Tuesday, 1 September 1998

The ACTING SPEAKER (Hon. J. F. McGrath) took the chair at 2.05 p.m. and read the prayer.

ABSENCE OF SPEAKER

The ACTING SPEAKER — Order! I wish to advise the house that the Speaker is unwell and will not be in the chamber today. We hope he has a speedy recovery.

RESIGNATION OF MEMBER

The ACTING SPEAKER — Order! I wish to announce that on 8 July 1998, as Acting Speaker, I received the following letter of resignation from the honourable member for Northcote:

> Dear Mr Speaker,
>
> I write to advise of my resignation from Parliament as of 9.00 a.m. on Wednesday, 8 July 1998.
>
> In many ways this decision would have been easy to make in the aftermath of the 1992 defeat. I believed, however, it was important that some members of the Cain–Kirner governments remain to defend the vision, achievements and plain decency of those governments. Furthermore, I wished to contribute to the remaking of Labor's policy platform and believe the financial management, industry development and social justice document, 'The Victoria Charter', provides a substantial basis for this ongoing process.
>
> Since 1978 it has been my great privilege to serve the Australian Labor Party as candidate, adviser and member of Parliament. I have held the portfolios of Housing and Construction, Finance and Treasury, and during my time in office I was associated, sometimes in a modest way, at other times as sole architect, with a wide range of policy initiatives. I note the current government's acknowledgment in recent Treasury papers that its own financial management reform program began with the Independent Review of Victoria's Public Sector Finances that I initiated in 1992. To this may well have been added the establishment of the Treasury Corporation of Victoria, the introduction of accrual accounting and the Public Sector Financial Management Act.
>
> My greatest privilege, however, has been to work with members of the Labor Party and the wider Northcote community. Together we pioneered the first environmental employment scheme in Victoria, assisted in the development of many local education projects and created an electorate office that was a genuine community resource.
>
> I would like to take this opportunity to extend my best wishes to all members of Parliament. The privilege has been mine.
>
> Yours sincerely
>
> Tony Sheehan, MLA
> Member for Northcote

NEW MEMBER

The ACTING SPEAKER announced the election of Ms Mary Elizabeth Delahunty as member for the electoral district of Northcote in place of Mr Anthony John Sheehan, resigned, pursuant to writ issued on 14 July 1998.

Ms Delahunty introduced and sworn*.
**Subsequently resworn.*

QUESTIONS WITHOUT NOTICE

GST: state revenue

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to his comments on 3AW on 20 August last about the Howard government's goods and services tax (GST) proposal, when he said:

> I'm not sure that the states are going to come ahead in this. In fact, quite the opposite. I think that we're probably going to lose a bit.

Will the Premier confirm that Victoria would lose more than just a bit and that it would be short-changed by more than $1.5 billion over the first two years of a GST, resulting in catastrophic cuts to hospitals, schools, the health system generally and other vital government services?

Mr KENNETT (Premier) — That shows we are in for another invigorating session! What a waste of a question! The Leader of the Opposition clearly does not understand the way in which the new tax plan for Australia will work. It is true that for the first three years — that is, during the transitional period, because the GST will be implemented over a period of time — the states and territories will receive less money directly from a GST than it will cost them to administer it.

Mr Bracks — How much?

Mr KENNETT — I will tell you. It is estimated that in 2002–03 the GST will raise approximately $32 billion and that the associated revenue and expenditure costs for the states will amount to about $33.34 billion. When he released the plan the Prime Minister said that during the transitional period there would be a shortfall for the states but that the federal government would make up that shortfall so they would not be without the funds they need to do the job. By 2005–06 the full implementation of the tax plan will have worked its way through the system. It is estimated that there will be an annual growth factor of about 5 per cent in revenue from the GST, when states will be in a much stronger position.

I emphasise two important aspects. Firstly, in asking his question the Leader of the Opposition obviously recognises, as does my government, that Mr Howard and his tax plan will be overwhelmingly endorsed by Australians. Secondly, it has not mattered whether the leaders of the states and territories have been members of the Liberal, National or Labor parties, because for many years they have generally agreed on the need for certainty in the revenue streams coming to the states and territories to enable them to do a better job. The tax plan announced by the Prime Minister is the only proposal on the table that offers Australians an opportunity to move into the new millennium with confidence and, most importantly, with increased employment and rewards for those who work harder.

Across the political spectrum there has been genuine agreement over many years, including from premiers Kirner and Cain — and from the recently resigned former member for Northcote, Mr Sheehan — in support of Victoria having a dedicated stream of revenue. The tax plan Mr Howard has offered Australians does just that. Not only will Victorians not be $1 worse off, they will be substantially better off, because for the first time the government will not have to go cap in hand to Canberra once or twice a year, only to ultimately come away with something substantially less than it sought.

My government supports the Howard tax plan. It is right for Australia and, therefore, right for its communities. I find it tragic that, by comparison with Mr Howard's dynamic proposal, the Labor Party has offered no readjustment of the tax scales, nor has it addressed the issue of commonwealth–state finances. Instead, it has launched a barbed weapon into the solar plexus of all middle–income Australians. Perhaps the best example of the ALP's intentions is what that would do to the purchase price of four-wheel-drive vehicles. Tens of thousands of young Australians buy sporty four-wheel drives — for example, Rev5 vehicles — priced substantially below the $30 000 to $50 000 range. The Labor Party aims to ensure that those young people or their families will pay an extra $2000 per vehicle. However, the Howard tax plan offers a substantial reduction for those who wish to buy vehicles priced below $50 000.

We acknowledge that the Leader of the Opposition accepts that John Howard's tax plan is the only viable plan for the people of Australia. We also acknowledge that in his question today the Leader of the Opposition has tantamount to admitted that the Australian public will overwhelmingly vote for it. We support it, and do so unashamedly as opposed to the other proposal on the table, which would take Australia back to the 1950s and to a protectionist government offering a range of options that would not secure employment for people in this country.

Waverley Park: closure

Mr WELLS (Wantirna) — Will the Premier advise the house what action the Victorian government can take to secure Waverley Park as a major sporting facility for Victorians into the third millennium?

Mr Pandazopoulos — Have this badge, mate, now that you have joined the campaign!

The ACTING SPEAKER — Order! The honourable member for Dandenong has been in this place long enough to know that his behaviour is totally unacceptable. I again warn the house that I will be intolerant with people who wish to flaunt the traditions of the house. I remind the honourable member that his behaviour is being scrutinised by members of the public gallery.

Mr KENNETT (Premier) — Maturity has never been his forte. It is like everything that comes from the Labor Party: there are two parts. He threw the badge over the table and it immediately split in two. I do not know what faction he represents, but it is typical. Waverley Park is of great concern to those in the eastern suburbs in particular. It is true that people in the northern and western suburbs have relatively easy access to the MCG and also to what will be the new Docklands development. They also have relatively easy access to Optus Oval. A number also travel to Geelong.

Waverley Park is facing an uncertain future. The land is owned by the AFL. As with any citizen, family or commercial business it has the unfettered right to determine what it does with its assets. The second part of the equation is that a number of people have expressed a desire that Waverley Park be retained as a major venue for AFL football. If it were retained — the AFL is talking about a price of between $70 million and $80 million, which I think is considerably high, but that is the AFL's valuation — or if someone secured the property from the AFL, it would still be incumbent on the AFL to allocate games to Waverley. As I understand it, the St Kilda Football Club is looking to move elsewhere, and that would leave only Hawthorn at Waverley Park. The AFL would have to decide whether games would be allocated to Waverley as opposed to any of the other complexes. I intend to call in the commission and Wayne Jackson to examine other options that may be available.

It is my view that a community as large as Victoria warrants three major grounds. Currently it has two

grounds — the MCG and Docklands. The third major ground should be Waverley Park. Another reason the AFL should reconsider getting rid of Waverley Park is that if anything were to happen to the MCG, Waverley Park would become the next largest ground in terms of potential capacity. Therefore the AFL should think seriously. If it is a matter of turf or something not currently foreseen, the AFL would have the ability to make Waverley Park the reserve ground.

The government is prepared to examine all options with the AFL. It understands it is its decision, but with the spread of population through Dandenong, Cranbourne and into the Latrobe Valley and Gippsland a large population centres around Waverley Park. I trust that a meeting can take place in the next two weeks. Because the government does not own Waverley Park it would be dangerous for any of us to believe we should artificially lift the hopes of the community. If the government were to intervene unnecessarily it could substantially lower the price and therefore find itself at risk.

The question is whether the government can or should buy it. That is an unacceptable proposition because it would cost the government from $60 million to $80 million. That money should be better offered around the community. The government is prepared to sit down with the commission. A lot of work has to be done but Waverley Park is privately owned land. Even if the stadium were owned by someone else it would still be unusable unless the AFL allocated games there. Many options have been considered for Waverley Park such as making it the VFL's home base or having it as a training ground, but the community in that part of Victoria wants it to be an AFL ground. Unless the AFL can find a way to allocate games there the ground will probably not be saved. As I said, I hope a meeting will take place in the next two weeks. I look forward to reporting back to Parliament at the end of those deliberations.

GST: state revenue

Mr BRUMBY (Leader of the Opposition) — I thank the Premier for his support for Labor's campaign to save Waverley Park. Given the Premier's previous answer and his claim that the Howard government's GST would be good for Victoria, will he provide to the house the Department of Treasury and Finance analysis of the impact of the Howard government's GST on Victoria's finances?

Mr KENNETT (Premier) — One does not have to be a Rhodes scholar or even a smart citizen to understand that the Howard tax plan is good not only for Victoria but also for Australia. I cannot help it if the Leader of the Opposition cannot read the document and do his sums to realise how far better off one is.

Mr Brumby interjected.

Mr KENNETT — Poor Johnny! I did not think I would get the opportunity go through the Howard tax plan in detail but, since the question has been asked, I shall go through it. Firstly, I turn to the re-evaluation of the taxation scales. For a long time one of the real difficulties in this country has been that if one works hard and advances to a higher salary, bracket creep means one quickly starts paying higher taxation. Therefore there is no incentive for citizens on low incomes in particular to move up into middle and higher income brackets. The Howard plan provides an incentive for all Australians to work hard and be better rewarded for their efforts. One should remember the four pillars of tax reform that we required when we started speaking about the need for taxation reform 18 months ago.

Mr Batchelor — On a point of order, Mr Acting Speaker, the question asked by the Leader of the Opposition — —

Mr Brumby interjected.

The ACTING SPEAKER — Order! As I mentioned earlier, this is the first time I have adjudicated over question time. Sitting to the Speaker's right, I regularly hear him raise issues about people interjecting across the table and inviting elaboration of debate. As I sit here in the chair I see that that is exactly what it is: an attempt to extend the debate.

I ask honourable members at the table to ask their questions. Interjections are fine, but to ask supplementary questions across the table, which will only enlarge the scope of the debate, is not conducive to the good use of question time. The honourable member for Thomastown was trying to raise a point of order while the Leader of the Opposition was interjecting across the table to the Premier. The honourable member for Thomastown, without interruption.

Mr Batchelor — Thank you, Mr Acting Speaker. The point of order I raise with you is one of relevance. The question asked by the Leader of the Opposition was very specific. It asked for the release of a Treasury analysis; it was not designed to give the Premier an opportunity to provide his own analysis. The nub of the question was that we want the document released. He should either say, 'Yes, I will release it', or 'No, I will try to keep it secret'.

The ACTING SPEAKER — Order! The honourable member for Thomastown has been in this place long enough to know that the Chair can certainly deal with relevance to a point, but that at the end of the day ministers will answer questions in the way they see fit.

The Premier was asked a question. Before being interrupted he had been debating it for some two and a half minutes. At this point I do not consider that he has had an opportunity to deal with the question that the honourable member for Thomastown believes should receive a black or white, yes or no answer. If question time could only operate that way maybe we would all be better off, but it does not really work that way. I do not uphold the point of order.

Mr KENNETT — As I was saying, when we started arguing for tax reform 18 months ago we argued that it should be based on four pillars.

The first was that there should be a review of the taxation scales to provide incentives to individuals to work hard, to save and to be rewarded for effort. The variation in the scales is the only plan available to the Australian community that will reward effort and reduce taxation levels for most Australians. Therefore, any evaluation of the Howard plan will be supported by the vast majority of the public.

The second pillar was a requirement of a taxation reform plan to include the removal of some of the costs that prohibit businesses from growing. The Prime Minister's plan — which I think is very good — removes provisional taxation. That proposal is long overdue and will be well received by small business right around the country. The plan also provides substantial assistance in the order of $3.5 billion to the rural community with the fuel issue. It also removes many financial transactions taxes and stamp duties in the states. So on the second pillar, the Prime Minister's plan should be clearly supported by all Australians.

The third pillar was the commonwealth–state financial arrangements. The Leader of the Opposition asked me a dorothy dixer at the beginning of question time. I reiterate that that is the only package on the table that offers a review of the commonwealth-state financial relationships. Labor does not offer that to the states and territories to give them the opportunity to be more efficient.

The fourth pillar was that incentives be provided for industry to both grow and re-establish here. A number of initiatives in that area are very beneficial. One in particular is the lowering of the taxation rate for companies to 30 per cent. That is not mentioned in the plan per se but was announced by the Prime Minister as one of the issues he will have looked at by Mr John Ralph, who will head the committee to look at business taxes on the other side.

My last point is that on the Labor side I give credit to Mr Beazley for reintroducing the research and development grant and increasing it from 125 per cent to 150 per cent. Of the four pillars of taxation reform, the Howard plan addresses three very positively indeed.

Mr Brumby — On a point of order, Mr Acting Speaker, the Premier has now had more than 5 minutes in total to answer the question. He was asked a very specific question — will he provide Treasury's advice on the impact of a GST to the Parliament? It is a yes or a no. Will the Premier provide the advice or will he run away from it because he knows the impact will be disastrous? He has had 5 minutes. The question, which requires a simple yes or no answer, is: will the Premier provide the advice or will he run away from the Parliament and hide behind Treasury confidentiality?

The ACTING SPEAKER — Order! I uphold the point of order. The Premier — with interruptions — has now been speaking for 6½ minutes. I ask him to round off his answer.

Mr KENNETT — Thank you, Mr Acting Speaker. I am giving the Leader of the Opposition the best advice that most sane members of the public would get as they assessed the two packages. I cannot help it if, after three months break, the Leader of the Opposition comes back into this house and asks such inane questions that leave him open to such ridicule. The Howard plan is, without a doubt, the most exciting, comprehensive reform of the taxation system ever offered by any government in Australia. It will, in my opinion, be overwhelmingly supported by the Australian people on 3 October.

Electricity: winter power bonus

Mr DIXON (Dromana) — Will the Treasurer inform the house of the current progress of the distribution of the winter power bonus to all Victorian households?

Mr STOCKDALE (Treasurer) — This is another good-news story from the Kennett government. I thank the honourable member for Dromana for his question, because I know that for the large number of retired people and people living on low incomes and with the high incidence of pensioners in his electorate, particularly, the winter power bonus will be an

enormous boon to people not only in his electorate but throughout Victoria.

Customers who do not have a choice of their electricity supplier at present are nonetheless securing very important benefits in the government's utility reforms. The price of water has been reduced by 18 per cent and put on to a fairer basis; there have been significant real reductions in the price of gas; and even before the winter power bonus was introduced the average household was saving $74 a year as a result of the reforms introduced since 1993 that have reduced the cost of electricity.

From this year the benefits of the government's electricity reforms that will flow to all customers having choice of supplier in December 2000 will effectively be brought forward for every Victorian household and small business. Each winter from this year and for the next three years until all customers can choose their supplier the government will provide a reduction of $60 in the winter electricity bill of every household and small business. Over the next three years that will benefit households and businesses by $360 million, which will flow directly back into the budgets of households and small businesses.

That is a direct saving from the government's energy reforms. It would simply not have been possible under the old monopoly SEC and the policies the Victorian Labor Party still stands for. It would not have been possible for Labor to have delivered that benefit to the people of Victoria. The benefit will apply on top of all the concessions for pension cardholders that are already funded out of the state budget and administered by my colleague the Minister for Youth and Community Services. Pensioners will not only continue to receive the pensioner benefit, but with the energy rebate scheme they will also get $60 off their winter power bill. If they do not use $60 worth of power in any billing period, the balance will carry over to the next billing period to ensure they get the benefit.

If that were the only action the government took there would be a number of disadvantaged members of the community, who in many cases live in caravan parks, rooming houses and retirement villages, who would not receive the benefit of the winter power bonus, so the government will offer the winter power bonus to people in those situations. Where a bill is paid on their behalf they can apply to the Department of Human Services to receive the winter power bonus.

In the first week of the mail-out the power companies were receiving up to 500 calls a day from people inquiring about the power bonus. The Department of Human Services received more than 2000 calls from people seeking information about this important benefit in the cost of energy. Winter is a difficult time for many people, particularly low-income families, small businesses, pensioners and other disadvantaged groups. The bonus will directly benefit those who are most dependent upon the support of the rest of the community. The government is able to provide this important fruit to every Victorian household from its successful energy reforms.

GST: hospitals

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the fact that public hospitals are now totally exempt from wholesale sales tax but that non-medical inputs to public hospitals, such as electricity, contracted-out cleaning and building and maintenance costs, will all attract a GST under the Howard government's GST proposal. Will the Premier confirm that the Victorian Hospitals Association has estimated that these costs account for approximately 18 per cent of total hospital operating costs and that accordingly a GST on non-medical inputs will cost Victorian hospitals an extra $49 million per year?

Mr KENNETT (Premier) — You can understand, Mr Acting Speaker, why for many of us coming to Parliament just does not have the same buzz it used to have. I remember days gone by when one would come here, be tested from the other side and wonder, 'What are they going to ask, how are they going to get you?'. Under the Leader of the Opposition the buzz has gone out of this place in more ways than one. The reality is that our hospital and education systems are going to be substantially better off.

Honourable members interjecting.

Mr KENNETT — This is the new, mature Leader of the Opposition. He is really good. He really sets a wonderful example. At 22 per cent is it any wonder most people do not take him seriously?

The tax plan should not be looked at in terms of one item alone. The whole package and what it delivers to the community as a whole should be looked at. For instance, in the health area there are not only substantial reductions in a lot of the input costs for hospital systems, which now often attract much higher wholesale tax rates than should exist, but you also have the magnificent situation of the Howard plan — and I think this is important for senior citizens — offering a government rebate of 30 per cent of private health insurance costs. For senior citizens that 30 per cent is

approximately a third of their costs. The Labor Party and Mr Beazley's package do not address that area.

The government is fortunate to be associated with a group of people in Canberra who have put together a comprehensive plan that will provide substantial security for citizens which is currently not provided, and which cannot and will not be provided under Beazley's plan. On top of that, prior to the calling of the election the Prime Minister came to an agreement with the states that has pumped considerably more money into the hospital system.

