure that we raised funding for a good facility out in Footscray which looks back over the Maribyrnong River to Melbourne and has some of the most spectacular views of the city you would see. I was happy to assist, and I think I presented a cheque for \$750 000, which was not a bad contribution towards its development. It is used as a multicultural centre — —

Mr Mildenhall interjected.

Mr KENNETT — I must admit that was done without any support whatsoever from the local member. It is sad that the people of Footscray cannot get good, strong personal representation. Even given the honourable member's failings, I am happy to say that the government is prepared to recognise the good work being done there, in the same way that it will take into consideration, through the Community Support Fund, the application made for the people of Colac. I will certainly ask — —

Mr Batchelor interjected.

Mr KENNETT — Mr Deputy Speaker, this man is a confessed liar. He is the one who printed those electoral cards. He said he did not do it, and then he admitted he did. I do not know how he can stay in Parliament. The Premier at the time had to get seven different legal opinions before finding one to get him off the hook. You are fundamentally a crook. You are a crook, and you know it! You are a crook deep down.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Premier, on the Colac arts centre.

Mr KENNETT — I am sorry; I was slightly misled! I will ensure that the Community Support

Fund has received the application and reports back to the cabinet subcommittee. It will be done in a bipartisan way.

Mr Mildenhall interjected.

Mr KENNETT — Wait a minute. You just got \$750 000, you miserable man, and you never made an application. You have never done anything for the Footscray centre. You have never done a thing!

Mr Mildenhall interjected.

Mr KENNETT — I am being provoked.

The DEPUTY SPEAKER — Order! This could be a long night. If the honourable member for Footscray contains himself, I am sure the Premier will round off his answer on the Colac arts centre and we will be able to get on to the string of other ministers who have issues to respond to.

Mr KENNETT — I will ask the director of the Community Support Fund whether it has received the application, and I will be interested in its independent assessment of the project. I can assure members, because the Community Support Fund receives many applications, that it independently assesses each project based on a list of criteria. It then makes submissions to the cabinet subcommittee, which it almost invariably accepts. There has been the odd occasion when it has not, but in the main it has done so. This sounds like a good project, and I will look at it. I can give no guarantee other than to ensure that the matter receives the proper independent consideration it deserves.

Mr MACLELLAN (Minister for Planning and Local Government) — The honourable member for Melbourne referred to the nature and quality of student accommodation proposed to be built in Melbourne and surrounding areas, particularly for overseas students. The issue raised goes to the quality of the product, room sizes and the quality of the buildings. He raised issues such as location, Australian government rules regarding investment in Australia and investment in residential properties as well as international issues.

The honourable member would be aware that in Victoria Street, West Melbourne, a proposal is under consideration at a site which I understand is known as the Coffee Palace. I understand the matter has been before the City of Melbourne informally for three months and formally for three months, making a total of six months, but the council has not yet been

able to reach a decision, even to say no to the proposal. Therefore, the applicants have not been able to take the matter further to appeal although they could appeal against the failure of the council to reach a decision in sufficient time. As soon as the council makes a substantive decision the appeal will be heard on the merits of the issue.

Recently the Honourable Bob Hawke spoke to me about the delay in the proposal and, by sheer coincidence, the honourable member for Melbourne raised the matter with me tonight. I met with the proponents of the scheme and they are complaining about the delay. I have spoken to the office of the Lord Mayor and made my views clear — either the City of Melbourne makes a decision at an early date or I collect the matter from the city council and put it to a panel. I believe it will end up at the panel anyway no matter what course it takes because if the council approves the scheme someone else will appeal against it, and if the council denies the application the proponents of the scheme will appeal against it. It seems better to send the matter to an independent panel to get a full report of all the matters involved. It may also be an advantage to obtain a panel report on all the issues involved in student housing.

I take it the honourable member is not complaining about all student housing. Indeed, he said he was in favour of student housing. Quality student housing is being produced. I would appreciate the honourable member advising me privately of student housing he thinks might fall within the problem category. I will obtain some information on those matters.

Unfortunately, the matter concerning the Coffee Palace in Victoria Street has been complicated by what can only be described as careless comments made by people who have expressed attitudes not relevant to planning grounds relating to the nature of the people likely to be housed in the student accommodation. Those comments have inflamed the situation considerably and have not been at all helpful in the consideration of planning issues. That is why I think it might be better if an independent panel handled the matter.

The honourable member for Essendon raised the matter of Essendon Airport. It, like Moorabbin Airport, is proposed by the commonwealth government to be privatised and sold. I understand from press reports that it is to be sold as freehold but subject to its continuing use for aviation purposes.

The situation is complicated. Firstly, the honourable member mentioned the curfew. There is a problem, and it may be a problem only in Victoria and not in any other state or territory because only Victoria has handed over all aviation matters to the commonwealth government — in other words, we have referred the power just as we recently referred industrial relations power. A long time ago Victoria referred its aviation powers to the commonwealth.

The question of curfews on planes landing and taking off from land in Victoria is very much a matter for the commonwealth to address by its rules and legislation. It appears to intend by and large to walk away from that obligation, in which case this Parliament will not have the power to fix a problem. It will not be fixed by the commonwealth, either, unless it decides to make a special rule for aviation places in Victoria under those referred powers.

As I have already discussed with some members on the government side of the house, that could be a problem for Moorabbin and Essendon airports. The model emerging for Tullamarine airport is useful and helpful. The new management of Tullamarine airport is working with us on off-airport rules — that is, appropriate airport environs rules for private property around the airport. The management is acting as a referral authority on such matters and in a complementary way and for the first time is working with us in the development of a management plan for the airport, which means we will have some input as a state and as a community into the management plan. I would look for a similar approach at Essendon, Moorabbin and any other airports that move from commonwealth government to private sector operation.

It is a reasonable balance that if airport management is to have a say in planning issues outside the airport property, the community should have a say in how the airport property is used, run and managed under a management plan. That is the sort of approach the government will be taking. I cannot give the specific undertakings or information the honourable member seeks, but I can say the matter is being pursued.

Mr COOPER (Minister for Transport) — The honourable member for Geelong North brought to the attention of the Minister for Roads and Ports the trial of B-triple trucks. The honourable member asked that the decision regarding that matter be reviewed by the minister. I am happy to pass on that information to the Minister for Roads and Ports and

ask him to take up the matter raised by the honourable member for Geelong North.

The honourable member also requested that a third lane be created from Werribee to Geelong on the Melbourne–Geelong road. I will bring that to the attention of the Minister for Roads and Ports. It is interesting that the honourable member for Geelong North has taken a great interest in the creation of a third lane from Werribee to Geelong since the defeat of the Keating government. All honourable members know that the Melbourne–Geelong road is in an unusual position for a significant road. It is not classified as a road of national importance because it does not connect two capital cities. The government and the Minister for Roads and Ports have been pursuing that issue hard. It is interesting that in its 10 years in power in this state and 13 years in power in Canberra, the Labor Party did nothing to assist in the declaration of the Melbourne–Geelong road as a road of national importance. It has again been left to the Kennett government to do that, and it is doing it.

It is hypocrisy at its highest for the honourable member for Geelong North to become a latter-day convert, taking up the issue only once the Keating government has been defeated and then demanding that some action be taken. When in government in either Canberra or Victoria the Labor Party did nothing about that, yet now it demands action from the government. The Kennett government and in particular the Honourable Geoff Craige are pursuing the declaration of the Melbourne–Geelong road as a road of national importance so that it will attract federal funding. The honourable member for Geelong North should have the decency to acknowledge that and the hard work of my colleague Geoff Craige.

The honourable member for Prahran raised a matter concerning railway station improvements in her electorate. That is an interesting issue because it opens up the subject of the commercial development of various stations. The government has been very much to the fore in that area since its election in 1992. My predecessor, the Honourable Alan Brown, did a considerable amount of work on the commercial development of various railway stations. I have been pursuing that issue vigorously since I took over the portfolio last January.

The list of developments that are currently under way, under consideration or even completed is significant. It includes Chapel Street bridge west, Chapel Street bridge east, the Frankston, Moorabbin, Diamond Creek, Sunbury, East Camberwell, Boronia

and Camberwell railway stations and two developments at Eltham railway station. Some of those developments are significant. For example, I know the honourable member for Frankston will be keen to see the completion of the development of a significant amount of commuter car parking to be integrated with the cinema and retail development adjacent to the existing Frankston railway station and transport operations.

In Sunbury the honourable member for Sunbury has been keen to ensure that the application lodged for a significant development and pursued by my department will commence in the near future. Many exciting developments are taking place around railway stations. They are assets that should be drawn on in the interests of the state and of the travelling public. As commercial developments are built around railway stations not only is car parking improved but also safety for the travelling public. Those commercial developments remain open for considerable periods and attract patrons other than the travelling public.

There is good news for the honourable member for Prahara who is keen to see things happen in her electorate. A \$1 million development of one of the icon stations in her electorate, the South Yarra railway station, is about to commence. It will include three new shops fronting Toorak Road. The shops will include a newsagency, a dry cleaners and plans are being considered for a coffee lounge. A big improvement that will make the South Yarra station far more attractive and appealing to commuters will be the new and improved ticketing facilities. A tiled floor will replace the asphalt, and skylights will make the station concourse lighter and certainly brighter. There will be new toilet facilities, particularly for disabled travellers. The work will be carried out to bring the South Yarra railway station up to the same standard as other premium stations. Although the work will give commuters state-of-the-art facilities, the historic nature of the railway station, which was built just after World War I, will be retained. That is of particular concern to the honourable member for Prahara.

Work, which is scheduled for completion by March next year, will be carried out on that railway station by the South Yarra Railway Development Corporation. It will not be long before significant changes are evident in Toorak Road in the vicinity of the South Yarra railway station. That will be greeted with considerable elation by the people in the area.

In addition to this development my department is undertaking a feasibility study into the airspace development on the opposite side of Toorak Road, which could be a similar project if anything goes ahead there. The government is confident that the airspace will be an attractive proposition to developers; it could be a similar commercial development to the one at the nearby Chapel Street railway bridge above the railway lines. That good news has again come about by the involved and caring relationship that the honourable member for Prahara has established with people in her electorate. She has already set her seal on that electorate; she is interested in what is going on there and pursues all issues, and these are the sorts of developments that occur as a result. I recommend that course of action to all members on the other side of the chamber because I rarely get any decent representations from them. All I hear is whingeing and whining.

Mr GUDE (Minister for Education) — The honourable member for Footscray raised a matter concerning the principal of the Wantirna Heights Primary School, who has been the subject of a departmental inquiry relating to complaints against her in December last year. Regional officers have provided professional assistance to the principal and the general manager of the eastern region was managing her performance up until May when the principal commenced sick leave.

The honourable member was less than complimentary in his references to the principal. Irrespective of any particular point he may wish to make, the government is not going to get into the business of denigrating the efforts of people in our schools. It will provide the appropriate support and such cases will be reviewed consistently and appropriately, as indeed they ought to be reviewed.

Mr Mildenhall interjected.

Mr GUDE — You had your little swipe on your way through. You just sit their quietly, Rip Van Winkle, while I finish. The department will apply the appropriate procedures and the officer concerned will be given every opportunity to gain better health and to deal with any complaints that have been made against her.

The second matter relates to the school's enrolment. Currently there are 130 students at the school, which unfortunately is in a decline. The best estimate that can be determined by staff at the school is that only 63 youngsters will return in 1998. The honourable

member has been out at the school actively working with a small minority action group seeking to whip up all the enthusiasm for non-closure that he can. I believe the position the school council has taken is the responsible one. Unlike the honourable member for Footscray, the school council's interest is the children; after all, the school council is made up of parents and teachers whose interest is the further educational opportunities of the children. After extensive consultation with the school community — and I mean very extensive consultation with the school community — the council has decided that the school should merge. At this stage I have yet to receive formal advice from the school, but I understand that is the school council's position. I told the president of the school council, when approached, that as far as I am concerned the school does not have any merger partner, and it will canvass that proposition with other schools.

Having gone through that extensive consultation process, if the school council's determination is that the school wishes to merge and if an appropriate merger can be arranged with an individual school or a number of schools, we will support the school in that process.

On the other hand, I have also told him that if that is not achievable — I do not know whether it will be, and I suspect that if the honourable member for Footscray is honest he will admit that he does not know either — we will continue to support the school in its present form, irrespective of the numbers there as a consequence of the consultation process that has taken place with parents. We cannot be fairer than that.

Our position is certainly not one of seeking a merger, closure or anything else. My interest is simply to ensure that the school community and particularly the children are given every opportunity for the best educational outcome.

It is a sad indictment of the opposition that it has no educational policy, no costed documents and no commitment, and that basically it destroyed the fundamental education system when in office.

The major contribution of the honourable member for Footscray these days is to come out of his sleep and wander around a few schools, trying to cause as much trouble as he possibly can. My advice to him is to put some energy into formulating policy and to find somebody who can add up to make sure that the policy is appropriately framed. When that

occurs, someone may take him and his party seriously.

Mr McNAMARA (Minister for Agriculture and Resources) — The honourable member for Bendigo West raised a number of issues relating to Coliban Water, particularly the future of some of the channel systems supplying rural water and the issue of associated rural water rights. I will take up the matter with Coliban Water and see how that situation will apply in the future, and ensure that we get back to the honourable member.

He also raised the issue of community consultation in relation to the Maldon sewerage scheme, which has been supported by the community, and the upgrade of water services in the Dunolly area. I will respond to him in more detail on all of those issues, but it is worth pointing out that there has been a dramatic investment by the government in the upgraded water services right across Victoria. The government's program over the next few years will provide more than \$1 billion of investment in the upgrade of basic infrastructure for rural Victoria.

It is also worth reinforcing the fact that when the coalition came to office at the end of 1992 only 27 per cent of people living in country Victoria had drinking water up to World Health Organisation standards and that over the previous decade there had been a shameful neglect that allowed the condition of country water to get to that stage. That situation will not be tolerated in the future. We will not allow Melbourne to continue, with some justification, to be proud of having the best drinking water in the world while country Victoria had probably some of the worst. In what we claim to be a First World country, only 27 per cent of people in rural communities had their drinking water up to World Health Organisation standards. This is a case of shameful neglect over the Labor years between 1982 and 1992.

We have set targets for regional water authorities. We started by restructuring them into larger economic units that could deliver the sort of infrastructure needed, together with government financial assistance, and we set a target to ensure that every country township in Victoria reaches the world health organisation standard by 1999. So they have only a little more than two years.

Mr Hulls — How is the wine going?

Mr McNAMARA — The wine is going very well. There is no need to add water to it, and it is a good

drop. I thank you for your promotion. I am digressing somewhat, but the promotion that the honourable member for Niddrie gave me is literally worth thousands. I do not know whether I should offer you a commission, but I encourage you to continue to give it promotion because you are encouraging a very good industry in this state.

We have also set a standard of improving the handling of waste water in country communities of Victoria. When we came to office at the end of 1992 only 30 per cent of country communities had their waste disposal meeting their EPA licence requirements. Again, we had 10 years of absolute neglect by the previous Labor government, which was certainly not focused on the needs of basic infrastructure for rural and regional Victoria. Again, we have said that this situation will not be tolerated. By 2001 every country town will have to have to ensure that its effluent disposal meets the EPA licence standards.

The amount of the investment the government will make is a figure that will knock the socks off every person in the chamber because it will be one of the largest investments in regional infrastructure in the history of the state. It recognises the fact that we must ensure that regional Victoria reaches that standard. It is disappointing that we have had to negotiate, but the bottom line is that, firstly, we have to ensure — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Chair has been extremely tolerant until now. The hour is late and the performance the house is now putting on is appalling. I draw the attention of members to the young people in the gallery. I wonder what they must think of the performance that is unfolding before them. I ask honourable members to act in a manner that becomes their position.

Mr McNAMARA — The important thing is to ensure that we get the best value for money. Firstly, we must redress the neglect of the previous Labor government, which was not concerned about providing basic infrastructure in country Victoria. As a result only 27 per cent of country people had drinking water that was up to World Health Organisation standards and only 30 per cent had effluent disposal standards that met their EPA licence requirements. We have made an unequivocal commitment that by 1999 every country township will have water that meets WHO standards and that

by 2001 all townships will meet their EPA licence requirements.

It is not just an environmental issue or a health issue, it is an economic issue. Unless townships can meet those standards — unless they have adequate drinking water and can handle the disposal of their waste — they will not attract investment, particularly from the food processing industry. It is interesting to note that the town that has encouraged that investment is getting some huge investment, particularly in food processing.

Mr HONEYWOOD (Minister for Tertiary Education and Training) — The honourable member for Clayton raised an issue concerning a tertiary education facility for the textile, clothing and footwear industry to be located in his electorate. We have become used to the honourable member for Clayton being six months behind the times — unlike his very reasonable colleague, the honourable member for Springvale, who is much more in touch with issues in the area.

The honourable member for Clayton would not be aware that as we talk some 40 container loads of equipment to do with a wool machine for the textile industry are being brought out here. The Victorian government has purchased some \$4.9 million worth of training equipment from the International Wool Secretariat, some of which was used in Geelong, which is a key textile area.

That equipment will be housed in a national training facility, to be known as the Australian Fibre and Textile Education Centre. Through my department, the state government has contributed \$500 000 towards its establishment, together with \$1.2 million from Deakin University. Four tertiary institutions are already participating in that Kennett government proposal. They include RMIT, Deakin University, the Melbourne Institute of Textiles, which is based in Brunswick, and the Gordon Institute of TAFE, which is based in Geelong. Those four tertiary education institutions have joined some eight representatives of the textile industry around Australia to establish AFTEC, which will be based primarily in Geelong.

It is a Kennett government initiative. I am proud to say that the federal government will provide additional funds of \$10 million in recognition of the fact that the Victorian government is the only state government in Australia that has taken a key stand on educational training needs to ensure that Australians have a world-class textile and fabric

training centre. The centre will be based primarily in Geelong.

The Kennett government has put its money where its mouth is and paid out \$4.9 million for 40 container loads of equipment that are being shipped from London at the moment. We also have agreement from David Beanland; Geoff Wilson, Vice Chancellor of Deakin University; John Maddock, Director of Gordon Institute of TAFE; Chris Cookson of Melbourne TAFE Institute of Textiles in Brunswick; and the entire textiles industry that this will be the national centre for the textile training industry.

I am sure that the constituents of the honourable member for Clayton will be encouraged to enrol at the centre. I can understand the honourable member for Clayton wanting to have a national centre in every one of the 88 electorates around Victoria, but at the end of the day the Kennett government is six months ahead of him.

Mr Brumby interjected.

Mr HONEYWOOD — I suggest that when the Leader of the Opposition talks about jobs by way of interjection he would do well to remember that in order to get a job one requires training, and in the 18 months that I have been the minister responsible for training the opposition has asked not one question about TAFE or training.

People need training to get jobs. The Kennett government is all about training and is the only government in Australia that has established a national training centre for the textile industry. Last week the Howard government recognised the centre in its press release on TCF tariffs by saying that it would provide \$10 million for the centre. The centre will be based in both the Labor electorate of Brunswick and the strong Liberal area of Geelong.

Dr NAPTHINE (Minister for Youth and Community Services) — The honourable member for Sandringham raised with the Attorney-General the need for a review of the fees payable under the witness allowance regulations. I am sure the Attorney-General will look at that matter and the particular instance raised as an example by the honourable member for Sandringham and get back to him.

The honourable member for Mildura raised for the attention of the Treasurer the payment of financial institutions duty. As I understood it, the honourable

member raised the case of a constituent who incurred \$150 through FID as he was forced to move funds from one bank to another because of various bank branch closures in South Australia and Victoria. The honourable member asked for the Treasurer's broader view on whether FID should be reviewed in circumstances where funds are moved for reasons of banking convenience due to changes in banking procedures and systems. He also specifically asked the Treasurer to look at an *ex gratia* payment for that constituent. I will ask the Treasurer to examine the matter and respond in due course to the honourable member.

The honourable member for Rodney asked me to raise with the Minister for Finance the dilemma concerning lot 94, Moore Street, Rochester. The issue concerns a proposal by the Shire of Campaspe to build a museum on that site to honour Sir Hubert Opperman, a favourite son of Rochester, and certainly of Victoria and Australia. That museum would honour the enormous achievements of Sir Hubert in the sport of cycling as well as his time as a member of federal Parliament, including a period as immigration minister. Sir Hubert is certainly well-known throughout the world for his achievements as a champion cyclist. It would be a fitting tribute to him to have such a museum built at Rochester, in addition to the statue already located in the town adjacent to the highway.

Apparently lot 94, Moore Street, is 8 metres wide, but the museum would occupy a site of 12 metres. The Premier has said the proposal would be considered favourably. I understand the Minister for Finance is responsible for the sale of lot 94. He and the Minister for Transport will need to negotiate about lot 94 and adjacent land which is needed for public access to the Rochester railway station.

I understand the honourable member for Rodney has a proposal, prepared by the Sir Hubert Opperman museum committee, which may satisfactorily resolve the problem, and I am sure the ministers will look favourably on that submission. I undertake to ask both ministers to meet the honourable member for Rodney to try to solve the dilemma and to eventually have erected the important museum to honour Sir Hubert Opperman.

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

House adjourned 11.13 p.m.

Thursday, 18 September 1997

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

PETITIONS

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

Auditor-General: independence

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

The humble petition of certain citizens of the state of Victoria sheweth concerns over proposals to remove the powers of the Auditor-General of the state of Victoria to report independently and without fear or favour to the Parliament on all financial and administrative activities of government. Should changes to the Audit Act proposed by the most recent review of the Office of the Auditor-General be implemented in legislation, his role as guardian of the probity of government responsible to the Parliament and people of Victoria would be greatly diminished.

Given that all previous reviews of the Office of the Auditor-General have attested to efficiency and excellence in the discharge of its statutory duties, your petitioners therefore pray that the present powers and responsibilities of this office, as enshrined in the Audit Act, be preserved and that proposals to change this Act be abandoned.

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

By Mr Lean (25 signatures) and Ms Davies (21 068 signatures)

National Gallery water wall

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the water wall at the National Gallery of Victoria entrance is a Victorian icon and enjoys the recognition of all gallery users. Your petitioners, therefore pray that the water wall should be retained in any redesign of the National Gallery of Victoria.

By Mrs Maddigan (46 signatures)

Sexual discrimination

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the discrimination and disadvantage imposed on people in same-sex relationships, by non-recognition of their relationships, is not acceptable in a democratic society which opposes discrimination on the basis of sexuality or transgender identity.

Your petitioners therefore pray that the state legislation definition of de facto spouse should be amended to include people in same-sex relationships as 'a person who is living with another person as if they were married although they are not'.

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

By Ms Burke (1612 signatures)

Laid on table.

Ordered that petitions presented by honourable members for Carrum and Gippsland West praying that the present powers and responsibilities of the Office of the Auditor-General, as enshrined in the Audit Act, be preserved and that proposals to change this act be abandoned be considered next day on motion of Mr BATCHELOR (Thomastown).

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Outstanding fines and unexecuted warrants

Mr SHEEHAN (Northcote) presented report on outstanding fines and unexecuted warrants, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

PAPERS

Laid on table by Clerk:

Land Acquisition and Compensation Act 1986 — Notice pursuant to section 7(1)(c)

Minister's exception certificate in relation to Statutory Rule Nos. 65, 66.

TRANSPORT ACCIDENT (PEDAL CYCLISTS) BILL

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

That I have leave to bring in a bill to establish a scheme of compensation in respect of persons who are injured or die as a result of pedal cycle accidents involving motor vehicles by extending the coverage of the Transport Accident Act 1997 to pedal cyclists in certain circumstances, to amend the Transport Accident Act 1986 and for other purposes.

Leave refused.

PUBLIC TRANSPORT: AUTOMATIC TICKETING

Mr BATCHELOR (Thomastown) — I desire to move, by leave:

1. That this house condemns the government and the Minister for Transport for their bungling and mismanagement of the \$330 million automatic ticketing fiasco.
2. Notes that the system is more than three and a half years overdue, with phase 1 due in May 1994 and the full implementation due in August 1995.
3. Notes also that this massive failure of the Kennett government has resulted in costing the taxpayers of Victoria millions of dollars in fare evasion, extra staff and redundancy payments and delayed and lost budget savings.
4. Therefore calls on the Minister for Transport to deliver a ministerial statement to this house detailing the millions of dollars the government has lost in yet another bungled contract, and to detail the commercial arrangements it has with the discredited Onelink consortium and to explain why the Minister for Transport has once again failed to take decisive action to get Onelink to perform or explain why the contract has not been cancelled.

Leave refused.

Mr BATCHELOR (Thomastown) — In light of leave being refused, I give notice that on the next day of sitting I will move:

1. That this house condemns the government and the Minister for Transport for their bungling and mismanagement of the \$330 million automatic ticketing fiasco.

2. Notes that the system is more than three and a half years overdue, with phase 1 due in May 1994 and the full implementation due in August 1995.
3. Notes also that this massive failure of the Kennett government has resulted in costing the taxpayers of Victoria millions of dollars in fare evasion, extra staff and redundancy payments and delayed and lost budget savings.
4. Therefore calls on the Minister for Transport to deliver a ministerial statement to this house detailing the millions of dollars the government has lost in yet another bungled contract, and to detail the commercial arrangements it has with the discredited Onelink consortium and to explain why the Minister for Transport has once again failed to take decisive action to get Onelink to perform or explain why the contract has not been cancelled.

CYCLISTS: ACCIDENT COMPENSATION

Mr BRUMBY (Leader of the Opposition) — As a consequence of being refused leave to bring in my bill, I give notice that on the next day of sitting I will move:

That this house, noting the tragic case of Mr Dale Sheppard, who was injured when his bicycle collided with a motor car while he was riding home from work, agrees to amend the Transport Accident Act 1986 as proposed by the Leader of the Opposition to provide for fair and appropriate compensation for cyclists injured or killed in a collision with a motor car, tram or train — irrespective of whether the vehicle is moving or stationary.

BUSINESS OF THE HOUSE**Adjournment**

Mr GUDE (Minister for Education) — I move:

That the house, at its rising, adjourn until Tuesday, 7 October 1997.

Motion agreed to.

SNOWY HYDRO CORPORATISATION BILL*Second reading*

Mr GUDE (Minister for Education) — On behalf of the Treasurer, I move:

That this bill be now read a second time.

This legislation enables the corporatisation of the Snowy Mountains scheme. The process of corporatisation began in 1993 with the in-principle agreement of the state of Victoria, the state of New South Wales and the commonwealth. Although the complexion of the other two governments has changed since 1993, the commitment to the corporatisation process has remained constant.

The various elements of corporatisation have developed over that period. The intent of the three governments was sealed on 1 May this year with the agreement of a set of principles to guide the corporatisation process. The principles are set out in an annexure to the explanatory note to the bill. The aims of the corporatisation process are to:

- establish a viable Snowy electricity generation business on a competitive commercial basis and thereby contribute to implementing national competition policy reforms;

- improve the management of the Snowy scheme;

- simplify its governance arrangements and therefore maximise its capability to optimise electricity generation; and

- refinance the commonwealth debt which was established to finance the construction of the scheme.

Additionally, the corporatisation process provides a once in a lifetime opportunity to address environmental issues associated with the Snowy scheme and, thus, the Snowy River itself.

Behind this bill lies a vision for a new company — Snowy Hydro Ltd. This will be a freestanding electricity generator, subject to controls and regulation which neither advantage nor disadvantage Snowy Hydro as compared with other generators, and providing security for the company to operate as a commercial business, but with continuing significant environmental obligations, particularly in relation to the release of water. This bill reflects complementary legislation currently before the commonwealth and New South Wales parliaments. It provides the necessary authority for the various steps which are required to achieve corporatisation.

The bill, together with complementary commonwealth and New South Wales legislation,

will terminate the existing legislative arrangements in relation to the Snowy scheme, including the existing government agreements, the Snowy Mountain Hydro-electric Authority and the Snowy Mountains Council. The bill provides for Victoria to hold a share in this new company — Snowy Hydro Ltd.

The bill provides for the transfer of assets and liabilities from the Snowy authority to the new company, except for the assets and liabilities of the transmission undertaking, which will be sold to Transgrid, the New South Wales transmission grid operator. Equity in Snowy Hydro Ltd will be in the same proportions as the current entitlements to the electricity generated by the Snowy scheme. New South Wales will own 58 per cent equity, Victoria, 29 per cent and the commonwealth, 13 per cent. There is an existing debt of about \$1 billion which the corporatised Snowy will repay to the commonwealth. The provisions of this bill, together with the complementary commonwealth and New South Wales legislation, will enable the restructuring of this debt and provide for taxation arrangements between the governments.

The bill also provides for the people working within the Snowy scheme to be transferred to Snowy Hydro Ltd. Although we believe all former employees of the SECV working in the scheme have since been transferred to the employ of the scheme, we have included a specific provision for them to ensure that entitlements are maintained. However, that is not all that is being done.

All three governments have received various representations from environmental and community groups expressing concerns about the impact on the ecological health of the Snowy River. These representations have requested the release of water for environmental purposes, called environmental flows. Victoria has expressed its commitment to environmental flows.

In particular the government has recognised that the Snowy corporatisation process provides an opportunity to address environmental flows. Under the existing Snowy arrangements it would be very difficult to provide for environmental flows. The corporatisation process provides an opportunity to overcome this difficulty. The three governments have agreed to establish an open public inquiry to examine these issues. This will allow all parties to present their views in a public forum.

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This inquiry is provided for in the New South Wales legislation, but provisions of that bill clearly recognise that it is a joint initiative of all three governments. Thus the NSW legislation expressly provides that the terms of reference of the water inquiry are to be approved by all three governments and that the person or person appointed to hold the inquiry must be approved by Victoria. These important provisions help safeguard Victoria's position for the Snowy River.

Because of the complexity of the issues involved, the three governments have chosen an open public inquiry as the method of determining environmental flows for the Snowy. There are many competing interests for water from the Snowy scheme, including environmental flows for the Snowy River; water for irrigation west of the Dividing Range; water to address salination and loss of agricultural land along the River Murray; and water for electricity generation by Snowy Hydro.

The governments have decided to hold an open public inquiry so that all interested parties may express their views and so that they can take these views into account. The water inquiry will develop costed options and will report to the New South Wales and Victorian governments. The governments will then agree on environmental flows before corporatisation begins, taking into account expert advice from the inquiry. The inquiry is expected to take about six months to produce its report. Governments will then take about two months to agree on the implementation of the inquiry. Corporatisation does not occur unless and until there is agreement on the outcome.

The Victorian government has treated the issue of environmental flows so seriously that it has insisted on this structure. Of course, our objectives can be met only if the commonwealth, New South Wales and Victorian parliaments all agree to the bills enabling corporatisation. Drafting and introduction of the bills has occurred in parallel and each bill is essential.