In addition, the Victorian government is currently in a phase of building new hospitals. It has just opened the new Traralgon hospital. The hospital, which was built under a BOOT scheme whereby the government contracts for public patients, is one of three new hospitals the government has opened in recent times. The next, to be opened in Mildura — the tender closes either this week or next — will be the fourth new hospital in the state. Such a commitment to health care through both capital and recurrent expenditure is unprecedented in the state's history. The Prime Minister's plan gives further weight to the state's ability to service those who require assistance through the public hospital system.

What is lacking from the other side, and from the Labor plan, is any appreciation of the ability to deliver a tax package that will do anything for the health system or to implement generational tax reform. No-one could be surprised that the Leader of the Opposition continues in this place not only to let us down on this side, but also to let down most of his own supporters.

Environment: air quality

Ms McCALL (Frankston) — Will the Minister for Conservation and Land Management inform the house of initiatives involving the government and the community in the monitoring of Victoria's air quality?

Mrs TEHAN (Minister for Conservation and Land Management) — There is no doubt that air quality in Melbourne has improved significantly over the past 20 years. It is the single most important environmental issue people ask about in environmental surveys and one of the most important issues in attracting the interest of ordinary people.

Recently the government moved to involve the community in assisting in monitoring the air quality across Victoria. There are 11 EPA air monitoring stations around Melbourne. At Alphington and Dandenong the government has trained young people, mainly science students and graduates, to assist in the monitoring and assessment of information gathered at air quality stations and in communicating the impact of studies and tests.

The Environment Protection Authority spends $6.3 million a year on air quality and in 1996-97 it was granted an additional $500 000 to address air quality monitoring. Earlier this year state, territory and commonwealth environment ministers established national standards with which Victoria will be required to comply. Victoria leads the field in the number of stations it has and the quality of the monitoring that takes place. The two new areas of community involvement and the CAAM program assist the community to better understand air quality testing and monitoring and provide an opportunity for educating members of the community in how each can responsibly be involved in air quality improvement across the state.

The house should be pleased that the EPA has taken such a strong role in addressing this popular and important question and in achieving community involvement. Victoria leads the way in air quality monitoring.

GST: hospitals

Mr THWAITES (Albert Park) — I refer the Premier to advice concerning the Howard government's GST proposal which was provided to hospital networks by Phillips Fox, solicitors. The advice states it is an obvious conclusion that public hospitals will be worse off because they are currently exempt from paying wholesale sales tax. Will the Premier guarantee that his government will increase its funding to public hospitals to fully compensate public hospitals for the impact of the GST proposal?

Mr KENNETT (Premier) — Quite obviously, in the period which began two weeks ago and which includes the next four weeks pieces of advice will come from a whole range of authorities arguing one side of the story or the other — and they will become part of the political scene as we work through to the federal election. As I have previously indicated to the Leader of the Opposition, the Victorian government totally supports the tax plan offered by the Prime Minister and the benefits that it will provide in toto, not only for the hospital system, but importantly for industry and for the citizens of the state and the country.

The Howard government's tax plan is vastly different from anything provided by the other side. The Deputy Leader of the Opposition asked whether the government will provide moneys to hospitals. We are

currently doing that and have done so for a number of years. I think I am right in saying that this year an additional $253 million has been put into the public hospital system. Under the health agreement negotiated between the government and the commonwealth about $80 million of new money will come to Victoria. Over the next few weeks the Minister for Health will announce how that money will be spent.

It is important to look at the total picture, not just any one ingredient. One must consider whether the actions of the federal and state governments will result in the health system being substantially better, worse or the same. The health system is substantially better than it was a year ago, and we expect that will continue with one proviso — that the fallout resulting from the problems not only in Asia, which the house debated six months ago, but also globally does not adversely affect events in Australia. Those matters are beyond the control of the government. However, all things being well, the government expects continuing and increasing health funding for both recurrent and capital expenditure. As a result of the Howard government's tax package we believe considerable benefits will flow to the health system.

Building industry: activity

Mr MAUGHAN (Rodney) — Will the Minister for Planning and Local Government inform the house of recent trends in the level of private building activity in Victoria?

Mr MACLELLAN (Minister for Planning and Local Government) — In the past couple of days the Housing Industry Association released in Sydney a statement that anticipated a decline in the level of building activity in Australia. The HIA seriously questioned whether the current boom in building in Victoria would continue and indicated that there might be a reduction in the $12 billion worth of building activity in Victoria. I point out that there is not $12 billion worth of building activity in Victoria. The HIA seems to have got its figures seriously wrong.

However, in case anyone is misled into believing there has been a downturn in building in Victoria, I advise the house that a comparison of the provisional figure for July for this financial year — $770 million — and the figure for July last year — $543 million — indicates a 40 per cent increase. I am sure the Leader of the Opposition would join with the government in welcoming those figures because they are directly related to the creation of employment in the community. A 40 per cent increase in building activity clearly reflects large employment growth in the building industry. Indeed, the activities of the Office of Major Projects, funded without borrowings by the state government, will result in the creation of 7000 jobs in the state. The projects include the current rebuilding of the Museum and the work yet to begin on the art gallery, and also various projects related to Federation Square and the Exhibition Street extension.

Those activities are not reflected in the figures I mentioned. The figures I have given refer to building permits for residential, commercial and retail premises, houses, factories, hospitals and police stations. Building permits for civil engineering works are not included in the same statistical group, so the 40 per cent increase for July is a recent trend that is confirmed by the provisional figures. The boom in activity and employment in the Victorian building industry is reflected by bricklayers being imported into Victoria from other states, particularly Tasmania. We hope the creation of employment and economic activity in our community will continue.

GST: hospitals

Mr THWAITES (Albert Park) — Will the Premier confirm that building capital works for hospitals will not be GST-free under the Howard government's GST proposal which will add 10 per cent to the cost of each new public hospital building or ward, costing the Victorian public hospital system more than $12 million a year and further delaying the already hopelessly delayed hospital rebuilding program?

Mr KENNETT (Premier) — I should correct the point the honourable member made about the hopelessly delayed rebuilding project. I cannot remember any major hospital built by the Labor Party in 10 years.

Mr Thwaites interjected.

Mr KENNETT — Which one? Monash!

Opposition members interjecting.

The ACTING SPEAKER — Order! Does the honourable member for Albert Park wish to go home early today? It is a tradition in this place that when the Chair gets to its feet it is accorded the privilege of being heard in silence. The honourable member for Albert Park has been a member of the house long enough to know that, as have other honourable members. Question time was progressing very well. Unfortunately, the concentration of honourable members has lapsed. Interjections across the table will simply seek elongated answers from ministers which

reduces the number of questions that can be asked. The house is in your hands.

Mr KENNETT — The state has witnessed the greatest period of not only refurbishment but also the ability to provide new hospitals. The good thing is it is continuing. As the Deputy Leader of the Opposition would know, most of those schemes are not undertaken, as they have been in the past, by governments trying to manage projects and therefore involving a great deal of waste. They have been put out to the private sector where there is considerable tendering tension between — —

Opposition members interjecting.

Mr KENNETT — Absolutely no way! Isn't that typical? The poor honourable member for Williamstown, who desperately struggles to be a shadow Treasurer, denies that the current system leads to without a doubt the most efficient provision of new hospital and health services in the state. It is because that contracting system has a competitive tension in it that the government is able to provide new facilities, with all the new technologies that go with such facilities, to Victorians at the most competitive price. That will remain the case whether the tax plan — —

Mr Thwaites interjected.

Mr KENNETT — The Deputy Leader of the Opposition can focus only on one issue. He considers only the GST because he wishes to ignore and deny the fact that the whole plan will substantially benefit the system. Of course, that will be the case. Like most things the Labor Party has opposed, such as the grand prix and City Link, I guarantee it will not be long before it also supports the Howard tax plan. The ALP will support it because it is the only proposal that will give Australians the opportunity to look forward to the new millennium. It will provide security for individuals and create further employment opportunities.

PETITIONS

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

Late-term abortions

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 partial birth abortion under any circumstances

We believe that late-term, partial birth abortion is morally and ethically wrong

We seek amendments to the Crimes Act which will prevent partial birth terminations.

Your petitioners therefore pray that Section 10 of the Crimes Act be amended accordingly to disallow the practice of late-term partial birth abortions in Victoria.

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

By Mr JENKINS (Ballarat West) (31 signatures) and Mr E. R. SMITH (Glen Waverley) (483 signatures)

Bangholme pedestrian crossing

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

We the undersigned request that the house provide funding for a pedestrian crossing on Dandenong Valley Highway at Bangholme.

There is a great community need for this pedestrian crossing particularly because many local residents are elderly and find it difficult to move safely across the road so they can access public transport.

By Mrs WILSON (Dandenong North) (357 signatures)

Tullamarine Freeway: noise controls

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

The humble petition of we, the undersigned citizens of the state of Victoria sheweth that the following items should be included in the construction of the Tullamarine Freeway section of the City Link project. Your petitioners therefore pray that

1. Transparent noise attenuation barriers be erected on the following sections of the Tullamarine Freeway:

   (a) The western side along the edge of Ormond Park, that is, from the southern side of the Ormond/Brunswick Road bridge up to proposed noise wall north of the park;

   (b) The western edge of the Ormond Road on ramp;

   (c) Extending proposed Pattison Street noise attenuation barrier further north for the length of the Moonee Valley Racecourse. Design of these walls should ensure that the standard of 63dBA(L10, 18 hours) is not exceeded.

2. Landscaping of all the borders of the freeway, particularly on the margins of noise attenuation barriers, the Moonee Ponds Creek and the bicycle path. The landscaping should be of similar design and quality to that currently proposed for the Mount Alexander Road section of the freeway.

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

By Mrs MADDIGAN (Essendon) (152 signatures)

Carrum Downs secondary college

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

The humble petition of the undersigned citizens of Victoria sheweth that there is a growing need for a secondary school in the suburb of Carrum Downs. Many young families with children attending primary school are extremely concerned that there is no secondary school in the near vicinity, resulting in extra costs and travelling time to access schools in other areas.

Your petitioners therefore pray that the Victorian government will construct a secondary college in Carrum Downs in the very near future.

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

By Mr ROWE (Cranbourne) (123 signatures)

Cadles Road, Carrum Downs

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

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the poor and unsafe condition of Cadles Road, Carrum Downs, which at this time is not sealed.

Your petitioners therefore request that the appropriate authorities are made aware of its poor condition and are directed to take the necessary action to improve the condition of the road by having it properly constructed with a suitable area to facilitate a safe pick-up and drop-off point of primary school children at the new Carrum Downs Primary School.

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

By Mr ROWE (Cranbourne) (433 signatures)

Golf View Hotel, Geelong

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

The humble petition of the citizens of Geelong herewith indicate their concern regarding the impact that gambling, especially the use of electronic gaming machines, has on our residents and local community. Your petitioners therefore pray that the application of a 24-hour liquor licence and gaming application by the Golf View Hotel is rejected by the Liquor Licensing Commission.

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

By Mr LONEY (Geelong North) (131 signatures)

Bairnsdale–Sale bus service

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

The humble petition of the citizens of the state of Victoria request that the coach service from Bairnsdale to Sale be retained as it is more convenient to the users than the use of the previous V/Line service.

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

By Mr TREASURE (Gippsland East) (13 signatures)

Gippsland: irrigation

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

The humble petition of the Macalister irrigation district farmers, local businesses, and undersigned citizens of the state of Victoria demand that the state government honour the guarantee of the Hamer government as to annual minimum regulated flows of water from the Thomson Reservoir to Gippsland.

To avoid the vulnerability of the Macalister irrigation district to droughts, your petitioners therefore pray for a guaranteed annual allocation of 60 000 megalitres of water from the Thomson River for irrigation use, a drought reserve of 100 000 megalitres in the Thomson Reservoir, and a capacity to influence the timing of the release of flows from the reservoir.

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

By Mr RYAN (Gippsland South) (3607 signatures)

Mornington public car 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 the unique character of the township of Mornington is reinforced with any future development;

that the public interest is paramount in the consideration of any sale or swap of public assets.

Your petitioners therefore pray that inappropriate development does not take place in Mornington and that the public car park (bounded by McLaren Place, Barkly Street, Railway Grove and Blake Street) is not sold or swapped for private development and is immediately rezoned back to car park.

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

By Mr COOPER (Mornington) (5713 signatures)

Children: sexual assault

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

The humble petition of survivors on the Net-Australia Inc, adult survivors of all forms of child abuse and the undersigned citizens of Victoria sheweth in light of the increase in sexual offences against children as reported in the 1992-3 Victoria Police annual report and 1996 Auditor-General's report, your petitioners therefore pray the government immediately enact the following key recommendations from the 1993 parliamentary report on 'Combating Child Sexual Assault', being

The criminal offence of sexual assault against a child be vigorously prosecuted (recommendation #6).

A pro-active services coordinator be established within HSV (#7) and the pro-active services coordinator liaise with the Directorate of School Education regarding school-based programs aimed at reducing sexual assault (#18) and accredit an appropriate comprehensive protective behaviours program which shall be compulsory in all state schools and encouraged in all private schools (#110 and #111).

Children should be entitled to counselling and psychological treatment irrespective of gender or age (#26) and the minister lobby the federal government to consider Medicare coverage for counselling and psychological services to sexual assault victims (#30).

That sexual assault response teams (SARTs) be established to provide an integrated team of experts to respond to sexual assault notifications (#35), SARTs have medical examination facilities on site (#44) and SART police officers be the primary investigators of sexual offences against children (#45).

The specific consent of the Director of Public Prosecutions to prosecute a charge under section 47A not be required (#68) and legislation be enacted which presumes multiple sexual assault cases, which are presented together, will be heard together (#69).

Hearings and trials involving child victims of sexual assault proceed as a matter of urgency (#73) and all courts provide a dedicated child victim waiting room (#82).

The Attorney-General review penalties for sexual offences to ensure that the sexual assault of a child is regarded as seriously as the sexual assault of an adult (#89) and the actual sentence dispensed for sexual penetration of children under 16 reflect the seriousness of the crime (#90).

All convicted adult sex offenders shall be registered with the Victorian Sex Offender Registry for life (#105), the Attorney-General and the police minister lobby for an extension of the sex offender registration program nationally (#110) and prior to a person being employed, including voluntary employment, in a position which has a duty of care or supervision over children, a criminal history check must be undertaken to determine if they are a fit and proper person (#115).

The Attorney-General review the current definition of pornography to ensure that any sexually explicit depiction of a child, including computer-generated images, is covered (#121).

Protocols be developed within religious organisations to ensure that the sexual assault response team is immediately notified of any suspected assault (#129) and to ensure evidence is not contaminated by internal investigations or enquiries (#130).

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

By Ms CAMPBELL (Pascoe Vale) (7 signatures)

Dental Practice Bill

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 Dental Practice Bill 1998 has the potential to undermine the high ethical and professional standards required of dental care by removing the restrictions on who may practise in the provision of dental services to the community.

Your petitioners therefore pray that:

Dental surgery or medicine be regulated to ensure that only qualified and registered dental operatives be allowed to practise.

The restrictions on who may own dental practices be maintained.

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

By Mr J. F. McGRATH (Warrnambool) (27 096 signatures)

Housing: rent increase

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

The humble petition of public housing tenants in Victoria sheweth that the increase in rent payable to the Office of Housing from 20 per cent of household income to 23 per cent of income and 25 per cent of income for new tenants is unfair and unjust given:

The Kennett government has just reduced land tax for wealthy property owners.

The actual increase in public housing rental since October 1996 has represented more than 32 per cent of pensions or other federal or state government welfare payments, placing many public housing tenants' net incomes well below the recognised poverty line.

Tenants have already had a significant increase under the Kennett Government from 17 per cent to 20 per cent of household income.

The 60-year-old tradition of public housing in Victoria being provided at an affordable rate for eligible families is being quickly forced into extinction, as rent levels reach those similar to, or in some areas higher than, rental in the private sector.

Your petitioners therefore pray that the 21 April state budget reverses this rent increase and that ministry of housing rents revert to less than 20 per cent of household income.

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

By Mr BRACKS (Williamstown) (11 signatures)

Laid on table.

Ordered that petition presented by honourable member for Mornington be considered forthwith on motion of Mr DOLLIS (Richmond).

Mornington public car park

Mr DOLLIS (Richmond) (*By leave*) — I congratulate the government on this excellent initiative and hope that during the debate the Minister for Transport, the honourable member for Mornington, will grace the chamber with his presence. Where is the honourable member for Mornington? I must also congratulate the Deputy Leader of the Liberal Party, who has done a great service to the people of Mornington.

The petition presented by the honourable member for Mornington requests that:

> ... the unique character of the township of Mornington is reinforced with any future development;
>
> the public interest is paramount in the consideration of any sale or swap of public assets.

The petitioners also pray that

> ... inappropriate development does not take place in Mornington and that the public car park is not sold or swapped for private development and is immediately rezoned back to car park.

The Minister for Planning and Local Government is in the house, and I will talk about his role in the process and in determining that the car park is not sold or swapped for private development. The minister does not regard himself as being highly interventionist, but he knows how many times he has intervened to alter the rules that have brought us into what can be described only as this unsavoury situation.

After the petition was presented the Mornington Peninsula Shire Council announced that a negotiated settlement had been achieved with the developer:

> ... which saves the council car park land from any proposed development and provides the developer with his shopping centre. The development will be built on the railway land owned by the developer.
>
> The Minister for Planning and Local Government will be asked to rezone the land for public purposes (car park).

We would like to see what the Minister for Planning and Local Government will do about a petition that his colleague the Minister for Transport — —

An honourable member interjected.

Mr DOLLIS — I would not dare to suggest to the Minister for Planning and Local Government what he ought to do, but the minister knows he will be asked to rezone the land and therefore his actions will be closely monitored. The process of appeals and counter-appeals over the past four years has been costly and protractive. The minister has intervened a number of times on this issue. This year he has intervened on two occasions and made two amendments to the Mornington Planning Scheme while the matter was before the former Administrative Appeals Tribunal.

Why wasn't this outcome reached sooner, Mr Acting Speaker? Why was it done behind closed doors with the developer? The settlement will cost the council approximately $800 000 more than it would have if the development had been allowed to proceed on the car park land. An additional $1.2 million will also need to be raised through the special charge scheme to fund the works that would otherwise have been carried out by the developer. A major component of the proposed works is the construction of 300 public car parking spaces at an estimated cost of $550 000, which under the original proposal was to be substantially funded by the developer.