Corporatisation will establish Victoria as a shareholder in this new commercial electricity generator; encourage competition in electricity generation, thereby keeping prices down; and secure a water inquiry leading to revised water arrangements and environmental flows.

I commend the bill to the house.

Debate adjourned on motion of Mr LONEY (Geelong North).

Debate adjourned until Thursday, 2 October.

ROAD TRANSPORT (DANGEROUS GOODS) (AMENDMENT) BILL

Second reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

This bill makes a number of housekeeping amendments to the Road Transport (Dangerous Goods) Act 1995. The purpose of that act is to adopt national laws for the safe transport of dangerous goods by road.

The adoption of uniform national road transport laws is a requirement under intergovernmental agreements of 1991 and 1992 for heavy and light vehicles respectively. Under national competition policy funding it is a condition of payment to the states that the states demonstrate effective observance of the agreed package of road transport reforms.

The agreed package of dangerous goods road transport reforms consists of a template act which establishes the broad legislative framework; national regulations specifying the powers and duties of various parties; and a code which sets out technical standards.

Phase one of the national reforms was completed in 1995 with the passage of the template act through the commonwealth Parliament. The template act was adopted in Victoria through the Road Transport (Dangerous Goods) Act 1995. Phase two of the national reforms — that is, the making of the national regulations — was completed in early September 1997.

The final phase of the process will involve bringing the complete package of national legislative reforms into operation across all jurisdictions. This is scheduled to take place on 31 March 1998. Victoria needs only to proclaim the adopting act to bring the legislation into effect in this jurisdiction.

The bill before the house makes some housekeeping amendments to the Road Transport (Dangerous Goods) Act 1995 to allow the final phase to be

completed. The necessity for the housekeeping amendments emerged during the course of developing the fine detail of the national regulations and code.

These amendments achieve a number of ends. They clarify that certain provisions in the national regulations which call up laws of the commonwealth and of the Australian Capital Territory do not apply as laws of Victoria. The bill goes on, for the purposes of Victorian law, to clarify the meaning of a number of terms used in the national package. These clarification amendments were recommended to the states and territories by the body overseeing the drafting of the national package.

It should be noted that for the time being the transport of explosives, radioactive substances and infectious substances is more appropriately dealt with by other Victorian laws. At a later point in time consideration will be given to extending the national package to cover the proposed exclusions.

The final amending provision of the bill relates to licence fees. The national package will establish a national licensing scheme for drivers and vehicles under which licence-holders will be able to use their licences throughout Australia rather than having to obtain a separate licence in each jurisdiction. It has been left up to the individual jurisdictions to prescribe the dollar amount of the licence fees. It is necessary to insert a power into the adopting act that will allow for the making of regulations which set the dollar amount of the licence fees. Any such fees would be set to cover the full costs of the service provided.

I commend the bill to the house.

Debate adjourned on motion of Mr BATCHELOR (Thomastown).

Debate adjourned until Thursday, 2 October.

ELECTRICITY INDUSTRY (FURTHER MISCELLANEOUS AMENDMENT) BILL

Second reading

Mr Batchelor — I raise a point of order, Mr Acting Speaker. This is not a criticism of the staff, but I point out that when copies of second-reading speeches and bills are being circulated it is necessary for the opposition to have more than one copy for the information of the shadow minister. This bill is the responsibility of a shadow minister in another

place, and I will be taking carriage of it in this place. I was told that someone has ordered that only one copy be given to each member. As you can see, Mr Acting Speaker, there are not a large number of members in the chamber at the moment. I would like an explanation of why we are not able to be provided with sufficient copies of the bill and the second-reading speech to enable us to carry out our proper functions as shadow ministers and to facilitate proper debate in the chamber. I would like an explanation of who made the decision; what its basis was; and whether it is an attempt to stifle parliamentary debate or is simply a cost-cutting measure that had some unintended consequences.

The ACTING SPEAKER (Mr Jasper) — Order! I understand that the department produced the bill and the second-reading speech. There is a direction that each member should receive a copy of the speech and the bill. The bills are then sent to the Papers Office, from where members can obtain further copies.

Mr Batchelor interjected.

Mr Honeywood — On the point of order, Mr Acting Speaker, if the honourable member for Thomastown were passionately concerned about the number of bills available in the house he would have ensured that more than four opposition members were here, including himself, so enough copies could be distributed accordingly. It is an indictment of his and his party's attitude to democracy that he can be bothered to drag only three of his fellow members into the house. It is a bit rich to complain about a lack of copies when, if he had had more members here, more copies would have been available.

The ACTING SPEAKER (Mr Jasper) — Order! There is no direction as to how many copies of bills are to be provided to members, particularly shadow ministers. The Clerk has told me that the staff distribute a copy of the bill and the second-reading speech to each member and that further copies of bills and speeches are available in the Papers Office for members to collect.

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

The bill contains a number of miscellaneous amendments to the Electricity Industry Act and electricity-related amendments to other acts.

The amendments to the Electricity Industry Act relate principally to the introduction of the national electricity market, including the transfer of responsibility for the operation of the wholesale electricity market to the National Electricity Market Management Company Ltd, hereafter referred to as NEMMCO, and the conferral of powers on the Australian Competition and Consumer Commission to enable it to regulate transmission pricing.

The national electricity market is expected to further increase efficiency in the electricity industry and deliver benefits to consumers by creating competition between entities operating in the various participating jurisdictions. The proposed amendments will enable Victoria to meet its obligations under an agreement with other participating jurisdictions to ensure the application of the National Electricity Law and the National Electricity Code in Victoria.

The bill will also facilitate the proposed merger between the Victorian Power Exchange, hereafter referred to as VPX, and the proposed market and system operator in the reformed gas industry, Victorian Energy Networks Corporation, hereafter referred to as VENCORP. The proposed establishment of VENCORP is a fundamental component of the government's broader gas reform objectives and will enable a vibrant and competitive gas market to develop. VENCORP will also undertake the functions of VPX not transferred to NEMMCO upon the commencement of the national electricity market.

Combining these gas and electricity functions in the one organisation will result in economies of scale and lower costs, as well as improving skill levels in the organisation. Furthermore, the application of consistent methodologies by VENCORP to infrastructure planning and tender facilitation functions in both the gas and electricity industries will produce higher quality information flows, sending clear and consistent signals to energy sector investors and users.

Another feature of the bill is to facilitate agreements between the Crown and generation, transmission or distribution companies having assets on Crown land to establish the terms of access to those assets.

Part 1 of the bill states the purpose of the act and provides for its commencement. Part 2 of the bill contains miscellaneous amendments to the Electricity Industry Act, including various amendments to facilitate the introduction of the

national electricity market. The bill inserts provisions which will allow the minister to declare that certain assets that are affixed to land that is disposed of by an entity under part 11AC of the act are taken to be chattels. This will assist to clarify the status of various classes of assets. The allocation provisions in part 11AC will be amended by provisions allowing an attribution of value to property, rights or liabilities allocated pursuant to part 11AC to reflect the market values achieved through the sales process.

The bill clarifies the intention of the retailer of last resort provisions by including the revocation of a retailer's licence as a reason for the commencement of the scheme and by making other miscellaneous amendments. The bill will extend the operation of the cross ownership provisions in part 13 of the act to transmission companies. It also will give the Treasurer a power to declare, subject to conditions, that a person does not have a prohibited interest under that part during a specified period of up to six months. This power is desirable to facilitate short-term transitional arrangements flowing from changes in ownership of the privatised industry. The declaration may be subject to conditions to provide that the intention of the part is not diminished during the relevant period.

Many of VPX's functions, including the operation and administration of the wholesale electricity market, will be transferred to NEMMCO on the commencement of the national electricity. Part 3 of the bill deals with the transfer to VENCORP of those functions of VPX which are not transferred to NEMMCO at that time. Those functions to be transferred to VENCORP relate to the planning of the electricity transmission system and providing information and other services to assist investment decisions.

Part 4 of the bill contains miscellaneous amendments to various other acts. These include the repeal of most of the Loy Yang B Act, reflecting the restructuring of the arrangements relating to the Loy Yang B power station earlier this year, and amendments to the State Owned Enterprises Act, which allow the selective application of state equivalent tax to a wholly state-owned body which prior to 1 July 1994 was liable to pay commonwealth income tax or to bear commonwealth wholesale sales tax on its purchases but which ceased to be so liable on or after 1 July 1994.

Upon such a body being declared exempt from the payment of these commonwealth taxes under the

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relevant commonwealth act, the Treasurer may substitute the application of state equivalent tax. The government's energy reform program has led to the Aluvic group of companies gaining a commonwealth tax exemption effective from 1 July 1994, and this provision will allow the state to recover tax equivalent payments from Aluvic in respect of the period for which Aluvic is now a commonwealth tax exempt body.

Amendments are also effected to the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958 and the National Parks Act 1975 to provide for agreements to be entered into by the appropriate minister with generation, transmission or distribution companies to clearly establish the terms of access and land management regimes applying to existing assets on land subject to those acts, in accordance with the powers conferred by section 47 of the act, and to provide a framework for access to Crown lands for the use of future assets and the calculation of compensation which would be payable under section 47. No party will be obliged to enter into any such an agreement, nor will the compensation payable under the agreement be more than would be payable under section 47 of the act, but it makes available a mechanism to clarify land access issues, which is in the interests of both the Crown and industry participants.

Statement under 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 proposed section 8A of the National Electricity (Victoria) Act, to be inserted into that act by this bill, is to alter or vary section 85 of the Constitution Act in relation to the jurisdiction of the Supreme Court.

Proposed section 8A provides that except as otherwise provided in section 10 of the National Electricity Law a person may not bring proceedings against NECA or, being a person other than NECA, may not bring proceedings against a code participant in respect of an alleged contravention of the code. The National Electricity Law is the uniform law that will apply in Victoria and other participating jurisdictions of the national electricity market. NECA is the acronym of the National Electricity Code Administrator Ltd and the code is the National Electricity Code. Proposed section 8B provides that it is the intention of section 8A to alter or vary section 85 of the Constitution Act 1975.

Section 10 of the National Electricity Law prohibits a person from bringing proceedings against NECA or against code participants in respect of alleged contraventions of the code unless the alleged contravention is of a kind that gives rise to an obligation or liability of NECA or the code participant to the first-mentioned person.

The National Electricity Law establishes a National Electricity Tribunal, which will have two principal functions. The first will be to review the decisions of the two bodies which will administer the National Electricity Law and the code, being NECA and National Electricity Market Management Company Ltd. The other principal function will be to order sanctions for proven breaches of the code by code participants on application by NECA.

The reasons for limiting the jurisdiction of the Supreme Court are as follows. Parliament has already vested jurisdiction in the National Electricity Tribunal as the appropriate body to deal with contraventions of the code. Persons are restricted from bringing proceedings against NECA or code participants for certain alleged contraventions of the code because those contraventions are to be dealt with quickly and inexpensively by that specialist tribunal. Those decisions of NECA which might be contraventions of the code are reviewable under provisions of the code, and a person aggrieved by such a decision may refer the matter to the National Electricity Tribunal for review. Similarly, certain breaches of the code by code participants are to be referred by NECA to the National Electricity Tribunal. Accordingly, the provisions of the National Electricity Law and the code will ensure that persons aggrieved by reviewable decisions of NECA are able to seek a review of the decision and that breaches of the code are adequately dealt with.

I commend the bill to the house.

Debate adjourned on motion of Mr LONEY (Geelong North).

Debate adjourned until Thursday, 2 October.

FORESTS (DUNSTAN AGREEMENT) (AMENDMENT) BILL

Second reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

There are a number of legislated softwood agreements, all of which provide for the guaranteed supply of softwood sawlogs, enshrined in legislation. Material changes to those agreements require the ratification of the Parliament.

The Victorian Plantations Corporation is progressively unravelling the complex entitlements to softwood sawlogs enshrined in legislated agreements and replacing them with normal commercial log supply contracts. This will allow the corporation to operate in a more flexible and commercial manner.

The Forests (Dunstan Agreement) Act 1987 ratified an agreement between the then Minister for Conservation, Forests and Lands, the Treasurer, the then Forests Commission and the company, A Dunstan Timber Sales Pty Ltd. The Dunstan agreement provided for the general supply of softwood sawlogs from the Koetong and Ovens plantations in north-east Victoria.

The rights of the company to sawlogs under the Dunstan agreement are subject to the existing entitlements of Bowater-Scott Ltd to softwood in the Ovens and Koetong plantations, in the Forests (Bowater-Scott Agreement) Act 1986. In the event of termination of the Bowater-Scott agreement and without subsequent amendment to the Dunstan agreement, Bowater-Scott Ltd will lose its pre-existing entitlement to those sawlogs.

The Victorian Plantations Corporation and Bowater-Scott's successor, Carter Holt Harvey, have negotiated the termination of the Bowater-Scott agreement which will be replaced by a new commercial agreement. In terminating the Bowater-Scott agreement, amendments to the Dunstan agreement are therefore necessary and are the subject of the bill now before the house.

The deed of amendment will essentially transfer an entitlement to softwood sawlogs taken from the Koetong plantation from Bowater-Scott to the Victorian Plantations Corporation. This will protect Bowater-Scott's existing entitlement for the pending new commercial agreement.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 2 October.

PORT SERVICES (AMENDMENT) BILL

Second reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

This bill is intended to provide for the finalisation of various details arising from the progress of this government's port reform program outlined in the January 1995 policy document entitled *Reforming Victoria's Ports — A Competitive Future*.

Following passage of the Port Services Act 1995, the commercial functions and assets of the Port of Melbourne Authority (PMA) were assumed by two new statutory corporations, the Melbourne Port Corporation (MPC) and the Victorian Channels Authority, as well as the declared subsidiary of the Melbourne Port Corporation, Melbourne Port Services Pty Ltd, a company under the Corporations Law.

The business and major assets of the then Port of Geelong Authority (PGA) and the Port of Portland Authority (PPA) were sold by competitive tender to private purchasers in 1996. Melbourne Port Services Pty Ltd was sold on 30 May this year. From 1 July 1997 the port of Hastings has been managed by a private port operator under a port management agreement with the PMA, which incorporates a Channel Operating Agreement (Hastings) with the Victorian Channels Authority. In the latter agreement, the Victorian Channels Authority contracts with the operator for the operator to carry out the obligation to manage and maintain shipping channels and the navigation aids relating to them in the port of Hastings, as well as the right to charge for that service.

The state must ensure certain port services, such as channels and pilotage services, are provided at the port under obligations which exist in the Westernport state agreements (the Westernport Development Act 1967 and the Western Port (Steel Works) Act 1970). Those obligations will be fulfilled by the private port operator under the Port Management Agreement and the Hastings Channel Operating Agreement.

This bill establishes the Hastings Port (Holding) Corporation to act as landlord for the port of Hastings and to administer the Port Management Agreement with the contracted private port

operator. It is proposed that the Hastings Port (Holding) Corporation will be established upon the dissolution of the PMA.

This bill provides for the repeal of the port authority acts, the abolition of the authorities and the transfer of remaining port authority property, rights and liabilities to the State Electricity Commission (SEC) corporate shell. The administrator of the SEC shell has to date also been the administrator and sole director of the three port authorities, and in view of the small amounts involved the creation of a separate entity to administer the residual assets and liabilities of the port authorities was unjustified. The SEC shell's specialised experience in managing similar remaining property, rights and liabilities of former electricity businesses will assist in the efficient administration of the former port authority property. The bill amends the State Electricity Commission Act 1958 to allow for the orderly administration of the SEC shell's port-related property, rights and liabilities and provides that the SEC is the successor at law of the PMA, PGA and PPA.

In addition, the bill makes amendments to the Port Services Act 1995 to repeal or amend transitional or superseded sections, in particular to repeal references to the 'declared subsidiary' of MPC.

I commend the bill to the house.

Debate adjourned on motion of Mr BATCHELOR (Thomastown).

Debate adjourned until Thursday, 2 October.

EDUCATION (WORK EXPERIENCE) BILL

Second reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

In 1974 the Victorian Parliament passed amendments to the Education Act 1958 to include a new Part 4A — headed 'Work Experience' — dealing with work experience. Part 4A was subsequently reviewed in 1988.

The work experience provisions allow secondary school pupils from government and non-government schools to obtain work experience

as part of their education. In practice this generally means year 10 pupils spending one to two weeks with an employer.

In 1994-95 a review was undertaken of the work experience provisions of the Education Act 1958. The review recommended that work experience is an important aspect of school curriculum and it should, with minor changes, be maintained. The following changes, which are incorporated in the bill, were recommended:

firstly, amend the legislation to reflect a four-term year and a maximum of 40 days work experience within the school year with a maximum of 10 days per term;

secondly, permit pupils to be engaged more than once by the same employer in respect of the same type of employment;

thirdly, maintain the existing restriction on minimum age while removing the restriction on maximum age; and

fourthly, remove the requirement of schools having to consult with the secretary of the Trades Hall Council.

I now turn to the particular provisions of the bill. The current work experience arrangements have been available to a pupil only until that pupil attains the age of 21 years. Clause 4 of the bill enables the Minister for Education to approve a work experience arrangement for a pupil of or over the age of 21 subject to such terms and conditions as the minister may specify.

The need to expand work experience to enable a pupil of or over the age of 21 years has arisen because many pupils of this age group are still enrolled in secondary schools and language centres annexed to secondary schools. Many of those pupils, some of whom are classified as refugees from war-torn countries, have had little exposure to the workplace or to work culture. It is important that those pupils be given the opportunity to undertake work experience. The literacy skills of some pupils often preclude them from undertaking courses accredited by the Board of Studies or the State Training Board of Victoria, and as a consequence they are unable to take advantage of the provisions relating to work placement arrangements. The continued impact of migration together with the introduction of the commonwealth's youth

allowance in 1998 has further necessitated the proposed amendment.

Clause 5 of the bill amends section 64M(5) of the Education Act 1958 to enable the Minister for Education from time to time, by ministerial order, to declare certain classes of employment as having a higher than usual possibility of a pupil being exposed to the risk of physical injury. It also amends the act so that permission will need to be sought from the Secretary of the Department of State Development for pupils under the age of 15 who wish to undertake work experience in such high-risk industries as well as in factories.

Clause 6 makes a number of changes to section 64N of the Education Act 1958. Firstly, the bill proposes that the maximum number of days in a school year and in a school term be changed to 40 and 10 days respectively. This amendment reflects the four-term school year. The current provisions were based on a three-term school year.

Further, the bill proposes that a work experience arrangement can be made for a particular pupil with the one employer in the same type of employment. This proposed amendment will especially benefit pupils at risk, namely those pupils who may not complete their secondary education. Those pupils often take longer to develop a relationship with an employer and once that relationship is formed it is in the interests of a pupil to continue the placement with the same employer. Some pupils often require a longer period to develop skills in a particular job or feel more secure in a familiar environment without having to frequently change workplaces.

Clause 8 of the bill provides for the repeal of section 64R of the Education Act 1958. Comments made by various groups to the independent review of the work experience provisions recommended that section 64R of the Education Act 1958 should be repealed. Discussions regarding the repeal of section 64R were held with the Trades Hall Council. As the Trades Hall Council does not have adequate resources to deal with the work experience forms, schools should not be required to forward the forms to the Trades Hall Council.

Clause 9 of the bill proposes amending section 64S of the Education Act 1958. This amendment will enable the Minister for Education to make orders about the placement of pupils for obtaining work experience as part of a pupil's education. This amendment will permit the minister to regulate

work experience arrangements in a similar way to work placement arrangements.

As stated above, the proposals largely reflect the recommendations of an independent review undertaken in 1994-95 and during which consultation occurred with numerous education and training groups, the Victorian Employers Chamber of Commerce and Industry and non-government schools. Since September 1995 further consultation has been undertaken with employer and other interested groups.

I commend the bill to the house.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until Thursday, 2 October.

URBAN LAND CORPORATION BILL

Second reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

The purpose of the Urban Land Corporation Bill is to convert the Urban Land Authority (ULA) to a modern government business enterprise in keeping with both the State Owned Enterprises Act 1992 (SOE act) and the principles of competition policy. In accordance with the latter, the principles of competitive neutrality have been applied through the restriction of statutory powers which are not generally available to private sector property developers. In particular the bill involves:

firstly, corporatisation of the ULA, including the requirement to pay dividends and taxes to the state and to be subject to corporate planning processes;

secondly, separating out planning objectives to enable the Urban Land Corporation (ULC) to concentrate on residential land development on a commercial basis. The ULC's core function will be to undertake land development primarily of a residential nature in Victoria and to provide consultancy services in relation to development of land; and

thirdly, removal of statutory powers superfluous to the operation of the new entity. In particular

the powers relating to compulsory acquisition, road closures, and removal of easements and restrictive covenants have not been replicated in the new bill. The government intends to propose amendments to the Planning and Environment Act 1987 to provide for the continued availability of such powers for projects of state or regional significance.

As a competitively neutral statutory authority, the ULC will be free to provide services to both public and private sector entities to enhance the value of land for development or sale. However, the government considers that the ULC should generally not compete with the private sector in the acquisition of private land for development. Thus the bill provides that the ULC may acquire only land other than land owned by the Crown, a public authority, a municipal council or the commonwealth, with the consent of the minister and the Treasurer.

In circumstances where site complexities or public benefit requirements are dominant, the government will retain the power to grant unalienated Crown land to the ULC to enable development in the public interest. Such grants are subject to the recommendation of the minister, the Treasurer and the minister for the time being administering section 12 of the Land Act 1958. In those circumstances the net proceeds of the sale are to be paid by the ULC into the consolidated fund.

The bill establishes the Urban Land Council and provides it with general powers and functions consistent with its new status and redefined role. In addition, it provides for the appointment of the board of directors and chief executive officer and general corporate governance.

The bill also includes corporate planning provisions consistent with the planning provisions of the State Owned Enterprises Act. The financial and reporting provisions are similarly consistent with SOE act provisions.

In addition, the bill includes necessary transitional provisions, such as the repeal of the Urban Land Authority Act 1979, amendments to the Borrowing and Investment Powers Act 1987, Treasury Corporation of Victoria Act 1992 and the Land Tax Act 1958. The bill also provides for all existing ULA projects to be transferred to the ULC for completion. All ULA staff will transfer to the new corporation.

I commend the bill to the house.

Debate adjourned on motion of Mr DOLLIS (Richmond).

Debate adjourned until Thursday, 2 October.

DOCKLANDS AUTHORITY (AMENDMENT) BILL

Second reading

Dr NAPHTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

The main purposes of this bill are to amend the Docklands Authority Act 1991 to improve the operation of that act and to repeal the Development Areas Act 1973. The amendments to the Docklands Authority Act proposed in the bill will clarify the operation of the act with respect to development agreements, clarify the ability of the authority to request a negotiation bond from developers, streamline the way in which the authority makes resolutions and make other improvements to the operation of the act. The bill also includes several statute law revision measures. These are the repeal of the Development Areas Act 1973, which is redundant, correction of two errors in the Land Acquisition and Compensation Act 1986 and a correction of a consequential amendment made by the Heritage Act 1995 to the Mineral Resources Development Act 1990.

Amendments to Docklands Authority Act 1991

The Docklands Authority Act 1991 establishes the Docklands Authority. The primary role of the Docklands Authority is to promote, encourage and facilitate the development of the Docklands area, consisting of over 220 hectares of land and water, adjacent to Melbourne's central business district. The vision for the Melbourne Docklands is to promote a successful development as a waterfront place of character and quality in which to live and work, creating both a tourism asset and a boost to Melbourne's prosperity. The project to be undertaken by the private sector has an expected life of approximately 10 to 12 years, with a potential capital investment of over \$2 billion.

The Docklands site has been divided into seven distinct precincts, six of which have been offered to the market, within which various forms of construction will take place. The usage will be mixed and comprise: residential dwellings, commercial

office accommodation, retail accommodation, business and technology businesses, industrial accommodation, and a multi-sport and entertainment stadium.

The amendments to section 24 of the act proposed in the bill will ensure that the powers of the authority to enter into development arrangements for the Docklands area are sufficiently flexible. The amendments clarify the authority's powers to deal with the land and will assist the authority to ensure that the Docklands area is successfully developed.

The authority indicated to interested developers in its information memoranda issued in November 1996 and April 1997 that once a developer achieves preferred developer status it must provide to the authority a refundable negotiation bond in favour of the authority which would be forfeited to the authority on certain conditions. The process of negotiation with the two preferred bidders selected by the authority to compete for the development of each precinct or the provision of trunk infrastructure will be complex and time consuming. The bond is required to ensure the good faith of preferred developers in entering into the final stages of the selection process negotiations. The authority's power to request such a bond is not clear. For the avoidance of doubt the new section 35A proposed in the bill should be inserted in the act to clarify the authority's powers in this respect.

Section 25 of the Docklands Authority Act permits the authority, with the prior approval of the Governor in Council, to levy charges on the owners, occupiers or licensees of properties within the Docklands area for the supply of water, gas, electricity, sewerage, drainage or other services provided by or by agreement with the authority. The authority expects that it may be necessary for the authority to provide telecommunications services in the Docklands area. The bill includes an amendment to section 25(1)(a) of the act to specifically include telecommunications in the list of services for which the authority may levy charges.

The bill also includes measures to update the ways in which the authority may make resolutions. The amendments to Schedule 3 of the act will permit the authority members to participate in meetings by telephone, closed-circuit television or any other means of communication and permit the authority members to make resolutions without conducting meetings in person.

Repeal of the Development Areas Act 1973

The primary objective of this act is to facilitate land development by allowing areas to be investigated and declared as designated areas for accelerated or controlled development. However, the powers in the act have not been used for many years. Nor are the powers expected to be required in the future.

The Development Areas Act was last used in 1985 when an order was made to declare Station Pier in Port Melbourne to be a designated area. In November 1995 the Scrutiny of Acts and Regulations Committee published its second report into redundant and unclear legislation. In the report the committee, on the recommendation of the responsible minister, recommended the repeal of the Development Areas Act.

The act is clearly redundant and should be repealed. A minor consequential amendment to the Land Acquisition and Compensation Act, included in the bill, is, however, required as a result of the repeal.

Minor statute law revision measures

The bill also includes minor statute law revision measures to correct two errors in the Land Acquisition and Compensation Act 1986 and to correct a technical error in a consequential amendment made by the Heritage Act 1995 to the Mineral Resources Development Act 1990.

I commend the bill to the house.

Debate adjourned on motion of Mr DOLLIS (Richmond).

Debate adjourned until Thursday, 2 October.

LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENT) BILL

Second reading

Dr NAPHTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

Significant changes have been made to the structure and operation of local government since 1992. This bill introduces a number of changes to the Local Government Act which will ensure that councils remain accountable to their communities and will increase their operational efficiency.

This bill includes amendments which will address community concerns regarding mayoral and councillor allowances, provide for an alternative electoral structure for councils, amend the electoral provisions, enable polls to be conducted by postal voting and make other changes to improve the operation of the Local Government Act 1989.

Mayoral and councillor allowances

I turn first to the provisions related to the setting of the mayoral and councillor allowances. There has been widespread community debate about the level of mayoral and councillor allowances set for this year. Many have expressed concern at the quantum of the allowance and the possibility that it is being abused by some mayors. Others argue that the demands of the job require that mayors are suitably remunerated and the allowances are fair. No consensus has been achieved from the debate over the past six months.

The current Order in Council fixing allowances provides for councils, other than Melbourne City Council, a minimum allowance for councillors of \$5000 and a maximum of \$12 000. The mayoral allowance may be up to \$100 000. Each council has the ability to fix allowances within this range.

It is proposed to make amendments to sections 74 and 74A of the act to provide a more flexible framework within which allowances are set. The nexus between the Melbourne City Council and other councils will be broken enabling allowances to be set differently for different categories of councils. In order to improve accountability the legislation will be clarified to ensure that a mayor cannot receive a councillor allowance and a mayoral allowance and the order setting the allowance may include a specification of the timing of payment of the allowance.

In order to have an independent analysis of allowances, earlier this week the minister announced that he had appointed Mr Vern Robson to a local government panel to conduct an independent review of mayoral and councillor allowances. Mr Robson is to report to me by the end of November 1997 on appropriate levels for allowances for mayors and councillors for 1998.

Electoral provisions

The bill amends the provisions of the act in relation to entitlements of non-resident owners and occupiers. The current provisions limit automatic

entitlement to the first-named ratepayer or occupier. Although the provision is not in itself gender specific there has been frequent criticism that it is usually the male partner who is the first named on official documents and therefore gains the automatic entitlement. It is proposed to amend the provision to automatically enrol the first two named non-resident owners or occupiers. As is now the case, other owners or occupiers will be able to apply to be on the roll.

The act currently provides for polls to be conducted by councils but only by attendance voting. Amendments are included to extend the postal voting provisions to polls to allow voting at polls by means of postal voting alone. A number of minor changes are included to improve the electoral system for the Melbourne City Council. These include amendments to the provisions relating to voting by corporations and the requirements for giving notice to those of the voters' roll.

Review of internal boundaries

Section 220 of the act requires that councils review their internal boundaries at least once every six years to determine whether the number of voters represented by each councillor does not vary by more than 10 per cent from the average number of voters for the whole municipality and whether the existing wards are fair and equitable.

Following that review councils are required to apply to the minister to make an order to alter the boundaries. There is currently no requirement for a council to provide information to the minister on the review process. An amendment is proposed to section 220 to require a council to provide the minister with information to enable the minister to be better informed before making the order and where a council decides not to alter the boundaries to provide the minister with written reasons for not making a change.

In addition, it is proposed to amend the act to enable the minister to be able to make an order to set internal boundaries and the number of councillors to be elected in a municipality, either in individual wards or at large, or both. That system currently operates in the Melbourne City Council and the mix of ward councillors and councillors elected at large has worked well.

The minister proposes to make an order to introduce this system for elections at the Greater Geelong City Council to be held in 1998 on the basis of four ward

councillors and five councillors elected at large. The minister intends to ask other regional centres to consider whether they would like to move to such a system in the future.

Coastal boundaries

Section 3(3A) of the act provides that where there is a coastal boundary of a council that boundary is the high-water mark. A number of councils have advised me that they experience problems in dealing with nuisances such as dogs and littering between the high-water mark and the low-water mark. Following consultation with all councils with a coastal boundary it is intended to amend the act to define the municipal boundary at low-water mark.

Financial, CCT and performance statements

Section 126 of the act provides for audited financial statements to be included in a council's annual reports. Councils currently prepare these statements and forward them directly to the Auditor-General to be audited. However, there is no requirement that any of these statements must be accepted by a council before they are forwarded and therefore no indication that a council stands behind the statements. Similarly, the CCT and performance statements do not require a council to have signed off on the statements.

The Auditor-General has indicated that it would be preferable that a council has signed off on these statements and the amendments will require a council to adopt the statements prior to forwarding them to the Auditor-General, and introduce a requirement that a council authorise two councillors to sign off on the final statement.

Rates

Section 174 of the act enables a council to recover up to five years of back rates and charges upon land which was previously non-rateable becoming rateable. For example, land used exclusively for charitable purposes would become liable for back rates and charges if that use changed such as on a sale of a property which will now be used as a dwelling.

It has been argued that it is inequitable to provide for an exemption and then following a change of use have the capacity to reach back and recover rates and charges for the previous five years. Indeed, a survey of councils has shown that the provision was exercised inconsistently across the state. The bill

repeals the provision and accordingly removes the requirement to obtain five years of back rates and charges from new purchasers of property that was previously non-rateable.

Housekeeping and spent acts

The bill contains other provisions that will improve and clarify the operation of the Local Government Act. The bill also repeals the Public Authorities Marks Act 1958. The bill makes a minor change to section 184(1) of the act relating to the time by which a person may lodge an appeal at the County Court against rates and charges.

I commend the bill to the house.

Debate adjourned on motion of Mr DOLLIS (Richmond).

Debate adjourned until Thursday, 2 October.

CRIMES (MENTAL IMPAIRMENT AND UNFITNESS TO BE TRIED) BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

This is a bill to abolish what is known as the Governor's pleasure system and to establish new procedures to deal with persons who are presented for trial before the County Court or the Supreme Court charged with an indictable offence and who are found to be unfit to be tried or not guilty on the ground of mental impairment. The bill provides for the courts, rather than the executive, to be responsible for making highly sensitive release decisions.

Background

The current legislation governing the detention, management and release of persons found by a court to be either unfit to plead or not guilty on the ground of insanity is contained in the Crimes Act 1958, the Corrections Act 1986, the Mental Health Act 1986 and the Intellectually Disabled Persons' Services Act 1986.

Such persons must be ordered by the court to be kept in strict custody until the Governor's pleasure is known. The court does not have a discretion in this respect. A Governor's pleasure order can be

revoked only by the Governor of Victoria, acting on the advice of the Premier after a decision has been made by cabinet. The initial recommendation for release comes from the Adult Parole Board, which has a duty under the Corrections Act to prepare an annual report on each Governor's pleasure detainee and to forward those reports to the Minister for Corrections, who in turn forwards them to the Attorney-General. The current system is generally recognised as antiquated and unjust for the following reasons:

it does not provide for the evidence against persons who have been found unfit to plead to be tested, but rather provides that the court must immediately order that they be detained at the Governor's pleasure;

it is inappropriate that release decisions are made by the executive and may therefore potentially be subject to political considerations.

The impetus for this bill arose from two main sources. In 1995 the Model Criminal Code Officers Committee was given a reference by the Standing Committee of Attorneys-General to prepare model legislation to reform the law in relation to the Governor's pleasure system. The committee is comprised of officers from all Australian jurisdictions and prepared the Mental Impairment and Unfitness to be Tried (Criminal Proceedings) Model Bill.

In October 1995 the Victorian parliamentary Community Development Committee tabled in Parliament its report entitled *Inquiry into Persons Detained at the Governor's Pleasure*. The committee was given a reference by state cabinet to inquire into, consider and make recommendations about the appropriateness of the current legislation governing the detention, management and release of persons found by a court to be either not guilty on the ground of insanity or unfit to plead. The government response to that report was tabled in June 1996.

I take this opportunity to thank the Community Development Committee for its excellent work, which was of invaluable assistance in preparing this legislation.

Overview of bill

The bill has the following aims:

to transfer responsibility for release decisions of detainees from the Governor in Council to the judiciary;

to provide for a special hearing process to be undertaken in respect of persons who are unfit to be tried to enable the evidence of the prosecution to be tested;

to provide for notification to and consultation with the next of kin of the alleged offender and the victim where the court is considering releasing the person or substantially reducing the degree of supervision to which the person is subject;

to vest the trial court with the power to make the most appropriate order in the circumstances rather than having no option but to order detention at the Governor's pleasure as required under the current regime;

to require regular reporting to the trial court where the court has ordered that a person be subject to a supervision order under the bill — this is to ensure these people are not lost in the system;

to require leave decisions to be made by a specially constituted panel to be chaired by a judicial member — this will ensure the leave process is transparent and accessible;

to set a nominal term (in accordance with the table set out in the bill) where a supervision order is imposed as a further safeguard against a person being forgotten about. If a person is still subject to a supervision order at the expiration of the nominal term the court of disposition must conduct a major review into the person's case to see whether the person should in fact be released or at least have the degree of supervision to which the person is subject reduced; and

to set out the matters to which a court should have regard and, in so doing, to strike the appropriate balance between the protection of the community on the one hand and the clinical or therapeutic needs of the person on the other.

Unfitness to be tried

The bill provides that if a jury finds a defendant is unfit to stand trial, the trial judge must determine whether or not that person is likely to become fit to stand trial over the next 12 months. If the person is

likely to become fit and in fact does become fit the trial will resume.

If the person remains unfit to be tried or is not likely to become fit within 12 months a special hearing must be conducted to determine whether, despite the unfitness of the person to stand trial, the person is (a) not guilty, (b) not guilty on the ground of mental impairment, or (c) the person committed the offence. This procedure will replace the current system whereby persons are not given an opportunity to become fit nor to have the evidence against them tested.

Where a person is found to be not guilty at a special hearing this is to be treated as though it were a finding of not guilty at a trial and the person must be released.

Disposition options

Where the person is found to be either not guilty on the ground of mental impairment or to have committed the offence, the judge will have a discretion as to the appropriate order to make in the circumstances. The judge may either unconditionally release the person or order that the person be subject to a supervision order. If the judge orders that the person be subject to a supervision order that order may be declared to be either custodial or non-custodial, depending on the particular circumstances of the case.

Where the court is considering imposing a supervision order it will be required to obtain a certificate of available services from the Department of Human Services in order to inform itself of appropriate options for disposition. A person in respect of whom a supervision order is to be imposed is not to be detained in a prison unless there is no practicable alternative.

Nominal term and major review

As a means of providing the trial court with a further power of review, when a court imposes a supervision order it must also specify the nominal term applicable to the offence as set out in a table in the bill. The nominal term is life where the offence charged is murder; it is the statutory maximum where the offence is a serious offence within the definition of 'serious offence' in the Sentencing Act 1991; and in respect of other offences the nominal term is the equivalent of half the statutory maximum sentence for that offence.

At the conclusion of the nominal term a major review is to be conducted by the trial court in respect of a person who is still subject to a supervision order. In the case of persons with sentences of a nominal term of life imprisonment a major review is to be conducted at the end of 25 years. At a major review the court must consider whether it is still appropriate that the person be subject to a supervision order or whether the person ought to be unconditionally released.

Variation or revocation of a supervision order

In addition to the major review, the bill provides that an application for variation or revocation of a non-custodial supervision order can be made to the trial court at any time by a person who is subject to the order or someone who has supervision of the person. A person who is subject to a custodial supervision order will be able to apply at any time for a variation of the order but cannot have the order revoked unless it has first been varied to a non-custodial order. Further, the court must not revoke a supervision order unless the order has been of a non-custodial nature for at least 12 months.

This procedure recognises that the treatment or reintegration of persons with a mental disorder is most appropriately considered on a gradual basis. In some cases the transition from a custodial order to unconditional release may result in instability of a person's mental condition. The bill provides for a high degree of flexibility in terms of treatment, the provision of services and the degree of supervision to which a person is subject in order to facilitate the tailoring of appropriate conditions in each individual case.

Leave provisions

The bill establishes a new procedure for granting leave to people who are subject to custodial supervision orders. It also establishes a new body to make these decisions. One of the problems of the current leave process identified by the Community Development Committee was that leave decisions were opaque and that the Office of Correctional Services was inappropriately represented on an advisory council. This advisory council was established to assist the chief psychiatrist in making leave decisions for persons in a mental health facility, but the council has no legal authority.

The bill will establish the Forensic Leave Panel, which will be responsible for granting certain types of leave to persons who are subject to a custodial

supervision order under the bill and who are detained in either an approved mental health facility or a specified residential institution or facility. The panel may grant leave to the person to move beyond the place of custody (which, for example, would be a ward in the case of a forensic psychiatry centre) within the defined surrounds of the place of custody.

The panel will also be able to grant leave enabling the person to go beyond the grounds of the place within certain limitations, but not so that the person is effectively released from custody. The panel will be able to grant these types of leave for periods of up to six months. This will enable six-month plans to be prepared in respect of forensic patients or forensic residents to best assist them in their response to treatment and services.

Special leave, which may be granted in exceptional circumstances for a maximum of 24 hours, is to be granted by the person having immediate responsibility for the person. In the case of forensic patients — the term that will apply to persons detained in mental health facilities — this will be the authorised psychiatrist. In the case of forensic residents — the term that will apply to persons receiving services from intellectual disability services — this will ostensibly be the Secretary of the Department of Human Services. This power may, however, be delegated to the person in charge of each residential institution or service.

The panel is to be constituted by one or more judges of each of the Supreme and County courts, the chief psychiatrist and such other members as are necessary from time to time. These other members may be forensic experts in the fields of psychiatry and psychology and community representatives with relevant experience or qualifications. Each sitting of the panel is to be chaired by a judge of the court before which the person was originally presented for trial.

The procedure of the Forensic Leave Panel will be transparent and applicants will have a right to appear before the panel and may be assisted by a family member or legal representative.

Extended leave to be granted by the courts

Leave that will effectively allow a person to live within the community is to be called extended leave and can be granted only by the court. This will ensure these types of leave decisions will be open to public scrutiny. Extended leave may be granted for

periods of up to 12 months at a time and may be granted more than once. Extended leave is another means of ensuring that treatment or reintegration is facilitated on a gradual basis to ensure that the needs of the person on the supervision order can be appropriately addressed. Extended leave is a step on the way to a revocation.

Terminology

The term 'insanity' has been replaced by the term 'mental impairment' because the former term is antiquated and carries an historical stigma. However, it is important to note that the bill does not alter the existing common law in relation to determining criminal responsibility or unfitness to be tried. The common-law test of insanity derives from the M'Naughten rules of 1843 and the test for unfitness derives from the decision of the Supreme Court in *R v. Presser*. Both these common-law tests have been incorporated into the provisions of the bill. The bill makes it clear that the new defence of mental impairment has the same meaning as the defence formerly known as the defence of insanity and is to be interpreted accordingly.

The change in terminology from 'insanity' to 'mental impairment' will also apply to the summary jurisdiction. However, the new option to impose a supervision order will not be available in the Magistrates Court jurisdiction. Likewise, the new procedures for investigation into fitness and a special hearing will not apply to the Magistrates Court jurisdiction.

Transitional provisions

In respect of current Governor's pleasure detainees the bill provides that they are to be deemed to be subject to a custodial supervision order upon commencement of the bill and to have a nominal term applicable in accordance with the relevant provision in the bill. Those existing detainees who have been granted leave prior to the commencement of the bill which but for the commencement of the bill would have continued beyond the commencement of the bill are deemed to have been granted leave which accords with or is substantially the same as the types of leave available under the bill. The bill also provides that existing detainees will have an immediate right to apply to the court for a variation of their order to a non-custodial order or a revocation of their order where they have been on the equivalent of extended leave for at least 12 months.

Reporting requirements

The bill also provides for a comprehensive system of reports to be prepared about all persons who are subject to supervision under the bill. These reports are required to be considered by the courts in determining whether to release a person from custody or from supervision. The reports will assist the court in understanding the nature of the person's mental impairment and the appropriate order to impose. Annual reports are also required to be submitted to the court in order to ensure that people who are subject to a supervision order are regularly reviewed and are not lost in the system.

The bill gives due consideration to the issue of victims' rights. A victim report may be presented to the court setting out the views of the victim and the next of kin of the person charged with the offence. The report may outline the person's conduct and the impact of that conduct on the person making the report. Victim reports may be used for the purposes of assisting counselling and treatment processes for all persons affected by the incident and to assist the court in determining any conditions it may impose under the bill.

Statements under section 85 of the Constitution Act 1975

I wish to make two statements under section 85(5) of the Constitution Act 1975 explaining why clauses 79 and 82(1) would alter or vary section 85 of the act in relation to the jurisdiction of the Supreme Court.

Clause 79

Clause 78(1) of the bill makes it clear that the current power of the County Court and Supreme Court to make an order under sections 393 or 420 of the Crimes Act 1958 that a person be kept in strict custody until the Governor's pleasure is known is revoked. The current section 393 of the Crimes Act relates to people who have been found unfit to plead. The current section 420 of the Crimes Act relates to people who have been found not guilty on the ground of insanity. Clause 79 is necessary as the bill provides for new procedures where a person is found to be unfit to be tried or not guilty on the ground of mental impairment.

Clause 82(1)

Clause 82(1) amends section 361(4)(c) of the Crimes Act 1958 by inserting references to a residential service within the meaning of the Intellectually

Disabled Persons Services Act 1986. Section 361 of the Crimes Act provides for accused persons detained in a prison, police gaol, youth training centre, youth residential centre or approved mental health service to be removed to and from the place of detention to a court without a writ of habeas corpus or any other writ being required. Clause 82(1) extends the application of the provision to an accused who is in custody in a residential institution. This clause is necessary to close a lacuna in the legislation in relation to accused persons who are in residential institutions.

Conclusion

Current law has been inadequate and inappropriate in dealing with people who are either unfit to be tried or not guilty on the ground of insanity. The role of the executive in release decisions may have resulted in people remaining subject to the stigma of a Governor's pleasure order for longer than either the alleged offence or the degree of mental impairment would warrant. Further, the procedure whereby persons who are unfit can be detained without the evidence against them being tested is completely unacceptable. The government believes this bill fundamentally redresses the injustices inherent in the present system and will put in its place a system that is just and responsive to the needs of the individual.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 2 October.

COMMONWEALTH POWERS (FAMILY LAW-CHILDREN) (AMENDMENT) BILL*Second reading*

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

The purpose of the bill is twofold. First, it is to make a further reference of power to the commonwealth for family law purposes. The further reference will confer jurisdiction on the commonwealth to make laws with respect to:

custody, guardianship and access matters in respect of ex-nuptial children who are subject to a

child welfare law where the relevant state minister or authorised person consents;

maintenance for ex-nuptial children who are subject to a child welfare law; and

declarations of parentage for commonwealth purposes.

Secondly, it is to clarify the jurisdiction of the state and the commonwealth in relation to both welfare laws and adoption law. It will clarify (in conjunction with complementary regulations to be made by the commonwealth) the types of child welfare orders that exclude the jurisdiction of the commonwealth. The bill will maintain the preservation of the state's power in relation to child welfare laws and maintain the state's exclusive power to make adoption orders.

Commonwealth/state jurisdiction

Jurisdiction in relation to matters affecting children is shared between the commonwealth and the states. Section 51(xxii) of the commonwealth constitution empowers the commonwealth Parliament to make laws with respect to divorce and matrimonial causes. The constitution does not enable the commonwealth to legislate for maintenance, custody, guardianship or access in respect of ex-nuptial children.

Section 51(xxxvii) of the commonwealth constitution empowers the commonwealth Parliament to make laws with respect to matters that are expressly referred to the Parliament of the commonwealth by the Parliament of a state. A reference by a state under this provision does not deprive the state of any power but rather results in the creation of an additional concurrent power in the commonwealth Parliament.

The Commonwealth Powers (Family Law-Children) Act 1986 (hereafter called 'the act') referred power to the commonwealth to legislate with respect to:

maintenance for ex-nuptial children except where such children are subject to a state child welfare law (for example, children who are subject to a custody, guardianship, care or control provision of the Children and Young Persons Act 1989); and

custody, guardianship and access for ex-nuptial children except where those children are the subject of child welfare law (again, for example, children who are subject to a custody,

guardianship, care or control provision of the Children and Young Persons Act 1989).

The 1986 referral of power in respect of maintenance, custody, guardianship and access substantially, but not completely, removed the distinction between children whose parents were married and those whose parents were not married. This referral of powers conferred concurrent jurisdiction on the commonwealth Parliament to make laws with respect to ex-nuptial children who are not subject to a state child welfare law. The transfer of jurisdiction served to enable these children to access conciliation and counselling support provided by the Family Court. The effect of the referral was to create a distinction between ex-nuptial children who are subject to child welfare orders and ex-nuptial children who are not subject to such orders. The bill will address this issue.

Custody, guardianship and access matters

In early 1990 ministers responsible for child welfare legislation and Attorneys-General considered a report of the Family Law Council which identified problems in dealing with child abuse matters. The council reported that there was confusion over whether the commonwealth or the state had the appropriate jurisdiction in certain cases. The council reported that it was common for proceedings involving the same allegedly abused child to be instituted in both the Family Court and a state child welfare court, and this duplication resulted in confusion, delay, expense, inconvenience and the possibility of a child being further abused because each court assumed the other had responsibility.

In response to this report ministers agreed to amend state referral of power legislation to expressly exclude the Family Court from hearing custody, guardianship and access disputes where ex-nuptial children are in the custody or guardianship of a state unless the consent of the relevant state minister was obtained. In 1992 the Department of Health and Community Services entered into a protocol with the Family Court dealing with matters of coordination between the Family Court and the department in cases involving child abuse. The bill will enhance the approach taken in the protocol.

Child maintenance

Currently the commonwealth can legislate with respect to maintenance for any children of a marriage but only for ex-nuptial children who are not subject to a child welfare law. In 1991 ministers

agreed that a reference to the commonwealth of the residual maintenance power should be included in the amendment of the Commonwealth Powers (Family Law—Children) Act 1986. This will remove the vestige of discrimination against ex-nuptial children who are subject to a child welfare law.

Parentage declarations

In 1991 ministers also agreed that the referral of powers legislation should include a reference to the power to make declarations of parentage for commonwealth purposes. The Family Court has no specific power to make declarations of parentage although it does have power to order a person to undergo a parentage test. The Family Court currently makes parentage declarations on the basis that the power is implied from the power to make such orders in the context of maintenance, custody and access orders. It cannot determine parentage where there are no other proceedings before the court. The bill will confer concurrent jurisdiction on the commonwealth to make laws with respect to parentage for commonwealth purposes. Should the commonwealth enact legislation, a party would have the option of instituting parentage proceedings in either a state court or the Family Court.

Adoption proceedings

The bill will also make it clear that the referral of power does not include the power to make adoption orders. It has always been and continues to be the state's intention to retain sole jurisdiction in respect of the making of adoption orders. Therefore, the bill — in conjunction with complementary regulations to be made by the commonwealth under the Family Law Act 1975 — will clarify that if adoption proceedings in respect of a child are pending in the County Court or Supreme Court, the Family Court will not be able to interfere with those proceedings unless written consent is given by the relevant state minister or authorised person. However, once a final adoption order is made any subsequent family law matters (where there is no child protection order in force) can automatically be heard in the Family Court.

Other matters

The bill will amend section 3(2)(d) of the Commonwealth Powers (Family Law—Children) Act 1986 to clarify that the power of a bail justice to make an interim accommodation order under the Children and Young Persons Act 1989 and the power of the Administrative Appeals Tribunal to

determine disputes over case planning decisions made under the Children and Young Persons Act 1989 are not affected by the referral unless the relevant consent is obtained.

The bill makes a number of consequential amendments to the Maintenance Act 1965, the Marriage Act 1958, the Status of Children Act 1974 and the Adoption Act 1984.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 2 October.

SENTENCING (AMENDMENT) BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

The Sentencing and Other Acts (Amendment) Act 1997 introduced major reforms to Victoria's sentencing laws as a result of widespread consultation with the Victorian community and key stakeholders in the criminal justice system, including judges, magistrates and representatives of relevant agencies. It also implemented changes arising out of the report of the Premier's Drug Advisory Council and the government's response to the report *Turning the Tide*.

The amendments proposed by the bill provide the Director of Public Prosecutions with a new right to appeal to the Court of Appeal in certain circumstances, address some problems that have arisen in the area of fine enforcement and make some further technical amendments arising out of the sentencing review.

Resentencing offenders who breach an undertaking to assist law enforcement authorities

It is important for public policy reasons that the law encourage co-offenders to cooperate with law enforcement authorities in order to enable the main perpetrators of offences to be brought to justice. In large-scale drug prosecutions and other types of complex trials the reality is that it is often impossible for the Crown to make a case against the principal offenders without the evidence of lower level accomplices, for example, the cook in an

amphetamine factory or sub-dealers in the heroin trade. Those persons can often be the only ones able to provide authorities with crucial links in the chain of evidence against the main offenders.

In order to encourage accomplices to testify for the prosecution and assist law enforcement authorities, the courts will recognise their help by reducing the sentence imposed on them for their part in the crimes. To minimise the risk of an informer falsely implicating others and giving evidence merely to please law enforcement authorities or the court passing sentence, it is important for the informer's criminal charges to be finalised and sentence passed prior to the trials of the accomplices proceeding.

A problem arises, however, where the informer then fails to honour the promise. Despite having breached the undertaking which gave rise to a lighter sentence there is no ability to challenge the reduced sentence which resulted. An informer can therefore make a promise to assist which he or she has no intention of carrying through and receive a lesser sentence. The broken promise will often fatally weaken the prosecution case.

Both the commonwealth and New South Wales jurisdictions have legislated for a specific power to appeal against reduced sentences imposed on informers who subsequently refuse to honour their undertaking to assist authorities. In other state jurisdictions the issue is addressed by the Director of Public Prosecutions (DPP) obtaining an extension of time within which to appeal against the sentence passed. The DPP appeal provisions in the Victorian Crimes Act 1958, however, are not wide enough to enable a similar practice to be adopted in this state.

The bill makes amendments modelled on a combination of the commonwealth and New South Wales reforms. Clauses 4, 20 and 25 of the bill amend the Sentencing Act 1991, the Crimes Act 1958 and the Magistrates Court Act 1989 to grant the DPP a new right of appeal.

Under the amendments the Court of Appeal will, if satisfied that the undertaking was wholly or partially breached, be able to resentence the offender and impose such sentence as it thinks fit. Whether the Court of Appeal will in fact increase the sentence will depend on an exercise of its discretion and on the individual circumstances of each case.

The government believes that the existence of the new right of appeal will provide a deterrent to informers generally from giving undertakings they

have no intention of keeping in order to obtain a lighter sentence. It is anticipated that the existence of a specific mechanism designed to address this situation will go a long way towards ensuring compliance with promises to testify. In addition, allowing for resentencing addresses the fact that the offender has inappropriately received a lighter sentence by reason of an undertaking which has then not been honoured. This enables correction of the factual basis on which the offender was sentenced, and does not represent a punishment for failing to testify.

As the resentencing is undertaken by the Court of Appeal — rather than the original sentencing judge — concerns raised by some that sentencing should be a final act that ought only to be disturbed by the Court of Appeal are addressed. The Court of Appeal has full discretion upon resentencing and will be able to take into account all the individual circumstances of the case. The new right of appeal direct to the Court of Appeal will also be available in respect of sentences for indictable offences which were imposed in the Magistrates Court. This recognises that informers might also be dealt with in the Magistrates Court jurisdiction and will allow for a consistent approach in the determination of appeals under the new section 567A(1A) of the Crimes Act 1958.

Amendments to the fine provisions of the Sentencing Act 1991

Fine default community-based orders and PERIN matters

Clause 7 of the bill amends the Sentencing Act 1991 to ensure that in certain circumstances only a court can convert a fine into to a community-based order. By way of background, instead of issuing a summons to a person to appear in the Magistrates Court to answer charges for certain types of regulatory offences, an infringement notice — on-the-spot-fine — may be issued. The PERIN — penalty enforcement by registration of infringement notices — procedure set out in schedule 7 to the Magistrates Court Act 1989 applies to enforce unpaid infringement penalties under nominated acts. Section 69 of the Sentencing Act 1991 specifically provides that the fine enforcement sections of the act do not apply to PERIN matters. One of the consequences of this is that infringement notices registered with the PERIN court cannot be converted into community work orders.

However, where registration of an enforcement order has been revoked or a person has successfully

appealed to the court against a refusal to revoke registration, the matter will be determined by a magistrate hearing the case in open court. If the magistrate finds the infringement offence proven, then sentencing will proceed pursuant to the Sentencing Act 1991. The fine enforcement provisions of that act are then applicable, including the sections enabling conversion of the debt into a community-based order.

Concerns have been raised about a practice adopted by some people who have received infringement notices which have been registered with the PERIN court but which are ultimately determined in open court. Some defendants will fail to appear at the hearing of the charge by the magistrate, and the court will generally find the matter proven and order that the fine be paid. As the Sentencing Act 1991 procedures then apply to such persons, they are able to readily convert the fine to a community-based order by application to the registrar under section 55 of the Sentencing Act 1991. The ease of this practice has the undesirable result of defendants moving from the automated PERIN system into the open court system. There is no scrutiny of a person's ability to pay the fine prior to the conversion, with the result that persons with the means to pay are not doing so.

Clause 7 of the bill amends sections 55 and 62 of the Sentencing Act 1991 to provide that only a magistrate can convert these types of fines into community-based orders. This will ensure proper scrutiny of such applications for conversion and will encourage persons with the means to pay their fines to do so.

Fine default conversion rates under section 63(2)

Section 63(2) of the Sentencing Act 1991 sets out a formula by which the number of hours of community work which a fine defaulter can be ordered to perform is calculated. The equation is 1 hour for each \$20, to a maximum of 500 hours. Applying the equation, a fine of \$10 000 may be converted into a 500-hour community work order.

An unfairness arises concerning people who are in default of fines larger than \$10 000. The ceiling of 500 hours of community work disproportionately favours persons who have been fined larger amounts and who convert such sums into community work hours. For example, in one case a defendant who was fined approximately \$150 000 for serious offences against the Fair Trading Act was successful in converting the entire amount into a

single community-based order. The government believes that represents an unfair benefit to persons who are fined larger amounts by the courts.

Clause 8 of the Bill amends sections 55, 62 and 63 of the Sentencing Act 1991 to provide that fines in excess of \$10 000 may only be partially converted into community work. The provision will enable only that part of the fine up to \$10 000 to be converted into unpaid community work and the offender will be required to repay the balance of the fine.

Miscellaneous amendments to the fine structure under the Sentencing Act 1991

Clause 12 of the bill introduces a new maximum fine scale into the Sentencing Act 1991 which has fewer levels than previously and which is now symmetrical with the scale of maximum imprisonment terms. The ratio the scale reflects is 10 penalty units for each month of imprisonment.

Clauses 13, 16, 22 and 23 make technical adjustments to the Sentencing Act 1991 and the Crimes Act 1958 which reflect the altered penalty scale.

Fine alone for level 2 offences

Under the present structure, offences punishable by a term of imprisonment — other than offences where life imprisonment is the maximum penalty — are punishable in addition to or instead of imprisonment by a fine of the number of penalty units that is 10 times more than the maximum number of months imprisonment that may be imposed.

The amendment act created a new level of maximum penalty of 25 years. Level 2 offences include: attempted murder, intentionally causing a very serious disease, rape, child incest, sexual penetration of a child under 10 years, maintaining a sexual relationship with a child under 16, kidnapping, armed robbery, aggravated burglary, arson causing death, attempting to pervert the course of justice.

The government considers that it is inappropriate for such serious offences to be punishable by fine alone. Clause 14 of the bill amends the act to provide that for level 2 offences, a fine may be imposed in addition to a term of imprisonment but not instead of imprisonment.

Fines and common law offences

The Sentencing and Other Acts (Amendment) Act 1997 prescribed maximum penalties for certain common law offences. Clause 15 amends the Sentencing Act 1991 to ensure that such common law offences will no longer have a maximum fine which is at large, but that the calculation of the maximum fine which is applicable will be pursuant to the rules laid down in the legislation. The amendments also ensure that community-based orders are available to be imposed in respect of common law offences.

Maximum fines for bodies corporate

As referred to above, under the Sentencing Act 1991 offences that are punishable by a maximum term of imprisonment are also punishable by a related maximum fine. However, if a corporation is convicted of an offence against the Crimes Act 1958, the most serious penalty that may be imposed is a fine, it being impossible to imprison a corporation. By way of example, a corporation convicted of manslaughter would face a maximum fine of \$240 000, whereas a person committing that same offence would in addition face a maximum penalty of 20 years imprisonment. When sentencing Denbo Pty Ltd on a charge of manslaughter in 1994, the court observed that there were less serious Occupational Health and Safety Act offences that had higher maximum fine penalties.

The commonwealth Crimes Act 1914 addresses this issue by providing that where the offender is a corporation, the maximum penalty which may be imposed is five times that which may be imposed on a natural person. This reflects the reality that a greater fine should be available where imprisonment is not an option in sentencing. It also provides the court with scope to reflect the situation that some corporations have much greater resources than individuals.

Clause 18 inserts a provision into the Sentencing Act 1991 to provide for an increased maximum penalty for a body corporate found guilty of an offence against the Crimes Act 1958. Unless the contrary intention appears, where the court has power to fine the body corporate the maximum penalty that will be available to be imposed on the corporation will be five times the amount of the maximum penalty that would be available to be imposed on a natural person found guilty of the same offence committed at the same time.

Recognising the electronic issue of certain warrants to the Sheriff

Clauses 9 and 28 of the bill make amendments that enable certain warrants under the Sentencing Act 1991 and the Magistrates' Court Act 1989 directed at the Sheriff to be issued electronically instead of in paper form. It is not intended to invalidate the issue of those warrants in paper form, but rather to recognise that they can also be issued electronically. These amendments follow on from ones made last year in the Magistrates' Court (Amendment) Act 1996, which provided for the electronic issue of warrants to seize property and penalty enforcement warrants issued by the registrar of the PERIN court to the Sheriff.

Under the amendments, the warrant is issued by the proper officer signing a document containing certain particulars and causing those particulars to be transferred electronically to the Sheriff. A warrant issued in this fashion has the same effect as if it had been issued in paper form. In addition, it may not be amended, altered or varied after its issue.

Compensation orders

Section 86 of the Sentencing Act 1991 enables the court to make orders against offenders compensating victims for loss, destruction or damage to property, or for their pain and suffering. These orders may be made upon application once the offender has been convicted of the offence. Section 86(5)(b)(ii) sets out the persons who have standing to make these applications on behalf of the victim, being the Director of Public Prosecutions, the informant or a police prosecutor. Currently, the DPP only has standing to appear in the County and Supreme courts.

Clause 10 of the bill amends section 86(5)(b)(ii) to enable the DPP to appear in compensation order applications in the Magistrates Court as well as in the superior courts. This recognises the increased responsibilities of the Office of Public Prosecutions in prosecuting matters in the Magistrates Court.