The Save Mornington Alliance objects to the developer being given $2 million in concessions. It wrote to the Minister for Transport and requested that he urgently intervene to ensure due process is followed. The alliance stated that:

> If such a new development deal via an amendment to the Mornington Planning Scheme is to be considered by the minister —

referring to the Minister for Planning and Local Government —

> we request that you draw to his attention that a restart of the planning process from square one is required.

I hope the Minister for Planning and Local Government has taken note of what his colleague is supposed to do. The request continues:

> ... we did not expect the council —

to make the arrangements that it did. The amazing thing is that the honourable member for Mornington, the Minister for Transport, is not here to support his constituents. The petition bears 5713 signatures.

An honourable member interjected.

Mr DOLLIS — I take objection to that interjection because it is an insult to the members who have collected the signatures. The government is insinuating that some people have signed their names more than once. If an apology is not given to the citizens of Mornington, honourable members opposite will have a lot to answer for.

The opposition does not wish to prolong the debate. It fully supports the honourable member for Mornington's constituents who are praying that:

> ... inappropriate development does not take place in Mornington and that the public car park (bounded by McLaren Place, Barkly Street, Railway Grove and Blake Street) is not sold or swapped for private development and is immediately rezoned back to car park.

The opposition joins the government in supporting the petition and prays that the Minister for Planning and Local Government does not once again intervene and use his powers inappropriately. The opposition challenges the honourable member for Mornington to come into the house and put the case that his constituents have asked him to put. It is a disgrace that the opposition spokesman has to defend the interests of the constituents of the Minister for Transport. It is a disgrace that a petition signed by 5713 people is treated with contempt. It is contentious for government members to suggest that there could be something inappropriate about the signatures, which clearly signify this is a major issue.

The opposition joins with the honourable member for Mornington and asks that the government take the petition into consideration and act accordingly.

Mr MACLELLAN (Minister for Planning and Local Government) (*By leave*) — I join the debate briefly to state that it is worthwhile that the house note the petition which was presented by the Minister for Transport on behalf of a number of residents of Mornington. My colleague has had a longstanding interest in this matter and has publicly stated his support for the retention of the council-owned parking land. He has also made clear his strong views about whether it was ever appropriate that any shopping centre development should occur on that council-owned land.

The honourable member for Richmond is quite right: this matter has had a long and involved history. It seemed that almost every time the Administrative Appeals Tribunal, as it then was, was about to bring the matter to a conclusion with a decision, some impediment would be discovered, such as the fact that the number of car parking spaces was described differently in two documents. At one stage the AAT believed it could not make a decision unless an amendment was made to the planning scheme. I made an amendment to allow the AAT to proceed to make the decision on the merits. And, of course, the tribunal has made its decision and its decision is final. The only challenge that can be made to the decision is an appeal to the Supreme Court on a matter of law.

As the honourable member for Richmond says, I have received advice from the council that a triumphant resolution has been accomplished in this matter. In its not unusual municipal triumphal way the council has announced that the council-owned car park land is safe from any predatory development. I am sure the members of the local community welcome that announcement; most would have wanted such a decision from the beginning. Implicit in that is that more car parking spaces will be accommodated in the undercroft of the proposed shopping centre and that the shopping centre car park will not be on the council land. Less obvious in the council's press release is the proposal to have a local municipal charge to fund the development of car parking in the area. I imagine that that will be a contentious matter and that it will probably have to run the gamut of the provisions in the Local Government Act that prescribe local charges and, again, possible appeals.

If the threat and counter threat of legal action is over and if the community, the council and the proponent of the shopping centre all accept the final decision of the AAT on its having heard all parties and having made a decision which pursuant to the legislation is final — other than the possible appeal to the Supreme Court — probably all I can expect in the near future is a request from the council on behalf of all parties to consent to an amendment to the planning scheme in relation to the council-owned land.

The honourable member for Richmond would know there is currently a planning scheme on exhibition in the Mornington council area — the same is true in all municipal areas — and that it is open to the council in considering that planning scheme under the Victorian planning provisions to nominate for this land whichever zone it thinks appropriate. Perhaps the best way forward is for the council to indicate how it wishes the land to be zoned under the new planning scheme. If the council does that, I do not see why I would have a different view. After all, it is the council's land, and so far as I know it is intended that it should be used for car parking. Everybody seems to have described the land as a car park for many years past, and probably will do so for many years into the future. I do not anticipate any need for immediate action by me, although I am greatly heartened that the honourable member for Richmond has such confidence in my intervening in these matters that he invites me to do so yet again.

If the Mornington council finds itself in a pickle about the matter and cannot find a way forward by perhaps indicating an appropriate zone for the council-owned land — as I have suggested — as always I stand ready to help it in its moment of need. Whenever I find a

municipality with a planning problem I am only too happy to step forward, as should any minister, to try to help it in its moment of need. Mornington council put out the press release and I received an early copy — I am flattered they put me on the list this time — but some people, including the Anglican minister in the area, were not entirely satisfied with the triumphal solution the council organised.

Despite the presentation of the petition and the motion asking for it to be noted — clearly the government should support it because it is being presented by the Minister for Transport — other voices must also be listened to, and I remain open to listening to those voices. After a long and troubled history, including thousands of people marching down the main street of Mornington, as I say, led on a veritable Christian crusade by the local Anglican minister, who I think was anxious to denounce commercialism — —

Mr Ryan — Damascus mark 2!

Mr MACLELLAN — Yes, probably he was expecting some sort of Christian revival in Mornington. I am not sure whether the Minister for Transport is expecting exactly the same thing to occur spontaneously in Mornington. That is something we will find out further down the track. Honourable members should not be at all surprised if we do not have both the Christians and the lions marching again!

Mr CARLI (Coburg) (*By leave*)— As the Minister for Planning and Local Government has indicated, this is a longstanding issue in the Mornington area and has been in the public realm for a long time. A number of attempts have been made to seek a resolution to the issue. It is a shame the honourable member for Mornington, under whose name the petition was lodged, is not here to debate this crucial issue on behalf of his constituents because it needs to be followed through to resolution. I note his absence right throughout the debate, and also that it was the honourable member for Richmond who raised the issue in Parliament on behalf of the people of Mornington. Again, it is critical we find a resolution. More importantly, it is critical that local members recognise the importance of such issues to their constituents and in Parliament seek the intervention of the Minister for Planning and Local Government where it is clearly in the interests of their local community.

I also note the concern of the minister and the honourable member for Richmond in trying to seek a resolution, the importance of the shopping centre and the importance of resolving the issue of the Mornington Planning Scheme and its amendment. I again note the absence of the honourable member for Mornington. It is unfortunate he is not here to support his constituency on this important issue. In line with the responsibilities of all honourable members, the honourable member for Mornington should be involved in resolving this and other problems that confront his electorate.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Mr RYAN (Gippsland South) presented *Alert Digest* No. 5 of 1998 on:

Livestock Disease Control (Amendment) Bill
Transfer of Land (Single Register) Bill
International Transfer of Prisoners (Victoria) Bill
Melbourne and Olympic Parks (Amendment) Bill
State Taxation (Amendment) Bill
Catchment and Land Protection (Amendment) Bill

together with appendix.

Laid on table.

Ordered to be printed.

Carriers and Innkeepers Act

Mr THOMPSON (Sandringham) presented report on redundant and unclear legislation, together with appendix and minutes of evidence.

Laid on table.

Ordered that report and appendix be printed.

BLF CUSTODIAN

The ACTING SPEAKER presented 39th and 40th reports given to him 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.

PAPERS

Laid on table by Clerk:

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

Environment Conservation Council Act 1997 —

Notice of amendment of request to the Environment Conservation Council to carry out an investigation of Victoria's Box-Ironbark Forests and Woodland Areas

Notice of amendment of request to the Environment Conservation Council to carry out an investigation of Victoria's Marine, Coastal and Estuarine Areas

Flora and Fauna Guarantee Act 1988 — Order in Council adding items to Schedule 2 — List of Taxa and Communities of Flora or Fauna which are threatened

Interpretation of Legislation Act 1984 — Notices under section 32(3)(a)(iii) in relation to Statutory Rule Nos. 24/1998, 80/1998

Melbourne and Olympic Parks Trust — Report for the year 1996-97, together with an explanation for the delay in tabling

Melbourne University — Report for the year 1997, together with an explanation for the delay in tabling

Murray-Darling Basin Act 1993 — Schedules D and E to the Murray Darling Basin Agreement pursuant to Section 28(b)

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

Alexandra Planning Scheme — No. L43

All Planning Schemes — Nos. S64, S70

Alpine Resorts Planning Scheme — No. VC2

Ararat Planning Scheme — No. SR182

Ballarat Planning Scheme — Nos. L25, L40, L41, SR182

Banyule Planning Scheme — Nos. L12, L16, L17, L18

Bayside Planning Scheme — Nos. L9, L12, L13

Belfast Planning Scheme — No. L16

Berwick Planning Scheme — Nos. L117, L129, L130, L135

Boroondara Planning Scheme — Nos. L34, RL184, SR182

Brimbank Planning Scheme — Nos. L45, L54

Buloke Planning Scheme — Nos. L5, SR182

Campaspe Planning Scheme — Nos. L19, SR182

Central Goldfields Planning Scheme — No. SR182

Colac Otway Planning Scheme — Nos. L12, L13, SR182

Corangamite Planning Scheme — No. SR182

Cranbourne Planning Scheme — Nos. L189, L191, L226

Delatite Planning Scheme — No. SR182

Doncaster and Templestowe Planning Scheme — Nos. L130, L136

Euroa Planning Scheme — No. SR182

Flinders Planning Scheme — No. L180

Frankston Planning Scheme — No. L120

Glen Eira Planning Scheme — No. L27

Glenelg Planning Scheme — No. SR182

Golden Plains Planning Scheme — No. L10

Goulburn Planning Scheme — No. L28

Greater Bendigo Planning Scheme — No. L74

Greater Dandenong Planning Scheme — Nos. L13, L19

Greater Geelong Planning Scheme — Nos. L170, L222, L223, R220, RL184, RL202, SR182

Hastings Planning Scheme — Nos. L117, L125, L127

Hepburn Planning Scheme — No. L4

Hobsons Bay Planning Scheme — Nos. L6, SR182

Horsham Planning Scheme — No. L12

Hume Planning Scheme — Nos. L14, L42, L46, L51, RL184, SR182

Indigo Planning Scheme — No. SR182

Kingston Planning Scheme — No. L37

Knox Planning Scheme — Nos. L160, L168, L170

Lowan Planning Scheme — No. L17

Macedon Ranges Planning Scheme — No. SR182

Maribyrnong Planning Scheme — Nos. L33, L35

Maroondah Planning Scheme — Nos. L22, L23

Melbourne Planning Scheme — Nos. L249, L261, L303, L312, L318, L321, RL183, SR182

Melton Planning Scheme — Nos. L75 Part 2, L84, L95, L98, SR182

Metcalfe Planning Scheme — No. L8

Metropolitan Region Planning Schemes — Nos. RL183, SR182

Mitchell Planning Scheme — No. SR182

Moira Planning Scheme — No. L20

Monash Planning Scheme — Nos. L11, L34, L44, L46

Moonee Valley Planning Scheme — Nos. L37, SR182

Moreland Planning Scheme — Nos. L28, L52, L56, L57

Mornington Planning Scheme — No. L92

Mortlake Planning Scheme — No. SR182

Morwell Planning Scheme — No. L63

Moyne Planning Scheme — No. SR182

Narracan Planning Scheme — No. L63

Nillumbik Planning Scheme — Nos. L3, L12

Northern Grampians Planning Scheme — No. SR182

Orbost Planning Scheme — No. L28

Pakenham Planning Scheme — Nos. L119, L154, L155, L162

Port of Melbourne Planning Scheme — No. L29

Port Phillip Planning Scheme — No. L65

Rosedale Planning Scheme — No. L50

Sale Planning Scheme — No. SR182

Shepparton Shire Planning Scheme — No. SR182

Sherbrooke Planning Scheme — Nos. L109, L131

Southern Grampians Planning Scheme — No. SR182

Stawell (Shire) Planning Scheme — No. L24

Stonnington Planning Scheme — Nos. L34, L35, L40 Part A, L41, L57, L58, L63, L64, L80, SR182

Surf Coast Planning Scheme — Nos. R44, R52

Traralgon (City) Planning Scheme — No. L74

Traralgon (Shire) Planning Scheme — No. L57

Victoria Planning Provisions — Nos. V2, VC2

Violet Town Planning Scheme — No. L6

Warrnambool Planning Scheme — Nos. L29, SR182

Warrnambool Shire Planning Scheme — No. SR182

Werribee Planning Scheme — Nos. L116, L124, L129, L130

Whitehorse Planning Scheme — Nos. L23, L34

Whittlesea Planning Scheme — Nos. L156, L160, L161, L162, L163, L164, RL184, SR182

Wodonga Rural City Planning Scheme — No. L21

Woorayl Planning Scheme — Nos. L58, L59

Yarra Planning Scheme — Nos. L47, L50, L51, L68, L69, L76, RL183, SR182

Yarra Ranges Planning Scheme — Nos. L83, L93, L94, L95

Prevention of Cruelty to Animals Act 1986 —

Revocation of the Code of Practice for the Housing of Caged Birds

Code of Practice for the Housing of Caged Birds (Revision No. 1)

Public Sector Management and Employment Act 1998 — Directions by the Commissioner for Public Employment pursuant to sections 37 and 39 *(Government Gazette S68 1 July 1998)* (six papers)

Queen Victoria Medical Centre (Guarantees) Act 1982 — Notice pursuant to section 6

South Eastern Regional Waste Management Group — Financial Statements for the year 1996-97

Statutory Rules under the following Acts:

Accident Compensation Act 1985 — S.R. No. 88

Accident Compensation (WorkCover Insurance) Act 1993 — S.R. No. 88

Associations Incorporation Act 1981 — S.R. No. 103

Audit Act 1994 — S.R. No. 64

Building Act 1993 — S.R. No. 80

Cemeteries Act 1958 — S.R. Nos. 96, 98

Children's Services Act 1996 — S.R. No. 59

Confiscation Act 1997 — S.R. No. 67

Control of Weapons Act 1990 — S.R. No. 105

Corrections Act 1986 — S.R. No. 52

County Court Act 1958 — S.R. Nos. 85, 102

Court Security Act 1980 — S.R. No. 101

Debits Tax Act 1990 — S.R. No. 84

Environment Protection Act 1970 — S.R. No. 95

Evidence Act 1958 — S.R. No. 70

Financial Institutions Duty Act 1982 — S.R. No. 90

Financial Management Act 1994 — S.R. No. 77

Firearms Act 1996 — S.R. No. 89

Forests Act 1958 — S.R. No. 53

Health Act 1958 — S.R. No. 57

Interpretation of Legislation Act 1984 — S.R. No. 92

Introduction Agents Act 1997 — S.R. No. 75

Land Tax Act 1958 — S.R. No. 63

Magistrates' Court Act 1989 — S.R. Nos. 68, 92

Motor Car Traders Act 1986 — S.R. No. 56

National Parks Act 1975 — S.R. No. 54

Patriotic Funds Act 1958 — S.R. No. 91

Physiotherapists Act 1978 — S.R. No. 62

Residential Tenancies Act 1997 — S.R. Nos. 76, 79

Retail Tenancies Reform Act 1998 — S.R. No. 82

Retirement Villages Act 1986 — S.R. No. 55

Road Safety Act 1986 — S.R. Nos. 58, 65, 81, 104

Rural Finance Act 1988 — S.R. No. 83

State Electricity Commission Act 1958 — S.R. No. 99

State Superannuation Act 1988 — S.R. No. 78

Subordinate Legislation Act 1994 — S.R. Nos. 61, 69, 97

Supreme Court Act 1986 — S.R. Nos. 60, 71, 72, 100

Transport Accident Act 1986 — S.R. No. 66

Transport Act 1983 — S.R. No. 86

Victorian Civil and Administrative Tribunal Act 1998 — S.R. Nos. 87, 93

Water Act 1989 — S.R. No. 94

Water Industry Act 1994 — S.R. No. 73

Zoological Parks and Gardens Act 1995 — S.R. No. 74

Subordinate Legislation Act 1994 —

Ministers' exception certificates in relation to Statutory Rule Nos. 60, 68, 69, 71, 72, 74, 85, 87, 92, 93, 97, 100, 101

Ministers' exemption certificates in relation to Statutory Rule Nos. 53, 54, 55, 57, 62, 66, 70, 73, 78, 79, 83, 84, 86, 88, 90, 94, 96, 98, 102

Tertiary Education Act 1993 — Order pursuant to section 10

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 17 February 1998:

Accident Compensation (Further Amendment) Act 1996 — Sections 21 and 32 on 1 July 1998 *(Gazette No. G25, 25 June 1998)*. Section 23 on 13 July 1998 *(Gazette No. G27, 9 July 1998)*

Ambulance Services (Amendment) Act 1998 — Sections 6(1), 6(2) (except for paragraphs (a) and (c) to (f)), 7(1), 8, 9, 10 and 14(2) on 30 June 1998 *(Gazette No. G25, 25 June 1998)*

Building (Amendment) Act 1998 — Section 12 on 20 July 1998 *(Gazette No. G28, 16 July 1998)*

Business Licensing Authority Act 1998 — Remaining provisions on 1 July 1998 *(Gazette No. G24, 18 June 1998)*

Children's Services Act 1996 — Remaining provisions on 1 June 1998 *(Gazette No. G21, 28 May 1998)*

Confiscation Act 1997 — Remaining provisions on 1 July 1998 *(Gazette No. G25, 25 June 1998)*

Crimes (Sexual Offences) Act 1991 — Section 9 on 1 July 1998 *(Gazette No. G25, 25 June 1998)*

Docklands Authority Act 1991 — Section 31 on 20 July 1998 *(Gazette No. G28, 16 July 1998)*

Drugs, Poisons and Controlled Substances (Amendment) Act 1997 — Sections 5 and 6 on 1 October 1998 *(Gazette No. G32, 13 August 1998)*

Firearms (Amendment) Act 1998 — Remaining provisions (except for paragraphs (c), (e) and (g) of section 40) on 6 August 1998 *(Gazette No. G27, 9 July 1998)*

Gaming Acts (Miscellaneous Amendment) Act 1997 — Section 20 on 30 June 1998 *(Gazette No. G25, 25 June 1998)*. Remaining provisions (except section 33) on 31 August 1998 *(Gazette No. G34, 27 August 1998)*

Land (Reservations and Other Matters) Act 1997 — Section 6 and item 4 of Schedule 1; and section 16, item 16 of Schedule 1 and Schedule 10 on 12 August 1998 *(Gazette No. G31, 6 August 1998)*

Motor Car Traders (Amendment) Act 1996 — Section 13(2) and the remaining provisions on 22 June 1998 *(Gazette No. G21, 28 May 1998)*

Parks Victoria Act 1998 — Remaining provisions on 3 July 1998 *(Gazette No. G26, 2 July 1998)*

Property Law (Amendment) Act 1998 — Remaining provisions on 29 June 1998 *(Gazette No. G25, 25 June 1998)*

Public Sector Management and Employment Act 1998 — Remaining provisions on 1 July 1998 *(Gazette No. G25, 25 June 1998)*

Rail Corporations (Amendment) Act 1997 — Sections 25, 40 and 57; the remaining provisions of Division 2 of Part 2; and Divisions 3 and 8 of Part 2 on 11 June 1998 *(Gazette No. G23, 11 June 1998)*

Rail Corporations (Amendment) Act 1998 — Part 2 (except sections 10, 13 and 14) on 11 June 1998 *(Gazette No. G23, 11 June 1998)*

Residential Tenancies Act 1997 — Remaining provisions on 1 July 1998 *(Gazette No. G24, 18 June 1998)*

Retail Tenancies Reform Act 1998 — Remaining provisions on 1 July 1998 *(Gazette No. G24, 18 June 1998)*

Sentencing and Other Acts (Amendment) Act 1997 — Section 43 on 11 June 1998 *(Gazette No. G23, 11 June 1998)*

State Taxation (Amendment) Act 1998 — Section 10 on 1 July 1998 *(Gazette No. G24, 18 June 1998)*. Section 3 on 21 July 1998 *(Gazette No. S74, 21 July 1998)*

State Trustees (Amendment) Act 1998 — Section 10 on 1 July 1998 *(Gazette No. G24, 18 June 1998)*

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998 — Remaining provisions except section 244(2) and item 109 of Schedule 1 on 1 July 1998 *(Gazette No. G24, 18 June 1998)*

Victorian Civil and Administrative Tribunal Act 1998 — Remaining provisions on 1 July 1998 *(Gazette No. G24, 18 June 1998)*

Victorian Plantations Corporation (Amendment) Act 1998 — Sections 5 and 11 on 25 June 1998 and remaining provisions on 26 June 1998 *(Gazette No. G25, 25 June 1998)*

Wills Act 1997 — Remaining provisions on 20 July 1998 *(Gazette No. G28, 16 July 1998)*

Mr Batchelor — On a point of order, Mr Acting Speaker, I was not handed the list of papers. We were handed a list relating to the petitions, but neither I nor other honourable members were handed lists of papers.