Technical amendments arising out of the passage of the Sentencing and Other Acts (Amendment) Act 1997

Clauses 17, 19 and 21 of the bill make amendments arising out of the passage during the last sessional period of the Sentencing and Other Acts (Amendment) Act. These amendments are technical in nature and do not involve any changes in policy.

They are inserted in order to clarify the intended operation of certain provisions of the amending legislation and to promote an efficient usage of the new act. The amendments are deemed to commence on 1 September 1997, which is the date on which the relevant portions of the amendment act commenced.

Legal representation

The Sentencing and Other Acts (Amendment) Act 1997 introduced uniform provisions for instituting breach proceedings relating to non-custodial orders under the Sentencing Act 1991. Charges are filed by community corrections officers, who by doing so become the informant in relation to that breaching matter. However, the person who filed the charge is rarely the person who appears to prosecute the matter. This is problematical as there appears to be no power in section 38 of the Magistrates' Court Act 1989 to provide for persons other than the informant or a person empowered by law to appear as a party to a criminal proceeding.

Clause 26 of the bill amends the Magistrates' Court Act 1989 to enable any other prescribed person or any other member of the prescribed class of persons to appear in court in such matters.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 2 October 1997.

FINANCIAL INSTITUTIONS LEGISLATION (AMENDMENT) BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

The bill before the house makes miscellaneous amendments to the Building Societies Act 1986, the Co-operative Housing Societies Act 1958 and the Financial Institutions (Victoria) Act 1992. The amendments fall into three categories: firstly, the clarification that appeals under the Victorian financial institutions scheme legislation from decisions of the Australian Financial Institutions Appeals Tribunal are to be heard in the Victorian Supreme Court and not the Queensland Supreme Court; secondly, the abolition of two redundant funds established under legislation prior to the

commencement of the financial institutions scheme and the application of the balance of those funds to the supervision of the relevant building society industry; and thirdly, the amendment of the cooperative housing societies merger and transfer of engagements provisions to overcome difficulties experienced by cooperative housing societies when lodging documents for registration at the Land Titles Office following a merger of societies or transfer of engagements between societies.

The amendments to the Financial Institutions (Victoria) Act 1992 repeal sections 14 and 15 of the act in accordance with the resolution of the Ministerial Council for Financial Institutions that legislation in all states be amended to confer jurisdiction in respect of appeals from decisions of the Australian Financial Institutions Appeals Tribunal to local supreme courts only, instead of concurrently on the Supreme Court of Queensland and the local Supreme Court, as is presently the case. Similar amendments have already been passed in South Australia, New South Wales, Tasmania and Western Australia.

The amendments to the Building Societies Act 1986 abolish the building societies general reserve fund which was established under that act. The fund was originally established by the act for the purpose of providing protection for members, depositors and creditors of any building society. The fund was accumulated by a levy on all building societies prior to 1990. It was substantially applied to facilitate the Bendigo-Compass Building Society transfer of engagements. It has no further purpose and exists as a dormant fund.

The amendments to the act provide that the amounts standing to the credit of the fund will form part of the supervision fund under section 41 of the Financial Institutions (Victoria) Act 1992, which receives the annual supervision levies payable by all Victorian building societies. Transfer of the balance of the fund will enable the benefits of the fund to be distributed to all Victorian building societies through a reduction in the supervision levy. The building society industry is highly supportive of this proposal.

A similar amendment is made to section 76 of the Financial Institutions (Victoria) Act to deal with the dormant building societies liquidity support fund, which has served no further purpose since a national emergency liquidity support fund was established in January 1993 under the Australian Financial Institutions Code. All building societies in Australia

contribute to the national fund, hence the Victorian fund is no longer required. The combined balance of these funds is approximately \$290 000.

The amendments to the Co-operative Housing Societies Act 1958 deal with a problem experienced by cooperative housing societies when lodging discharges of mortgages following a merger or transfer of engagements between societies in Victoria. The Land Titles Office has requested that societies lodge a further application under section 59(2) of the Transfer of Land Act to have the register amended to make the transferee or merged society, as the case may be, the mortgagee before the society can deal with the mortgage despite the statutory vesting of property in the merged or transferee society pursuant to sections 17 or 18 of the act.

Where a society takes over the mortgage portfolio of a defunct society the application can become costly as it must cover all mortgages within the portfolio which often amount to hundreds of mortgages. The amendments to the act overcome the need for this further application by inserting a provision in the act which clarifies that in all documents a reference to a merging society, or transferor society, is a reference to the merged society, or transferee society as the case may be.

The amendments apply to all mergers and transfers of engagements that have occurred after 1 July 1992 to deal with a growing number of stopped dealings which are currently in the Titles Office and which cannot proceed to registration without the further application being lodged. The Land Titles Office, the cooperative housing society industry and the industry's prudential supervisor, the Victorian Financial Institutions Commission, are all supportive of this amendment.

I commend the bill to the house.

Debate adjourned on motion of Mr BRACKS (Williamstown).

Debate adjourned until Thursday, 2 October 1997.

HIRE-PURCHASE (FURTHER AMENDMENT) BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill now be now read a second time.

The Hire-Purchase (Further Amendment) Bill implements the government response to the report by the Scrutiny of Acts and Regulations Committee (SARC) on its review of the Hire-Purchase Act (HPA), to be tabled in the 1997 spring sitting of Parliament, which partially accepts SARC's recommendation to repeal the HPA by proposing to prevent the act having any effect on future hire-purchase arrangements except for:

- (a) retaining for a sunset period of two years the protections in sections 24 and 25 of the HPA for the farming sector, together with a requirement that the owner must have notified the farmer-hirer of these rights at the commencement of the agreement; and
- (b) insert provisions in the Goods Act 1958 that preserve a hirer's right to any surplus proceeds following the sale of repossessed goods by the owner-credit provider in respect of all hire-purchase agreements falling outside the Consumer Credit Code.

Transitional provisions are provided for in the bill to ensure that any existing hire-purchase agreements would continue under the HPA until they expire. Under this arrangement, the HPA may still be accessed by parties to existing hire-purchase agreements to allow them to check their statutory rights.

Currently, section 15 of the HPA gives the hirer the right to any surplus amount following the repossession of the goods and payment of the amount owing to the owner. Should the HPA be amended without retaining this right, a potential injustice may occur in respect of all commercial hire-purchase agreements entered into by farmers and business alike. In other words, where goods subject to unregulated hire-purchase agreements are repossessed and sold to allow the credit provider-owner to recover the amounts owed by the hirer, if there is a surplus, the hirer would forfeit this amount to the owner, unless it was otherwise provided for in the agreement. Such a windfall to the credit provider-owner would be difficult to justify.

The bill therefore inserts a new part V into the Goods Act, containing provisions which would prevent such a forfeiture by the hirer of any surplus remaining from the sale of repossessed goods and the satisfaction of the amount owed to the owner-credit provider, similar to the right provided for currently in section 15 of the HPA.

The bill represents a compromise which is intended to retain the existing statutory protections for farmers while allowing time for further consideration of the enactment of a specific purpose act for rural finance and also responds to the SARC report by strictly limiting the future application of the redundant and archaic provisions of the HPA.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 2 October.

WILDLIFE (AMENDMENT) BILL

Second reading

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That this bill be now read a second time.

Worldwide, the international illegal wildlife trade is big business and is estimated to be worth \$6 billion to \$12 billion annually. Australian wildlife is among the most sought-after wildlife in the world, particularly parrots and certain reptiles. In the United States there are a large number of collectors or hobbyists, and some species of Australian cockatoo sell for up to \$US30 000 a pair.

The demand for Australian cockatoos and their live eggs is increasing. Australian wildlife birds are the most frequently targeted by offenders and Australian reptiles are also in demand on the international market. Within Victoria there is also a significant domestic trade in wildlife by hobbyists and commercial dealers. There are almost 10 000 individuals holding private and commercial wildlife licences in Victoria.

The taking of birds, their eggs and other wildlife from the wild causes distress and often results in high death rates, thus threatening the viability of populations that, in many cases, are already endangered. The actual transport of the wildlife to overseas destinations often results in further deaths and, frequently, extreme cruelty and suffering to the animal.

The Wildlife Act 1975 provides for the protection, management and sustainable utilisation of wildlife in Victoria. In view of the potential high financial gains to individuals who deal illegally in wildlife,

many of the penalties under the act have been found to be inadequate deterrents. In addition, existing enforcement powers in the act have been found to be inadequate to facilitate comprehensive investigations into illegal activities, and some prosecutions for offences have failed because of the difficulties in proving the identity of wildlife.

The Wildlife (Amendment) Bill increases substantially the penalties applying in respect of the most serious wildlife offences, particularly as they relate to endangered and notable wildlife. The offences for which the penalties have been increased include unauthorised taking of wildlife from the wild, unauthorised keeping, possession or trading in wildlife, poisoning wildlife, dealing in wildlife taken unlawfully in another state and obstructing an authorised officer carrying out his or her duties.

The bill prescribes increased penalties for contravening the conditions of a private or commercial wildlife licence and introduces penalties for contravening the conditions of any of the various types of authorities and permits issued under the act for purposes including research, maintaining wildlife shelters and destruction of wildlife that is causing damage. Provisions relating to the issue of such authorities have been replaced and consolidated to ensure a consistent approach to their management.

At present, the limitations on an authorised officer's powers to search places and seize things under the Wildlife Act impede investigations into offences under the act and related legislation. The bill therefore extends these powers. To assist in ensuring compliance with the act by holders of licences or authorisations issued under the act, the bill also specifies that it is a condition of each wildlife licence or authorisation that the holder must allow access by an authorised officer to his dwelling house at any reasonable time for the purposes of monitoring compliance with the act, regulations and conditions of the licence or authorisation. This power will be limited to situations where the dwelling house is the place where wildlife is kept. This provision does not confer a right of entry without warrant, but repeated refusal to comply with this requirement may lead to cancellation or suspension of an entitlement to retain wildlife. The provision does not confer an ability to carry out a general search while inside the dwelling house.

To assist in the detection of offences under the Wildlife Act, the bill provides a statutory immunity for authorised officers involved in specific

operations. This provision will enable authorised officers to take part in undercover operations that necessitate the officer undertaking activities such as the illegal purchase and possession of wildlife. Similar operations in other countries have been successful in detecting illegal trade in wildlife, but they have not been used in Victoria as the existing legislation is inadequate.

The provision ensures that an act done by an authorised officer which would otherwise constitute an offence against certain provisions of the act does not have that consequence if it is done in accordance with the written instructions of the secretary given in relation to a particular case. In giving such instructions, the secretary must be satisfied that the officer has the appropriate training, qualifications and experience to carry out the act in respect of which the instructions are given.

The bill includes additional evidentiary provisions to assist in the improved enforcement of the act and contribute to greater success in prosecutions for offences. These include amendments to the Conservation, Forests and Lands Act 1987 in relation to the identification of specimens for the purposes of the Wildlife Act and other relevant laws and extending the statute of limitations to two years in respect of certain offences under the act. These offences include breach of licence conditions, unlawful taking, hunting, destroying, buying and selling of wildlife, and offences relating to dolphins and whales.

Dolphins and whales — cetaceans — have in recent years become the focus for a range of tourism opportunities, including dolphin watching tours on Port Phillip Bay. The bill amends the Wildlife Act to enable the secretary to issue permits for tourism purposes relating to whales and dolphins, to charge fees for their issue, to prescribe the conditions of the permits and to regulate the conduct of individuals engaged in those activities. In order to protect the dolphin and whale resource and ensure that tourism opportunities in relation to whales and dolphins are sustainable in the long term, the bill provides discretion for the secretary to refuse to issue permits in the interests of the protection of the resource. These provisions will ensure that tourist operations do not adversely affect whales and dolphins in Victoria.

Uncontrolled dogs and cats can have a significant negative impact on our native wildlife. The bill makes provision to enable an authorised officer who finds a dog or cat that is attacking wildlife or is

found at large in a reserve, sanctuary, wildlife management cooperative area or other prescribed area to capture or destroy that animal. It will also be an offence for an owner to allow a dog or cat to be at large in these areas. The provisions complement those in the Domestic (Feral and Nuisance) Animals Act 1994.

The bill provides for improved management of the hunting of game. Between the late 1980s and the early 1990s, the duck season, particularly the opening weekend, was marred by violent confrontations on wetlands between duck hunters and animal welfare protesters. Police and departmental officers had become increasingly concerned about the nature of these confrontations and were anxious to take action to avoid serious injuries and, possibly, fatalities.

Regulations were put in place in 1993 with the objective of providing increased human safety on wetlands during the duck season. Since then, these provisions have been in place in various forms, and, while they have been relatively effective in reducing the level of such confrontations, they have not, in all cases, been able to prevent them. By moving the provisions from regulations to the act, police and authorised officers will be able to actually remove offenders from the wetlands, thus removing the potential for conflict between hunters and protesters. The offences relating to entry to the waters of wetlands will be limited to peak hunting times on the opening weekend of the duck season and only to significant hunting wetlands, so that other users of the wetlands are not disadvantaged.

The bill makes a range of other general amendments to the Wildlife Act to provide for improved administration of the act, to better regulate and manage activities authorised under the act and, generally, to ensure a higher level of service delivery to the department's clients.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 2 October.

DISABILITY SERVICES AND OTHER ACTS (AMENDMENT) BILL*Second reading*

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

This bill is designed to amend various acts in the Human Services portfolio. The purposes of the bill include enhancing the operation of the legislation relating to the adoption of children and the treatment of intellectually disabled persons who live in residential care. The bill also resolves problems which have arisen in the administration of the acts within the community services portfolio. The amendments are as follows.

Adoption Act 1984

The Adoption Act 1984 applies to the adoption of children who are Australian citizens and who have been relinquished for adoption. These adoptions are known as local adoptions. In addition, the legislation also governs the adoption of children who are not citizens of Australia and who have been brought from overseas for the purposes of adoption. Such adoptions are often referred to as inter-country adoptions.

The purpose of adoption is to enable a child who would not otherwise have a family to become a member of a family which is able to provide love, care and security. To ensure that this objective is met, the act specifies who may adopt a child. In particular, all applicants are formally assessed by the Secretary to the Department of Human Services or an approved adoption agency to determine whether they are suitable to adopt.

Approval does not guarantee that applicants will have a child placed with them. This depends on the needs of the children who require a new family, and, in the case of local adoptions, the wishes of the birth parents. For intercountry adoptions, the matching of proposed adoptive parents to a child is also the responsibility of the relevant authority in the country of origin of the child.

Other eligibility criteria included in the act relate to age and marital status. It is proposed that these two requirements be modified.

1. Stable relationships

Section 11 of the act currently provides that a couple may jointly adopt a child only if they have been married for at least two years at the time the adoption order is to be made. This includes a duly solemnised marriage and also a traditional Aboriginal marriage. This provision applies to both local adoptions and intercountry adoptions. This two-year requirement is included in the act to ensure that the relationship is stable and that a child placed with such a couple will live in a secure environment.

An increasing number of couples in the community are choosing to live together on a permanent *de facto* basis and to have children. *De facto* relationships are therefore increasingly acknowledged by the law. For instance, as honourable members will be aware, the Infertility Treatment Act was recently amended to permit such couples to undergo IVF treatment.

To reflect this change in the community attitudes, it is proposed that the act be amended to permit a couple who have been living in a *de facto* relationship for at least two years to apply to adopt a child together under the act on the same terms as married couples. The two-year limit is to apply for consistency with the current requirement that a couple be married for two years. In addition, it is proposed that the spouse adoption provisions be extended to such couples. This will mean that a person will be permitted to seek to adopt the child of his or her *de facto* spouse if their *de facto* relationship has existed for at least two years.

It is also acknowledged that many couples live in a *de facto* relationship for a period prior to marrying. It is considered that these couples should not be precluded from being eligible to adopt a child, simply because they chose to marry rather than remain in a *de facto* relationship. This bill therefore includes an amendment to permit such a couple to be eligible to adopt, if the combined period in which they have been married and living in a *de facto* relationship is at least two years.

The bill also provides that in relation to each applicant, whether married, in a *de facto* relationship or in a traditional Aboriginal marriage, or a combination of such relationships, the two-year requirement is to be met before an application for approval as to suitability to adopt is considered by the department or an approved adoption agency.

The bill also includes other amendments to enhance the legislation. The act currently states that an adoption order may be made in favour of a couple

only if they have been married for two years. The date the order is made may be a significant period after the assessment of suitability has been carried out and a trial placement of a child with approved applicants has begun. An approval to adopt could thus be given when a couple have been married for a period of less than two years.

However, to protect the welfare of children placed with a couple for the purposes of a future adoption, and to ensure that a couple will meet the criteria when the court hears their application, current practice is to generally defer consideration of an application for approval until the two years has elapsed. The bill will enshrine this practice in the legislation and apply it consistently to the various types of applications that can be made.

It therefore makes amendments regarding the making of an application to the Supreme Court or the County Court for an adoption order, and the making of application to the department or an approved adoption agency for approval as a person suitable to adopt a child in relation to the following categories — first, to a couple who wish to adopt a child together; and second, to a person who wishes to adopt a child who is the child of, or is otherwise related to, his or her spouse or de facto spouse. As all such applications are based on the marriage or de facto relationship of the applicant, that marriage or relationship must have existed for at least two years before the application can be made to the court, or before a decision as to suitability may be made.

2. Age

There are a variety of age restrictions which apply to proposed adoptive parents under the act, unless there are special circumstances.

In relation to local adoptions, particularly infant adoptions, proposed adoptive parents must generally be at least 18 years of age, and are to be no more than 40 years older than the child that they are to adopt who has not attained the age of 10 years, and no more than 45 years older than a child who is 10 years or older.

For intercountry adoptions, other requirements usually apply. For example, in the case of the first intercountry adoption by a couple, both applicants must be at least 25 years of age. Also, the younger of the two must be no more than 40 years older than the child, whilst the elder of the two must be no more than 47 years older than the child. It is

proposed that the act be amended to remove these disparate age restrictions.

3. Suitability assessments

The removal of the age specifications, and the expansion of the eligibility criteria to include permanent de facto relationships, both reflect the policy of removing discriminatory criteria in legislation. It is considered to be appropriate to rely instead upon the general suitability requirements in the act and the regulations.

Both the Supreme Court and the County Court may make an order for a couple to adopt a child only if it is found that the proposed adoptive parents satisfy the requirements prescribed in regulations relating to suitability. In making this determination the courts consider a report regarding the applicants which has been prepared by either the secretary to the department of human services or an approved agency.

The regulations provide that in determining whether the applicants are suitable to adopt, consideration must be given to whether each applicant has the capacity to provide a secure and beneficial emotional and physical environment during a child's upbringing, until the child reaches social and emotional independence.

This involves considering factors such as the personality, emotional maturity, financial circumstances and general stability of character of each applicant. The age of the applicants, and family relationships, are also relevant. The importance of such factors has been emphasised by bodies that are involved in, or have an interest in the adoption process.

The amendments in this bill thus do not prevent appropriate weight being given to the age of each of the applicants, the stability of their relationship, and to the long-term prospects that they would offer to a child in terms of providing a secure family environment. However, these factors will be considered as part of a comprehensive assessment of the couple, rather than being used as an arbitrary means of determining whether they are eligible to have their application for approval considered. This will enhance equal opportunity by enabling each application to be considered on its merits. In addition, in clarifying when an application can be made to a court, and when an application seeking approval can be dealt with, the bill highlights the

importance of couples who are seeking to adopt having a permanent and stable relationship.

Most importantly, this bill accords with the primary objective of the legislation, which is that the welfare and interests of children relinquished for adoption are met.

Children's Services Act 1996

The second set of amendments relate to the Children's Services Act. This legislation was based upon a comprehensive review of the statutory framework for children's services. The legislation was enacted in 1996 and is not yet in operation. Children's services provide centre-based care and education for children below school age. Services include long-day care, preschool, occasional care and early intervention programs. Children's services provide places for over 100 000 children in 3200 registered centres and employ over 18 000 staff.

The new act, together with the regulations that are to be made under it, will replace the current outmoded and inflexible requirements for children's services contained in the Health Act 1958 and the regulations made under that act. The main purpose of the new act is to provide for the licensing and regulation of children's services to ensure the safety of children who are cared for or educated at such services and to enable the developmental needs of those children to be met.

Children's services regulations are to be made under the act. These regulations may specify requirements for the licensing and operation of children's services, including minimum standards for the care of children, minimum staff qualifications and staff:child ratios, and contain a revised licensing fee structure.

Section 2 of the act provides that the act is to commence by December 1997. The new regulations must commence operation at the same time as the act, as the two sets of laws are interdependent. Whilst the act sets out the provisions for the licensing of children's services and enforcement of standards, details regarding the day-to-day operation of services are to be generally contained in the regulations.

There is a high level of community and industry interest in the proposed regulations, and wide consultation has occurred regarding their development. In particular the government appreciates the assistance provided by the children's

services industry advisory group. This group represents a broad range of interests in relation to children's services, including consumers, representatives of private and community-based child-care providers, preschools, employers and staff members of services, independent schools, local government, services for children from diverse cultural backgrounds, and children with additional needs.

It is intended that the act and the regulations are to come into operation as soon as is possible. However, it is likely that commencement will not occur in December 1997. Deferral of commencement until the first half of 1998 will enable the consultation period regarding the proposed regulations, and the regulatory impact statement which explains them, to be 60 days. This will give all those who have an interest in this area adequate time to consider them, and to make submissions for consideration by the government.

Additional time will also ensure a coordinated introduction of the new statutory regime. For instance, it will be important for parents and the children's services industry to have adequate notice of the regulations that are made prior to the commencement date, and for all concerned to be fully informed regarding the new licensing procedures that will apply under the act.

The bill therefore proposes that the commencement provision of the act be modified to provide that the act will commence automatically on 1 July 1998, unless it is proclaimed to operate on an earlier date.

Disability Services Act 1991

The proposed amendments to this act rationalise the mechanics of ministerial funding powers under this act. The current provisions appear to require the Minister for Youth and Community Services or the Minister for Health to approve each and every variation of funding to individuals with disabilities. This creates two problems. Firstly, it necessitates the extended processes of ministerial approval for every variation, regardless of significance, within an approved funding package for any individual. Secondly, it technically precludes ministerial power to approve blocks of funding to be used in flexible funding schemes. In practice therefore, the current provision is impractical and inefficient. It also works against the government's strong commitment to develop flexible and responsive services which can offer individualised supports to people with disabilities and their families.

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The amendment would allow minor adjustments to funding arrangements, when necessary to respond to consumer wishes or changed circumstances, to be made within a ministerially approved plan without mandatory referral for the minister's reconsideration. It would also permit block funding to be provided to agencies to provide flexible service packages for classes of people. The proposal ensures that full accountability is maintained while promoting improved service responsiveness and efficient administration.

The government also seeks to improve the efficiency of the act's administration by expanding the power to delegate ministerial authority beyond the secretary of the department of human services to appropriate senior officers within the department. The act's provisions direct the operation of many large-scale, complex activities, making it essential to ensure that decision-making processes are streamlined, prompt and accountable. Expanded powers of delegation address this need.

Intellectually Disabled Persons' Services Act 1986

In order to ensure that Victoria's legislative framework for disability services is up to date, relevant and streamlined, the government proposes a number of minor changes to the Intellectually Disabled Persons' Services Act 1986. The reference to 'regulations' with regard to state and regional plans will be deleted. Such regulations have not been developed during the act's currency. State plans have prepared in accordance with the detailed prescriptions contained within the body of the act, while regional plans, of the type described within the act, have never been prepared. Retention of reference to such regulations for state or regional plans is therefore irrelevant.

The government also seeks to update the act by inclusion of powers to contract out the account-keeping function associated with the management of the residents' trust fund. This fund consists of money held on behalf of residents of residential institutions, programs and participating residential services. While the account-keeping function must continue to be managed to the highest standards of efficiency and fiduciary probity, it is the government's intention to purchase this service from a financial institution through competitive tender. The changes will achieve cost efficiencies while ensuring no reduction in service to clients nor significant change in the role of administrators.

It is the government's view that legislative requirements for disability services should be based on contemporary standards of best practice to the greatest degree possible. In this context it is proposed to remove reference to aversive therapy from the act. Aversive therapy, which may involve pain-inducing treatment, is now substantially discredited as a behaviour management technique. After extensive public consultation the government is happy to propose that this inappropriate use of coercive power be no longer sanctioned by the act.

Community Services Act 1970

Part 4 of the bill inserts a general delegation power into the Community Services Act 1970 to enable the minister to delegate those powers that the minister thinks it appropriate to delegate. The delegation power inserted is similar to that given to the Minister for Health in section 8B of the Health Act 1958.

The range of measures contained in this bill will significantly improve the performance of duties under the various acts which are to be amended.

I commend the bill to the house.

Debate adjourned on motion of Ms CAMPBELL (Pascoe Vale).

Debate adjourned until Thursday, 2 October.

HEALTH SERVICES (AMENDMENT) BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

The amendments contained in this bill will improve the regulation and monitoring of supported residential services registered under the Health Services Act 1988 as well as remove potential duplication of commonwealth and state functions as a result of the commonwealth reforms to aged care services. The amendments are as follows.

Some regulations currently in the Health Services (Residential Care) Regulations 1991 are being transferred to the Health Services Act. This amendment is in line with the government policy set out under the Subordinate Legislation Act 1994,

which states that matters imposing significant criminal penalties, such as fines exceeding 20 penalty units, are matters which should be in primary legislation rather than subordinate legislation. The Health Services Act 1988 enables regulations to be made which impose penalties of up to 100 penalty units.

Pursuant to this power, the Health Services (Residential Care) Regulations 1991 set out a number of offences which attract penalties in excess of 20 penalty units. These include offences relating to maintaining the personal hygiene of residents at the best practicable level, privacy, the dignity and security of residents, the proper use of medication, adequate meals and maintaining premises in a proper state of repair and in a clean and sanitary condition. The amendments will not change the obligations of proprietors of supported residential services, only where these obligations are located in legislation.

The bill also amends the limitation period for commencing prosecutions for offences under specific sections of the Health Services Act 1988. Because of the vulnerable nature of the residents of supported residential services, alleged breaches of the act may not come to the attention of the department immediately. There have been occasions where proprietors have escaped prosecution for serious offences because the time had expired before the matter was brought to the attention of the department. The amendment to increase the limitation period from one year to three years will remedy this problem.

Amendments to definitions in the Health Services Act 1988 have been included in order to maintain the status quo with regard to the regulation of residential aged care. A new commonwealth Aged Care Act 1997 has been passed and will commence on 1 October 1997. The interaction of definitions in the Aged Care Act and the Health Services Act meant that there was some risk that Victoria would be required to regulate residential care — that is, former nursing homes and hostels. This was not the intention of either level of government. Under these amendments, commonwealth-funded residential care will continue to be regulated by the commonwealth under the Aged Care Act 1997. Victoria will continue to regulate supported residential services under the Health Services Act 1988.

I commend the amendment bill to the house.

Debate adjourned on motion of Ms CAMPBELL (Pascoe Vale).

Debate adjourned until Thursday, 2 October.

PODIATRISTS REGISTRATION BILL

Second reading

Dr NAPHTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

The current legislation regulating podiatrists is the Chiropractors Act 1968. It reflects an old model of regulation: even the term used for the profession has altered since the act was introduced. 'Podiatrist' is the term now widely used in the community and preferred by the profession itself for the type of practitioner previously known as a 'chiroprapist'.

For some time now, Victoria has been progressively introducing modern and consistent legislation for the regulation of the health care professions. This new model of regulation has thus far been put in place for medical practitioners, nurses, optometrists, chiropractors and osteopaths. It is the intention of the Podiatrists Registration Bill to adopt the regulatory model already established in those acts relating to medical practitioners, nurses, optometrists, chiropractors and osteopaths. It is also the intention of the Podiatrists Registration Bill to observe Victoria's obligations under the national agreements on mutual recognition and competition policy.

The bill establishes a new Podiatrists Registration Board, which is to have seven members. Four members of the new board will be registered podiatrists, one will be a lawyer and two will be persons who are expressly not podiatrists. This contrasts with the composition of the current board, which does not include laypersons.

The board will be incorporated and independent of government. It will have the capacity to employ its own staff and contract in its own name. The board will be responsible for the registration of podiatrists and for investigations into the professional conduct of registered podiatrists. This is a core area of the bill. I do not propose to outline these provisions in detail. They are designed to ensure that:

the board has sufficient power to investigate allegations of misconduct against podiatrists;

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board hearings are more open than is presently the case;

rights to attend hearings and to make submissions are given to complainants;

investigations into cases of alleged professional misconduct are conducted fairly and natural justice provisions are included for any podiatrists whose actions are under scrutiny; and

suitable review mechanisms are included.

The bill also deals with the advertising of podiatry services. Generally, it permits advertising of those services but provides for standard consumer protection provisions such as offences for false, misleading or deceptive advertising.

I now wish to make a statement under section 85 of the Constitution Act 1975 of the reasons why clause 53(3) alters or varies section 85 of that act in relation to the jurisdiction of the Supreme Court. Clause 87 declares the intention of clause 53(3) to alter or vary section 85 of the Constitution Act 1975.

Clause 53(3) provides that no action for defamation lies against the board or its members for giving a notice under clause 53(1). Clause 53(1) requires the board to give notice of any determination to impose conditions, limitations or restrictions on the registration or to suspend or cancel the registration of a podiatrist:

in the *Government Gazette*;

to registration authorities in other states and territories and in New Zealand;

to the Health Services Commissioner;

to the employer of the podiatrist, where the podiatrist is an employee; or

to any podiatry registration authority outside of Australia or New Zealand requesting such information.

Clause 53 is therefore necessary to ensure that conditions, limitations, restrictions, suspensions and cancellations of registration are properly communicated to relevant authorities. The reason for limiting the jurisdiction of the Supreme Court is that it is necessary to ensure that the board and its members can perform such communication without the threat of civil action for defamation. The

purposes of the act will not be fulfilled if a podiatrist can continue to purport to be a registered podiatrist because notice of the board's action has not been communicated to the relevant persons or authorities. I am confident that this bill will ensure the continuing provision of high-quality podiatry services to all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Ms CAMPBELL (Pascoe Vale).

Debate adjourned until Thursday, 2 October.

MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL

Second reading

Mr REYNOLDS (Minister for Sport) — I move:

That this bill be now read a second time.

The purpose of this bill is to amend the boundaries of the Melbourne Sports and Aquatic Centre land and to provide for the lease over that land.

With the agreement of Parks Victoria, which is the committee of management of Albert Park, the boundary of the Melbourne Sports and Aquatic Centre has changed on three sides. To the north the revised boundary now includes land previously used as a park depot. To the west the revised boundary includes land formerly under the control of the Public Transport Corporation which is now within the Albert Park boundary. To the south the revised boundary now excludes a bike path, trees and land which is more appropriately left in the public domain. There is an agreement for Parks Victoria to take responsibility for this area, pending legislative amendment.

The bill will also further amend the act to specify that the leases previously granted for Melbourne Sports and Aquatic Centre land are deemed to be leases granted for the revised boundaries.

The amendments will ensure that the lease held by the Melbourne Sports and Aquatic Centre Trust will match the land occupancy for which the trust has responsibility.

I commend the bill to the house.

Debate adjourned on motion of
Mr PANDAZOPOULOS (Dandenong).

Debate adjourned until Thursday, 2 October.

VOCATIONAL EDUCATION AND TRAINING (TRAINING FRAMEWORK) BILL

Second reading

Mr HONEYWOOD (Minister for Tertiary
Education and Training) — I move:

That this bill be now read a second time.

This bill contains a number of significant reforms to vocational education and training and to adult, community and further education in Victoria. The reforms are consistent with national training reforms and reflect the concept of an open training market in which individuals and industry can select the provider of their choice and public, private and community providers can compete subject to similar regulatory and accountability requirements.

The main reforms are in the areas of new apprenticeships, the recognition of training organisations in terms of their capacity to issue qualifications as well as to provide courses, and Workcover arrangements for students on practical placement.

New apprenticeships

New apprenticeships will combine the best features of apprenticeships and traineeships. There are currently some 34 000 apprentices in Victoria. Apprentice numbers have, however, declined significantly over the past decade due to factors such as the decline in manufacturing, industry restructuring with downsizing and outsourcing and perceived rigidity and lack of choice within the apprenticeship system. Those factors were highlighted in the recent Marshman report to the Australian National Training Authority. Apprentice intakes declined by 20 per cent in the first half of 1997, compared with the same period in 1996.

On the other hand, traineeships, which are more flexible than apprenticeships, increased dramatically to around 14 000 in training in Victoria by mid-1997.

The outdated practice of declaring apprenticeship vocations will be replaced with the recognition of apprenticeship pathways within new national

training packages. Training packages will be prepared by industry bodies and submitted to the National Training Framework Committee of the Australian National Training Authority for endorsement. Training packages will concentrate on the achievement of nationally recognised qualifications based on national competency standards rather than on traditional course and module structures for delivery. They will enable greater flexibility when designing training programs to suit individual enterprises and enable more training to be delivered in the workplace. Part-time apprenticeships and apprenticeships related to secondary school programs will also be available.

Apprenticeships have enjoyed a long history and the support of both employers and unions. The reforms proposed in the bill have therefore been the subject of wide-ranging consultation. Many submissions from industry supported the retention of probationary periods and fixed terms for apprentices in traditional apprenticeship trades. Employers considered that they would be reluctant to make the long-term investment in the employment and training of apprentices if training agreements could be terminated by one party. There was also concern about a perceived lack of employment security for apprentices.

The bill retains probationary periods for all apprentices. Training agreements in existing apprenticeship trades will also require the consent of the employer and apprentice or an order of the State Training Board before they can be terminated.

Other key aspects of the current system will also be retained. The State Training Board will remain responsible for oversight of the state training system. The board will continue to determine training schemes for vocations, approve the form of training agreements and approve employers to train apprentices. It will also continue to hear disputes between employers and apprentices.

Recognition of training organisations

The State Training Board and the Adult, Community and Further Education Board are empowered, under their respective acts, to accredit courses and register providers in terms of their capacity to deliver courses.

The development of training packages will reduce the emphasis on accreditation of courses and focus on the registration of providers in terms of their capacity and ability to deliver training outcomes

attested to by relevant qualifications. Both boards will retain their current accreditation and registration functions and be given the additional function of registering providers in terms of their capacity to issue recognised qualifications.

People who currently receive trade certificates from the State Training Board on the basis of demonstrated skills will be able to be issued with a nationally recognised qualification by a registered training organisation.

Devolution of training recognition

The bill abolishes the cumbersome accreditation board structure and provides for the establishment of training recognition boards to report and make recommendations in relation to a much wider range of training recognition matters including the accreditation of courses, recognition of qualifications related to training packages and registration of training organisations. The new boards will also act as delegates of the State Training Board and Adult, Community and Further Education Board in relation to those matters.

The functions of approved training agents are also expanded to include the State Training Board and the Adult, Community and Further Education Board functions in relation to training recognition. Decisions of agents will be subject to a right of review. This will be in addition to any right to appeal to the Administrative Appeals Tribunal.

Practical placements

The bill brings Workcover arrangements for TAFE practical placements into line with those for schools work experience and work placements. This will facilitate placements by private training providers and placements with Workcover self-insurers, both of whom are not covered by an administrative insurance/indemnity arrangement currently in operation with the Managed Insurance Authority.

National competition policy

The bill contains a number of reforms aimed at promoting competition in the training market.

Currently, it is an offence for unregistered providers to, for example, offer their courses as accredited. A number of exceptions apply in the case of public institutions such as TAFE institutes and universities. Those exceptions will be removed from 31 December 1998 and all providers will be subject to the same

recognition requirements. This is consistent with Victoria's commitment to competition in public service provision.

Other amendments

The bill ensures that the State Training Board can perform its role as an approving authority under the Commonwealth Workplace Relations Act.

The bill also amends provisions of the Adult, Community and Further Education Act in relation to the structure of the Adult, Community and Further Education Act Board and the structure and operations of regional councils of adult, community and further education. These amendments reflect current operations and relationships.

I commend the bill to the house.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until Thursday, 2 October.

UNIVERSITY ACTS (FURTHER AMENDMENT) BILL

Second reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

The purpose of this bill is to introduce changes in the membership and composition of university councils, and to simplify approval and governance arrangements following a review of university governance in Victoria.

Universities are facing significant challenges in an increasingly competitive national and international environment, with a reducing commonwealth funding base and changes in technology which affect both their own mechanisms for program delivery and the society for which their students must be prepared.

In meeting those challenges the universities must balance the traditional functions of academic scholarship and research, the need to respond directly and rapidly to the communities within which they operate, and the need to generate revenue and manage themselves effectively within the funds available. This requires imaginative and

far-sighted strategic planning, efficient management, and respect and support for academic affairs. The universities are state institutions. It is incumbent on the states to ensure that systems of governance are as effective as possible, and that approval and reporting requirements are as simple and efficient as they can be.

Recently several reviews of university governance arrangements have been undertaken in Australia, including one by the commonwealth government and one by the government of South Australia. Both those reviews proposed changes in council membership and streamlining of governance arrangements to improve efficiency.

In November 1996 I commissioned a review of governance arrangements in Victorian universities. The review was chaired by the Honourable Haddon Storey, QC, a former Minister for Tertiary Education and Training, and included Mr Peter Laver, formerly chair of the National Board of Education and Training, Chancellor of Victoria University of Technology and a senior executive of BHP; and Dr Ian Allen, Deputy Secretary of the Department of Education and State Director of Higher Education. I thank that committee for its excellent work and record my appreciation of its efforts.

The review committee took submissions, consulted widely, and examined a number of other reports and publications on the issue of university governance. It made a number of recommendations relating to the size and structure of university councils, and administrative and approval procedures. This bill has been prepared to implement the recommendations of that review, with changes intended to take effect from 1 January 1998.

The proposed size and composition of university councils strikes a balance between an entrepreneurial model of governance which would result in a very small and expert council comparable to the board of a major corporation, and a very large collegial unit with a large number of internal and external members. The review committee recommended councils of 21 members, two-thirds drawn from the wider community, with one additional position for the chair of the board of technical studies in multi-sector universities. That change is being introduced.

A further area of flexibility is the possibility of involving overseas persons as members of councils. This change has been sought by universities and is considered appropriate as an option for universities

whose international activities are taking on increasing importance. However, it is not expected that all universities will take up the opportunity of appointing overseas members as provided in this bill.

A second issue addressed by the committee was the relative roles of institutional management, councils and the academic boards which have responsibility for the academic affairs of the institution. While there is general consensus in the academic community about those roles, the legislation has not always been consistent with these understandings and the bodies involved sometimes step outside their proper roles. In several university acts amendments are being made to clarify the primary roles of councils for oversight and direction, rather than management, and of academic boards for academic affairs.

Several acts, particularly those establishing Monash University and the University of Melbourne, have long lists of special interests and areas of expertise which have to be included within the council membership. The review committee recommended reducing those specifications and allowing greater flexibility for the councils to determine the expertise required. That recommendation is also being implemented.

One of the major changes proposed was to remove the specific membership category for members of Parliament, a form of participation which is now less necessary than it once was in view of the current commonwealth funding responsibility. Many members have served in this role with distinction and their contributions have been appreciated. Under the changed arrangements members of Parliament may continue to be members of councils if their personal contributions are sought for this role or if their special perspective and expertise is required, but they will no longer form a special membership category.

Several universities with a number of campuses have requirements for inclusion of regional membership on their councils. While there are special reasons for this in certain cases and the relevant provisions have been maintained, the more important principle is that councils should include the range of perspectives and expertise required to make wise decisions on behalf of the institutions and the total community. In this respect the interests of regional Victoria are among the important perspectives which should be taken into account and

it is expected that at least some members will be drawn from regions served by university campuses.

However, this does not make a regional member a regional representative. No member of council, whether appointed or elected by a particular constituency, is a representative of any special group. All members have the responsibility to act in the best interests of the institution as a whole and the total community it serves.

An issue addressed by the review committee was the nature and extent of staff and student participation on council and some submissions proposed that staff and students be excluded. The review committee reaffirmed the importance of their membership, not to represent constituencies, but to provide an important perspective on the issues that councils need to address.

It is important that all staff and all students in the relevant constituencies have the opportunity to participate in the process of identifying the staff and students who are to be council members. Consequentially, once the transitional process set out in the bill has been completed, where elections are to be held they must be genuine elections for the council positions. The positions should not be filled on an ex officio basis by persons holding office in a staff or student organisation. Statutes setting out details of electorates and election procedures will need to make this clear.

Consideration of the existing university acts has identified a number of areas where formal approvals are now required at levels which are beyond what is really necessary. To simplify procedures, changes are to be made to require the approval of the Treasurer rather than the Governor in Council for borrowings within Australian Loan Council limits, to require the approval of the minister rather than the Governor in Council for approval of disposal of land, and to make those provisions the same for all the universities. The review committee recommended that approval by the minister be required only for land granted to the university or acquired with government funds and used for teaching purposes. However, this suggestion would create significant administrative difficulties and the revised provisions will require approval for disposal of land granted by the government or where the value of property exceeds \$1.5 million.

Universities are now major business enterprises with a wide range of community service, commercial and development activities to complement their core

academic functions. In many cases universities use companies which they establish or in which they participate as a mechanism for those arrangements.

The company structure can offer special advantages in arranging joint ventures between institutions or with business organisations and can be very useful in seeking financial contributions from the private sector. Several universities already use companies which operate in cooperation with the private sector as a means of providing teaching and research services to the community. Two significant examples are the Monash Mount Eliza Business School and the Melbourne Business School. It is likely that those kinds of arrangements will continue and over time perhaps operate on a much larger scale.

Changes were made several years ago in a number of university acts to make it clear that companies can be established to carry out functions relating to teaching, research, consultancy and other matters, where the council believes it is in the interests of the management or conduct of the affairs or concerns of the university to do so. In this bill the same change is being made in the Melbourne University Act to ensure that that university can continue and extend arrangements for the provision of those types of services to the community in a flexible way.

The mechanism for approval of statutes is also being simplified. The recent commonwealth review suggested removal of the requirement that statutes be approved by the Governor in Council. The review committee in Victoria initially proposed retention of Governor in Council approval to preserve the opportunity for the government to monitor significant changes in governance arrangements and other matters. However, since the review presented its report the possibility has been raised as a result of consideration of some of the administrative responsibilities of the Governor in Council that this requirement might be reassessed. The review committee has been consulted and has advised that the necessity for government oversight could be maintained by a simpler process involving approval by the minister. His Excellency the Governor of Victoria has agreed with this suggestion and changes are being made to replace requirements for approval of statutes by the Governor in Council with a requirement for approval by the minister.

In recent legislative changes standard dates have been established for the completion of terms on council and the commencement of new terms of office. Those changes are now being extended to all universities and a simplified approach is being

adopted for appointments to fill casual vacancies when they occur.

During the period when the review committee was considering changes in governance arrangements for higher education another committee had been undertaking a review of legislation to identify provisions which might unnecessarily restrict competition. That committee identified two clauses in the Tertiary Education Act dealing with mechanisms for recognition of private universities and approval of private providers to offer higher education programs. Those clauses require consideration of the need in Victoria for courses of study to be offered. The view taken is that this consideration might be dealt with by persons or bodies interested in offering courses and might best be determined by them as a commercial judgment. Amendments are proposed to the Tertiary Education Act 1993 to remove those restrictive clauses.

Part 1 of the bill sets out enabling provisions relating to purposes and dates of commencement.

Parts 2 to 8 set out for each university in turn the new council structure of membership, changes in approval requirements, and transition mechanisms for appointments under the new provisions.

Part 9 of the bill removes two subsections of the Tertiary Education Act identified in a review of legislation as restricting competition by private providers in offering higher education programs.

I commend the bill to the house.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until Thursday, 2 October.

UNIVERSITY OF BALLARAT (AMENDMENT) BILL

Second reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

The purpose of this bill is to merge the School of Mines and Industries Ballarat and Wimmera Institute of Technical and Further Education with the University of Ballarat within which they will form the TAFE division of an expanded university.

The School of Mines and Industries has a long and distinguished history in tertiary education in Australia and was in fact the original institution from which the University of Ballarat eventually emerged. In 1976 the section of the School of Mines and Industries offering higher education programs was separated and merged with Ballarat Teachers College to form Ballarat College of Advanced Education. The college was affiliated with the University of Melbourne in 1990 and in 1994, following a ministerial review the previous year, formed the basis of the University of Ballarat.

During this period the School of Mines and Industries continued to offer a range of excellent programs in vocational education and training and close relationships between the two institutions which serve the same geographical area have continued.

It was the view of the 1993 ministerial review committee which considered the Ballarat University College proposal for recognition as a university that there would be significant benefits in coordinated strategic planning and administrative efficiencies in a merger of the two institutions. While that did not proceed at the time, the two institutions have subsequently agreed to this arrangement and the current bill implements this merger.

Wimmera Institute of TAFE also has an excellent record of service in the western part of Victoria since its establishment in 1986, and the area which it serves is contiguous with the area served by the School of Mines and Industries. A substantial number of students from the Wimmera attend courses in higher education at the University of Ballarat and at various times the university and its predecessors have provided higher education programs in that area.

The government is committed to providing the most effective and efficient range of programs for students in regional Victoria and strongly supports the mutually supportive relationships between higher education and TAFE which can occur in multi-sector institutions. Victoria has a number of these institutions and has established a set of organisational arrangements which, though varying in detail, provide the mechanisms for effectively coordinated planning and program delivery. At the same time they maintain the essential character and orientation of programs offered in each sector.

The arrangements for establishment of a TAFE division at the University of Ballarat follow the

pattern established in other institutions. There will be a Board of TAFE to advise the council on major policy matters affecting the development of the division, strategic planning, and matters such as the TAFE profile for the institution; and a Board of Technical Studies with responsibility for academic oversight of technical and further education programs. As in other multi-sector institutions the Chair of the Board of Technical Studies will be a member of council, to ensure that in making its decisions the council is fully aware of TAFE academic affairs.

The governance arrangements for the expanded university will be consistent with the provisions being made for university governance generally following the recently completed Review of University Governance in Victoria. This review provides for multi-sector universities, and a council of 22 members with a substantial majority drawn from outside the institution.

The bill provides that at least two of the external members of council must be from the Ballarat region and at least one from the Wimmera. However, for the initial council following the merger when the members will be drawn largely from the existing councils, the actual levels of local participation will be greater. While the appointments in the first instance will be made by the minister or by the Governor in Council, this will be done following consultation with the existing institutions to ensure their wishes are taken into account, and that the first council has an appropriate balance of expertise and participation.

The initial establishment of the University of Ballarat involved a period of sponsorship by the University of Melbourne, to assist the new university in the development of its research expertise. Under this sponsorship mechanism the council includes an additional person nominated by the University of Melbourne. This arrangement will continue for the duration of the sponsorship as set out in the existing University of Ballarat Act.

Major provisions of the bill

Part 1 of the bill sets out its purpose and makes provision for commencement of the new arrangements on 1 January 1998. Part 2 provides for the merger with the School of Mines and Industries Ballarat and the Wimmera Institute of Technical and Further Education. The provisions make the university the successor in law to the existing TAFE institutions and provide for the transfer of staff and

students, and property owned by the former TAFE institutes, to the University of Ballarat.

Part 3 of the bill amends the University of Ballarat Act to implement governance changes as for other universities following the review of university governance. Part 4 of the bill establishes the TAFE Division within the university.

Part 5 provides for a number of amendments designed to simplify administration and approve efficiency in approval arrangements in the same manner as for other universities following the review of university governance. This bill includes a new provision to be incorporated in the principal act setting out transitional mechanisms required for establishment of the new council.

The merger of School of Mines and Industries Ballarat and Wimmera Institute of TAFE with the University of Ballarat will substantially strengthen delivery of TAFE and higher education programs in an important part of regional Victoria. It will provide a secure base for the future development of the University of Ballarat as a major regional university.

I commend the bill to the house.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until Thursday, 2 October.

Sitting suspended 1.03 p.m. until 2.04 p.m.

QUESTIONS WITHOUT NOTICE

Public transport: automatic ticketing

Mr BRUMBY (Leader of the Opposition) — I refer the Minister for Transport to the bungled Onelink project and to his statement in today's *Herald Sun* that the deadline was 'within months'. I also refer the minister to the Premier's statement at 9.30 this morning that the deadline was '20 days', and to his amended statement at 10.30 this morning that the deadline was in fact one month.

I also refer the minister to the fact that at 11.15 this morning the chief executive officer of the Public Transport Corporation, Mr Ian Dobbs, said he knew nothing about any such deadlines. I ask the minister: who is in control of this matter, what is the real

deadline and when will he put an end to this \$330 million fiasco?

Mr COOPER (Minister for Transport) — I am obliged to the temporary Leader of the Opposition for his question. A question about the automatic ticketing system was asked yesterday by the honourable member for Thomastown. My answer must have passed by the ears of the Leader of the Opposition. Maybe he was too busy trying to work out another question. I said yesterday that not one cent of taxpayers' money is going into this scheme.

Opposition members interjecting.

Mr COOPER — Honourable members opposite are trying to shout me down. I would have thought that at least the Leader of the Opposition may have been interested in an answer to his question.

Mr Batchelor interjected.

Mr COOPER — I know the honourable member for Thomastown is not interested in answers to questions. All he wants to do is shout. If members opposite are prepared to listen to answers they may well learn something.

Mr Batchelor — You are evading the question.

Mr COOPER — I am not evading the question. What appears to have avoided the Leader of the Opposition's ken, and certainly the honourable member for Thomastown's —

Mr Brumby interjected.

Mr COOPER — That is intelligence! You would not even understand that.

The SPEAKER — Order! I ask the minister to address his remarks to the Chair. I do not think the last remark was addressed to the Chair. Perhaps it should have been!

Mr COOPER — The Chair has all of the intelligence, Sir; and certainly a heck of a lot more than the Leader of the Opposition! The Public Transport Corporation and Onelink consortium have a contract. This may not mean much to the opposition because its performance in government shows that opposition members have little intelligence when it comes to contracts. However, the government has a contract and it will be worked through.

Mr Batchelor interjected.

Mr COOPER — Could you keep quiet for a moment! As the Premier said last night, the honourable member for Thomastown should not even be here; he should be in gaol. The contract is going through the implementation process and that will continue until the government is satisfied, if it is, that Onelink cannot meet the requirements of that process. If Onelink cannot complete the implementation, we will close off the contract. We are not in that position right now, and we — not the opposition — will advise Parliament and the people of Victoria when we are in such a position.

Children: television inquiry

Mr THOMPSON (Sandringham) — Will the Premier advise the house whether the government intends to hold an inquiry into the impact of television on children?

Mr KENNETT (Premier) — The impact of television on the upbringing of children has long been an issue of public concern and comment. Television has now been in place in Australia since 1956, so it has had a life span of some 41 years. It is true for those of us who were born just prior to television coming to Australia and saw its introduction and impact, as well as that of video games and videos themselves, that children's upbringing has changed quite dramatically compared to the upbringing we experienced.

The government is worried about the impact of television only to the extent of deciding whether we as legislators and parents have enough information about the impact of this new ingredient in our lives. In trying to decide how best to go about it, we thought it might be appropriate for an all-party parliamentary committee — the Family and Community Development Committee — to try to do some investigation into the matter.

Mr Pandazopoulos interjected.

Mr KENNETT — That is a good illustration of how out of touch the opposition is with the way children are being brought up. There is no doubt that most parents in the community are concerned about the impact of television, partly because they just do not have sufficient information to enable them to make decisions that are based on what I would call professional or scientific fact.

Mr Baker — Make a ministerial statement, don't have a debate about it. Instead of wasting our time, make a ministerial statement.

Mr KENNETT — I have just started to answer the question and the honourable member for Sunshine says it is a waste of time and I should make a ministerial statement. Even though the Labor Party is not interested in it, this is a matter that I think the public will be interested in. We will propose that a set of terms of reference be established for the Family and Community Development Committee.

Earlier today I was asked how long we think the committee will take in its deliberations. I really do not know. I do not think it is right to put a time frame of six months or nine months on this work. In view of the need first of all to collate all the information that exists in this country and elsewhere in the world, reach some conclusions and make some recommendations, it might take longer than that. Members on the government side of the house believe it will be valuable work for a parliamentary committee to do. It will be done on a bipartisan basis. This ingredient in our lives has impacted on the way people talk to each other in a family environment, the way they read and the way they communicate generally.

The recommendation will go before the Governor in Council next Tuesday, and I trust that members of the all-party parliamentary committee will take this work very seriously, as all members would, and I look forward to their reporting back to Parliament when they have completed their investigations.

The honourable member for Dandenong asks which committee will be involved. As I said, it is the Family and Community Development Committee. I believe it is the appropriate body to examine the issue, and I think Parliament will be very interested in the results of its deliberations.

Public transport: automatic ticketing

Mr BRUMBY (Leader of the Opposition) — I refer the Minister for Transport to his statement in today's *Herald Sun* newspaper that:

Perhaps with 20/20 hindsight we may have tackled things in another way and not signed a contract for a system that had not been trialled anywhere else in the world.

Given this extraordinary admission of failure, whom does the minister hold responsible for this

\$330-million fiasco? Is it the Premier, is it the Treasurer, or is it the former transport minister, who is now comfortably ensconced in the Agent-General's office in London?

Mr COOPER (Minister for Transport) — There is no \$330-million fiasco, as the Leader of the Opposition suggests. The government and the taxpayers of this state have not put a single cent into the Onelink consortium project. As I have advised the house on many occasions before and continue to do, the taxpayers of this state have been protected by this contract. The contract has an implementation stage, which, when reached by the consortium, will trigger payments from the government. However, up to this stage the implementation process has been continuing, and not one cent of taxpayers' money has gone into the system.

Therefore, the allegation that the Leader of the Opposition implies as fact is wrong, as is so much that he brings into this place. The reality is that there is no \$330-million fiasco so far as the state government and Victorian taxpayers are concerned. I would say that certainly nothing like that amount would have been invested by Onelink in the roll-out of the equipment so far.

Portland smelter: contract

Mr TRAYNOR (Ballarat East) — Will the Treasurer inform the house of the benefit to the state resulting from the agreement reached today to supply supplementary power to the Portland smelter?

Mr STOCKDALE (Treasurer) — The question enables me to advise the house of further good news on the negotiations that have been taking place between various parties in the electricity industry, the government and the participants in the Portland smelter. Today the government has signed an agreement that will provide some flexibility over the next five years but is directed principally at securing a supplementary power supply of the order of 100 megawatts for the aluminium smelter. The contract will run over the next five years, but the parties will continue to have discussions on access to supplementary power beyond that time.

This contract stands in sharp contrast to that which the former Labor government entered into in the early 1980s. It does not involve a sale at a subsidised price by the taxpayers of Victoria. Indeed, it involves a contract between the SECV and the Portland smelter participants on the one hand and a contract

with an electricity company to supply the power at market prices on the other. The terms of the contract mean that the taxpayers have no possible downside from the arrangement. It is a straight pass-through arrangement that sees the smelter preserved as a contract customer in the Victorian market, but it also contains a number of features that have significant value for Victorian taxpayers.

Depending on the future price of aluminium and the rate of production at the smelter, there is a significant opportunity for a clawback of some of the losses on the base contract. We believe that at worst the taxpayer will benefit to the tune of about \$13 million and, dependent upon the performance of the aluminium markets around the world and of this smelter, could benefit by as much as \$18.5 million per annum.

The net present value of the contract to the taxpayers of Victoria is expected to be of the order of \$110 million. It is based, as I said, on current electricity market prices. In effect it claws back some of the losses which already exceed \$1.2 billion from the arrangement entered into by the previous government.

It is expected that under this contract participants other than Alcoa in the smelter project will reactivate capacity that has been idle since 1994 under an industry agreement. I emphasise that in the short term it does not necessarily mean that Alcoa will reactivate production in respect of its 45 per cent of production; that is a decision which Alcoa will quite properly make for itself in the light of market circumstances around the world and the place of this smelter project in that arrangement. The contract provides flexibility for Alcoa to make decisions about further participation in the market.

The contract will have no downsides whatever for the Victorian taxpayer — all the risks are balanced off by the hedging arrangement — but taxpayers could benefit substantially not only through the importance of the exports from the smelter adding significantly to Victoria's export performance, but also in direct financial terms as this arrangement offsets some of the losses under the former Labor government contract.

All this is very good news for everybody as well as adding an estimated \$45 million to the value of Aluvic, the Victorian government's and taxpayers' share in the smelter. The government's longstanding policy has been that when market circumstances are propitious it will move to privatise its interest in the

smelter, so this is an extremely good outcome for Victorian taxpayers.

I would like to congratulate the Energy Projects Division of the Treasury for negotiating this arrangement, and everybody else involved. It is unqualified good news for Victoria, for the smelter project participants and particularly for the taxpayers.

Mildura: financial management

Mr SAVAGE (Mildura) — I ask the Minister for Planning and Local Government to explain to the house why he failed to promptly investigate serious financial mismanagement allegations about the commissioners and the chief executive officer of the Mildura Rural City Council made to his office in January 1997.

Mr MACLELLAN (Minister for Planning and Local Government) — The honourable member would be aware that a board of inquiry has been appointed to investigate the matters that he refers to. The honourable member asks why no inquiries were held earlier: I have to say that the request from the Rural City of Mildura to investigate the matter was made to me last week.

TAFE: commonwealth funding

Ms McCALL (Frankston) — Will the Minister for Tertiary Education and Training advise the house of the consequences to Victoria of the commonwealth's decision to either withdraw or hold back its funding for vocational education and training?

Mr Baker — There is no training!

Mr HONEYWOOD (Minister for Tertiary Education and Training) — It is good to see that Mount Vesuvius has woken up! Some four weeks ago state and territory training ministers met in Adelaide to discuss concerns about both the style and the substance of the handling by Dr Kemp, the federal Minister for Schools, Vocational Education and Training, of his portfolio at national level. At the end of that meeting the ministers issued a communiqué stating that the commonwealth was not making a generous offer — as it had purported to be doing — to the states and territories.

To determine the nature of that offer it is necessary only to look for examples of facts. Over the past five years the commonwealth added \$70 million a year to its national funding for growth places in TAFE. That

is now gone. In addition, recently the commonwealth imposed a \$20 million a year efficiency dividend on all states and territories in terms of TAFE funding that was meant to benchmark the worst performing TAFE state against the best performing TAFE state — Victoria.

When it came to negotiating that efficiency dividend formula, Victoria had to wear a population share of the dividend — in other words, 25 per cent of the cut was imposed on Victoria. We were penalised for our efficiencies. In addition, Dr Kemp has unilaterally demanded that states and territories pay the full costs of an additional half a million TAFE students over the next five years. During 1997 only 1.3 million students were being taught in TAFE institutes nationally; therefore, Dr Kemp and the commonwealth are expecting the states and territories to pay the full costs for an additional 40 per cent of TAFE students when there is no estimation of whether the demand is there for that extra number.

In addition, the commonwealth youth allowance has been unilaterally announced — again, without consultation between the commonwealth and the states and territories. The allowance will require any young person who needs to access what used to be called the dole to enrol in a training program at a TAFE institute. Once more Dr Kemp is expecting states and territories to pay the full costs of the thousands of previously unemployed young people who will be taken off the unemployment list and enrolled in TAFE programs. Obviously the states and territories do not agree with the federal minister's view that his offer is a very generous funding package for the next five years.

The minister has also refused to meet with state and territory ministers to discuss and negotiate the terms of the offer, despite having told Neil Mitchell today on 3AW that he is more than happy to meet state and territory ministers. I will quote the words of David Kemp in a letter of 28 August:

I do not believe that it would be useful to meet with state and territory ministers to discuss the proposed draft agreement — —

In another letter dated 5 September he stated:

A meeting cannot, however, proceed on the basis that the commonwealth will change the terms of its funding offer.

On the one hand the minister expects Victoria and every other state to pick up the costs of commonwealth policy initiatives that have not been discussed with them, but on the other hand he refuses even to meet with the states and territories to negotiate the detail.

Public transport: automatic ticketing

Mr BATCHELOR (Thomastown) — I refer the Minister for Transport to his previous answers and to the Premier's statement on radio today that if the automatic ticketing system crashes, 'It will cost us nothing'. How does the minister reconcile that statement with the fact that the Onelink contract contains a specific clause that enables Onelink to recover damages for any matter arising out of the project, limited to the total of any costs, losses, expenses or damages reasonably incurred by Onelink other than loss of profit, and an additional amount of \$20 million by way of loss of profit?

Mr Ryan — On a point of order, Mr Speaker, the question clearly requests provision of a legal opinion and is out of order.

Honourable members interjecting.

The SPEAKER — Order! The question goes close to asking for a legal opinion, but I believe it asks for an interpretation of a contract from the minister's perspective.

Mr COOPER (Minister for Transport) — Yesterday I advised the house that the terms of the contract between the Public Transport Corporation and the Onelink consortium are commercially confidential. Despite the fact that the honourable member for Thomastown comes at this in various ways trying to get me to breach that commercial confidentiality, I am certainly not prepared to do so and I will not do so. However, the comment that it is not going to cost the taxpayers of Victoria a single cent is the truth. The fact is that not one single cent of taxpayers' — —

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Williamstown to withdraw that unparliamentary statement.

Mr Bracks — I withdraw.