Mr Maclellan — Not on the point of order but on the same issue, on my way into the Chamber I looked to see whether the usual list of amendments made out of session and required to be advised to the house had been handed out to honourable members. Neither I nor other honourable members to whom I have spoken received such a list.

The ACTING SPEAKER — Order! I understand some copies were handed out, but obviously not to everyone. I take the points raised by the honourable member for Thomastown and the Minister for Local Government and Planning. I ask the house attendants to ensure that those documents are distributed to all honourable members who have not received copies.

Mr Maclellan — I now have mine, and I understand copies are available to honourable members.

GOVERNOR'S SPEECH

Address-in-reply

The ACTING SPEAKER — As directed by the house, Mr Speaker, accompanied by honourable members, on 20 May 1998 waited upon His Excellency the Governor and presented to him the Address of the Legislative Assembly agreed to on 21 April 1998 in reply to His Excellency's speech on the opening of Parliament. His Excellency was pleased to make the following reply:

> Mr Speaker and honourable members of the Legislative Assembly:
>
> In the name and on behalf of Her Majesty the Queen I thank you for your expressions of loyalty to Our Most Gracious Sovereign contained in the address you have just presented to me.
>
> I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this state.
>
> James Gobbo
>
> Governor of Victoria

ROYAL ASSENT

Messages read advising royal assent to:

19 May 1998

Agriculture Acts (Amendment) Bill
Dried Fruits (Repeal) Bill
Education (Self-Governing Schools) Bill
Gaming Acts (Amendment) Bill
Gaming No. 2 (Amendment) Bill
Gas Pipelines Access (Victoria) Bill
Heritage Rivers (Amendment) Bill
Local Government (Darebin City Council) Bill
Transport Accident (Amendment) Bill
Victorian Plantations Corporation (Amendment) Bill

20 May 1998

Appropriation (1998/99) Bill
Appropriation (Parliament 1998/99) Bill

26 May 1998

Ambulance Services (Amendment) Bill
Catchment and Land Protection (Amendment) Bill
Gas Industry (Amendment) Bill
Land Tax (Amendment) Bill
Melbourne and Olympic Parks (Amendment) Bill
Miscellaneous Acts (Omnibus No. 1) Bill
Parks Victoria Bill
Public Sector Management and Employment Bill
Public Sector Reform (Miscellaneous Amendments) Bill
Rail Corporations (Amendment) Bill
State Taxation (Amendment) Bill

2 June 1998

Business Licensing Authority Bill
Melbourne City Link (Exhibition Street Extension) Bill
St George Bank and Advance Bank Australia Bill
Tribunals and Licensing Authorities (Miscellaneous Amendments) Bill
Victorian Civil and Administrative Tribunal Bill.

BUSINESS OF THE HOUSE

Televising and broadcasting of proceedings

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

> That until 30 June 1999 inclusive, the resolution authorising the televising and broadcasting of proceedings in the Legislative Assembly agreed to by the house on 18 February 1998 be amended by the omission of paragraphs 1(b)(I) and 1(d)(i).

The effect of these amendments to the motion relating to the televising and broadcasting of proceedings of the Legislative Assembly would be to allow televising and broadcasting of proceedings of debate on a motion that grievances be noted or debate on a motion moved by a minister for the adjournment of the house at the end of a day's proceedings. These arrangements would allow the televising and broadcasting of those debates on a trial basis up to and including 30 June 1999.

The motion will enable all proceedings of Parliament to be covered electronically, thus fulfilling the aspirations that many honourable members have had for some time. The motion is balanced by a further motion that will be moved later. All members of Parliament and the media have a clear responsibility to use the privilege of this extended motion responsibly and sensibly.

The government is pleased that continuing progress is being made. I have every confidence that the trial will become a permanent feature of the parliamentary process. When this issue arose at the end of the last sessional period, Mr Speaker convened a meeting between the Leader of the Opposition and me so that both parties could deliberate on the issue during the recess. Those deliberations have led to the motion being moved by me on behalf of the government and seconded by the honourable member for Thomastown on behalf of the opposition. I thank the opposition for its bipartisan support of the motion. A subsequent motion will be dealt with in a similar fashion. The motion demonstrates the commitment of the government and the opposition to public scrutiny of the processes of Parliament.

Mr BATCHELOR (Thomastown) — The opposition fully supports the amendment to the sessional orders. A previous parliamentary resolution refused to allow the broadcasting of the grievance and adjournment debates. It led to an unhappy set of circumstances and an attempt to challenge the decision of the Parliament. At that time the Labor Party believed all proceedings of the Parliament should be broadcast electronically by radio, television or even on the Internet. That process is an integral part of an open and democratic society and a feature of a democratic chamber.

This motion arose from the negotiations between the Leader of the Opposition and the Leader of the House. The opposition's preference would have been to resolve all the matters now and not have a trial; a trial is the least optimum resolution of the issue. It would have been far better to resolve the matter today because it is within the power of the house to change the arrangements if they are unsatisfactory.

The Leader of the House said there are obligations on both members of Parliament and the media about the reporting of proceedings of this chamber. As demonstrated in the past the role of the media is as an instrument of record — it reports what happens in the chamber — so the ultimate responsibility lies with honourable members, and there should not be a sword of Damocles hanging over honourable members regarding this motion.

Other issues need further development — for example, how will broadcasting be carried out? With television broadcasting the positioning of cameras and the restriction on using only one camera should be reviewed. The opposition believes it would be far better and in the spirit of the motion if those restrictions were eased. One need only consider the federal Parliament where the capturing of images for subsequent broadcast is carried out by Parliament itself. Perhaps that is an issue we should examine rather than doing it on the cheap and having a roster system undertaken by the television stations to provide pool footage from a fixed location. I believe we would be better served by investigating how the federal Parliament deals with the technical issues because it provides the operators and the vision. That ensures open access and good footage and means that television broadcasting is done in accordance with the understandings and the guidelines laid down by Parliament. It produces a far better outcome for all concerned.

In supporting the motion the opposition urges the government to consider those issues as a further extension of the principle of opening up the Parliament

of Victoria to all those who want to access it. I support the motion.

Mr BRUMBY (Leader of the Opposition) — Although I welcome the motion, I must say it is a pity that it has taken so long to get to this stage. On 19 February this year I moved by leave:

> Given the Premier's statement on radio 3AW on Thursday, 19 February 1998, that, 'I am happy for every debate to be broadcast', that this house calls upon the Leader of the House to introduce a motion that allows all parliamentary proceedings in this house to be freely broadcast without any limitation.

Unfortunately, leave was refused. However, that motion led to a fruitful meeting between the Leader of the House, the Speaker and me at which the issues were discussed. I am pleased this motion is now before the house because it will provide for more open broadcasting of the parliamentary procedures, particularly the grievance and adjournment debates.

This is a welcome first step and I have every confidence that the trial will work well. Further steps have to be taken. Earlier this year a report was given to me by a University of Melbourne parliamentary intern which compared all of the parliaments of Australia. The report entitled *Democracy in Practice: A Study of Australian Parliaments* was prepared by Katie Young. Ms Young compared all the criteria of openness and democracy in the federal Parliament and the parliaments of the six states and two territories to see how they performed. There are no prizes for guessing that Ms Young found the Victorian Parliament was the least open and the least democratic of all the parliaments in Australia. She measured such things as the quantity of questions without notice each day, the opportunity for ministerial statements or statements by members to be debated, the opportunity for matters of public importance to be debated, the opportunity for private member's bills and business to be debated, the broadcasting and televising of parliamentary committee hearings and so on.

This detailed report, which runs to a large number of pages, contains a graphical analysis of the differences between the various parliaments. I will not go into it in great detail, but I stress that on numerous occasions I have spoken about the issue in this chamber.

I recall saying during Christmas felicitations last year that changes should be made. In a positive step Mr Speaker said he would look at the changes and consider whether there was scope for further reform to the parliamentary procedure. This is a tentative first step in broadcasting. However, I believe it should go further and allow total coverage of all debates. The infrastructure should be provided for more than one camera. The current camera was put in place during the term of a Labor government. As the honourable member for Thomastown pointed out, the federal Parliament and some state parliaments have several cameras. Archaic rules concerning camera angles and what can and cannot be filmed should be changed. Sound and vision should be made available not just within the Parliament itself but on cable and elsewhere for outside distribution.

An honourable member interjected.

Mr BRUMBY — In response, I would draw the line somewhere between here and the other place, which is unique and has been a stepping ground for several leaders. I was there for a short time. The Minister for Conservation and Land Management was in the upper house, as was Dick Hamer, who was Premier of this state for 10 years. Joan Kirner, Mal Sandon and Jim Kennan, who did not last very long in the lower house as Leader of the Opposition, were all members of the upper house. Although it is an important stepping stone I do not think its debates need to be broadcast. The Legislative Assembly is the people's house where governments are made and unmade. Its debates should be broadcast widely. My experience in federal Parliament is that the televising of Parliament, particularly with several cameras, improves the standard and quality of debate and the presentations of parliamentarians.

We set a high standard in this place but there is always room for improvement. In our hearts all honourable members share a passion for parliamentary reform. The difficulty is that reform is in the eyes of the beholder. It is difficult for the government to give ground that makes it easier for the opposition. Similarly it is difficult for the opposition to give ground that may help the government. Good reports with sound recommendations from joint parliamentary committees never see the light of day because the government does not wish to implement them. I have pleasure in supporting the motion.

Mr THWAITES (Albert Park) — I support the motion and congratulate Mr Speaker, the Leader of the House and particularly the Leader of the Opposition on introducing this change to the practice of the house. Honourable members should acknowledge that the Leader of the Opposition first put this issue on the agenda in his Christmas felicitations speech in 1996. He urged the house to consider a range of improvements to its operation.

The wider broadcasting of proceedings in the house will lead to an improved standard of debate thereby increasing community respect. The reforms are about invigorating democracy to ensure that the public has access to parliamentary proceedings. There is no good reason why the adjournment or grievance debate should be excluded from publication via television or radio. Earlier in the year an absurd situation arose where a radio station employed an actor to read the speech of the honourable member for Niddrie. It was a great task for any actor to fill the shoes of the honourable member for Niddrie, but it happened because radio 3AW was unable to broadcast the honourable member's speech directly.

Some further concerns need to be addressed. The first is the archaic situation of having only one camera. More cameras would give a balanced picture as occurs in the House of Representatives. Secondly, points of order are still not to be broadcast. While it is sensible that withdrawn remarks are not broadcast I can see no good reason for not broadcasting points of order, which are important to the proper performance of the standing orders.

The recording of Parliament and the re-publication of proceedings for the purpose of satire is also prohibited by the current orders. I believe it is hard to know where you draw the line at what constitutes satire. Honourable members are resilient and can laugh at themselves. I see no reason to effectively censor the proceedings to prevent that sort of recording.

I find it odd that this also applies to the publication of proceedings in this house for the purpose of political advertising. People have the right to know what happens in this place. In the famous political advertising case the High Court found that there should be no inhibition at all on TV advertisements. I am sure opposition members would be happy to publicise much of what happens for the public to better appreciate the way the government treats this house.

Finally, televising and broadcasting proceedings in the house is a real step forward. However, there is not much point if the house does not sit. Given that the sitting of this house is such a rare occurrence these days the changes, while an improvement, will not greatly increase public knowledge of parliamentary procedure.

Motion agreed to.

Right of reply

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

That after sessional order 6 insert the following sessional order:

"7.(1) From the date of the adoption of this sessional order, where a person who has been referred to by name, or in such a way as to be readily identified in the house or in the committee of the whole house, makes a submission in writing to the Speaker —

(a) claiming that the person has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person; and

(b) requesting that the person be able to incorporate an appropriate response in the parliamentary record —

and if the Speaker is satisfied —

(c) that the subject of the submission is not so obviously trivial, or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Privileges Committee; and

(d) that it is practicable for the committee to consider the submission under this sessional order —

the Speaker shall refer the submission to that committee.

(2) The committee may decide not to consider a submission referred to it under this sessional order if the committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the house.

(3) If the committee decides to consider a submission under this sessional order, the committee may confer with the person who made the submission and any member who referred in the house to that person.

(4) In considering a submission under this sessional order, the committee shall meet in private session.

(5) The committee shall not publish a submission referred to it under this sessional order or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the house.

(6) In considering a submission under this sessional order and reporting to the house the committee shall not consider or judge the truth of any statements made in the house or committee of the whole house or of the submission.

(7) In its report to the house on a submission under this sessional order, the committee may make either of the following recommendations —

(a) that no further action be taken by the house or by the committee in relation to the submission; or

(b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person and the committee, be published by the house or incorporated in *Hansard* —

and shall not make any other recommendations.

(8) A document presented to the house under paragraph (5) or (7) —

(a) in the case of a response by a person who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and

(b) shall not contain any matter the publication of which would have the effect of —

(i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or

(ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

(9) The committee may agree to guidelines and procedures, not inconsistent with this sessional order, to apply to the consideration by it of submissions."

The acceptance of the proposed sessional order will establish for the remainder of the session a trial procedure for dealing with the protection of persons adversely named in the house. Its operation will be reviewed after the end of the session.

In brief, the procedure envisages that from the date of adoption of the proposed sessional order any person adversely referred to in the house or in the committee of the whole house may make a submission in writing to the Speaker. The Speaker would then have to be satisfied that the submission is not trivial, frivolous, vexatious or offensive and that it is practical for the Legislative Assembly Privileges Committee to consider the submission before referring the matter to the Privileges Committee. The committee then has to be similarly satisfied before going ahead with its consideration of the submission.

In reporting to the house on a submission, the committee may recommend that no further action be taken or that a response by the complainant in terms agreed to by the committee be published by the house or incorporated in *Hansard*. A similar procedure has been in place in the Senate since 1988 and has apparently worked very well. The House of Representatives also adopted a similar procedure in August last year. It appears that the relatively stringent ground rules in the procedure have been effective in filtering out vague complaints and guarding against rash and clumsy approaches.

All honourable members would be aware of the level of concern in the community about the misuse on occasions of the privilege of freedom of speech of honourable members in the Parliament.

The motion, like the earlier motion, has come out of the consideration of the broadcasting issue at the end of the last session chaired by the Speaker. It provides a further safeguard, and I believe it will be very much welcomed by the broader community.

As with the earlier motion, I express my appreciation to the opposition for seconding the motion and, as such, indicating the bipartisan commitment of all the major parties in this Parliament. I commend the motion to the house.

Mr BRUMBY (Leader of the Opposition) — The opposition supports the proposal. On a number of occasions I have raised the matter in Parliament. In December 1997, when talking about the need for further reform of the Parliament, I said, among other things:

> There ought to be more time for private members' business. People outside Parliament who are named or defamed in this place should have the right of reply. This is a practice which the Senate has adopted. The retention of parliamentary privilege is crucial, but it is appropriate that people outside Parliament ought to have the right, through you, Mr Speaker, to put their version of the facts.

In February this year I raised it again in debate on a standing orders motion when I was again talking about the need for reform of the Parliament and a right of reply. I said:

> The opposition believes there are circumstances in which such a member of the public ought to have, in strictly controlled circumstances —

and I emphasise that —

> a right of reply in Parliament and have a statement inserted in *Hansard* after going through a process cleared by the Speaker of the day. A similar system exists in the Senate and in the Queensland Parliament. It has been used on a number of occasions and works well.

Mr Acting Speaker, on other occasions I raised that matter. The question of a right of reply was first put on the public agenda by me in May 1997 when I released a document called *Making Parliament Work — Labor's plan for a harder working and more democratic Parliament*. On page 7 I addressed the issue of right of reply, and remarked that in some other parliaments such a right exists and that Labor believes that right should apply in the Victorian Parliament. In essence we said in that document:

> Labor believes that while parliamentary privilege should remain, there must be some means of redress for people who are the victims of unsubstantiated allegations.

I stress the point that this is not a free-for-all for any persons who are ever referred to, named or even criticised in Parliament to have unfettered access to having their version of events or statement of facts inserted in the parliamentary record. On the contrary, the motion proposes a very limited right of reply for citizens aggrieved because their reputations have been affected by what is said about them in the Parliament, through a process involving writing to the Speaker; the Speaker then putting that through a system of checks, balances and tests and then referring the matter, if appropriate, to the Privileges Committee; and the Privileges Committee hearing the matter and determining whether the statement and, if necessary, any minutes of the meeting, should be inserted in *Hansard*.