Mr COOPER — Not a single cent of taxpayers' money is going into the system because the contract

does not call for any contribution by the Victorian government, by the Public Transport Corporation or by any other part of the public sector into the Onelink system until it signs off on the implementation phase. At this stage not a single cent of taxpayers' money has gone into the system, and not a cent will go in until the government initially signs off on phase 1.

I know the truth is a problem for the opposition — opposition members would not know it if it leapt out of their Weeties bowls — but at some stage or another it is going to have to accept the fact that what it is getting from the government with regard to answers on this is the truth.

Koori Open Door Education

Mr MAUGHAN (Rodney) — Will the Minister for Education inform the house of progress in locating the third Koori Open Door Education (KODE) campus?

Mr GUDE (Minister for Education) — There is more good news for Victorians. The government has made a determination to open a further KODE campus in Mildura, and I am announcing that today. It is very good news for the Koori community in the Mildura district.

I place on record the government's appreciation to both the school community and the local community for the way in which they have committed themselves and worked very hard to ensure that the development of this campus will take place in an effective and efficient way. The campus will be based at the TAFE college as a campus of the Chaffey Secondary College and will draw on students throughout the district. I particularly recognise the direct involvement and hard work of my colleagues in another place the Honourable Barry Bishop and the Honourable Ron Best, who have worked assiduously with the community to bring this about.

The government will be committing some \$600 000 to bring about the development of this campus, which will open in 1998, and I have no doubt that the Koori Open Door Education project in Mildura will achieve all of the fantastic results we have seen at other colleges.

I have been to campuses at both Glenroy and Morwell. It is exciting to go on to those campuses and see the thrill, involvement and commitment of both the teachers and youngsters in the schools. The

youngsters light up when they get into these colleges, where they have the opportunity of taking full advantage of information technology. It is very exciting to see these youngsters committing themselves and gaining a greater edge in education through the KODE proposition.

I pay particular tribute to the Victorian Aboriginal Education Association. The association has worked with the Aboriginal communities, the Department of Education, school communities and the broader district communities to ensure that these programs have special relevance to the Koori community, and that the Koori community is able to build on its culture and heritage in a way that enhances and broadens the depth of knowledge and involvement.

It is a very exciting project, and the support we have had from the Mildura area is also very exciting. I look forward to the opportunity of announcing at a future time a further KODE campus in this state.

PAPER

Laid on table by Clerk:

Aluminium Smelters of Victoria Pty Ltd (Aluvic) — Report for the year 1996-97.

VETERINARY PRACTICE BILL

Second reading

Debate resumed from 16 September; motion of Mr GUDE (Minister for Education); and Mr BRUMBY'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 there has been appropriate consultation with veterinary surgeons, the farming sector and the community as to who can perform acts of veterinary surgery or medicine and as to what provisions should regulate the ownership of veterinary practices'.

Ms DAVIES (Gippsland West) — I request some caution, a rethink and further amendments to the bill. In his second-reading speech the Minister for Agriculture and Resources claimed that the initiatives had the support of the profession. However, they very clearly did not have that support, and they very clearly still do not have it. I have received letters on the matter from all over my electorate — from Koo Wee Rup, Koonwarra, Cowes, Drouin, Newhaven, Wonthaggi and Tarwin;

and perhaps as a warning to the honourable member for Narracan, I have had letters from Warragul. I have had also letters from the electorate of the honourable member for Gippsland South.

Veterinarians have told me of two main objections they have to the bill. The first is that the bill will not restrict people who do not have veterinary training from treating animals — that is, that those people will not be subject to registration and supervision. The second objection is the opening up of ownership of veterinary practices. As the second-reading speech states, the bill removes the current restrictions on such ownership.

The Australian Veterinary Association has suggested a very simple amendment to get over the first problem. The association has suggested an amendment to clause 57 to add an additional clause providing that a person must not engage in veterinary practice unless that person is registered under the proposed legislation. I am not sure why the government has not included the AVA's suggested amendment in the legislation.

Mr McArthur — You haven't been listening to the debate.

Ms DAVIES — The circulated amendments go some way towards correcting the first problem, which the veterinarians were abused for airing.

The circulated amendments will add a proposed section to the bill, which suggests the government has hastily reconsidered its position. Perhaps the government should further consider its stance and consult those who will be affected by the legislation. The circulated amendments do nothing to allay fears about opening up the ownership of veterinary practices. The amendments do not address the objections —

Mr McArthur interjected.

Ms DAVIES — I am just about to discuss that. Why is the government proposing to open up the ownership of veterinary practices?

Mr Kilgour interjected.

Ms DAVIES — Don't be so bad mannered.

The SPEAKER — Order! The honourable member should be able to make her contribution without interruption.

Ms DAVIES — In every rural town veterinary services are operated as sound businesses. Veterinarians travel many kilometres at all hours of the day, often in extraordinarily inclement weather. They provide an excellent service. They always adopt a caring and professional attitude to their jobs, and they have the utmost respect of their communities. That is not to say that farmers, including me, do not find the vet's bills a pain in the neck. However, we know that when we have the need, we can call the service provider — that is, the vet. We regard the veterinarian practices in our towns as small businesses. They play an important role in our community and are a valuable community asset.

Who will benefit from the changes to be made by the government to veterinarian practices? The answer is people in big business. This is another example of the government's standard procedure. It does everything it can to encourage big business at the expense of small, well-run and valuable community assets — that is, our small businesses.

I refer to a letter from a constituent living in Drouin outlining his concern about the bill. He states he is:

... particularly concerned about the risk of veterinary drugs contaminating our livestock products.

Veterinarians have been working with producers to reduce the livestock industry's reliance on chemicals, and a major change in perception is currently taking place in the farming community. Reducing chemical residues will benefit all Victorians through increased demand for Victorian products on international markets.

If there is to be a vertical integration of veterinary businesses, which means they will be owned by chemical producers and feed producers, the tendency to reduce reliance on chemicals will be put at risk.

I also draw the attention of the house to the AVA's concerns about the opening up of veterinary practices to big business, the operators of which will not necessarily be prepared to go out and treat animals at all hours of the day and night. They will take the easy jobs and leave the few veterinarians who remain in private practice to do the hard jobs. Consequently, the community will suffer. The AVA states:

This move is a prescription for the interest of the animal (and its owner) to be taken over by vested interests countering the very ethics under which

veterinarians practise and conduct their businesses. Under the bill, feed, pharmaceutical and rural supply businesses could all own veterinary practices enabling them to develop horizontal marketing strategies and mislead animal owners into using unnecessary services, medication and expenses. Immature or inexperienced veterinary practitioners could be employed by these businesses who would not be in a position to withstand a direction to 'push' pharmaceutical products without restraint and without concern for industry standards such as chemical residue levels and antibiotic resistance.

... The benefits of the potential enhancement in competition are vastly outweighed by the concerns for public health and safety which are not adequately addressed by the proposed legislation.

I remind the house that in his second-reading speech the Minister for Agriculture and Resources clearly states that he has veterinarians' support for the bill. Perhaps the minister should read his dictionary and reconsider his definition of 'support'!

I am pleased the government has listened to the community and is now prepared to amend its bill, although I am always suspicious when the wording of amendments appears to be more complicated than necessary. However, given that the government circulated the amendments only last Tuesday, the minister should further discuss the bill with the industry and other interested people before it is passed.

The government should get some sort of agreement from the profession on the proposed legislation. The veterinarians I know are not radicals or normally predisposed to arguing with the government: they are the sort of people the government should closely work with. They are professionals who are concerned about their industry and their communities. They are particularly concerned about the effects this legislation could have on animals and on the farmers with whom veterinarians work.

I ask the government to hold the bill over until further discussions can be held. The bill should not be passed until further negotiations can take place. I support the reasoned amendment moved by the opposition.

Mr TREASURE (Gippsland East) — I support this important piece of legislation. It follows government policy, which is aligned with the competition policy of the Council of Australian Governments. The bill is a step in the right direction

because it brings the veterinary profession into line with other professions, which have headed in the same direction by redefining their rules and regulations. Doctors, chiropractors, nurses and osteopaths are only a few of the professional groups that have accepted change to allow their practices to be now owned by non-practitioners. We certainly have not heard complaints from the public or those professionals about those changes.

The honourable member for Gippsland West is attempting to create mischief by suggesting that the legislation will lead to doom and gloom for veterinarians or that it will create problems for the public and the animals treated by vets.

The bill does not attempt to change or alter veterinary practices; indeed, it does not specify or define such practices. However, it establishes the Veterinary Practitioners Registration Board of Victoria, which, unlike the old board, will be representative of not only the veterinary profession but also the public, so that pet owners, animal lovers in general and farmers will be better served. The community as a whole will be much better off as a result of the bill.

The bill does not require the compulsory registration of veterinary surgeons because such activities are controlled by a number of other acts. As with other professions, there is sufficient control without specifying the activities of a veterinary practitioner. The board will monitor and investigate registered veterinary surgeons. It will also have the power to register veterinary surgeons so as to control its membership.

The bill does not attempt to cover drug use, because that is covered by the Drugs, Poisons and Controlled Substances Act. The bill ensures that only registered vets can administer sedatives, anaesthetics, antibiotics and controlled substances. Such a control method has proven adequate to prevent indiscriminate drug use.

Victoria's livestock producers and primary product exporters are concerned to ensure that chemical residues do not appear in their exports — everyone recognises the economic implications and the potential loss of export markets. This sensitive issue was examined in detail while the legislation was under consideration. It is ridiculous to claim that the bill is being rushed through the house at short notice when the second-reading speech was made during the autumn sittings and the bill has since lain over to

allow adequate time for those concerned to have an input — something that has certainly taken place.

That process has resulted in the formulation of good legislation that will lead Victoria well into the next century. The existing legislation covering veterinary practices is 40 years old and out of touch with modern thinking and policy. The need for change is obvious.

Under the bill only registered vets will be able to conduct the full range of services normally carried out by vets. People who falsely advertise or portray themselves as in some way being qualified when they are not will leave themselves open to heavy penalties. The registration board will have adequate powers to control such fraudulent claims.

As I said, separate ownership has been possible in the medical profession for some time without causing problems, and it will not cause problems with the veterinary profession. An owner who is not qualified will not be able to carry out veterinary activities or surgery or administer restricted drugs. That can be done only by a registered veterinary practitioner, regardless of who owns the practice, and that will continue to be the case. It would be wrong to suggest that an owner, as an employer, might pressure or force an employed vet to carry out practices that are not in line with the normal professional standard. That has not proven to be the case with doctors, nurses, osteopaths or chiropractors, and there is no reason why it should with veterinarians.

The bill introduces, for the first time, welcome competition. Although some vets may have expressed concern, the majority are happy with the bill. Only yesterday a vet contacted me saying, 'Now that you are going to derestrict ownership of veterinary practices, my wife can become a partner with me in the practice. That will be of great benefit to us because it will allow us to split our income, whereas before it was much more complex and difficult'. It must be remembered that only a registered practitioner can dispense and use restricted drugs. It would be wrong to suggest that that would change under this bill. That will continue to be the case when the bill is enacted.

Victorian primary producers are conscious of the need to maintain quality controls. Victoria is dependent on its export markets, but the controls in this and various other pieces of legislation give the state an excellent system. The registered practitioner who is employed by a non-veterinary owner of a

veterinary practice is ultimately responsible. That person has the say as to what drugs are dispensed and the treatments given. Whoever is registered as a veterinary practitioner with the veterinary board has the final say and is responsible for such activities. It would be entirely wrong to suggest that an owner might carry out some of those activities. To do so would breach the act and the owner would leave himself or herself open to heavy penalties.

The Australian Quarantine and Inspection Service, AQIS, is responsible for properly enforcing the standards of export products for both live animals and animal products. AQIS employs its own veterinarians whose job it is to ensure that such exports are of good quality and disease free. Meat exports are subjected to a similar process, and there will be no change.

The bill will ensure that only registered vets can practise, conduct surgery or dispense drugs. That will ensure that we maintain a high standard of practice throughout the state. The bill will allow competition Victoria has not yet seen with veterinary practices so the general public — the pet owner, the animal owner, the farmer; whoever it might be — will have a better range of choices and, therefore, a better standard of care. Everyone will be better off because of the bill, and I commend it to the house.

Mr LANGDON (Ivanhoe) — I support the opposition's reasoned amendment. Honourable members opposite have said that because the bill has lain on the table for four months the time for consultation has been adequate. However, the amendments were circulated at 4.30 on Tuesday afternoon, which is not four months notice or consultation. The amendments appear to be a knee-jerk reaction to the opposition that has come from veterinary surgeons and others.

I note the comment of the Leader of the Opposition that when the veterinary associations met with the government's bills committee only one government member turned up. That shows how the government sees the bill and is typical of its attitude to consultation. Clearly, there has been a lack of consultation on the bill, even though it has been four months —

Honourable members interjecting.

Mr LANGDON — I will ignore the interjections, as all members should! I refer to some letters I have received from my constituents. A letter from

Mr John D. Walton from the Ivanhoe Veterinary Clinic probably best sums up the general feeling about the bill:

When I qualified as a veterinary surgeon after five years of study in 1966 I became a member of a profession which gave me certain rights and certain obligations. I had become a member of a profession that was controlled by a code of ethics, which made me far more accountable to the general public than those people who were not veterinary surgeons. They were accountable to the laws of the land, I was accountable to the laws of the land plus a set of rules and regulations beyond those laws. I readily accepted this additional code of conduct, as I was being given the opportunity to practise in an area which involved enormous trust both on behalf of the owner and also the animal. The general laws of the land do not provide adequate protection for the unaware public nor the creatures that we treat.

It would seem to me that any dilution of these principles is retrograde. Any law that allows unqualified practise of veterinary surgery medicine or preventive surgery will reduce the quality of veterinary care available. If Victoria wants to be seen as a backward state —

I emphasise that —

that allows unqualified veterinary practice, we can only be judged globally as backward in our thinking and this in my opinion will have devastating effects on our standing in the areas of food and livestock production on the world scene. The results of this will have far-reaching effects on our export potential of meat products. Also there are serious implications in the area of public health, particularly in the area of zootonic diseases.

In the area of animal veterinary care, our profession offers a number of services: from relatively reasonably priced in the areas of RSPCA and other welfare societies, through a range of private practices working in competition with each other, which keeps prices competitive. There are a number of specialists working privately and through the university and there are the government veterinary services. The public have choice and importantly they have many services of high and controllable standards working in healthy competition with each other.

It is vital that the regulation of veterinary practice is in the hands of veterinary-trained personnel, who understand the veterinary world, its obligations, its

rights and its commitment to standards at a professional level.

He basically urges me to oppose the bill, which I am now doing. Mr Walton says in his letter that he completed his studies in 1966, so he has given over 31 years of service. A veterinarian of such standing would know what he is talking about. The last-minute amendments do not address all the concerns mentioned in Mr Walton's letter. The government will try to convince me and other people that they do and that it has listened and learned; but this government rarely listens and rarely learns from its mistakes.

Although I have received various letters, that was probably the most in-depth one. I will read from a fax sent by Mr Barron of Heidelberg:

I am considerably disturbed by what appear to be problems with the bill which it is proposed to be introduced in the spring session of Parliament. My concern is that unless very carefully prepared, there will be scope for unqualified people to treat animals.

It is essential that only properly qualified people with veterinary qualifications from recognised institutions are permitted to carry out surgery or medical procedures on animals.

I do not accept Minister McNamara's statement that the Australian Veterinary Association is conducting a scare campaign or engaging in deceitful practices.

The welfare of animals is a matter that must rise above the level of politics and I demand that the wording of any bill be strong enough to permit supervision of both the qualifications and the ethical behaviour of those people who provide treatment to animals.

Clearly, the message I and many other honourable members are getting is that people with experience in the service are very concerned about the bill. The reasoned amendment seeks to have the bill deferred to allow for further consultation with the surgeons, the farming sector and the community as to who can perform acts of veterinary surgery or medicine.

That is one of the issues that constituents have brought to the attention of my electorate officers, so there is considerable concern out there. As the Leader of the Opposition said, those last-minute amendments have gone only some of the way. A day and a half's notice cannot be considered appropriate consultation. I commend the reasoned amendment to the house.

Mr A. F. PLOWMAN (Benambra) — One of the most chilling things that has ever happened to me occurred when I went out early on a cold, frosty morning to see an animal dribbling at the mouth — —

An Honourable Member — Chilling!

Mr A. F. PLOWMAN — It was chilling, I can tell you, to see one animal dead, and then another and then, over the rise, another four or five, all on their backs with their feet sticking up in the air. At such a time you know you need a veterinary practitioner, someone who has the skill to advise you about whether what you have on your hands is the outbreak of an exotic disease, a case of mismanagement that you can do something about or something that results from natural causes.

Another vivid experience involved finding a little Jack Russell dog, a pet of our children, quivering and on the point of death after being bitten by a brown snake he had just killed. As the owner of that pet, I had faith that a veterinary practitioner had the skill to bring him back to life. Every owner of a pet has the same faith in the members of the veterinary profession.

I also recall a dog you may remember, Mr Speaker, which got dragged under a car and lost almost all of one leg as a result. The advice of most people was that the dog should be put down, but it was taken to the school of veterinary science at Werribee, and the people there resurrected him. You may remember that three-legged dog as one of the most outstanding sheepdogs I have ever owned. It was interesting yesterday to listen to the honourable member for Sunshine talk about the dogs of his acquaintance. All sorts of names were mentioned, including Tripod. I wondered whether, when he was talking about Tripod, he knew about my dog, because it was quite extraordinary. It was another case of veterinary science at its best supplying the whole community with a service it relies on.

One of the things said by the honourable member for Sunshine was, 'Animals can't make a choice'. The honourable member for Gippsland West made a rather inane statement when she said, 'Animals can't talk back'. I wish that were the case with the honourable member for Gippsland West! Although, as the honourable member for Sunshine said, animals cannot make choices, as owners we can do so on their behalf. It is through those choices that we do the right thing by the animals under our control, whether they be pets or part of an agricultural

pursuit. Taking the responsibility for animals and the decisions that must be made about them relies on an ability to use the veterinary profession to good advantage.

The veterinary professional provides the first line of defence against outbreaks of exotic or zoonotic diseases. We have had ample instances of outbreaks of those sorts of diseases, particularly the devastating outbreak of anthrax in the Goulburn Valley earlier this year. I was appalled by the suggestion by the Leader of the Opposition that that anthrax outbreak was handled ineptly. He said those involved were slow to diagnose and control it because of the changes made by the government. Either he does not know what he is talking about or he does not understand how serious that outbreak was and the enormous responsibility placed on the veterinary surgeons, farmers and industry people to control it. Perhaps he is in some way suggesting that the government is responsible for it.

What he revealed quite clearly was that such an outbreak can occur without warning. It is vital we have people with the skills and training of registered veterinary surgeons to diagnose an outbreak or any likelihood of an outbreak as early as possible.

The Leader of the Opposition quoted a letter from Dr Michael Harrison in which he states:

The diagnosis of anthrax in greyhounds was the actual first recognition of anthrax during a previous outbreak of anthrax at Tatura.

He meant that, irrespective of the changes the government is proposing to make, it is damned hard to diagnose an outbreak of anthrax and vital that we have responsible people with the skills to do it.

I have always relied on the veterinary profession and I have always been in an industry that is almost totally reliant on the skills of the veterinary profession to ensure that the livestock industry's reputation throughout the world is second to none.

There are a number of issues. It is essential that the veterinary profession is maintained at its current high level and that the respect we have for the profession is maintained. It is necessary to introduce competition into the livestock industry because it is going through great change. I have never seen the livestock industry — except for dairying — in a greater state of change than it is at present. It is being forced into change and it needs the veterinary profession to go with it. Efficiencies and a change of

administration must be made, and that is what the bill does. The bill provides for change. It allows competition to come into the veterinary profession, which will benefit all the people involved. It is important that we ensure that farmers have free access to conduct normal farming practices and husbandry. Again the bill provides an opportunity to ensure that those farming practices will not be restricted — in fact, they will be safeguarded. The other important matter is the need to safeguard the livestock industry from chemical residues. During the past 12 months the industry has suffered problems because of chemical residues in livestock resulting from feeding with hay contaminated by cotton trash that had been sprayed. We have seen the problems caused by Johne's disease and anthrax. Diseases such as these adversely affect export industries, so it is essential that our standards are not watered down under the legislation.

Despite the rhetoric of the Leader of the Opposition, who said all those things will happen — I will come to what he said in a moment — the bill, and the first amendment I foreshadow will be moved during the committee stage, will encompass the Prevention of Cruelty to Animals Act, the Drugs, Poisons and Controlled Substances Act and the Livestock Disease Control Act, which will indicate clearly the continued responsibility of registered veterinary surgeons. Clause 57 states:

A person who is not a registered veterinary practitioner must not ...

And the amendment adds:

... carry out any act that is required to be carried out by a registered veterinary practitioner by or under an Act.

The Prevention of Cruelty to Animals Act clearly states:

This Act does not apply to —

... any act or practice with respect to the farming, transport, sale or killing of any farm animal which is carried out in accordance with the Code of Practice —

I will come back to the code of practice because it clearly identifies those areas that are the domain of a registered veterinary surgeon and those areas that can be carried out by a person who is not a veterinarian, such as a farmer, or anybody else who purports to have skills in treating animals.

The other provision in the Prevention of Cruelty to Animals Act that is important deals with how a code of practice can be changed. It states:

The minister may with the approval of the Governor in Council prepare, vary or revoke Codes of Practice ... specifying procedures of husbandry or management of any animal or class of animals ...

The act clearly identifies the area of responsibility of a registered veterinary surgeon and those practices that can be conducted by farmers or non-veterinary surgeons. The other act that is supported by the bill is the Drugs, Poisons and Controlled Substances Act. Section 13(1)(a) clearly states:

Persons authorised to have possession etc. of poisons or controlled substances

(1) Subject to this Act and the regulations —

- (a) any registered medical practitioner, pharmacist, veterinary surgeon or dentist is hereby authorised to obtain and to have in his possession and to use, sell or supply any poison or controlled substance or drug of dependence in the lawful practice of his profession as a registered medical practitioner ...

That clearly says, without question, that those restricted drugs are solely the responsibility of a registered veterinary practitioner and that nobody else in the animal world has responsibility for them. Irrespective of the suggestions made by the Leader of the Opposition, there is no doubt that the administration and handling of those drugs is totally the responsibility of registered veterinary practitioners. Subsection (2) states:

Sub-section (1) shall not be construed as authorising a registered medical practitioner, veterinary surgeon or dentist to sell or supply any poison or controlled substance ... or drug of dependence by retail in an open shop unless he is licensed under this act to do so.

There has been a lot of conjecture about the misuse of drugs by the owner of a veterinary practice who is not a registered veterinarian. However, the act clearly says that no matter who owns the veterinary practice, those drugs cannot be dispensed or sold openly unless the premises is registered for that purpose. The Leader of the Opposition suggested that if the owner employed a part-time vet who bought a heap of controlled drugs and substances for the practice but later left, those drugs could find their way onto the black market.

Does that sound logical to you, Mr Acting Speaker, when you know that to obtain and hold those drugs the owner must have a registered premises and that if in the conduct of his business he does not safeguard the control, distribution and sale of those drugs he stands to lose his registration? I think it is a furphy. There will be no less control in future than there is now. That concern has been registered purely to scare the market into believing that only veterinary practitioners should own such businesses. I will take up one other point made by the Leader of the Opposition. He belittled vets going into practices owned by non-veterinarians, saying:

I am sure many of the larger practices that will arise will have direct links to pharmaceutical companies —

and that could well be the case.

In many cases they will employ young vets —

I repeat, young vets —

who will be pushed by the operators of the larger clinics to prescribe medication and drugs that are not crucial but may boost the profitability of other companies in the vertical or horizontal structure.

That impugns the reputation of young vets. Is the Leader of the Opposition suggesting that because young vets are employed in those practices they are more likely to sell their souls and their reputations and lose their registration?

I know many young vets just out of veterinary schools who have the highest ethical standards and who regard the practice of veterinary medicine as one of the most important things they could do in their lives. Why would they risk losing their registration and their reputations? The Leader of the Opposition also suggested that young vets will not have the stamina or the guts to stand up to any pressure that is put on them. I cannot see that it will make any difference whether the practices they work in are owned by registered vets or non-registered vets. Those people have a reputation to maintain as veterinary surgeons.

I return to the codes of practice. The important thing is that under the Prevention of Cruelty to Animals Act there is a wad of codes stipulating what can and cannot happen to animals. I will demonstrate the sorts of things that define what can or cannot happen when registered vets or livestock handlers or farmers are required to conduct operations on livestock by referring to one or two of those codes of

practice. In relation to the deer industry, the codes of practice state:

Removal of velvet antlers should be the responsibility of a registered veterinary surgeon ...

However, hard antlers can be removed by a non-registered vet, provided there is a minimum of discomfort to the animal. In relation to the beef industry, the codes of practice state:

Castration by knife without local or general anaesthetic should be confined to calves under 6–8 months of age ...

That means the normal practice of calf marking is quite legitimate. However:

Bulls over 6–8 months should be castrated using appropriate anaesthetic. Castration of mature bulls should preferably be performed by a veterinarian ...

All the codes of practice clearly uphold the role of the registered vet — despite the discomfort the honourable member for Sunshine is feeling at the moment! The main opposition to the bill is based on the concern that the registered vets of this country will be restricted in what they can do and that non-registered vets will have open slather. Clearly, that is not the case. I will refer to one further code of practice:

Horses of any age should not be castrated without the use of an appropriate anaesthetic ...

That means the operation must be performed by a registered vet.

Surgical procedures should be performed and anaesthesia given only by, or under the direct supervision of, a registered veterinary surgeon.

It is important to note that all these factors safeguard the industry and the future of registered veterinary surgeons and create the opportunity for farmers and non-veterinarians to play their part in animal management. Two days ago the Leader of the Opposition said he was prepared to be judged on his comments about the effect of the bill on the industry. He said:

... if the legislation is passed the outcome will be not more competition but less competition — and I am prepared to be tested on that in Parliament in one or two years time.

If he is still the leader, he should have added. He went on to say:

I have no doubt that the legislation will put at risk hundreds of millions of dollars of Victorian exports. In its current form the bill has the potential to destroy Victoria's meat export reputation.

I conclude by saying that I believe the bill will not change the reputation of the veterinary profession. I believe it will remain competitive and continue to provide good advice about and competent diagnoses of not only our farm animals but our domestic animals. I believe the profession will retain its great reputation, which has safeguarded the integrity of the livestock industry in this country.

Mr SAVAGE (Mildura) — I oppose the Veterinary Practice Bill. The Australian Veterinarians Association, which has 1100 Victorian members, is a responsible body and it is opposed to the proposed changes. It is significant that competition has reared its ugly head again — it is a god we promote and believe in with vigour, to the detriment of many industries.

Now those suffering are veterinary surgeons, who are the custodians of the welfare of animals. They have committed many hours over years of their lives to study to ensure that the welfare of animals is maintained to the highest of standards. Veterinary science is a difficult course to get into and is on a par with professions such as medicine. It is also a difficult profession in which to achieve success. People who are involved first-hand with animals should be considered when the issue of the deregulation of their profession is being debated.

I assume the proposed amendments will provide safeguards to ensure that unqualified veterinarians are not allowed to practise. Competition can open up a Pandora's box. For example, drug companies that own veterinary practices may have a vested interest in promoting certain drugs. Unqualified people should not be allowed to administer schedule 4 or schedule 8 drugs as stipulated under the Drugs, Poisons and Controlled Substances Act. I support the reasoned amendment because many areas of concern have been raised. Consultation should take place to determine those issues causing concern.

The proposed amendments open the door to the establishment of businesses driven by profits and not the care of animals, which is a poor way to deal with a complex problem. The recognition of unusual

and exotic diseases will be threatened by deregulation. Australia's multimillion dollar meat industry will be threatened if the profession is deregulated. I totally oppose the deregulation provisions of the bill.

Mr MAUGHAN (Rodney) — I support the bill. I preface my remarks by indicating my high regard for the veterinary profession. During my working life I have had a lot of experience with members of the profession and I hold them in high regard. I have a number of close friends who are veterinarians. I admire them for their skills, their professionalism and their dedication.

I have received considerable correspondence, some of which I have with me, from individual veterinarians, from the Australian Veterinary Association and from the Veterinary Board of Victoria. I can speak from personal experience, having been a farmer most of my working life and having had close cooperation from people in the veterinary profession. I pay tribute to their professionalism, particularly to the service they provide after hours. They are called out at all hours of the night to help animals with difficult calving or with other problems.

One might ask why the proposed legislation has been introduced. As previous speakers have indicated, the Veterinary Surgeons Act 1959 is almost 40 years old, and in line with many other acts it should be reviewed in the normal course of events. The demands of the national competition policy are another compelling reason why the act should be reviewed. I remind honourable members that all Australian governments of all political persuasions have agreed to the national competition policy. It is not an initiative of this government but of various state and federal governments, which have seen the wisdom of the policy. A number of professions have been reviewed, and the veterinary profession is no different from physiotherapy, chiropractic, podiatry and medicine. The review is in order and necessary.

Another question that might be asked is what is the purpose of the proposed legislation? The government's intention in preparing the legislation is to bring the rules governing the veterinary profession into line with the conduct of other professions. As I have already indicated, other professions have been reviewed or are under review. Medical, osteopathic or chiropractic standards have not declined because practitioners are not registered or practices may be owned by non-practitioners. The principal act stipulates the compulsory registration

of veterinarians but does not define what activities constitute veterinary practice. It is a grey area, but nothing of substance is being changed.

The definition of a veterinary practice as a practice of veterinary surgeons and veterinary medicine does not change the activities of the veterinarian or the nature of veterinary services. Essentially the legislation is about the registration of veterinarians. It establishes the Veterinary Practitioners Registration Board and allows non-veterinarians to own practices, as has been discussed by honourable members. Suffice it to say, there are two schools of thought. I accept the arguments of both sides. My judgment is that allowing non-veterinarians to buy veterinary practices will not lead to a decline in the standard of veterinarians because, as honourable members have said, maintaining the standard is dependent on the ethics of the individual veterinarian who is prescribing the drugs, which is what occurs now. I have no doubt rogue veterinarians are practising under the provisions of the principal act, and undoubtedly there will be some in the future.

The proposed legislation offers greater opportunity for competition and takes into account the needs of the consumers — that is, members of the farming community — who have a vested interest in the provision of veterinary services.

The correspondence I have received centres on two issues: firstly, the failure to regulate veterinary practices; and secondly, the ownership of practices. Veterinary practices are controlled very well by a raft of legislation that is already in place. For example, livestock diseases are controlled under commonwealth legislation in relation to AQIS and by the Livestock Disease Control Act. Cruelty to animals is dealt with in the Prevention of Cruelty to Animals Act and its code of practice, and the honourable member for Benambra gave some examples from that code. The use of drugs and controlled substances is strictly controlled under the Drugs, Poisons and Controlled Substances Act 1981. It ensures that only registered veterinarians can legally administer drugs such as sedatives, anaesthetics and antibiotics to animals. Those issues have been dealt with in the legislation.