I stress that the right to parliamentary privilege — in other words, free speech for members of Parliament with the right to state their beliefs in Parliament in an unrestricted way in the public interest — is paramount. I am sure all members of Parliament would agree that that right must be exercised responsibly but that at the end of the day there is little if any point in having a Parliament if honourable members are not able to discharge their duties with absolute freedom of speech in the manner in which they see fit.

I stress that point because of the comments over the years by the Premier who, when criticised or attacked by another member of Parliament, has said he will consider the issue of parliamentary privilege. Members of Parliament must have parliamentary privilege, as is ensured by all democratic institutions around the world that operate under the Westminster system. As I said, that right must be used responsibly but it must be retained in all circumstances.

I say that in the context of some of the comments the Premier has made but also in the context of an article on the front page of today's *Age*, headed 'Public wins rights when MPs defame', by Ewin Hannan, the state editor. It is a pity that the writer of the article did not go into the background of the issue as thoroughly as he might have and refer to Labor's original policy document which prompted the debate. The suggestion that the two quotes under the heading 'Fact or fiction?' would be matters covered by the proposal is quite fallacious. The article states that in October 1994:

> Former opposition gaming spokesman David White claims in state Parliament that the government is 'corrupt at the core and at the highest levels'.

It does not mention anybody's name and certainly does not mention anybody outside the Parliament. It is totally misleading to associate that quote with the motion before the house. I do not know if that quote was picked out by the author of the article or if it was just the result of subediting or whatever; nevertheless that quote is there.

So that the record is clear, I point out that if anyone alleges in the house that he or she believes the government is corrupt, the government is well able to defend itself if it wishes to do so. That is the nature of parliamentary debate. It is not a question of an individual outside the house being named or potentially defamed and requesting a right of reply.

The second example in the article of a person named in the 1980s is the sort of case in which a person would have had some right of redress in the Parliament. This resolution embraces situations of that kind. The person concerned should have had some right of redress in the Parliament.

In comparison with other parliaments in Australia, time is passing this Parliament by. In the Commonwealth Parliament the House of Representatives has had a right of reply since August 1997 and the Senate has had it since 1998; the New South Wales Legislative Assembly has had it since November 1996 and the New South Wales Legislative Council since November 1997; and the Queensland Legislative Assembly has had a procedure in place since October 1995. Western Australia and Tasmania do not have such a procedure. The Legislative Assembly of the Australian Capital Territory has had a right of reply process since September 1993, and the New Zealand House of Representatives has had one for a number of years. Victoria is one of the last parliaments to embrace the idea of a right of reply.

The text of this motion is an almost verbatim replica of the text of the resolution passed by the House of Representatives and the Senate, so I do not think there is anything contentious about it. I stress that this is not a free-for-all for members of the public whenever they are named or mentioned. It provides a mechanism not for taking over *Hansard* or the Parliament but for handling cases where people have been adversely affected and feel aggrieved and where a case is not vexatious but is serious enough to be put before the house.

A mechanism of this kind has been in place in Queensland since 1995 and has been utilised only seven times, despite a public education campaign to make people aware of it. A public servant replied to an accusation of incompetence and bias by an opposition member of Parliament. There were two cases where council election candidates replied to accusations by the

Minister for Local Government that they had engaged in corrupt electoral practices. A director of Rothwell's Bank and former deputy chairman of the TAB replied to an allegation that he had made improper donations to a political party and had a conflict of interest. A union official responded to a claim by a government member that he had improperly undermined negotiations between the government and the United Firefighters Union. A member of a victim support group responded to claims by a minister that he had improperly spoken on behalf of his community group.

In the Senate there have been approximately 20 cases. There has been a high degree of satisfaction on both sides of that house about the way the mechanism has been used. I believe a right of reply mechanism will not hinder honest, open and fearless debate in the chamber, and parliaments need that. Rather, I believe giving aggrieved citizens a right of reply will tip the balance a little in their favour.

This provision is just one of many reforms that are essential in this Parliament. I believe we need sweeping reforms to the way Parliament operates. If I form the next government of this state I will certainly be introducing such reforms. We need more sitting days; a stronger and clearer code of conduct for members and ministers; sessional and standing orders to prescribe more closely the number of questions that should be answered during question time; and mechanisms for modernising the way petitions can be presented to this Parliament.

We had a debate today about the issue in Mornington — yet another of the planning disasters occurring under this government. The honourable member for Richmond moved that the petition lodged by the honourable member for Mornington should be debated. The Leader of the House, to his credit, agreed, and a debate was conducted. In the five and a half years I have been in this place, however, that is the first time I have seen a petition debated. I won't hold my breath for the next time, but it was good to have the debate.

Another Labor Party proposal for the reform of Parliament is that people who sign petitions should have the right to address Parliament for a limited time. Once in each sitting week a time could be set aside for petitions to be presented. A committee of the house would select a small number of the petitioners to be allowed to speak to the petitions they have had presented.

I have followed with interest the development of the shopping complex in Mornington, where thousands of people have signed a petition. I have seen the television coverage and have no doubt that the people responsible for organising that petition would very much want to address this Parliament and air their concerns directly. I think such an event would bring Parliament back to life.

There needs to be a sin bin for disruptive members. Whether you are in the chair, Mr Acting Speaker, or whether Mr Speaker is in the chair, there are times — especially during question time — when the house becomes rowdy. I am no saint, nor are the Premier and some other honourable members saints. At times the Speaker needs to be able to send a member to a sin bin for half an hour or an hour to cool down in order to set an example for the house to follow.

Further, I believe scheduling debates and publicising their times is important so that people know when a debate is coming on and can attend. Government tactical advantage is also an issue. Governments of the day always want some tactical advantage in the way they operate the house. In this regard elements of the British system are attractive. Each bill is listed for debate on a particular day. Members of the public who are interested in the debate on a petition — for example, the Mornington petition — know that the debate is going to occur at, say, 3.00 p.m. on Wednesday, and can watch it. If Parliament wants to conduct debate on a motion, it is listed for a particular time.

It was unfortunate and inexcusable that the honourable member for Mornington was not here earlier today. Had the debate been listed at a particular time, however, the honourable member may have had a better chance to more adequately represent his electorate.

Parliamentary committees should have more investigative teeth. They should be given more time to probe into matters more deeply. Finally, there should be more time for members' bills, private members' business, matters of public importance and grievance debates. All of those things make up a package of reforms that is crucial if we want this Parliament to work better.

The clear message that comes from Victorians and people across Australia is that there is a level of disillusionment with politicians and all political parties. One of the reasons for that is that our Parliament does not work in the way it was intended. Parliaments, including this Parliament, have become mere rubber stamps for the executive of the day. That trend is undesirable.

The temptation for every government is to be a strong executive and to get on the with the job of governing, but there must be a proper balance between having a strong executive and allowing the voice of the people to be expressed through their Parliament. Democracy means more than people having the right to vote every four years; it means having a vital, healthy Parliament and a government that listens.

I would like to see additional reforms to those in the motion, and I know Mr Speaker is also committed to the further reform of Parliament. Victoria is a long way behind the federal and other Australian parliaments in having open, democratic procedures. I hope the government will continue to examine the scope for reforming Parliament. By the end of the sessional period, which will be one of the shortest on record — in fact, it will the shortest spring session in a non-election year — I hope the government will have implemented further changes to open up Parliament to make it a place of real debate and a voice for all Victorians. I happily support the motion.

Mr THWAITES (Albert Park) — I also support the motion, which will allow persons who believe their reputations have been adversely affected to prove their cases before the Privileges Committee and to then have a short statement tabled in the house.

I support the motion for two reasons. Firstly, it will protect people whose reputations may have been adversely affected by enabling them to have their say in this place. Secondly, and perhaps more importantly, it will bolster the right of free speech and the parliamentary privilege that attaches to statements made in the house. From time to time the community has criticised the use members have made of parliamentary privilege. The right of parliamentarians to make privileged statements and to have such statements protected from defamation proceedings has been threatened. Giving those who have been affected a right of reply is a proper response to those in the community who say parliamentary privilege should be abolished. The right to free speech in this place is the most important privilege that attaches to Parliament; it has not always existed, and its achievement was hard won.

Prior to the introduction of the English bill of rights in 1688, a number of parliamentarians were dragged before the King's Bench for comments they had made in Parliament. The King's Bench had been appointed by the king at the time, who had little respect for the right of parliamentarians to speak freely. Prior to that, James I had expressed the view that any privilege attaching to Parliament resulted only from an order of the king; therefore, he believed Parliament had no privilege of its own. That led to the conflict known as the English civil war. Subsequently, in the 1680s Parliament invited William of Orange to become king on the basis that he agreed with the bill of rights. The then King William agreed to clause 9 of the bill, under which no statement made in Parliament could be called into question in the courts.

Although it may seem a little arcane, the provision remains relevant. It has been referred to in numerous recent cases, particularly in various New South Wales commissions of inquiry. It was also referred to in New Zealand, when attempts were made to question the privilege of comments made by parliamentarians. One need only look at what has happened in countries to our near north, where opposition members of Parliament have been bankrupted by defamation proceedings initiated by governments to silence any opposition. Although I do not suggest the Victorian government has gone that far, the way in which freedom of information applications are now dealt with — with the resultant high costs that have to be paid by the opposition and members of the community — leads one to assume that similar tactics are being used to silence Victorian parliamentarians who seek to criticise government administration.

I endorse the change to our practices outlined in the motion because it will protect not only the reputations of those who have been impugned but, more importantly, the right of parliamentarians to freely criticise the executive government while in the house.

Motion agreed to.

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, 3 September 1998:

Local Government (Amendment) Bill

Road Safety (Driving Instructors) Bill

Land (Revocation of Reservations) Bill

National Parks (Amendment) Bill

Printers and Newspapers (Repeal) Bill

Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill

Physiotherapists Registration Bill

Road Safety (Amendment) Bill

Fundraising Appeals Bill

Motion agreed to.

LOCAL GOVERNMENT (AMENDMENT) BILL

Government amendments circulated by Mr COOPER (Minister for Transport) pursuant to sessional orders.

Opposition amendments circulated by Mr DOLLIS (Richmond) pursuant to sessional orders.

Second reading

Debate resumed from 23 April; motion of Mr MACLELLAN (Minister for Planning and Local Government).

The ACTING SPEAKER — Order! I am of the opinion that the second and third readings of this bill require to be passed by an absolute majority of members of the Legislative Assembly.

Mr DOLLIS (Richmond) — The Local Government (Amendment) Bill amends the Local Government Act to require an extraordinary vacancy for a district-wide councillor to be filled only by a countback. It precludes the conduct of a by-election to fill such a vacancy. That requirement will apply to the City of Melbourne, the City of Greater Geelong and to all other municipalities that move to having district-wide councillors.

The legislation makes other changes to electoral provisions and to local laws as they are affected by national competition policy principles. In summary, all extraordinary council vacancies — unsubdivided, ward or district-wide — should be filled by the conduct of a by-election. The opposition has serious problems with that. That is why I foreshadow amendments to clauses 7, 9, 19 and 20, which inserts proposed clause 2(j)(ii) into schedule 8 to replace 'only' with 'most practicably'.

The Labor Party does not support municipalities having an internal electorate structure imposed upon them. The serious issue we are debating is the inability of the government to get things right. The minister decided once more to interfere just as he did with the City of Greater Geelong. As the Labor Party has stated before, he is never satisfied with the wishes of the people. The election results of the first council were such that the minister then moved to alter both the boundaries and the method of election. The City of Greater Geelong has more than 100 000 voters and requires a complicated structure if it is to operate and work democratically.

The first premise is that the minister got it wrong to begin with. He did not think of the consequences of moving to that type of system, nor did he think of the consequences when a vacancy occurs. The minister was caught out in the case of the City of Melbourne and as a result proposed amendments will be moved. The Labor Party strongly opposes municipalities having that structure imposed upon them. It has stated that in the past and it is stating it again. It is false for the minister to say councils wanted them. What he terms 'wanted them' is his wish being imposed upon people.

Mr Maclellan interjected.

Mr DOLLIS — The minister cannot believe this. However, my colleague the honourable member for Geelong North, with considerable pleasure, will outline to him the wishes of the people of Greater Geelong. I suggest that the honourable member for Geelong North understands their wishes far better than the minister.

The current legislation allows a cocktail of ward and district-wide councillors to be imposed on Melbourne and Geelong without consultation or prior agreement. Labor Party policy, as clearly stated by the shadow minister for local government, is for municipalities to determine their own internal electoral structure if necessary in an equal partnership with the state government. We are talking about a partnership not an imposition by the state government on local government. Most importantly, as the shadow minister for local government said, the opposition has warned the state government about imposing a district-wide electoral structure on councils without addressing how extraordinary vacancies would be filled. I advise the minister that the David Bardas resignation from the City of Melbourne caught him and the state government napping. It exposed the fact that they had imposed an internal electoral structure that had not been thought through properly and responsibly.

The opposition does not agree that local government should be the political plaything of state governments. Either we are serious about respecting the three tiers of government in this country — local, state and federal — or we will continue, as this government has since day one when it was elected, to have local government at its disposal and used as a political plaything.

The responsible minister is the Minister for Planning and Local Government. We have never before seen such an incredible concentration of powers in the hands of a single minister. ALP policy is committed to local government being a strong and equal government in which partnership will drive agreements and outcomes. Unless that is understood the opposition does not understand how democratically elected governments

will operate. If local government is to be constitutionally protected, valued and respected and seen as a vital and equal partner in providing good governance, in the absence of a constitutional provision the government will have to act extraordinarily. I have not seen any evidence of either the minister or the government wanting to do that.

Labor Party policy does not allow a state government to demand a rate cut of 20 per cent or any other percentage. The state government's own report shows that its decision to demand a rate cut has simply driven municipalities into infrastructure poverty. That has been imposed from the top, from state to local government, with no partnership. The demand for a rate cut at the level the minister has imposed clearly shows that although he wishes local government to have some democratic participation in the election of local government officials, when it comes to fiscal policy and the ability of local government to manage its own affairs, he and he alone will determine the economic prospects of local government. A 20 per cent cut without examination of the individual necessities of individual councils shows that the minister has no desire to allow independence to operate at that level.

Labor Party policy would not allow a state government to push municipalities into a superannuation black hole. The opposition has spoken continually about the $350 million to $400 million black hole and the minister's demands that ratepayers meet that debt. It is an extraordinary situation. The debt was created by incredible state government policies but the ratepayers have been asked to deal with it. Under a Brumby administration local government will be driven by community needs. Democratic processes will dominate at the local level to provide a range and quality of services that stakeholders, ratepayers and residents, both expect and demand.

Mr Maclellan interjected.

Mr DOLLIS — The minister does not wish to understand that the stakeholders are the ratepayers and the residents. They expect and demand that the democratic process at the local level be adhered to. They should also have some equality of treatment if local government is to operate properly.

The Labor Party acknowledges that proper application of the national competition policy has the capacity to deliver effective and efficient services to ratepayers and residents. Let it not be misunderstood that that is the policy we adhere to. At the same time we hold that the principles clearly articulate the need and capacity for public interest and community benefit to be incorporated in all national competition policy processes and decision making. The national competition policy processes must always reflect the need for public and community interest to be accommodated and not used as a mechanism for privatisation at any cost.

I will now deal with the major clauses of the bill. Clause 4 requires that the electoral roll be updated for by-elections. Currently by-elections are conducted using outdated polls which preclude some eligible people from voting. The opposition does not have any problem with the clause and supports it.

Clauses 5 and 6 clarify that council elections will be held on the third Saturday in March, or, if Easter Saturday falls on that day, on the second Saturday. The opposition supports the clause because it makes sense. Clause 7 inserts a provision relating to the filling of an extraordinary district-wide council vacancy by a vote countback. Currently a by-election must be conducted to fill a vacancy in the district-wide councils of the City of Melbourne and City of Greater Geelong. As I have indicated, the opposition opposes the clause.

Clause 8, which extends the time within which a by-election must be conducted from 60 to 90 days, resulted from a request put to the minister by local government. Again, the opposition supports the clause.

Clause 10 provides that councils may be required to include specified performance measures in their corporate plans. The opposition opposes this clause.

Clause 14 provides that a ballot paper must not contain any reference to the allegiance of a candidate to any political party or cause. The opposition supports this clause. The minister should now understand where the Labor Party stands on these issues.

Clause 15 extends the restrictions on who can be a scrutineer. The opposition supports the clause. Clause 16 provides that disadvantaged voters may seek assistance with postal voting. It is a very reasonable measure and the opposition supports the clause.

Clause 17 restricts the number of recounts of votes to one at the instigation of the returning officer and one at the request of any candidate, but does not restrict access to the municipal tribunal. The opposition supports this clause also and thinks it makes considerable sense.

Clause 19 sets out the procedure for conducting a countback of votes for an extraordinary vacancy for a district-wide councillor. Clause 20 ensures that councils' local laws comply with national competition policy principles and allows the minister to recommend

that a local law be revoked if it substantially breaches the principles.

I have clearly outlined the opposition's position on the clauses of the bill. The minister has made some grave mistakes in restructuring local government, particularly in imposing such an extraordinary structure on the City of Geelong, and he may wish to reconsider and work out what he is doing with his proposals.

Let us look at some of the principles, how they would apply to a countback, and what the results may be. Minister Maclellan may be a candidate who, as a result of his brilliance and commitment to a municipality, is elected by its ratepayers. However, at some stage Minister Maclellan may decide that he, as Citizen Maclellan, does not wish to continue in that position, and may resign. It is a perfectly clear proposition. However, when Minister Maclellan as Citizen Maclellan decided to stand for election to the municipal council he did not know of his impending resignation, so no arrangements were made for his votes to flow a particular way — or rather, the ratepayers exercised their democratic right and voted a particular way.

Let us say for argument's sake that the great beneficiary of Minister Maclellan's legislation was a Paul Hanson — not to be confused with Pauline Hanson — who represents the One Nation party. He would have inadvertently been elected by private citizen and former Minister Maclellan using the countback method, when the wish of both the former minister and the ratepayers was not to have such a person representing them in their municipality.

The minister should consider the serious ramifications of his countback proposal, because people whom voters would never have wanted elected as their council representatives may end up being elected. Through his proposed method Citizen Maclellan — former Minister Maclellan — may have inadvertently elected a Paul Hanson representing the One Nation party simply because of his inability to work out the consequences of the system he has imposed on the City of Greater Geelong and the method with which he now proposes to resolve the difficulties he faces as a result of what happened in the City of Melbourne with the resignation of David Bardas.

I ask the minister to think seriously about the consequences of his desired reform. We agree that by-elections can be costly affairs, but that is because of the structure the minister has imposed on municipalities. A hundred thousand plus — —

Mr Finn interjected.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Tullamarine will have his opportunity.

Mr DOLLIS — Let us take — —

Mr Maclellan interjected.

Mr DOLLIS — Of course the opposition loves by-elections, because it is people's democratic right to exercise their will. You cannot play with democracy, Minister. I know it is your desire to play Caesar to the people of Melbourne, but beware, Minister, because you cannot autocratically impose your wishes on Victorians.

We have seen it time and again. A classic example is the Mornington electorate, which clearly indicated the way you intervened, imposed your will and changed the boundaries and the rules. It showed how little thought you give to alterations and amendments to legislation and how little you think of the consequences of your desire to drive changes. For once in his lifetime this minister must think seriously about what he is imposing on the people of Victoria. If the minister had bothered to talk to the VLGA he would have — —

An honourable member interjected.

Mr DOLLIS — Why?

An honourable member interjected.

Mr DOLLIS — The people's republic? What incredible arrogance! At least the honourable member for Tullamarine and the Minister for Planning and Local Government agree that the countback provisions in this bill could inadvertently provide a platform for people like those in One Nation to be elected to municipalities against the wishes of the ratepayers. That has occurred only as a result of the minister's not thinking seriously about what he calls the reforms he imposes on the people of Victoria.

Mr Loney — Deforms!

Mr DOLLIS — I thank my colleague the honourable member for Geelong North for pointing that out. In many ways it is a deformation when one man believes in a complete imposition of his views, wishes and aspirations in a non-democratic way. They are not necessarily the views of the government, but of an autocratic minister who loves the concentration of power and imposing his idiosyncratic manners and ways on all those who have never had an opportunity to decide for themselves — no matter how entertaining that may be from time to time. The minister projects

innocence, but innocence could never be his middle name. It could be interference, imposition, inability to listen, and ability to impose and not consult, but never innocence.

The bill is a classic example of an amendment to poorly conceived legislation that did not take into consideration the ramifications of the changes imposed on at least two municipalities. It is a perfect example of the government's being caught unawares, as was clearly indicated to it by the resignation from the Melbourne City Council of David Bardas. The government was caught napping. It was exposed as having imposed an internal electoral structure that had not been thought through properly and responsibly.

The opposition wants the minister to rethink his proposed reforms. He will have a considerable amount of time while the bill is between here and the other house. The arguments are very clear. The minister's mistakes should be obvious even for him to see. The people of Victoria have been warning him that his interventions will not be tolerated — —

Mr Maclellan interjected.

Mr DOLLIS — No. I take up the interjection about Mornington. The minister misunderstands what is a proper representation of the facts. In this case he may for once have the ability to exercise his duties properly and to take into consideration what is in the best interests of the people of Mornington. The opposition is acting responsibly in presenting a case to the minister and asking him to do his job properly for once in his life.

Mr Maclellan — To intervene!

Mr DOLLIS — No, Minister. You have an incredible ability to twist things. For a long time the Minister for Planning and Local Government was able to get the people of Victoria to consider local government as the level of government responsible for all that has happened as a result of the changes that he has imposed on them — planning interventions, changes to local boundaries, rate impositions and everything else. It was a little like his argument that the *Good Design Guide* was only a guide. The opposition was able to expose the minister's inaccuracies and show that the *Good Design Guide* was a piece of law that enabled developers — —

Mr Finn — On a point of order, Mr Acting Speaker, the honourable member for Richmond obviously needs all the help he can get, but I do not see any reference in the bill to the *Good Design Guide*. It is of no relevance to the bill.

Mr DOLLIS — The minister did try to fool the people of Victoria, but finally he was — —

The ACTING SPEAKER (Mr Cunningham) — Order! I uphold the point of order. I ask the honourable member for Richmond to get back to the bill.

Mr DOLLIS — The minister was caught out — and he has been caught out with this bill. The David Bardas case clearly indicated the minister was caught unawares. He was asleep when a by-election came up and did not have any way of dealing with it because he did not think of the consequences of his reforms. The opposition says his reforms are costing the people of Victoria dearly by denying them democratic representation and the ability to express their wishes and aspirations.

The minister knows the circumstances that exist during general elections are entirely different from the circumstances that exist when seats become vacant. It is important for the people to be able to freely express their wishes and views on the circumstances that exist at the time. That is what democracy is about. However, under this minister the people will not have the right to express their wishes freely and participate democratically in the election of their councillors, irrespective of whether circumstances have changed.

The bill is an ill-thought-out reform. It follows a previous ill-thought-out reform of a minister who is driven by arrogance and is unable to listen to people. He changes things when he does not like them. He cares only about his autocratic powers and cares nothing about democratic representation. The bill is another example of the autocracy practised by the minister since the first day he was appointed to the Kennett government front bench.

Mr FINN (Tullamarine) — I usually look forward to and enjoy the contributions of the honourable member for Richmond, but today he has let us down badly. The minister may correct me, but I think the bill was introduced either in the first week of May or the last week of April. The honourable member for Richmond has had about four months to come up with what the government would regard as a sensible, logical and constructive contribution on the bill.

In the first 90 per cent of his speech we heard pure drivel. It did not add one iota to the great sum of knowledge that people would seek in such a debate. When the honourable member got to a bit of fire and to a point where the house felt he may have been telling it something it did not already know, he continually confused his responsibilities between planning and

local government. The house did not know whether the honourable member was speaking on the bill or on an earlier motion. When he got around to telling us something that we did not know, what was it?

An opposition member interjected.

Mr FINN — Of course we did not know the minister was wrong. Any sensible member of the house could not accept that the minister would be wrong. We could not contemplate that in any moment of reasonable sanity. But what did the honourable member tell us the Labor Party would do with local government if it were elected to government? Suddenly those magic initials popped up — VLGA. A Labor government would turn local government over to the VLGA. Comrade Hill and the waifs from the commune will be running local government in Victoria. What a great prospect and exciting thought for millions of Victorians. I am sure we will all with great relish tell our constituents at the first available opportunity. It is a pity the honourable member for Richmond left the chamber before I had the opportunity to thank him for that. It is a constructive and desirable contribution to our knowledge about the Labor Party's role in local government.

Mr Maclellan — Comrade Hill has a plan for everyone!

Mr FINN — As the minister correctly points out, I am sure Comrade Hill has a plan for everyone, even though it involves us all riding bikes and living in trees!

Mr Maclellan — And a candidate for every faction!

Mr FINN — What faction is he in? The minister may like to — —

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member will refer back to the bill.

Mr FINN — I was referring to the honourable member for Richmond's sell-out to the VLGA in these matters. It is opportune to briefly dwell on the government's great achievements in local government reform. As we consider what has happened from one end of the state to the other over the past six years, we must remember that when in government the Labor Party tried to do what the Kennett government has done. The big difference is, as in so many other areas, the Labor Party failed. It did not have the backbone to carry it through. It tried and was an abject failure.

This government has succeeded admirably in local government reform, although the odd hiccup has occurred here and there. One of those hiccups may concern the township of Sunbury, which was put into the City of Hume in 1994. It was my view at that time that Sunbury should have been placed into the Shire of Macedon Ranges. My view has not changed. Again the people of Sunbury are expressing their strong desire to leave the City of Hume and either set up a separate municipality — which I think is unlikely — or join with the people of the Macedon Ranges where I have always said they belong.

Despite the odd hiccups overall the government's program of local government reform undertaken by this minister and his predecessor has been an outstanding success. The amendments in the bill shed further light on some important provisions in the Local Government Act. One of the first and important changes is clause 4, which in the explanatory memorandum states:

> ... the electoral roll must be updated for a by-election unless the by-election is to be held at the same time as a general election. Where a by-election is to be held for one or more wards only, the roll need only be updated in respect of the relevant ward or wards.

It is worth noting that at the recent Melbourne City Council by-election held in February of this year, 3758 ballot papers were returned to the Australian Electoral Commission as unclaimed mail compared with 1490 at the MCC March 1996 general election. There is clearly a great need for the updating of rolls before by-elections. The government has also agreed to extend the time within which a by-election must be held from 60 to 90 days, which will obviously enable councils and electoral officials a little more time to update the rolls.

Obvious practical benefits will be seen from this addition to the Local Government Act. However, there is another major benefit to the act that will bring enormous contributions to local government throughout the state, particularly some of the inner city, northern suburbs and western suburbs councils. I refer to the elimination of what could be colloquially known as dead voters. Over a long period members of the Labor Party have been seen with lists of people who have passed away since the previous council election. Their names have suddenly and mysteriously been crossed off the roll on the day of the ballot. It would seem they have voted. The honourable member for Preston is getting a little excited at the prospect of such a thing happening. I would be the last member of the house to accuse the honourable members for Preston or Mill Park of being involved in such activities. However, one has only to recall places such as Richmond — the Richmond City Council was a classic — and Keilor; the number of deceased voters who still managed to

make their contribution on polling day in the City of Keilor is legendary.

Mr Andrianopoulos interjected.

Mr FINN — The honourable member for Mill Park is getting a little excited because he thinks I am referring to the recent round of Labor preselections. I am not; I am only referring to council elections. The honourable member should calm down and allow me to finish. I well remember in recent years when I was involved in council elections in the former City of Broadmeadows. It was well known that the Fawkner cemetery had a 100 per cent Labor Party return on election day and it depended on one individual, whom I will not name because he has recently — —

Mr Leighton — What was your involvement?

Mr FINN — My involvement at that time was supporting the good people of Broadmeadows. The proposed amendment to the Local Government Act will change that. It will never be allowed to happen again, and members opposite should tell their comrades back in their branches that they can forget it, the game is up, they will never be allowed to do that again.

As the honourable member for Richmond pointed out a short time ago, one clause in the bill provides that all council elections — including those for the Melbourne City Council — must be held on the third Saturday in March in the relevant year unless the third Saturday of March in that year falls on Easter Saturday, in which case the election will be held on the second Saturday in March of that particular year. That is obviously a very straightforward, commonsense, proposed amendment to the act. Obviously huge numbers of people go away over the Easter break. I was very glad that I did not go away over the Easter break this year because I was there to see Richmond beat Essendon at the MCG — and what an absolute delight that was!

The proposed change to which I refer makes sense in many ways. One part of the bill to which members opposite have expressed their opposition is the proposal to fill extraordinary vacancies on councils by way of countback. I was more than a little surprised when the honourable member for Richmond announced his opposition to that particular proposal. Earlier this year I referred to the need to hold a by-election to fill an extraordinary vacancy at the Melbourne City Council. The cost of that by-election for one councillor was around $250 000 — that is, a quarter of a million dollars. How much good could that money have done? Where would that money have been spent if it had not been wasted on conducting that by-election? The government must ensure that the sort of waste we saw then does not occur again.

On the other hand, the opposition wants that waste to continue and to be institutionalised, as waste became institutionalised right across the board when we were unfortunate enough to have the Labor Party in government. This part of the proposal is totally consistent with the principles of a system of proportional representation and with accepted methods of filling an extraordinary vacancy in such a system. That is why the proposal must be supported and passed.

It is worth noting also that, despite what some members of the opposition might say, the Melbourne City Council has never opposed the countback system for replacing someone or filling an extraordinary vacancy, and the Greater Geelong City Council has actively requested it. So when the honourable member for Richmond says that the government is forcing things onto democratically elected councils and talking all the gibberish that he usually goes on with, nothing could be further from the truth. The proposal is a direct result of a request by the Geelong city council and, as we know, the minister almost invariably gives councils exactly what they need.

Because the opposition is opposing the clauses it is worth while informing the house of the procedures involved in a countback so honourable members will know exactly what is being proposed. The ballot papers of the vacating councillor must be brought together and then transferred to the participating eligible candidates. The counting is done in stages until a participating eligible candidate has an absolute majority of the ballot papers of the vacating councillor. If no eligible candidate has an absolute majority after the first transfers, the candidate with the fewest number of votes is excluded and his or her ballot papers are transferred to the continuing participating candidates. The process is repeated until an eligible candidate receives an absolute majority.

Therefore the votes counted are those of the people who went to the ballot box at the last election. It is democracy in action and at work. If members of the opposition tell the house otherwise it is a fabrication of extraordinary proportions, but something that unfortunately we have come to expect from them only too often.

Clause 8 proposes extending the time for holding by-elections from 60 days to 90. That makes sense because it gives councils more time to prepare for such elections. It has also been sought by many councils because the 60th day may fall, for example, during

school holidays or at another unsuitable time such as AFL grand final day — although I will not be too worried about that this year. I understand the opposition supports that commonsense approach.

Further, the bill makes it very clear that when voting is taking place in both wards and the undivided municipal council at the same time a person cannot nominate for both. Again that makes sense. It makes it very clear that the returning officer must accept only the first notice received. I assume that rules out handing over two nomination forms at once. The first one received is obviously the one that counts.

The bill also extends the number of days for the conduct of an election from 30 to 31. One of the reasons for the proposed changes to the act is that some complaints were made. I remember hearing from some candidates in the City of Hume elections that the preparation and printing of the statements of the 150 words that candidates are entitled to submit in their election material to be posted out to the voters were not able to be prepared in time. The extra day will obviously increase the time by one weekend, so giving candidates more time and hopefully will remove the problem that was experienced.

I was most surprised to hear that the Labor Party supports clause 14 which provides that a ballot paper must not contain any reference to the allegiance of a candidate or to any political party or cause. It surprised me because if any group in this state or this country has sponsored party politics in local government the Australian Labor Party has done so. I sat back in astonishment when I heard the honourable member for Richmond talking about this government turning local government into political playthings. What hypocrisy! The gall of the man and other members of the Labor Party — telling members of the government that we are turning local government into political playthings! Over decades the Labor Party has made just that an art form — at the Richmond, Keilor, and Broadmeadows council and at the Preston council, as the honourable member for Preston is only too well aware. As the honourable member for Monbulk pointed out, the Darebin council was close to destroyed by political factionalism within the Australian Labor Party.

No opposition member should come into the house and accuse the government of turning local government into a political plaything, because this mob over here has turned it into an art form. For decades opposition members have used and abused local government right through the northern, western and inner suburbs of Melbourne. They should hang their heads in shame. There is no doubt, as we saw in Darebin — and as the honourable member for Preston is only too well aware — they are still at it, so it surprises me that they are supporting the clause. I would not put a huge amount of money on it, but perhaps some commonsense and logic may finally be seeping through some of those thick skulls opposite.

The clause on disadvantaged voters being provided with assistance with postal voting is obviously important. The act is currently silent in relation to postal voting for persons who are disadvantaged or have disabilities. It is most important that they be given every opportunity to vote in the same way as other citizens, and sometimes people with disabilities need assistance to cast a formal vote. I am not talking about the people I have seen outside polling booths who escort people in and fill out their ballot papers for them. I will not mention which political party I am referring to, but one would not have to go too far from the initials ALP to work out what I am talking about.

There must be proper certification and authorisation for people with disabilities and other disadvantaged people who need help in casting a proper ballot. That would not cause a problem for any reasonable, decent person in the community.

Clause 17 restricts the number of recounts that can be undertaken after the votes have been counted. It restricts the number of recounts to one at the instigation of the returning officer and one at the request of any candidate or his or her scrutineer. The present situation is such that, if taken to its logical extent, there could be recount after recount continuing for weeks. It is a ridiculous situation and we all know, whichever side of politics we are on, whether we win or lose, that at some stage we have to accept the result. Recounts cannot continually be called for in the hope that something will be found that is clearly not there. It is about accepting the inevitable.

At the last council elections Cr Dot White, the current Deputy Mayor of the City of Hume, was elected by some 34 votes. Her opponent called for recount after recount and the case ended up at the Court of Disputed Returns before being withdrawn because it did not have a leg to stand on. We need to be practical and ensure that losing candidates can face up to what has happened. As somebody who has been defeated in an election in the past — but never will be in the future — I know how difficult it is to accept the prospect and the reality of defeat. This clause goes very much to the heart of the views that I have expressed.

Clause 20 amends the act to ensure that councils' local laws comply with national competition policy

principles. Much has been said about national competition policy over recent years and some people have told me that if they never hear the words 'national competition policy' again they will be very happy. For some people it presents the odd problem, but this provision is about providing the best possible service for those who need it — the residents and ratepayers of municipalities. Over the past five years in the area of competition the government has seen a huge uplift in service provision by councils for people in their municipalities. This clause will ensure that if there are any local laws or by-laws held by local councils that are in conflict with national competition policy — and I must say that out in my neck of the woods they would be few and far between; if there are any left they are well and truly heading for the scrap heap — if and when they are found the minister will have the right to repeal them so that they comply with national competition policy. I do not think anybody, whether a government or opposition member or a member of a local council, would have any problems with this clause.

The bill adds further to the reforms that the government has instituted over the past four or five years. There is no doubt that local government is a far more effective, efficient creature now than it was in 1992. When I was elected to the seat of Tullamarine I recall that the greatest contribution to my workload was created by people who complained every day about their local councils. Members may recall that I brought some of the complaints to the attention of the house. Today those types of complaints are few and far between. Councils are doing the job that they should be doing and the government is keeping an eye on them to ensure that that situation continues. The reforms that the government has instituted have worked and are working. The bill adds to the contribution that the government is making towards efficient local government.

The opposition's proposed amendments would basically gut the bill. It is ludicrous even to think about them. I suggest that the house reject the opposition's amendments and that we all work together to continue to make local government in Victoria a creature of which we can all be proud.

Mr LONEY (Geelong North) — It is rare to hear so much made of so little. In listening to the honourable member for Tullamarine I was reminded of the classic children's book *The Muddle-Headed Wombat* because the logic that the honourable member tried to bring to the debate was about as relevant as the sayings of the muddle-headed wombat. Some amazing things were said, but one thing the honourable member for Tullamarine said with which I concur was that one can be brief about the achievements of the government in relation to local government. Even though he was brief about it, as a person must necessarily be when talking about the achievements of this government, the honourable member left out a few things, one of which was the coalition's contribution to local government of the superannuation black hole. He forgot to mention that as he was going through the achievements.

The honourable member for Tullamarine forgot to mention the loss for many years of an elected structure. He also forgot to mention as one of the government's great achievements the financial crippling of councils through the artificial mechanism of imposed rate capping and compulsory competitive tendering. As I said, he was necessarily brief — as you have to be when talking about the achievements of the government. He did not deal with the fact that the government is addressing the symptom, not the disease. The government is rushing in with a bandaid to fix up a problem it created through poor legislation. The disease should be treated, not the symptom.

The disease was the imposition of structures that were always going to produce this result. In the same negative manner as that with which the honourable member for Tullamarine just concluded his contribution, the government would not listen when the legislation was introduced. The government takes a totally negative view and will not accept any amendment proposed by the opposition. Had it been listening in the first instance it may not have had to come back with this amending bill. The government has to face up to the fact that it created the problem. David Bardas did not create the problem. The problem was created by the structure the government imposed on local councils. Now the government is talking about saving costs. It should have thought about that before imposing the structure, but it never thinks ahead.