I comment briefly on the unprincipled scare campaign run by the Australian Veterinary Association, which has done its profession a great deal of harm. It has been running the line that unqualified veterinarians will be able to carry out a range of veterinary practices. That is simply not true.

If the association is referring to practices such as testing cows for pregnancy, I suggest that an experienced artificial insemination operator is better able than a veterinarian to carry out such tests. It is up to the market to decide, and in this case that is the primary producer.

The honourable member for Melbourne suggested that there had been a lack of consultation. I disagree. The legislation was introduced some four months ago, so there has been plenty of time for consultation. The correspondence each one of us has received indicates that the veterinary profession is well aware of what has been proposed. There has been extensive consultation with the AVA and others.

In conclusion, much has been said of veterinarians, but consumers, who are represented by the United Dairyfarmers of Victoria and the Victorian Farmers Federation, also have a role, too. I have received a letter from the president of the VFF Pastoral Group, Bill Whitehead, and the president of the UDV, Max Fehring. I do not intend to read the letter in full. In essence, it indicates that the UDV and VFF represent a wide range of farmers who are satisfied with the existing legislation.

I offer my full support for the initiative of the minister in introducing the bill and wish it a speedy passage.

Mrs MADDIGAN (Essendon) — I lend my support to the reasoned amendment to the Veterinary Practice Bill moved by the Leader of the Opposition. We have heard much rhetoric from government members today. I have read the amendment into the record again because I do not think government members have understood the full complexity of its meaning:

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 there has been appropriate consultation with veterinary surgeons, the farming sector and the community as to who can perform acts of veterinary surgery or medicine and as to what provisions should regulate the ownership of veterinary practices'.

Those matters have not been addressed by the government in its proposed amendments to the bill. The honourable member for Rodney has just spoken at length about what he claims is a scurrilous campaign by the Australian Veterinary Association. I do not think it is unreasonable for a professional

body to try to make parliamentarians aware of the professional standards it has upheld for many years. It is a sign of innocence that the honourable members for Rodney and Benambra have suggested that that attempt is scurrilous and that they have assumed that all those who are not qualified veterinarians but who in the future will be running large practices will do so at the same level as veterinary scientists. They do not and will not have the same professional background or boards behind them.

If honourable members consider other circumstances where largely untrained operators have been allowed to operate in other areas, they will find that often the results are different from the ones the government claims it is trying to achieve by the introduction of the bill. It seems to me that the government has a problem with the national competition policy. It seems to take the line that the only way to have competition is by downgrading professional standards. However, professional standards can be maintained at the same time as competition takes place. It is unfortunate that the government seems to have taken the easy way out by suggesting that if practices are opened up to anyone the requirements of the national competition policy will have been met. Most people would say that is a nonsense.

We heard the honourable member for Rodney speak of taking consumers into account, but when he spoke about consumers he seemed to restrict his comments entirely to the agricultural sector. Many honourable members representing city seats have received strong representations from pet owners and small animal owners who have expressed a range of concerns about the effects of the proposed changes.

One veterinarian rang me about her practice, which is in an area with a high non-English-speaking population. Her veterinary practice is opposite the practices of a doctor and a dentist. People who do not speak English often come into her practice by mistake. It will be difficult for people who do not have good literacy skills to determine the difference between qualified veterinary scientists and other people running veterinary practices. A concern is the level of service that might be offered by people who do not have professional qualifications and professional standards to which they must adhere.

The ownership of veterinary practices is a major problem which has been totally ignored by the government. Although the honourable member for Benambra might not like to admit it, unscrupulous

people are operating in the area. As the Leader of the Opposition has said, there is every opportunity for drugs to be dispensed in inappropriate ways.

I have heard some people compare veterinary practice with that of doctors and pharmacists, but pharmacists cannot give out drugs without prescriptions. Veterinarians are in a different situation. A problem arises because if an unqualified veterinarian or even a number of unqualified veterinarians are running a practice with a vet, they can buy bulk drugs. When the veterinarian is no longer there, who will track what happens to the drugs? Does the veterinarian, when he walks out the door, take the storeroom of drugs with him? What provisions in the legislation cover that situation? The answer is none at all.

Mr Maughan interjected.

Mrs MADDIGAN — The honourable member for Rodney says that is not an issue because those people are responsible. Again that is self-regulation, and we have seen how effective that has been in many other areas. To suggest that all those who will benefit from the bill are pillars of society is to live in a dream world. The honourable member for Rodney might like to think everybody is honest and sincere, but that is not how society operates. Consumers need to be protected from shonky operators in this area as in others.

One wonders how far the government will take the national competition policy. Who will be next to get the chop? Will it be pharmacists, doctors or dentists? Will anybody who sells medical equipment be able to start a medical practice and operate on people under the national competition policy? The extension of the position the government seems to be taking in introducing the bill raises concerns about its appreciation of the education people undergo before taking on complicated jobs with serious consequences.

I found it strange to hear a government member suggest that one of the reasons the bill was a good idea was that it would enable an unqualified veterinarian to join in partnership with his qualified wife so they could split their income tax. That might be nice, but I hardly think that is the purpose of the bill. One wonders at the motivation of some people in considering the proposed measure as simply some sort of tax break.

The opposition has moved a reasoned amendment. It is hardly fair for the government to suggest that

adequate consultation has taken place when, as other members have pointed out, extensive amendments were circulated only on Tuesday afternoon. The government's claim that there has been adequate consultation makes it clear it has misunderstood the meaning of consultation. Certainly, the response the government has received from many people both inside and outside veterinary practices is that they are totally unhappy with many of the provisions of the bill, but that has been totally ignored by the government.

The Labor Party does not oppose the updating of bills; it is happy to look at any bills. The parent act of the Veterinary Practice Bill is 40 years old, but that does not mean it should be changed in a way that disadvantages the community at large. The bill should be withheld until some of the serious issues raised by a large number of opposition members are addressed. I endorse wholeheartedly the reasoned amendment moved by the Leader of the Opposition.

Mr McNAMARA (Minister for Agriculture and Resources) — In responding to members who have spoken in the debate on the Veterinary Practice Bill, I point out that the bill has been subject to one of the most irresponsible and mischievous campaigns of misrepresentation I can remember. The Australian Veterinary Association has certainly damaged its professional credibility in the community and has created unnecessary anxieties among owners of domestic animals. It has potentially harmed the very export industries and rural producers it should be serving.

I shall read to the house the views publicly expressed by the Victorian Farmers Federation and the United Dairyfarmers of Victoria on 15 September on the campaign by vets who have jeopardised the reputation of Victoria's rural production with their self-interested campaign. The letter states:

The president of the pastoral group of the VFF, Bill Whitehead, and the president of the UDV, Max Fehring, have rejected allegations made recently that the government's proposed amendments to the Veterinary Practice Act 1997 (Vic) will jeopardise both Victoria's reputation as a supplier of clean food and the welfare of producers' livestock.

The letter also makes the point:

All exports are controlled by a series of Export Control (Orders) Regulations. These regulations specifically define that a veterinary officer, in the case of live exports, for example, has regard to the general

condition of the animal and any disease from which the animal suffers.

Combined with regulations for other listed offences, the legislation certainly provides more than adequate control. We had first-hand experience of that with the recent outbreak of anthrax. When that occurred a number of Australian-based diplomatic representatives and trade officials whose countries are our competitors on the international meat production market made negative comments about Victorian meat production. Within hours those comments were faxed to our markets in Korea, Japan, Thailand, Malaysia, Singapore and so on. I have no doubt that the stupid comments made by the Leader of the Opposition will be bandied around by our trade competitors. The people who will suffer as a result are the Victorian farmers. Clearly, the Leader of the Opposition has swallowed hook, line and sinker the comments made by the AVA, which were completely irresponsible.

Let me assure rural producers that the high standards that protect our international trading reputation remain unchanged by this legislation, which deals only with the registration of vets. There is also no change in the way legitimate animal husbandry techniques are defined through the codes of practice and under the Prevention of Cruelty to Animals Act.

Anyone who believes what the Australian Veterinary Association has said in this case, as apparently the Leader of the Opposition does, would also imagine that the government is about to abandon all controls on the practice of veterinary medicine and to virtually force the people of Victoria into the hands of quacks and charlatans.

The main purpose of the bill is to put in place a strong framework of enforcement and accountability to ensure that the veterinary profession is properly regulated through the Veterinary Practitioners Registration Board. Members of the existing board met with me only last Friday to assure me that they are happy with the improved processes to ensure proper professional behaviour by vets.

I am pleased to inform the house that the meeting with board members was both amicable and productive, unlike the hysterical campaign their professional colleagues have whipped up. The 1958 act has not provided the board with the tools it needs to investigate and enforce compliance with appropriate standards of professional behaviour. In the committee stage I will propose amendments that

will respond to the concerns raised in a responsible manner by the board.

I will give an example to illustrate the hysteria of the AVA campaign. At first we had the AVA claiming that Victoria would be flooded by veterinary drugs handed out by almost anyone, with antibiotic residues in stock, steroids available to every school football team, half the people of Victoria struck down by salmonella and domestic animals being operated on by any quack. When those claims were shown to be false, because the ability to supply and use drugs remains, as always, limited to doctors, dentists, vets and pharmacists in the lawful practice of their professions, the AVA made the absurd claim that a registered vet might dispense a drug, such as an anaesthetic, then step aside for an unqualified person to carry out an operation. If any vet in Victoria behaved as irresponsibly as that, under this legislation we would have the power to disbar that vet from ever practising in this state again.

We will ensure that the board has representation from owners of animals, be they companion animals or farm animals. One-third of the board will represent the community, which will ensure there is a good balance and representation on community issues.

Some speakers have suggested that the government is late in responding to these issues. The bill was introduced during the last sessional period and has been available to the public for about four months. We received the first response from the AVA raising issues of concern only two weeks ago. At no time prior to that did it raise issues or complain about the extent of consultation prior to the bill being introduced. The government has responded promptly and introduced amendments at the earliest opportunity.

I remind opposition members that when they were in government the normal procedure for the introduction of amendments was not to introduce them at the start of debate — we were lucky to get them if we went into the committee stage! In this case the opposition has had two days to examine the amendments. We have received a number of calls from veterinary practitioners in the field saying, 'What the hell is the AVA going on about? We actually want to ensure that we have the opportunity to bring our spouses into our businesses as partners'.

Obviously there are taxation advantages in splitting incomes between husband and wife, and these

people cannot for the life of them follow why the AVA is so averse to the measures that are already available to doctors, osteopaths, chiropractors and a range of other professionals. There certainly will be no opportunity, as has been claimed, for people who are not qualified as veterinarians to portray themselves as veterinarians. In fact, it will be an offence carrying a penalty of \$10 000 to do so. At the request of the board we are adding a further subsection (d) to toughen that up even further.

We have responded in detail to a range of issues in an effort to ensure that Victoria continues to have the best animal health services and maintain the high reputation it has earned in the past. I commend the way the board has carried out its role in the past and have no doubt it will continue to maintain its high standards.

I thank the Victorian Farmers Federation and the UDV for their sensible support on this issue. It is hard to fathom what is behind the issues raised by the AVA. Maybe it believes there is some monopoly position that should be maintained. If it is concerned about the misuse of drugs, maybe we should be looking at what is required of medical practitioners, which would mean that a veterinary surgeon would not be allowed to dispense drugs but would have to write a script to have the drugs dispensed by the pharmacist. I am prepared to examine that in the future if that is the concern.

Amendments are being made to toughen up advertising procedures in response to requests from the board. At the end of the day Victoria will continue to have a veterinary practice that we can not only be proud of but can display with pride to the world. I hope in future we will not have such irresponsible comments from the Leader of the Opposition because not only can they threaten the standard of our international trade but also they can threaten the farmers of Victoria.

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

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

Ayes, 53

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms (<i>Teller</i>)	Maughan, Mr
Clark, Mr	Naphthine, Dr
Coleman, Mr	Paterson, Mr

Cooper, Mr
Dean, Dr
Dixon, Mr
Doyle, Mr
Elder, Mr
Finn, Mr
Gude, Mr
Henderson, Mrs
Honeywood, Mr
Jasper, Mr
John, Mr
Kennett, Mr
Kilgour, Mr (*Teller*)
Lean, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McGill, Mrs
McGrath, Mr J.F.
McGrath, Mr W.D.
McLellan, Mr

Perrin, Mr
Perton, Mr
Pescott, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A.J.
Reynolds, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr E.R. (*Teller*)
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wade, Mrs
Wells, Mr

Noes, 26

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Cameron, Mr (*Teller*)
Campbell, Ms
Cole, Mr
Davies, Ms
Dollis, Mr
Garbutt, Ms
Haermeyer, Mr
Hulls, Mr

Kosky, Ms
Langdon, Mr (*Teller*)
Leighton, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs (*Teller*)
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Savage, Mr
Seitz, Mr
Sheehan, Mr
Wilson, Mrs

Amendment negatived.

The SPEAKER — Order! As a required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act, I am of the opinion that the second and third readings of the bill are required to be passed by an absolute majority.

Motion agreed to by absolute majority.**Read second time.****Circulated government amendments 1 to 7 as follows agreed to:**

1. Clause 57, line 13, after this line insert —
“; or

- (d) carry out any act that is required to be carried out by a registered veterinary practitioner by or under an Act.”.
2. Clause 59, line 8, omit “in or at a veterinary practice” and insert “in the course of undergoing a course of study or training approved by the Board that is”.
3. Clause 59, lines 13 and 14, omit “instruction or research” and insert “a course of study or training”.
4. Clause 70, line 27, omit “69” and insert “70”.
5. Clause 92, line 12, omit “93” and insert “94”.
6. Clause 92, line 24, omit “91” and insert “92”.

NEW CLAUSE

7. Insert the following New Clause to follow clause 58:

“AA. Advertising

- (1) A person must not advertise a veterinary practice or veterinary services in a manner which —
 - (a) is or is intended to be false, misleading or deceptive; or
 - (b) offers a discount, gift or other inducement to attract persons to a veterinary practitioner or veterinary practice unless the advertisement also sets out the terms and conditions of that offer; or
 - (c) refers to, uses or quotes from testimonials or purported testimonials; or
 - (d) unfavourably contrasts veterinary services provided by a veterinary practitioner or veterinary practice with services provided by another veterinary practitioner or veterinary practice.

Penalty: For a natural person, 50 penalty units.

Penalty: For a body corporate, 100 penalty units.

- (2) If a body corporate contravenes sub-section (1), any person who is concerned in or takes part in the management of that body corporate who was, in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the commission of the offence also commits an offence under sub-section (1) and is liable for the penalty applicable to a natural person for that offence.
- (3) A person who, in good faith, publishes or prints an advertisement which contravenes sub-section (1) on behalf of another person is not guilty of an offence under that sub-section.”.

INTRODUCTION AGENTS BILL

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ASSEMBLY

Thursday, 18 September 1997

Third reading

House divided on motion:

	<i>Ayes, 53</i>
Andrighetto, Mr	MacLellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms (<i>Teller</i>)	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Dean, Dr	Perton, Mr
Dixon, Mr	Pescott, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Finn, Mr	Plowman, Mr A.F.
Gude, Mr	Reynolds, Mr
Henderson, Mrs	Rowe, Mr
Honeywood, Mr	Ryan, Mr
Jasper, Mr	Shardey, Mrs
John, Mr	Smith, Mr E.R. (<i>Teller</i>)
Kennett, Mr	Smith, Mr I.W.
Kilgour, Mr (<i>Teller</i>)	Spry, Mr
Lean, Mr	Steggall, Mr
Leigh, Mr	Stockdale, Mr
Lupton, Mr	Tehan, Mrs
McArthur, Mr	Thompson, Mr
McCall, Ms	Traynor, Mr
McGill, Mrs	Treasure, Mr
McGrath, Mr J.F.	Wade, Mrs
McGrath, Mr W.D.	Wells, Mr
McLellan, Mr	

Noes, 26

Andrianopoulos, Mr	Kosky, Ms
Baker, Mr	Langdon, Mr (<i>Teller</i>)
Batchelor, Mr	Leighton, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Loney, Mr
Cameron, Mr (<i>Teller</i>)	Maddigan, Mrs (<i>Teller</i>)
Campbell, Ms	Micallef, Mr
Cole, Mr	Mildenhall, Mr
Davies, Ms	Pandazopoulos, Mr
Dollis, Mr	Savage, Mr
Garbutt, Ms	Seitz, Mr
Haermeyer, Mr	Sheehan, Mr
Hulls, Mr	Wilson, Mrs

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

INTRODUCTION AGENTS BILL

Second reading

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

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ASSOCIATIONS INCORPORATION (AMENDMENT) BILL

Second reading

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

Motion agreed to.

Read second time.

Circulated government amendments 1 to 34 as follows agreed to:

1. Clause 22, page 21, after line 13 insert —
“(5) An appeal must be lodged within 28 days after the notice of the direction is received by the incorporated association.”.
2. Clause 22, page 21, line 14, omit “(5)” and insert “(6)”.
3. Clause 25, page 30, after line 9 insert —
“(1) The Registrar may, by notice published in the Government Gazette, cancel the incorporation of an incorporated association which has been wound up or has commenced to be wound up.
(2) The cancellation of incorporation does not affect the winding up of the association.”.
4. Clause 25, page 30, line 10, omit “(1)” and insert “(3)”.
5. Clause 25, page 30, line 10, omit “an” and insert “any other”.
6. Clause 25, page 30, line 16, omit “(2)” and insert “(4)”.
7. Clause 25, page 30, line 16, omit “(1)” and insert “(3)”.
8. Clause 25, page 30, line 22, omit “(3)” and insert “(5)”.
9. Clause 25, page 30, line 23, omit “(1)” and insert “(3)”.
10. Clause 25, page 30, line 29, omit “(4)” and insert “(6)”.

11. Clause 25, page 30, line 31 before "incorporated" insert "the".
12. Clause 25, page 31, line 1, omit "(5)" and insert "(7)".
13. Clause 25, page 31, lines 7 to 33 and page 32, lines 1 to 3, omit all words and expressions on these lines.
14. Clause 25, page 32, line 4, omit "37" and insert "36F".
15. Clause 25, page 33, line 7 after "had" insert "been wound up or"
16. Clause 25, page 33, line 13, omit "(1)(iii) or (iv)" and insert "(1)(b)(iii)".
17. Clause 25, page 33, after line 22 insert —

"37. Reinstatement of cancelled association

 - (1) If the Registrar is satisfied that the incorporation of an incorporated association was cancelled as a result of an error on the part of the Registrar, the Registrar may reinstate the association as an incorporated association.
 - (2) If a person is aggrieved by the cancellation of the incorporation of an association, the Supreme Court, on an application made by the person at any time within 15 years after the cancellation, may if satisfied that it is just that the incorporation of the association be reinstated, order the Registrar to reinstate the incorporation of the association.
 - (3) The order may be subject to any directions and conditions the Supreme Court thinks fit (including directions in relation to the retransfer of property vested in the Registrar under section 36F).
 - (4) On the reinstatement of the incorporation of an association under this section, the incorporated association is to be taken to have continued in existence as if its incorporation had not been cancelled.
 - (5) On the reinstatement of the incorporated association under sub-section (1), any property which may have vested in the Registrar under section 36F is revested in the incorporated association."
18. Clause 26, page 36, lines 1 to 32 and page 37, lines 1 to 18, omit all words and expressions on these lines and insert —

"37E. Inspector's powers of entry

 - (1) An inspector may enter any place and may search for and seize any relevant documents or anything that the inspector believes on reasonable grounds to be connected with an offence against this Act that is found on or in the place, if the entry, search and seizure are made —
 - (a) with the consent of the occupier after the inspector has —
 - (i) informed the occupier of the purpose of the search; and
 - (ii) informed the occupier that anything seized during the search may be used in evidence in court; and
 - (iii) informed the occupier that the occupier may refuse to give consent to the entry and search; and
 - (iv) produced his or her identity card for inspection; or
 - (b) in accordance with a warrant issued under section 37F.
 - (2) If an occupier consents to an entry and search, the inspector who requested consent must ask the occupier to sign an acknowledgment in the prescribed form stating —
 - (a) that the occupier has been informed of the purpose of the search and that anything seized in the search may be used in evidence in court; and
 - (b) that the occupier has been informed that he or she may refuse to give consent to the entry and search; and
 - (c) that the occupier has consented to such an entry and search; and
 - (d) the date and time that the occupier consented.
 - (3) An occupier who signs an acknowledgment must be given a copy of the signed acknowledgment immediately.
 - (4) If, in any proceeding, an acknowledgment is not produced to the court, it must be presumed, until the contrary is proved, that the occupier did not consent to an entry and search.

37F. Search warrant

 - (1) An inspector may apply to a magistrate for the issue of a search warrant in relation to a particular place if —
 - (a) an incorporated association or person does not comply with a requirement of an inspector under section 37D within the time specified in the notice; or
 - (b) there are reasonable grounds for suspecting that there may be at that place any

document or thing that may be evidence of the commission of an offence against this Act or the regulations.

- (2) The magistrate may issue the search warrant if the magistrate is satisfied by the evidence on oath, whether oral or by affidavit, of an inspector that there are reasonable grounds for suspecting that there is or may be within the next 28 days, at that place —
 - (a) a relevant document; or
 - (b) a document or thing that may be evidence of the commission of an offence against this Act or the regulations,
- (3) A search warrant under this section authorises the inspector named in the warrant and any assistants the inspector considers necessary —
 - (a) to enter the place specified in the warrant, if necessary by force; and
 - (b) to search for and seize —
 - (i) a relevant document named or described in the warrant; or
 - (ii) a document or thing named or described in the warrant and which the inspector believes on reasonable grounds, to be connected with an offence.
- (4) A search warrant issued under this section must state —
 - (a) the purpose for which the search is required and the nature of the offence suspected; and
 - (b) any conditions to which the warrant is subject; and
 - (c) whether entry is authorised to be made at any time of the day or night or during stated hours of the day or night; and
 - (d) a day not being later than 28 days after the issue of the warrant, on which the warrant ceases to have effect.
- (5) A search warrant must be issued in accordance with the *Magistrates' Court Act 1989*.
- (6) Except as provided by this Act, the rules to be observed with respect to search warrants mentioned in the *Magistrates' Court Act 1989* extend and apply to warrants under this section.

37G. *Announcement before entry*

- (1) On executing a search warrant, the inspector executing the warrant must announce that he

or she is authorised by the warrant to enter the place and, if the inspector has been unable to obtain unforced entry, must give any person at the place an opportunity to allow entry to the place.

- (2) An inspector need not comply with sub-section (1) if he or she believes on reasonable grounds that immediate entry to the place is required to ensure the safety of any person or that the effective execution of the search warrant is not frustrated.

37H. *Details of warrant to be given to occupier*

If the occupier or another person who apparently represents the occupier is present at premises where a search warrant is being executed, the inspector must —

- (a) identify himself or herself to that person; and
- (b) give to the person a copy of the warrant.

37I. *Seizure of documents or things not mentioned in the warrant*

If, in the course of executing a search warrant, an inspector finds a document or thing that he or she believes on reasonable grounds to be —

- (a) connected with the offence, although not the document or thing named or described in the warrant; or
- (b) connected with another offence against this Act —

and the inspector believes, on reasonable grounds, that it is necessary to seize that document or thing in order to prevent its concealment, loss or destruction, the warrant is deemed to authorise the inspector to seize the document or thing.

37J. *Power of inspector to require information or documents*

An inspector who —

- (a) exercises a power of entry under this Part; and
- (b) produces his or her identity card for inspection by a person —

may, to the extent that it is reasonably necessary to determine compliance with this Act, require the person to give information to the inspector, orally or in writing, to produce documents to the inspector and to give reasonable assistance to the inspector.”.

19. Clause 26, page 37, line 19, omit "37G" and insert "37K".
20. Clause 26, page 37, lines 22 to 24, omit "found by an inspector on premises entered by the inspector or".
21. Clause 26, page 38, line 31, omit "37H" and insert "37L".
22. Clause 26, page 39, line 2, after "documents" insert "or to give reasonable assistance to the inspector".
23. Clause 26, page 39, line 19, omit "37I" and insert "37M".
24. Clause 26, page 39, line 27, omit "37J" and insert "37N".
25. Clause 26, page 39, line 30, omit "37E" and insert "37J".
26. Clause 26, page 41, line 1, omit "37K" and insert "37O".
27. Clause 26, page 41, line 11, omit "37L" and insert "37P".
28. Clause 26, page 41, line 16, omit "37M" and insert "37Q".
29. Clause 26, page 41, line 17, before "An inspector" insert "(1)".
30. Clause 26, page 41, lines 23 and 24, omit all words and expressions on these lines and insert —
 "(b) as permitted by sub-section (2); or".
31. Clause 26, page 41, after line 29 insert —
 "(2) An inspector may disclose information acquired in the course of an investigation —
 (a) to a member of the police force, if the inspector reasonably suspects that an offence has been committed; or
 (b) to a court or tribunal; or
 (c) to a person appointed as the liquidator of the incorporated association.".
32. Clause 30, line 6, omit "(ec)" and insert "(c)".
33. Clause 35, omit this clause.
34. Clause 36, after line 4 insert —
 "() In the Schedule to the Principal Act in item 14 for "books and documents" substitute "relevant documents".

Remaining stages

Passed remaining stages.

MELBOURNE AND OLYMPIC PARKS (AMENDMENT) BILL

Second reading

Debate resumed from 17 September; motion of Mr REYNOLDS (Minister for Sport).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE BILL

Second reading

Debate resumed from 17 September; motion of Mr GUDE (Minister for Education); and Mr BRACK'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 superannuation, redeployment and redundancy matters for existing public sector CoINVEST staff are resolved'.

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

Ayes, 53

Andrighetto, Mr	McNamara, Mr
Ashley, Mr	Maughan, Mr
Burke, Ms (Teller)	Napthine, Dr
Clark, Mr	Paterson, Mr
Coleman, Mr	Perrin, Mr
Cooper, Mr	Perton, Mr
Davies, Ms	Pescott, Mr
Dean, Dr	Peulich, Mrs
Dixon, Mr	Phillips, Mr
Doyle, Mr	Plowman, Mr A.F.
Elder, Mr	Reynolds, Mr
Finn, Mr	Rowe, Mr
Gude, Mr	Ryan, Mr
Henderson, Mrs	Savage, Mr
Jasper, Mr	Shardey, Mrs
John, Mr	Smith, Mr E.R. (Teller)
Kilgour, Mr (Teller)	Smith, Mr I.W.
Lean, Mr	Spry, Mr
Leigh, Mr	Steggall, Mr
Lupton, Mr	Stockdale, Mr

ADJOURNMENT

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ASSEMBLY

Thursday, 18 September 1997

McArthur, Mr	Tehan, Mrs
McCall, Ms	Thompson, Mr
McGill, Mrs	Traynor, Mr
McGrath, Mr J.F.	Treasure, Mr
McGrath, Mr W.D.	Wade, Mrs
McLellan, Mr	Wells, Mr
MacLellan, Mr	

Noes, 23

Andrianopoulos, Mr	Kosky, Ms
Baker, Mr	Langdon, Mr (<i>Teller</i>)
Batchelor, Mr	Leighton, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Loney, Mr
Cameron, Mr (<i>Teller</i>)	Maddigan, Mrs (<i>Teller</i>)
Campbell, Ms	Micallef, Mr
Cole, Mr	Mildenhall, Mr
Dollis, Mr	Pandazopoulos, Mr
Garbutt, Ms	Seitz, Mr
Haermeyer, Mr	Wilson, Mrs
Hulls, Mr	

Amendment negatived.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr GUDE (Minister for Education).

ADJOURNMENT

Mr GUDE (Minister for Education) — I move:

That the house do now adjourn.

Parliamentary Secretary for Planning and Local Government

Mr BRUMBY (Leader of the Opposition) — I raise a matter for the attention of the Premier that goes to the heart of good government in Victoria. As the Premier will recall, on 3 July 1997 Mr Justice Vincent found that the Supreme Court of Victoria did not have the jurisdiction to determine whether the seat of the honourable member for Koonung Province in another place, Mr Bruce Atkinson, was vacant as a result of an alleged breach of section 55 of the Constitution Act. As a result of that decision questions that have been raised about his qualification to sit in Parliament remain unresolved.

At the time the Premier said he would consider Mr Justice Vincent's comments and take advice on them. I refer to newspaper articles of the time. As reported in the *Herald Sun*, when asked whether he would take advice in relation to the judgments the Premier said:

I certainly will. He's a judge that I have a high regard for.

Now that more than two months have passed I ask what advice the Premier has received on the matter and whether he will give Victorians the guarantee that he will heed the advice of Mr Justice Vincent and ensure that the question of the qualification of the honourable member for Koonung Province, Mr Atkinson, to sit in Parliament is referred to an independent body — namely, the Court of Disputed Returns — in accordance with section 300 of The Constitution Act Amendment Act. In his judgment Mr Justice Vincent concluded:

... it is, to put it mildly, unfortunate that the entitlement of a member of the legislature of this state to sit and vote on matters of great public importance cannot be determined through some independent and impartial process, and may ultimately depend upon the balance of political power within the house itself.

I also refer the Premier to his own comments in this house in 1986 on another alleged breach of section 55 of the Constitution Act when he said:

The matter should be resolved in the proper place — through the Court of Disputed Returns ... the question has arisen and it can be decided only through the court.

That was his position then and it ought to be his position now. Questions have been raised about the qualification of a member of the government to sit in the Legislative Council, and questions like that can be resolved only by reference to the Court of Disputed Returns. I therefore ask whether the Premier will now apply the same standards to the Honourable Bruce Atkinson as he demanded of the government in 1986 when he was Leader of the Opposition. Will he now ensure that these matters — the conflict of interest, the contracts with local government, the offers of profit under the Crown — are referred, as they ought to be, to the Supreme Court under section 300 of The Constitution Act Amendment Act sitting as a Court of Disputed Returns so that, as Mr Justice Vincent said, these matters can be considered impartially and not by members of the member's own governing party.

Rail: Sunbury line

Mr FINN (Tullamarine) — I wish to ask the Minister for Transport about the prospect of later train services for Sunbury late at night during the week and also on the weekend. Apparently the last train from Melbourne to Sunbury leaves Spencer Street station at 9.40 p.m. every weeknight and on Saturdays as early as 6.55 p.m. Clearly this makes it very difficult for travellers who wish, for example, to go to a Friday night football game.

An opposition member interjected.