What is more, the bill embodies a philosophical or ideological position the government has been trying to bring about since its election in 1992. Shortly after the 1992 election the Premier floated the idea of no by-elections for state parliaments and now that idea has crept into a local government bill. It is a consistent ideological position. The government is now trying to dress up the bill as somehow being about saving money for councils, but it has nothing to do with that. The bill embodies the ideological position of the government that the less democracy we have in the community the better.

The opposition understands the government's desire to have less and less democracy. It certainly understands

the government's desire not to have by-elections. Since 1992 about half a dozen by-elections have been held in this state and the Kennett government has failed to win any of them. It is no wonder the government does not like by-elections and does not want to see them provided for in legislation. The no-by-election proposal embodied in the legislation is typical of the meddling of the state government, particularly in relation to other tiers of government. The government has no time for other tiers of government, particularly local government — it never has and never will.

In introducing the bill the government has displayed an arrogant disregard for the best interests of ratepayers. There is an inherent contradiction in the bill — two clauses contradict one another. How did that come about? The government operates on the basic principle that it is so good, clever and omniscient that it can say that no matter what happens in the rest of the world, the same thing could not happen here. In this case the government has set up a model for local government and if anyone raises the possibility of someone resigning and creating a casual vacancy it adopts the same old head-in-the-sand attitude it usually adopts in such situations of saying, 'It couldn't happen here because our model is superior'. It comes back to the arrogance of government. In fact it happened in the City of Melbourne and suddenly the government found out the cost of its stupid legislation.

Mr Carli — It was pretty obvious.

Mr LONEY — It was obvious to most people, but not to the minister or the 50-odd members of Parliament on that side who voted for it. They were quite happy for the legislation to go ahead at that stage. The government decided it would go ahead with the legislation and push it through. Then suddenly, when a City of Melbourne councillor resigned and the vacancy had to be filled, the government was presented by the City of Melbourne with a bill of about $250 000 to fill it.

The City of Greater Geelong, which has a much larger ratepayer base than the City of Melbourne, has also had the same structure imposed on it. If the same thing occurred in the City of Greater Geelong — a general or at-large councillor resigned — the council would probably be up for $500 000 or $600 000. The City of Greater Geelong is suffering financial distress as a result of other decisions of the government and it is no wonder it does not want further impositions placed on it via legislation that has not been thought through. There is absolutely no doubt that the City of Greater Geelong is saying to the government, 'You mucked it up in the first place; we do not want to have to pay for it'. The original legislation did not take into account any of these future possibilities. When my colleague the honourable member for Richmond was speaking, the minister interjected. He brought up the issue of consultation and said it was an imposition on councils.

Mr Finn — What did the City of Greater Geelong ask for?

Mr LONEY — The structure. If the honourable member for Tullamarine is going to interject he should keep track of the debate. He is three steps behind again. He should keep up. The consultation that took place was not with the elected council. The proposal for the council structure was imposed on Geelong by a group called the Geelong business leadership team. The team consisted of a group of faceless men who believed they should be running Geelong rather than the people elected to undertake that task. This is a typical story. Somehow they managed to obtain appointments to see the minister and put their proposals to him while members of the elected council, despite their requests, could not do so. It would be argued by some that consultation has taken place, but if a council is told what structure it is to have, by definition, that structure is being imposed, and that is precisely what has occurred. A deal was done in back rooms and presented as a fait accompli. The council was presented with a framework that had already been established.

This government continues to operate in an undemocratic way. Having thrown democracy out the window by denying elected people the right to determine council structure, the government is arguing that you can put a price on democracy. From what the member for Tullamarine said during his contribution, that price appears to be $250 000. Above that price you cannot have democracy.

Honourable members interjecting.

Mr LONEY — Having introduced legislation to ensure that significant financial expense will be imposed on municipalities, the government is arguing that financial problems should prevent the holding of elections. It is a circular argument from a government that has no concept of local government and even less of state government.

The honourable member for Tullamarine lauded this proposal and demonstrated the mechanism by which it will work. He said it is a wonderful system because voters will have their desires fulfilled. He then proceeded to discuss each clause, including clause 4.

Mr Finn interjected.

Mr LONEY — The honourable member for Tullamarine is on the ball now; he has caught up! Clause 4 requires the updating of electoral rolls for by-elections. Although by-elections can be held to replace retiring ward councillors, they cannot be held to replace at-large councillors. In the latter case, out-dated rolls from a couple of years ago would be used. On the one hand the minister says it is wonderful to use old rolls to elect at-large councillors while on the other hand he says it is terrible to use old rolls to elect ward councillors. There is an inherent contradiction in the logic of that argument. Either it is a good thing to have updated rolls for elections or it is not. I suggest that such an anomaly is likely to arise in the municipality of Queenscliffe.

A lack of logic underpins the entire legislation. Perhaps the honourable member for Tullamarine drafted the legislation — he went through it clause by clause! Contradictions exist throughout the bill, and they result from the flawed concept in the original legislation. Any attempt to patch up flawed concepts result in the sorts of contradictions contained in this bill and which the minister will continue to propose.

Unlike the previous speaker I do not intend to undertake a clause-by-clause analysis, despite the fact that that might be riveting. However, I will comment on clause 20, which inserts in schedule 8 clause 2(j)(ii) dealing with national competition policy and its application. The requirements of this government on local council with regard to national competition policy contradict the requirements it places on itself and other tiers of government. Currently, local government is required to address all services through compulsory competitive tendering. This provision takes that requirement a little further by requiring a council's local law to comply with national competition policy and empowering the minister to revoke local laws if they substantially breach that policy.

Proposed subclause 2(j)(ii) of schedule 8 currently provides that the objectives of the local law can be achieved only by restricting competition. One of the amendments circulated by the honourable member for Richmond proposes to alter that to read:

> ... the objectives of the local law can most practicably be achieved by restricting competition.

That is a far more sensible provision. In essence, if it is in the best interests of ratepayers not to comply to the theoretical nth degree of national competition policy then that is what should occur. The theorists will argue against that, but let us consider the practitioners. The leading theorist on competition policy is the Treasurer, and I believe he is also the leading practitioner. The Treasurer has no qualms about national competition policy — he simply does not follow it. There is the example of the awarding of a $23 million contract in the energy projects division to Troughton Swier and Associates without advertising or tenders being called.

Mr Maclellan interjected.

Mr LONEY — I am sorry the minister cannot believe that, but that is his problem. The point is that it is national competition policy and its application is in question. Although the Treasurer insists on the policy being applied to local government, when the process occurs within his department he says, 'We will not advertise or have a competitive tender for the awarding of a major contract such as the $23 million contract awarded to Troughton Swier and Associates'. When the Treasurer was questioned about this his defence was, 'We were not intending to go through the pretence of a fake competitive process'. But it is all right for councils to have the additional costs imposed on them by having to go through the fake competitive process that is not good enough for the minister. The Treasurer also said it was in the best interests of Victorians because they were getting the best price and that the department did not have to go to competitive tender as the best price would be achieved. Why on earth can't ratepayers have the same benefits and advantages of making savings as the people of Victoria did on that occasion?

The government quotes the theory of national competition policy but does not understand it. It believes national competition policy is simply about the privatisation of services. It knows very little else about national competition policy. The architect of the policy, Professor Hilmer, has made clear that national competition policy is not necessarily just about privatisation. I advise the house that in the committee stage I will support the amendments proposed by the honourable member for Richmond.

Debate adjourned on motion of Mr McARTHUR (Monbulk).

Debate adjourned until later this day.

WARRANT TO SWEAR IN MEMBERS

The ACTING SPEAKER — Order! I advise the house that, due to the absence of the Speaker, there is some doubt whether I, as Acting Speaker, have the power to swear in a new member without being specifically authorised by His Excellency the Governor. pursuant to section 23 of the Constitution Act 1975.

I advise the house that I have now received from His Excellency the Governor a commission to administer the oath or affirmation to members. I will ask the Clerk to read the commission.

The Clerk — The letter states:

By His Excellency the Honourable Sir James Gobbo, AC, Governor of Victoria

To John Francis McGrath, Deputy Speaker of the Legislative Assembly of Victoria

Greeting:

Acting under section 23 of the Constitution Act 1975 I authorise you, from time to time, in the Parliament Houses, Melbourne, to administer the prescribed oath or affirmation to members of the Legislative Assembly who have not already taken and subscribed the same since his or her election to the Legislative Assembly.

Given under my hand and the seal of Victoria on 1 September 1998

James Gobbo

Governor

By His Excellency's Command

J. G. Kennett

Premier

NEW MEMBER

The ACTING SPEAKER — Order! So that there is no doubt of the ability of the honourable member for Northcote to sit and vote in the house I ask her to again come forward and take the oath.

Ms Delahunty sworn.

The ACTING SPEAKER — Order! I take the opportunity of extending an apology to the honourable member for Northcote for the confusion, delay and inconvenience of having to go through the process again. I welcome her to the house and wish her well in her parliamentary career.

LOCAL GOVERNMENT (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr MACLELLAN (Minister for Planning and Local Government).

Mr LUPTON (Knox) — I found the contribution of the honourable member for Richmond difficult to understand. He does not know what he is talking about. He just wanted to rip the bill apart by introducing various amendments.

I am always concerned when members of the Labor Party talk about local government and voting trends. In his contribution the honourable member for Geelong North referred to the amalgamation of councils. He said during the late 1980s the then Labor government tried to amalgamate councils throughout Victoria. He then suggested the Kennett government's amalgamation reforms had been a failure.

The former Labor government went about the process of amalgamating local government in such a slipshod and amateurish way that councils totally rejected the concept. The then Premier, John Cain, backed away and decided not to proceed further. Amalgamation of councils died on the vine. Despite the fact that many councils agreed with the principles and proceeded to amalgamate, the honourable member for Geelong North says the amalgamation of councils by this government has been an abject failure!

I am amused that the Labor Party should speak about voting trends in local government. The Nunawading re-election was a disaster. It resulted in the voting rights of ratepayers being changed so that the scam that occurred at Nunawading can never happen again. I am amazed that the opposition members who have contributed to this debate should criticise the government for improving the administration of local government. The government has plugged the holes created by the former Labor government during the Nunawading re-election scam. How can it now criticise this government?

One of the main purposes of the bill is to enable extraordinary vacancies on particular councils to be filled by a countback of votes. The two previous opposition speakers canned the government for trying to improve the system. It is strange that the government has amalgamated councils — the Labor Party tried to do so and failed — blocked the holes created by the Australian Labor Party in the Nunawading by-election scam and is now being criticised.

The bill deals with several aspects. It enables certain extraordinary vacancies to be filled by a countback of votes. The previous opposition speakers generalised the countback system. They did not say that it refers only to the Melbourne and Greater Geelong city councils. They glossed over that saying that democratic rights were being taken away from all local government

by-elections. Those two councils have a unique system with nine councillors, five of whom are district councillors and four of whom represent one ward each. Councillors are elected under a proportional representation system so it would be inconsistent for the government to proceed with the normal by-election procedures.

Proportional representation, which has operated in the Senate for several years, follows the same procedure. The government is trying to save megabucks. It recently cost the Melbourne City Council $250 000 to replace one councillor, which I believe is excessive. The two councils both have proportional representation and a unique system for electing councillors. Members should not be conned into thinking that applies to every council in Victoria.

The honourable member for Tullamarine covered the subject of the voters rolls very well. The government believes the voters rolls for all Victorian councils should be updated regularly. At the last Melbourne City Council election 3500 ballot slips came back as unclaimed mail, an increase of approximately 2000 on the previous election some 18 months earlier. The legislation requires voters rolls to be up to date to prevent an enormous amount of unclaimed mail because of sloppy bookkeeping.

The honourable member for Geelong North spoke about the loss of democratic procedures when commissioners are installed. Because of the changes caused by amalgamation it was necessary to appoint commissioners. That was emphasised by the opposition spokesperson in another place, the Honourable Pat Power, who indicated that that should happen. There is a conflict in the Australian Labor Party concerning commissioners. The opposition spokesperson says commissioners are essential and the honourable member for Geelong North says they are unnecessary. I was not particularly happy with what happened in my neck of the woods when commissioners were appointed but overall it apparently went well.

The legislation improves local government and introduces commonsense. The honourable member for Tullamarine mentioned the former City of Richmond. What a joke that was! The former City of Richmond and the Australian Labor Party reinvented medical science. That was the only way people who were dead could come back and vote. It was not done in ones and twos but dozens. They all turned up on election day and voted. Legislation that requires the voters rolls to be kept up to date will prevent this from happening in perpetuity and be more equitable.

The honourable member for Tullamarine summed up national competition policy when he said if he ever heard the words again it would be too soon. The policy was introduced by the Keating government and blown out of all proportion in many areas. It seems to cover everything, no matter what you do. It is used as a yardstick to beat everyone over the head. It was discussed in a couple of bills committee meetings. The policy must ensure that local laws meet the guidelines, but it will not apply to many of them.

I believe the legislation is good. As I said, the opposition is trying to paint the picture that the countback legislation applies across Victoria but that is not so. It applies to only the two councils I have mentioned. The other clauses are straightforward and I commend the bill to the house.

Mr BRUMBY (Leader of the Opposition) — I shall make some brief comments on the bill. The opposition will move amendments, and if the government votes against them, the opposition will oppose the bill. The opposition will oppose the bill not for the reasons outlined by the honourable member for Knox and other government speakers but because it represents yet another attack by the government on the basic democratic rights of Victorians.

The legislation is designed to strip people of their basic right to vote. It is immaterial whether it affects 2, 6 or 85 councils. You have to look at the track record of the Premier and the government. In 1992-93 elected councillors were sacked and commissioners were appointed for an extended time. In 1993 the Premier attempted to ban by-elections. I am pleased he has come into the house to listen attentively to my speech. I refer to an article in the *Australian* of 3 July 1993, headed 'Kennett makes threat to ban by-elections'.

Mr Kennett — Were we in government then?

Mr BRUMBY — Yes, unfortunately you were in government then. It states:

> The Premier of Victoria, Mr Kennett, has threatened to change the state constitution to abolish by-elections, breaking his pledge to proceed only with the agreement of the Labor opposition.

It goes on to say that the Premier was trying to abolish by-elections in the Legislative Council and thereafter in safe seats in the Legislative Assembly. Members in this place with good memories will remember with a sense of deja vu the first week of the 1996 election campaign. The Premier, for reasons best known to himself, again ran out his plan to do away with by-elections.

I have a newspaper cutting from the *Age* of 8 February 1996. Under the headline 'Kennett may face poll plan rebellion', the article states:

> Government MPs are predicting a fierce debate in the coalition party room over the controversial plan by the Premier, Mr Kennett, to scrap most state by-elections.

He ran out of plan! At the time Labor opposed that plan vigorously. A little later the Premier was forced to back down from his proposal to do away with by-elections. Why was he so keen to do away with by-elections? If it had not been for the pressure put on him by the opposition, the media, the general public, and — as I recall — the then federal opposition leader, John Howard, the Premier would have pushed through his plan to strip away people's rights to vote in by-elections.

Tonight the honourable member for Gippsland West is in the Parliament for the debate. Had the Premier's plan gone through, no by-election would have been held in Gippsland West — a crony or stooge of the Premier would have been appointed to Parliament. The people of Gippsland West would have been represented by someone hand-picked by the Premier — not by someone who will represent their interests on jobs, health, education and decent agricultural policies, but a stooge, a crony, a mouthpiece hand chosen by the Premier.

Mr Hamilton — A handmaiden!

Mr BRUMBY — A handmaiden to represent the interests of the Premier, not those of the people of Gippsland West.

Under the Premier's proposals, the electorate of Mitcham would also not have had a by-election. Last year, after Roger Pescott resigned in dramatic circumstances, citing his concern over the Premier's leadership style, his lack of direction for Victoria and his arrogance in denying workers common-law rights and in removing the independence of the Auditor-General, a by-election was held. Had the Premier's proposed legislation been passed by this house and the upper house there would have been no by-election. Some stooge, some crony, some apparatchik, some operator from deep within the bowels of the Liberal Party, hand-picked by the Premier, would be representing the people of Mitcham. Instead, we have an excellent representative of the people of Gippsland West and an excellent and outstanding representative of the people of Mitcham in Tony Robinson.

Ms Burke — On a point of order, Mr Acting Speaker, the house is debating the Local Government (Amendment) Bill, which is constitutionally under the control of the state government. That is entirely different to a proposal put up for debate by the Premier. The Leader of the Opposition is out of order.

The ACTING SPEAKER (Mr Andrianopoulos) — Order! I have been listening intently to the debate. It is my belief that the Leader of the Opposition was providing his rationale for the inclusion of a particular clause in the bill, which I find totally in order. There is no point of order.

Mr BRUMBY — Thank you, Mr Acting Speaker. It is important to make the case that one cannot consider the bill in isolation. It is not a one-off measure; it is part of a pattern of behaviour of stripping away the democratic rights of Victorians. I could go through a long list with which I am sure the honourable member for Prahran is well familiar — the nobbling of the Auditor-General, the sacking of the DPP, the removal of rights of appeal in more than 100 pieces of legislation, and the list goes on and on — but I will not do so because that would be straying from the debate.

The record of the government in local government stands and cannot be changed, as much as it may embarrass the honourable member for Prahran. She is the former local government commissioner who put into place many of the changes. They include the sacking of elected councillors, the appointment of commissioners for extended periods, the placing of centralised power in the hands of CEOs — who under government legislation now owe their allegiances not to the elected councils but to the office of local government and the minister — and the removal of planning powers, so stripping away many of the basic rights that councils in this state have enjoyed for decades.

The bill is about stripping away the basic rights of Victorians. In the past week, together with the shadow minister for planning and major projects, I released — and this is germane to the bill — proposed planning policies for this state. One of the proposals of the opposition is the restoration of much of the authority for planning matters to local government. Far from removing the democratic rights of Victorians, the opposition believes in extending those rights. One cannot have too much democracy. Democracy is more than just the right of people to vote every four years for a state Parliament. It includes people being involved in government and giving rights to residents, councils and communities, which the opposition wants to do.

The bill is the absolute antithesis of that. It is the thin end of the wedge. It may apply to only a small number of councils, but the government has done this before — with the legislation on the powers of the Auditor-General. It has shown that it gets the end of the wedge in and then powers away, and before you know it, it is all gone! I put it on the record that the Labor Party's policy would remove the provisions for district-wide or at-large councillors, thereby making redundant those provisions of the proposed legislation.