Mr FINN — The honourable member for Sunshine probably wouldn't remember. He thinks a train is something that you stop for at a level crossing.

To have to be on that last train at 9.40 p.m. makes it very difficult for travellers wanting to go to the football or the theatre in the city. For example, I am sure hundreds of people who want to go to the football at the MCG next Friday night will have to find other means of getting home because there is no train service to Sunbury after the game has concluded.

I do not wish to make it appear as if we are ungrateful for what the minister has done for public transport in the Sunbury area, because over the last few years there have been enormous improvements in the services. We also appreciate the great personal interest that the Minister for Transport has taken in the Sunbury area, as evidenced by the cinema complex that is planned for the Sunbury station and the level of cooperation between the PTC and local private industry.

We are not ungrateful at all, but perhaps an 11.30 train service every night of the week would solve the sorts of problems that I have outlined this afternoon. It would be very popular with the travelling public of Sunbury, and I am sure it would more than pay for itself. I ask the minister to consider the possibility of introducing such a service. His personal popularity is already very high in Sunbury, and it would grow if there were the possibility of an improvement to late-night train services for the Sunbury community.

Office of Housing: building contracts

Ms KOSKY (Altona) — I raise for the attention of the Minister for Housing the issue of nine building contracts that were awarded by the Office of

Housing to LCL and Associates for the building of 34 public housing units in 1995 and 1996.

On 20 November last year I raised with the minister the issue of the ability of LCL and Associates to complete the nine contracts. At that time I raised concerns about the subcontractors not being paid, despite statutory declarations made by the builder and given to the Office of Housing stating to the contrary. I also raised concerns about government requirements to register building projects with the Housing Guarantee Fund not being met and the risk to the public because of the dangerous nature of some of the sites. I sought advice from the minister as to what she intended to do. The minister responded in typical fashion. She accused me of being aggressive and stated that she had total confidence in the Office of Housing.

Subsequently I gained information through FOI about LCL and Associates. The company undertook four projects valued at \$1 million involving 22 units. The arrangement was finally cancelled by the Office of Housing to ensure completion of the projects. Subcontractors were not paid despite the builder's signing of statutory declarations to the contrary stating that such payments had been made. The tender prices accepted by the Office of Housing were well below the government's estimates of the cost of completion of the houses.

As early as 24 April 1996 recommendations were made to the Office of Housing that there were problems with the projects, and in July it was recommended that they should be cancelled, yet the minister's office did not act until 29 October. There are major concerns with the projects, yet despite the current state of public housing waiting lists the minister has not taken swift action. Action is required to ensure that payment is made to the subcontractors, and action must be taken against the builder for making false declarations.

I wish to know why the Office of Housing has not acted sooner, particularly given that it was advised to do so. I also wish to know why the Office of Housing did not ensure that the builder had adequate experience, cash flow and staff to fulfil the contracts. I seek urgent advice from the minister given that I raised the matter after the contracts had been cancelled and after her director had been well briefed.

I seek an urgent response so that it cannot be inferred that the Minister for Housing previously misled the house by not responding seriously to my

concerns and ensuring that the office was taking appropriate action.

Murray-Darling Basin

Mr JASPER (Murray Valley) — I refer the Minister for Agriculture and Resources to the management of water in the Murray-Darling Basin. The house will be aware that water is the lifeblood of the Australian economy. It will also be aware of the importance of the Murray-Darling Basin as the food bowl of Australia. Recently, a lot of work has been done to calculate and regulate the amount of water in the basin that is available for distribution. The Murray-Darling Basin Commission is investigating the imposition of a cap on the distribution of water to irrigators, town supplies and other users, and concern has been expressed about its implementation. Also, the Goulburn-Murray Water Authority is now updating its calculations on the amount of water available to Victoria from the Goulburn-Murray river system. Many people are concerned about how far water management and distribution controls should be extended.

A number of meetings about the issue have been held in northern Victoria. Authorities in irrigated and dry land areas are looking at what can be done to control water usage. The issue comes down to how individuals use water. People are concerned about how much water will be available for individual property owners and the supply charges that may be imposed.

I ask the minister to investigate the water distribution policies in that area so that any charges imposed on primary producers and others who utilise that key resource in both the Murray-Darling Basin and eastern Victoria are equitable.

Education: literacy funding

Mr MILDENHALL (Footscray) — I direct to the attention of the Minister for Education problems with literacy funding in the education system. Last Tuesday the minister accused the federal education minister, Dr Kemp, of hypocrisy in supporting the need for literacy programs while simultaneously cutting funding to the states. Just as the Victorian Minister for Education has raised closing schools to an art form, so has he raised hypocrisy in this place to new heights.

The minister is defunding the highly successful literacy program in Victorian schools. I understand 27 schools that are achieving spectacular literacy

levels in years 1, 2 and 3 must now do without their literacy coordinators because the minister has slashed more than \$900 000 from the programs for those schools. The minister has defied not only his front-line team of primary principals, who have called for an increase in funding for the literacy program in primary schools, but also the architect of the Schools of the Future program, Brian Caldwell, who has called for a 20 per cent increase in literacy funding for primary schools and a 20 per cent cut in class sizes. The minister is flying in the face of his front-line managers and his education policy advisers by pulling money out of schools where literacy programs have proved to be most effective.

I ask the minister to reinstate the funding and devise a strategy to implement the stages recommended in the draft report prepared by his education committee. He has sat on the draft report since last November; even the members of the committee have seen nothing of the final report. The minister needs to come clean: he should implement its objectives, which would enjoy the widespread support of the Victorian community.

Bushfires: prevention

Mr McARTHUR (Monbulk) — I raise for the attention of the Minister for Police and Emergency Services the fire danger across Victoria in the coming summer months — an issue I spoke about in the house yesterday during the grievance debate. I pointed out that proper fire management depended on a partnership between public and private landowners, professional and volunteer emergency services and state and local government. The preparations of the Department of Natural Resources and Environment and the Country Fire Authority for the coming fire season are six to eight weeks ahead of normal schedule for an average rainfall year.

Will the minister ensure that private landowners and local government play their part in preparing for the coming summer fire season? Given the need to prepare well in advance, will the minister ensure there is adequate publicity about the danger of the coming fire season, especially given the rainfall deficit across the dangerously, fire-sensitive areas, so that residents and business owners are well aware of the need to act now rather than wait until summer starts?

Mr Haermeyer interjected.

The DEPUTY SPEAKER — Order! The Chair has now heard the honourable member for Yan Yean say the same thing no fewer than five times. I ask him to remain silent.

Mr McARTHUR — Under the CFA Act local government is required to have an emergency management plan and to develop fire prevention strategies. Although most municipalities are heavily involved in that, will the minister examine the extent to which local government is developing its emergency program for the coming fire season to assure himself, the house and the state that local government is well prepared for the coming fire season? Will the minister do that in the interests not only of local government but also the people who live in the Dandenong Ranges?

Glen Eira: rate arrears

Mr COLE (Melbourne) — I raise a matter for the attention of the Minister for Planning and Local Government. Again, with trepidation, I ask the minister to intervene — something he does all too frequently — on behalf of a Mr Miodek, who is having some trouble with the City of Glen Eira. Mr Miodek used to live at 157 Balaclava Road. His wife, who is now deceased and from whom he was separated, became very sick and failed to pay the rates. Even though the property was in joint names, for some reason the council decided to send the rate notice only to Mrs Miodek, who at the time was in the Montefiori Homes and did not pay the rates.

Rate arrears are one issue. The problem is that the council is now hitting Mr Miodek for more than \$5000 in interest on those rate arrears. At the time he was not aware that the rates had not been paid, even though the property was in joint names, and the rate notices were not sent to him. Although he did cover some of the other debts, in this case he could not have been aware that his wife had not paid the rates.

I am concerned that the City of Glen Eira is reluctant to relinquish its claim for interest payment on the rate arrears. Although the city has grounds for claiming the rate arrears, the penalty of interest payment on the arrears should be discarded in this case because the person concerned can show that the rate arrears were no fault of his because of the substantial mitigating circumstances. It is of great concern to me that councils could be engaged in that activity. I do not think the concept of paying interest should be discarded. Councils are entitled to charge interest, but the mistake here was unfortunate.

I ask the minister to ensue that the City of Glen Eira does not insist on receiving that substantial sum of interest, which was incurred by a woman who was very ill and which accrued due to the unfortunate separation of a husband and wife.

Firearms: collection

Mr PHILLIPS (Eltham) — I raise a matter for the attention of the Minister for Police and Emergency Services in his role as the minister responsible for the recovery of prohibited firearms. Mr Deputy Speaker, as a representative of country Victoria you will know that, in line with national uniformity, the government recently introduced legislation to prohibit the ownership of certain categories of firearms, including semiautomatic rifles, shotguns and military-style guns. I now own a prohibited semiautomatic firearm, which I am required to hand in by the end of this month, as is everyone else in the community who owns a prohibited weapon.

I could apply for a licence for my weapon under the special exemption provisions, and believe I would qualify as I still own a property on which the rifle can be used. However, I have determined that if it is good enough for the majority of people in the community to hand in their weapons, I will do so as well — even though I feel some attachment to the rifle because it was given to me by my mother on my 21st birthday.

I went to hand in the firearm early last week. There was a notice on the window of the collection office saying that it was open on Wednesdays, Thursdays and Fridays — and it happened to be Tuesday. That was fair enough. However, while I was there I noticed a number of other people also wanting to hand in their weapons, given that there are only two weeks to go before the amnesty ends on 30 September. I went to hand in the firearm today, being one of the days the office is open —

Mr Haermeyer — On a point of order, Mr Deputy Speaker, I understand the purpose of the adjournment debate is to allow members to raise matters that are relevant to their constituencies or to the electorate generally. I am not sure whether it is appropriate for a member to be using the adjournment debate to make a complaint on his own behalf.

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

Mr PHILLIPS — It is not a complaint. A number of people have approached me as their member of Parliament to argue that the premises should be open five days a week to give them and other members of the community every opportunity in the short time left to hand in their firearms. They should not have to wait. I ask the minister to open those premises five days a week.

Serrano art exhibition

Mr BAKER (Sunshine) — I raise a matter for the attention of the Premier in his capacity as Minister for the Arts. I draw his attention to an extraordinary letter written on parliamentary letterhead on behalf of the Victorian Parliamentary Christian Fellowship under the name of the honourable member for Bulleen, who is the convenor of that organisation. It is entitled 'Blasphemous art exhibition' and encourages members of Parliament to write to Dr Timothy Potts, who is the director of the National Art Gallery of Victoria, to coerce him into shelving the forthcoming Serrano exhibition, which is due to open at the gallery in October.

The basis for the honourable member's objection on behalf of the Parliamentary Christian Fellowship is that the exhibition contains images of the crucifix that he believes are anti-Christian. Therefore he is asking members of Parliament to coalesce and to move in upon the National Gallery as arbiters of taste. I ask the Premier to deal with the honourable member by pointing out that, firstly, this Parliament is secular — that has to be so — and, secondly, it has no role as an arbiter of what is good taste in art.

The Premier should also point out to the honourable member that many of the great Italian artists who painted religious themes, such as Tiziano, Tintoretto, Caravaggio, Guttuso — or even Leonardo Da Vinci himself — were accused of being anti-Christian at various stages of their careers. Given that the Premier is so interested in Billich's artistic works, which we noted in the *Herald Sun* this week, and being so far at one end of the spectrum of artistic taste, he might be touched by my plea and deal with the honourable member for Bulleen in the manner he sees fit.

Boronia fire brigade

Mr LUPTON (Knox) — I direct to the attention of the Minister for Police and Emergency Services a matter that was drawn to my attention by volunteer members of the Boronia fire brigade regarding some of their equipment. They believe their funding

capacity has been reduced and they expressed concern about it.

The Boronia fire station is located on the western face of the Dandenong Ranges, next to the suburb of The Basin, which is one of the most fire-prone areas in the world. The volunteers expressed concern that their ability to carry out their function in the high fire season that is approaching — which was mentioned by the honourable member for Monbulk during the grievance debate yesterday — could be impaired because of a reduction in their pumping capacity. Because the first unit to go out if an accident or some other incident occurs in the area is the large pumper, they are concerned that the station could be left with a vehicle that does not have sufficient pumping capacity to take care of any immediate problems, in which case they would have to rely on brigades at The Basin, Ferntree Gully or Bayswater to come to their assistance.

Because of the approach of the high fire danger season they have expressed concern that their pumpers may not be able to handle the steep terrain on the western face of the ranges. The Boronia brigade has already been required to travel great distances — last year its members went as far as Healesville — and because their vehicles are not four-wheel drive they are concerned that their operations will be jeopardised to a great degree. They believe they will be used in a back-up capacity only to other rural brigades.

I ask the minister at his earliest convenience to visit the Boronia fire station, have discussions with the officers and obtain a briefing to see whether anything can be done to allay the fears of volunteers in relation to the pumping capacity and equipment available to the Boronia fire station.

The DEPUTY SPEAKER — Order! The honourable member for Ivanhoe has about 55 seconds.

Housing: demolition order

Mr LANGDON (Ivanhoe) — I direct to the urgent attention of the Minister for Housing a copy of a letter from the Pryor family of West Heidelberg regarding a property at 4 North Crescent. The property was firebombed on the night of 17 July and on 21 July the council placed a demolition order on it allowing 30 days to have the property demolished. To date nothing has happened. The department has been procrastinating, although the police believe there is risk because apparently further vandalism

has occurred. When the fire occurred the neighbouring house was damaged and the neighbour is concerned that nothing has been done in the several months since the house was firebombed. The reason the ministry has given for not taking action is that it was moving offices and the case file had been put in a box and could not be found. I ask the minister to check her department urgently to see whether she can find the file and to have the house demolished as a matter of urgency.

The DEPUTY SPEAKER — Order! Before calling the minister, I point out that the Chair is of the opinion that the issue raised by the honourable member for Sunshine is inadmissible. Irrespective of the views of members on both sides of Parliament, that sort of issue should be raised directly with the Premier, not during the adjournment debate. Therefore, it will not be accepted as an adjournment matter.

Mr Baker — On a point of order, Mr Deputy Speaker, although I respect your wisdom and your ruling, I make the point that the rules governing the adjournment debate require that the matters raised must relate to the administration of government. Correct me if I am wrong, but clearly this is a matter that relates to the administration of government. A member of the house is asking other members to use —

An honourable member interjected.

Mr Baker — Just listen. He is asking members — the Premier and the minister included — to use their positions to influence the director of the National Gallery of Victoria. He makes the point in the letter that the gallery is a taxpayer-funded institution — it therefore relates to the administration of government — and that we should get involved in telling the gallery whether it should or should not have an exhibition.

Therefore, I ask you to reconsider your decision and allow the matter I raised to go forward to the Premier through the Minister for Sport, because it is a matter of grave importance.

Mr Brumby — On the point of order, Mr Deputy Speaker, until the honourable member for Sunshine raised it tonight I was not aware of the matter. Having listened to the honourable member, I believe it is a legitimate matter of government administration and a legitimate matter of public policy. It concerns attempts by some members of Parliament to get other members to write to the

director of the National Gallery of Victoria to have a public exhibition at that gallery cancelled and removed.

The Premier is also the Minister for the Arts. As part of his portfolio duties he is responsible for the National Gallery, which this Parliament and the taxpayers of this state help fund. Although the issues it brings up may well be difficult, the honourable member for Sunshine was correct in raising the matter and asking the Minister for the Arts, the Premier of this state, to consider it and to pull the honourable member for Bulleen into line, as he put it, to ensure that the exhibition continues.

Mr Finn interjected.

Mr Brumby — I will not respond to the interjection! It would be totally inappropriate if the contents of open letters from some members of Parliament to other members concerning issues of public policy and public administration — the National Gallery of Victoria is a publicly funded institution — could not be raised in Parliament. The consequences that would flow from that would be unfortunate and unprecedented.

Although I defend the right of the honourable member for Bulleen and any other members to express a point of view and to distribute an open letter, I also vigorously and vehemently defend the right of the honourable member for Sunshine to raise this as a legitimate matter of public policy. It concerns the Premier's portfolio responsibilities because he is the Minister for the Arts, and one of the key issues any Minister for the Arts must face up to and confront is censorship.

As the honourable member for Sunshine said tonight, politicians should not be the arbiters of good taste or bad. The public ought to decide that, and the National Gallery should be able to put on the exhibitions it wants to, subject to the views of its board and its curator, Dr Timothy Potts.

Some people have strong views about this, which I respect. Others have equally strong and opposite views, which are that there should be no censorship whatsoever. Censorship in the arts having been raised, it would be ludicrous if, through your ruling, through another act of censorship, you, Sir, prevented a member of this Parliament raising what is clearly a matter of public administration and public policy, which is the holding of an exhibition at a publicly funded institution under the

administration of the Premier and Minister for the Arts — that is, the National Gallery of Victoria.

Mr Deputy Speaker, in asking you to reconsider your decision I am not asking you to take sides in this matter. It is essential for the free operation of the Parliament that members are allowed to raise matters of public policy regardless of their sensitivity. Censorship should not apply in this place.

Mr McArthur — On the point of order, Mr Deputy Speaker, your ruling was correct. There is no need for you to reconsider the matter. The Leader of the Opposition has advanced the reasons why your initial ruling is correct. The honourable member for Sunshine argues that it is a matter of public administration under the portfolio of the Premier, and he has asked the Premier to discipline a Liberal Party member of this Parliament. That is not the responsibility of the Premier. It may be an issue for Parliament, for the attention of the Speaker or for internal party discipline, but it is not a matter that comes under the administration of the Premier. The matter could have been taken up with the Premier or the honourable member for Bulleen directly, but it is not a matter that is properly raised during the adjournment debate.

The Leader of the Opposition and the honourable member for Sunshine said that these issues should not be censored, and neither they should, but they should not be raised during the adjournment debate, which has clear rules. Members may raise and seek administrative action on matters that relate to the portfolio responsibilities of ministers. The matter raised by the honourable member for Sunshine does not relate to the portfolio responsibilities of the Premier in his capacity as the Minister for the Arts.

The honourable member has asked the Premier to censor the actions of another member of Parliament, which has nothing to do with the administration of the arts portfolio or the National Gallery of Victoria. He has asked the Premier to intervene in the actions of a member of this place. Mr Deputy Speaker, your initial ruling is correct: this matter should be raised at another time and not during the adjournment debate.

The DEPUTY SPEAKER — Order! The Chair has listened intently to the comments made by the Leader of the Opposition and the honourable members for Sunshine and Monbulk. I am not prepared to review my decision at this time, but in the interest of fairness, given that the matter is on

the record, I shall take up the issue with the Speaker in chambers. If he does not agree with my analysis of the situation I will make the appropriate statement in Parliament.

The facts that led me to my decision have been encapsulated by the Leader of the Opposition in his address on the point of order. The Leader of the Opposition used the word 'censorship'. I understood him to be saying that an ordinary member of the Victorian Parliament was being censored because of the expression of a view on a particular issue and to be asking whether that person had the right to do that. I still hold the view that, irrespective of whether we agree with someone's view, each of us should fight to maintain the right to express that view. The basis of the matter raised on the adjournment by the honourable member for Sunshine was the removal of that right from a member of the chamber. That is why I have ruled as I have.

As I said in my preliminary remarks, in the interests of fairness I will undertake to raise the matter with the Speaker. The issue is on the table. If the Premier chooses as a matter of course to respond, that will be his decision, but I do not review the decision I made originally.

Mr Baker — On a further point of order, Mr Deputy Speaker, thank you for that explanation. I think I understand the logic of the position you put and I appreciate the offer you have made of allowing the matter to rest, but I will pick up the point made earlier by the honourable member for Monbulk.

I point out that when you read the transcript of what I said you will find I asked the Premier as the Minister for the Arts to make it clear to the honourable member for Bulleen that the Parliament is not the arbiter of taste in art. That does not indicate in any way that I was suggesting the Premier should say that he should not express a view that was opposed to these images. I do not find the prospect of seeing them particularly attractive, either.

Implicit in what I requested was that the minister himself would take no action and no notice of the action requested by the honourable member for Bulleen. The honourable member for Bulleen has asked members of the Parliament, including the minister, to direct or influence Dr Timothy Potts in the matter of whether the exhibition should proceed. As I said previously, it is clearly within the

boundaries of administration of government policy whether the Premier does that or talks to the honourable member for Bulleen about his suggesting that members of Parliament take this action, implicitly including the Premier and the Parliament. That is very much a matter for the administration of government.

I add one final point in looking at the question of whether it is within the administration of government. Clearly costs have already been incurred in the establishment of this exhibition. We all know how these things proceed. Such exhibitions are arranged 18 months to a year in advance. Moneys will have been expended; arrangements will have been made and the advertising will have been produced. So if this were to be called off there would be significant costs to the gallery, which would show up in its report to the Parliament and in the manner in which it manages its costs.

Mr E. R. Smith — On the further point of order raised by the honourable member for Sunshine, Mr Deputy Speaker, the house ought to be extraordinarily cautious in pursuing the line of argument put tonight on an issue as inflammatory as this. All honourable members would have learnt a lesson from Salman Rushdie —

The DEPUTY SPEAKER — Order! This is not an opportunity to debate the issue but an opportunity to raise a point of order.

Mr E. R. Smith — Mr Deputy Speaker, in fairness, you gave the honourable member for Sunshine 2 minutes to speak. I have been allowed only 15 seconds. I am cautioning the house that on an issue as inflammatory as this, noting the violence that followed the release of Salman Rushdie's poems, we ought to be extraordinarily careful of how far we go. The issue is inflammatory, particularly as some members have strong feelings on this. If we are not careful, the matter will receive undue publicity that it should otherwise not receive.

The DEPUTY SPEAKER — Order! I thank the honourable member for Glen Waverley for his counsel. I again say that I accept the comments made by the honourable member for Sunshine. My commitment stands to pursue the matter. I am human and may well have erred. I will read *Hansard* and discuss the matter with the Speaker. If I have erred I will be prepared to acknowledge that error.

Responses

Mr W. D. McGRATH (Minister for Police and Emergency Services) — The honourable member for Eltham raised the matter of firearm compensation centres remaining open for an extended period because of the number of people coming through in the past two or three weeks of the compensation and surrender period. I thank the honourable member for raising the matter. He visited the Heidelberg centre this morning and saw a large queue of people. The compensation period has only a fortnight to run and the honourable member has asked me to address the situation. I have been able to address it today and inform the house that Sunshine, Heidelberg and Dandenong centres, the three main suburban centres, will operate every day except Sunday until 30 September to assist people in their last-minute rush to bring in prohibited firearms for surrender and compensation.

I have decided to increase the hours at regional collection centres at Ballarat, Bendigo and Shepparton. They will open for an extra day on Wednesdays in addition to the normal days of Thursdays, Fridays and Saturdays. As well, the Sale centre will open on Wednesdays from 24 to 30 September inclusive. That will give many country people an opportunity to surrender their firearms. It is pleasing to see the number of people in Victoria surrendering prohibited firearms. I acknowledge their preparedness to abide by the new regulations, and I know it is disconcerting for some people to hand in prohibited semiautomatic and automatic firearms.

The government appreciates the fact that Victorians have complied with the direction of the Prime Minister, in agreement with all police ministers, following the unfortunate Port Arthur tragedy.

The honourable member for Knox raised the matter of the Country Fire Authority brigade in Boronia and its members' concern about the pumping capacity to fill tankers and other fire equipment in the event of a fire outbreak as well as the possibility of a new fire station being constructed. With the honourable member and the chairman of the CFA I will be visiting the honourable member's electorate next Thursday, when I will be happy to examine the matters he raised to ascertain what decisions can be made to ensure that full fire protection is available to the community of Boronia and, in particular, to the Knox electorate, which is well represented by the honourable member.

The honourable member for Monbulk also raised a matter involving fire prevention. I assure the honourable member there will be a series of meetings. Earlier this week the honourable member had a meeting with the Minister for Agriculture and Resources to discuss what is happening from a Crown land point of view. I also had a meeting with the Minister for Conservation and Land Management and her department, officers of my department, the CFA and the Department of Justice to ensure good coordination between those bodies, which will have responsibility for fire prevention and suppression during this summer period which, on all indications, will be a high fire-risk period. Outbreaks of fire due to abnormal weather conditions will be very difficult to control. We certainly do not want a repeat of the events of Ash Wednesday, which affected the lives of so many people.

The honourable member asked specifically about making sure municipalities have adequate fire prevention control. The legislative requirements provide for the Metropolitan Fire Brigade and the CFA to advise municipalities about fire prevention management programs. From the beginning of January 1998 local government will be required to enforce fire prevention and emergency management plans across all municipalities. The responsibilities under those plans are audited and coordinated by the State Emergency Service and all emergency service people will have a role to play.

Similarly, the government will implement fire prevention plans with municipalities, the CFA and other agencies to provide fire suppression support. That initiative will ensure that municipalities play their part in fire prevention in the forthcoming fire season and that in any circumstance we will be able to provide the best possible fire prevention and ensure that property and lives in this state are safeguarded. I thank the honourable member for Monbulk for raising with me such an important issue.

Mr McNAMARA (Minister for Agriculture and Resources) — The honourable member for Murray Valley raised the issue of water in northern Victoria, particularly as it affects people in the catchment and downstream irrigation areas. Concerns have arisen as a result of the decision to impose a cap on the volume of water taken out of the Murray-Darling Basin based on 1994 figures. Authorities such as Goulburn-Murray Water have raised questions about the control of any future dams proposed to be built in the catchment areas of north-east Victoria.

The matter is of concern to people living in northern Victoria and no such issue arises on the other side of the Great Divide in southern Victoria.

I have requested that a water consultative committee be set up in northern Victoria. I have also requested that the Victorian Farmers Federation nominate 10 members — 5 upper catchment farmers and 5 lower catchment farmers. I have asked an honourable member for North-Eastern Province in another place, the Honourable Bill Baxter, to act as independent chairman and to referee the discussions. Technical support will be provided by the Department of Natural Resources and Environment, and Goulburn-Valley Water will assist with the committee's discussions.

Matters that need to be addressed include the administration of the licensing system and the longstanding laws requiring farmers to get licences to divert water from waterways and ground water. The rules will need to provide a proper definition of a waterway and provide disincentives to the fencing off of waterways. I am confident that the consultative committee will be able to develop rules to facilitate irrigation development in the upper catchment areas and at the same time maintain Victoria's commitment to both the ministerial council served by the Murray-Darling Basin Commission and the decision to cap water diversions.

An honourable member interjected.

Mr McNAMARA — The issue raised by the opposition was about wine diversions. I should like to pass some order forms on to the opposition. If opposition members would like to contact me I am sure we could enter into a commercial arrangement!

In relation to this issue, Mr Baxter certainly has a hard task to resolve these issues, but I am sure that with goodwill on all sides we can come to an amicable resolution of this very important issue.

Mr GUDE (Minister for Education) — The honourable member for Footscray, in his usual fashion, has again got it wrong. The fact is that the program to which he referred is, as his own words in this house and in his press release indicate, a pilot program. His press release mentions that funding for 27 leading schools involved in an early literacy pilot program would end at the end of the year. It is quite clear that the honourable member does not know what a pilot program is, so for his information I point out that the Oxford dictionary defines it as

'preliminary, experimental and small in scale'. What we have is a three-year program where the schools signed an original agreement knowing there would not be funding in the third year. They know that. They know the pilot program is ending.

The government takes considerable pride in the achievement of the 27 schools that are part of the literacy program, unlike the opposition spokesman, who whines, carps, whinges and moans but does not have a policy or a strategy.

Mr Mildenhall interjected.

Mr GUDE — You funded it? I am pleased to hear that; so are we. Isn't that interesting? As a consequence of the work of the pilot program to date we have in place, for example, the Parents as Tutors program. That involves 27 000 mums and dads around Victoria working in the homes and schools and with the teachers as a direct result of the program.

Only a few weeks ago I had the privilege of launching an Early Years conference at the Melbourne Convention Centre. There were more than 2000 participants in the conference. Some 2600 wanted to be part of it, but unfortunately we could not fit them all in. The significance of that is that the Keys to Life resources kit, which is a joint venture with Longman Publishing, has been developed using many of the lessons of the pilot program.

Again, I thank the honourable member for Footscray for directing the community's attention to this valuable work carried out by teachers in 27 schools in association with the University of Melbourne. It has been initiated by the Kennett government and is a very valuable pilot program. We have been able to develop the program and put out the resources kit in our schools. Unlike this miserable little man from Footscray, I am actually in the position of having seen the benefits out in the schools. I have also had the privilege of having one of these kits in my home on a certain occasion.

My youngest son, who is living with me, said, 'Dad, what are you going to do with that kit? What is it all about?' and I started to explain the situation to him. He said, 'One of my mates is a single parent; he's a dad with two kids and one of the kids is having difficulty with reading. Could I have that kit and give it to my mate?'. I said to him, 'Son, I have a bit of a problem because it hasn't been released yet, but yes, you can have it'.

The nice thing that happened after that was that this parent took the kit along and gave it to the school, and it became part of the process. About five or six weeks ago I had a phone call from the parent of the young child who had a difficulty with literacy. He was almost crying on the phone in appreciation of the way the teachers had used the resource kit. For the first time this lad had been able to come home and impart knowledge of the report that had come to the family with respect to the boy's work and endeavours. That is a fantastic result. I put great credence in this early literacy program. The work of the schools is sensational.

It is a pity the Leader of the Opposition is not in the house today because I was in one of the schools in his electorate only a few days ago. It happens to be the school that won the team-teaching award with this very program, the early literacy program. It was interesting that when I went into the school the principal said, 'It is fantastic to see you, Minister. We have not seen a Labor member in this school for 10 years'.

I am not remotely surprised at that, because the Leader of the Opposition — the honourable member for Broadmeadows — doesn't live in his electorate, doesn't care about his constituents and doesn't go to his schools, so how would he know about the quality of performance that is taking place in those schools?

It happens to be one of the 27 schools that the honourable member for Footscray referred to earlier in the house and also in his press release, so I invite him to get the Leader of the Opposition to attend his schools and see the fine work that is going on there as a direct consequence of the early literacy program. The opposition has no policies, no costings and is going nowhere.

Dr NAPHTHINE (Minister for Youth and Community Services) — I will refer to the Premier the matter raised for his attention by the Leader of the Opposition, as I will the matters raised by the honourable members for Tullamarine and Altona for the attention of the Minister for Transport and the Minister for Housing respectively.

The honourable member for Melbourne raised a matter for the Minister for Planning and Local Government, and I will refer that to him as well as referring the matter raised by the member for Ivanhoe for the Minister for Housing. I will also refer to the Premier the *Hansard* report of the issue

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raised by the honourable member for Sunshine, and the Premier can respond to that matter if he wishes.

Motion agreed to.

**House adjourned 5.28 p.m. until Tuesday,
7 October.**