The Kennett government has adopted a heavy-handed approach to the application of national competition policy to local government. At the same time, it has not been prepared to share any of the rewards of the successful implementation of competition policy. It has been prepared to take from but not give back to local government, which has borne the brunt of the effects of competition policy changes in this state.

The government's record in compulsory competitive tendering has been a disaster in this state and a job killer in country Victoria — whether it be in Ballarat, Mildura, Swan Hill, or the little town of Boort, where I was the guest speaker at a large agricultural dinner last Friday night. Boort used to have 40 employees in local government in a town with a population of 800; now it has 3. Only 1 in 20 of those jobs remain; the rest have been driven out of town by compulsory competitive tendering, and with them have gone their families, that is, their spouses and children, so the schools and hospitals have shrunk. All that has resulted from the impact of compulsory competitive tendering.

The opposition has seen the heavy-handed intervention in the setting of rates and charges. I make this point about the rates freeze: when the Kennett government introduced the freeze the Labor Party said that when you freeze rates you inevitably create a pressure-cooker environment, and at some stage the lid will come off. Sure enough, the lid has come off, and now some councils have had to dramatically increase their rates.

I ask honourable members to bear in mind one figure in the study recently undertaken by the Department of Infrastructure, which shows that councils across Victoria have a shortfall of $245 million in basic community and economic infrastructure such as roads, footpaths, sport and recreation. The projections look like a big black infrastructure hole that just gets bigger and bigger as the projections move forward each year. If it is not arrested, by early in the next millennium the infrastructure shortfall will be $300 million, $400 million or $500 million!

Guess what the freeze on rates cost local government in lost revenue over that time? The answer is $237 million! On the one hand the infrastructure shortfall is $245 million, and on the other the revenue shortfall is $237 million caused by rate capping by the arrogant Kennett government. What has the rate cap done? It has only put back by years and years Victoria's productive economic capacity to get goods to market, to generate jobs and to create new export opportunities. All that has been torn asunder by the short-sighted, politically expedient policy of the Kennett government. It is typical of so much that is undertaken by this suburban ad-man government, which produces short-term change with long-term cost. But as in the *X-Files* we know that the truth about the impact of the policies is out there, and that local government needs money for infrastructure funding.

Local government has done all the hard work. Compulsory competitive tendering is, as I have said, a job killer. For all the competition policy implementation, what has local government received in return? The federal government provides the states with funding under the national competition policy arrangements. The *Australian* of 24 August 1998 carries an article by Ian Henderson, economics correspondent, headed:

> States all win in election year

The article includes the statement that:

> It is an election year, so every player wins a prize.

It goes on to discuss the competition policy payments from the federal government:

> Under the agreement, $391.3 million is available to be divided among the states and territories this year that met their reform commitments in 1997-98 ... Other than New South Wales, the payments range from $91.8 million for Victoria to $6.3 million for the ACT.

Victoria is going to pick up $91.8 million from the Howard government this financial year. We picked up $50 million last year and $91.8 million this financial year, but how much of that money is going to local government? Just about a big, fat, round zero! Think of all the jobs that have been lost in local government through the implementation of CCT, the job killer. Think of outer suburban areas. In the north-western suburbs of Melbourne, in my electorate, the youth unemployment rate is in excess of 50 per cent. We would so like to see some of that $91.8 million in Broadmeadows, in Gippsland and in Barwon South West! In those areas the councils have had to cut funding and lay off staff because of competition policy.

Where is the $91.8 million being spent? Local councils are getting barely a brass razoo. The money is going instead straight into Alan Stockdale's coffers and into payments for political advertising for this government. The opposition wants the larger portion of the $91.8 million returned to local councils so that they can do something with those funds, particularly for infrastructure. This government has a heavy-handed approach to local government. Instead of applying CCT and stripping people of their right to vote, the Kennett government should be addressing key needs such as infrastructure funding, which has a shortfall of $245 million.

With regard to output funding, I remind honourable members that tomorrow is national Meals on Wheels Day. This piece of policy genius called output funding will be a disaster for councils and communities across the state. Meals on Wheels will receive output funding of about $1.10 per unit. Services to country Victoria, where there is a need to travel, or to ethnic communities will be considerably out of pocket, which means that the more disadvantaged members of the community will miss out due to this inane case-mix-like thing called output funding.

An article by a former Minister for Local Government, Mr Alan Hunt, that appeared in the *Melbourne Times* of 23 July states:

> Accountability to the electorate is the key to good government ... It is said that no man can serve two masters, yet local government is being asked to do so. It is being held accountable, first to the state government, and second to its own electors. And the chief executive officer is accountable both to the minister and to the council. That is neither fair nor sensible. It calls for divided loyalties.

Alan Hunt, who was a very good Minister for Local Government, is dead right; there are divided loyalties. You cannot serve two masters. This government is more interested in controlling local government than in letting it get on with the job.

Another example that highlights that attitude is an article in the *Doncaster Templestowe News* of 6 November 1996 in which the Premier is quoted on his view of the role of local government:

> 'What people have to realise is that local councils are a creature of the state government and they have their own right to life under the constitution.' ... 'Without the state government, local government would not exist.'

That is double-speak, a code, for saying, 'They are a plaything of my creation. They will do as I say. They will command when I ask them to'. That attitude comes through in all the government's policies in the local government area.

The legislation strips away the basic rights of people to vote in by-elections. It is the thin end of the wedge; it is the forerunner. If the government pushes this legislation through, don't think that the Premier won't try and bring back other proposals to do away with by-elections in other areas, including either the Legislative Council or the Legislative Assembly.

The government takes a heavy-handed approach to competition policy. Local government has done all the hard work; it should be getting some of the rewards. Councils are being short-changed by this government. I believe they should be getting a much larger share of the $91.8 million available to the Victorian government in this financial year by way of competition policy payments.

Mr Acting Speaker, the opposition has circulated amendments to the bill. If they are defeated, the opposition will oppose and divide on this legislation.

Ms BURKE (Prahran) — Clauses 19 and 20 are the main parts of this bill debated in the house today. It is interesting to hear the experts on local government, particularly on the opposition side, speaking when a local government bill comes into the house.

Honourable members interjecting.

Ms BURKE — I think we have heard some fine examples today of the democratic process according to experts in local government matters! The Leader of the Opposition gave us quite a display of his opinion of democracy.

These processes should, however, be debated rather more honestly. The countback — which is the big issue being debated today — is an issue that has been brought to the attention of the government by the City of Melbourne — and for very practical and common-sense reasons. It would be irresponsible of us not to take those reasons into account. For years I have heard the Labor Party discuss diversity in local government and the need for flexibility to enable councils to govern in the way they want.

An honourable member interjected.

Ms BURKE — No, I do not have a problem with that. It is interesting that the opposition does. It is the members opposite who are against the request from the Melbourne City Council concerning the way it chooses to run its elections. The council has had some debate on this matter, not only in council but also with the Australian Electoral Commission. The process suggested is appropriate, and I think it is good that the government has the flexibility to work with local

government to achieve democratic outcomes for local communities. The way a council chooses to use its powers under the act to gauge the opinions of its community members is a matter for that local government area alone.

The proportional representation system is used in the Senate, in the Tasmanian Parliament and in the Australian Capital Territory. It seems to work extremely well for them, and councillors of the City of Melbourne feel it will work well for them, too.

The countback concerns only people who were in the vote in the first place. There need to be at least two components before the countback system can be applied.

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

Ms BURKE — Local government has undergone significant change, as Victorians who know their municipalities will be aware. It is only fitting that the government should move to accommodate the changes requested by municipalities and others serving the community. The Kennett government has never been afraid of improvements and change, and it is right to take up the challenge if it thinks local government can be improved. The bill continues to improve the processes of local government, the electoral system being one of its most important aspects.

The honourable members for Tullamarine and Knox spoke about the history of the bill, the main purpose of which is to enable certain extraordinary vacancies on large municipal councils to be filled by a countback of votes. After consultation with the local community, the Victorian Electoral Commission and the Melbourne City Council have decided that the municipal electoral system can be improved, and the bill will assist in that regard. The house has heard much about clause 19, which provides for a countback of votes. As I said earlier, the Senate, the Australian Capital Territory Legislative Assembly and the Tasmanian Parliament use similar systems. The bill changes other local government electoral provisions to ensure local laws comply with national competition policy principles. I will deal with that issue later because of the amendments proposed by the opposition.

The bill contains a number of significant amendments. Clause 3 amends various electoral provisions, and clause 4 provides for the updating of the electoral rolls before by-elections. Members may think, 'So what?', but the provision is important because it gives members of the community input on how often their names should be registered on the electoral rolls. Often it takes time for people to realise that a compulsory election is to be held. At the 1996 Melbourne City Council elections, 1500 blank ballot papers were returned through the mail to the council; yet in 1998, the number returned had increased to nearly 4000. Either the community is now more transient or the electoral rolls are not being updated annually because of the present regime of triennial elections. However, clause 4 fixes that problem.

Clause 5 clarifies on which Saturday in March the annual and general elections of councillors are to be held if the third Saturday is Easter Saturday. Clause 6 stipulates that general elections, including elections for the MCC, are to be held on the third Saturday in March in every third year. Clause 7 amends the extraordinary vacancies provision in schedule 3. The bill also deals with the establishment of municipal corporate plans, which are valuable tools that assist councils, in consultation with their chief executive officers, to decide in which directions to head in the three years following elections to accommodate the requirements of their constituencies. Such plans assist councils to evaluate the performances of their chief executive officers, and they can also be useful to constituents when they vote every three years to elect their councils.

The bill also addresses the problem that may arise when somebody nominates for election to a first-nominated ward when a council is holding an election for both wards and the municipal district as a whole. A further provision stipulating that election periods be 30 days instead of 31 is among those suggested to the government by people who have been involved in the electoral process, including the officers of the Electoral Commission and various councils.

The power to scrutinise is important in any democratic process, and the bill will enable scrutineers to do their jobs without fear or favour. The bill also deals with the needs of disadvantaged voters. The elderly and the infirm who formerly could not vote will now be entitled to ask for assistance to help them lodge postal votes.

Prior to that many of the votes were wasted. The bill refers to the way votes are recounted. Part 4A of schedule 3 was brought about by the City of Melbourne.

Clause 20 refers to the national competition policy principles that will apply to local laws. One of the biggest problems about that policy is that people tend to put it, compulsory competitive tendering and privatisation in a single basket, but each exists for an entirely different reason and each is administered differently. The government has taken on the

competition policy of the Keating government endorsed at a COAG meeting by local government and signed by the state and federal governments. It is a good policy, but it should be noted that 138 submissions went into forming that policy. When one considers the enormous effects, it is a small number for a government that talked about communication, consultation and democracy. Competition policy in the context of local laws is part of statutory authority and regulations. I shall not discuss compulsory competitive tendering because it has been a success. Anybody who speaks on it should understand it. The employment levels are interesting, but I shall not go into that.

Clauses 21 and 22 are technical amendments that insert appropriate words suggested by local government. I congratulate the minister on introducing the bill because it is a good example of local and state governments working together in partnership to suit the diversity of each municipality. I wish the bill a speedy passage.

Ms KOSKY (Altona) — The honourable member for Prahran will obviously do well because she has done the right thing by her minister. I wish to address one issue of major concern in this bill. The Local Government (Amendment) Bill concerns district-wide councillors and proposes countbacks rather than by-elections being used to fill vacancies. The government has made many changes to local government. It treats it as an arm of state government. It does not realise that people vote for their local councils separately from state government elections. Members of the community have close relationships with their local governments and councillors.

The opposition was concerned when district-wide councillors were introduced in the cities of Melbourne and Greater Geelong. Who knows where they will be introduced next? Members of municipalities do not have the same relationship with district-wide councillors that they have with ward councillors. It is difficult for district-wide councillors to have detailed knowledge of entire municipalities, particularly one as large as Greater Geelong, which has a huge geographical area with a large population. It would be difficult for them to have detailed knowledge of and contact with constituents. District-wide councillors will not be available to constituents. They will be able to play one off against another. Councils may deal with one particular geographical area or group in the municipality but leave other areas or groups without adequate representation.

Rather than rectifying the difficulties associated with district-wide councillors, the bill furthers the opposition's concerns. It tries to sort out problems that have developed in municipalities with district-wide councillors about the cost and amount of work required when a by-election is held. It means the entire municipality has to elect one councillor. That costly exercise was brought about by the government's introduction of district-wide councillors. It is not the best method of properly servicing an entire municipality. The City of Melbourne, and I believe the City of Greater Geelong, have requested this approach because they believe they should not have to pay for a process imposed on them by the government. They should not have to pay for that process, but we should not continue down that path when trying to remedy a previous mistake of the government.

It is undemocratic to use the countback system in an extraordinary election. Members of municipalities should have the right to vote for the councillor who best represents them. This bill will not allow that. Issues facing councils, say, two and a half years earlier will have changed by the time by-elections occur. That was the case recently in the City of Melbourne. Some sections of the community expressed concern about the way the council was approaching particular issues. They made their concerns clear in the by-election and voted for a candidate who raised those concerns. That will not happen with a countback approach. It will not allow members of the community to express a current view about the direction they wish the council to proceed.

They will not be given the opportunity to make their voting intentions known to the council. It denies the community a role and a right to determine the direction a council will take. The community should be involved in the process of electing councillors throughout the period between full elections. We should not be proceeding to a countback system for any council. If a councillor resigns because of the activities of a council the electorate should be provided with the opportunity to vote on the concerns expressed by that councillor. If we operate under a countback system it may be that another councillor has different views to the councillor who resigned and therefore votes may flow to a person the community does not want at that time to represent them. The model is flawed.

Mr Maclellan — It may be the wrong faction.

Ms KOSKY — It may be the wrong faction. It may be a One Nation candidate who is second on the ticket. Just as many who run for council are members of the Liberal Party, but they do not mention it on the ballot paper. People have a right to determine who represents them.

My other concern is that this approach sets a dangerous precedent for both local and state government. Would the government suggest a similar model for the state or national level? Many of us remember the Premier floating the idea of not having by-elections between elections but appointing a person from the same party to avoid the costly exercise. I know the Premier would have wanted to avoid the by-elections in Gippsland West and Mitcham — not because they were costly exercises but because they allowed the community to express major concern about the way the government was proceeding.

Fortunately at state government level we still have by-elections and do not operate on a countback model. But this government is keen to avoid scrutiny and democratic practices. We have seen that with the announcement that the Victorian Parliament will close after this week during the federal election campaign and that the sitting weeks lost over the next four weeks will not be reinstituted with Parliament sitting the additional days after the federal election is over. I think that is a misuse of the Parliament. It demonstrates the attitude of this government about democratic processes and the community's role in having a say in what is happening at either the local or state government level.

Governing is not just about individuals going off and doing what they want to do, but is a constant two-way process of those who are elected making decisions and going back to the community that elects them to find out whether they are proceeding down the right path. By-elections are an extremely important method by which to give councils a good view of whether they are proceeding in the right way and to allow communities to clearly determine who should represent them.

The government made a mistake in having district-wide councillors. While it may not like the way the general community votes in local government elections — and we have heard a number of concerns about this expressed by the minister — it is the community's decision, and that is what accountability is all about. It is no excuse to avoid democracy, and the government should not implement this change, which will deny people the right to have a say about who will represent them at local government level.

I sincerely hope the district-wide councillor approach will not extend to other councillors, enabling this problem to extend further than it has already gone. People I have spoken to from Greater Geelong no longer feel particularly close to their council because they do not know who their ward councillors are. That is extremely unfortunate because it means they do not feel as well represented as has been provided for.

Mr PHILLIPS (Eltham) — I support the bill and shall speak briefly about some parts of it. It was interesting to hear the earlier criticism about by-elections and the Premier's belief that Parliament should consider the cost to the community of running them. There was also a suggestion — which received bipartisan support — that a mechanism be introduced for seats for which by-elections are to be held because a member is retiring and which made no difference to the make-up of the government of the day and/or were held by a large margin. The suggestion was that under normal circumstances it would be fair and reasonable that no by-election be held and that the major party represented by the person retiring could nominate a person to fill the vacancy until the next general election. That proposal was not agreed to and was criticised earlier in the debate by the Leader of the Opposition.

It is interesting that the system suggested by the Premier some 12 or 18 months ago has been working reasonably successfully in the Senate. As we all know, if a Senate member retires because of ill health or for other reasons, the party the member represents can nominate a replacement person who will fill the vacancy until the next general election.

The community does not realise it, but by-elections cost the community thousands of dollars — in some cases they can cost $150 000 or $200 000 to run. Since 1992 the Labor Party has cost this community an absolute fortune. During one parliamentary term there were resignations by Jim Kennan and Joan Kirner — who, I remember, said before the 1992 election that she had no intention of retiring — and recently there was the resignation of Tony Sheehan, who has been replaced by the new member, Mary Delahunty, who took her place in the house today.

Mr Leighton — Roger Pescott.

Mr PHILLIPS — Both Roger Pescott and Alan Brown from our side have retired in this parliamentary term. There was also John Brumby himself, who held the seat of Doutta Galla in the upper house and came down to occupy the seat of Broadmeadows and take on the leadership for the opposition, and Kelvin Thomson, who moved to federal politics. We have had numerous by-elections, and an enormous amount of money has been spent on them — money that could have been better spent elsewhere within the community. The people are not staying there for ever and a day — they are filling positions and representing their party until the next general election.

This bill provides that where a by-election is to be called as a result of the resignation of a person in local

government, the second person nominated by the community at the last election — in other words, the person who obtained the second-highest number of votes — be given the opportunity to be nominated and brought on to council. That is a fairly sensible amendment which should be supported by both sides. It shows that the government is again trying to maintain the cost to the community and is not trying to take away democracy, as has been alleged by the opposition.

There has been talk about democracy and council amalgamations when councillors were dismissed in 1994. But this bill is about fair dinkum reforms to local government that have not taken place for about the past hundred years but will now be put into place and stand the test of time for probably the next century. Local government should be big enough to recommend, instigate or implement these reforms, but of course it does not do so. Many people do not realise that it is a creature of this Parliament and has to operate under the rules of Parliament under the Local Government Act.

The reforms the government is implementing with this bill are sensible reforms that should have been made a long time ago under the previous government and governments before that.

It is taking time. The coalition government has been in power for only a short six years and is implementing necessary reforms which in my opinion were long overdue. Unlike the opinions of many others, my opinion is based on 14 years of local government experience, including a stint as shire president. The council amalgamations that have been criticised tonight were long overdue. It is nonsense for anyone to suggest it was appropriate for Victoria to have 210 municipalities in 1994. Some municipalities had populations of fewer than 5000 and boundaries that were determined back in the horse and cart days. Modern technology — motor cars, fax machines, telephones and the like — has made many municipalities obsolete.

In the area in which I live the former shires of Eltham, Diamond Valley and parts of the former shires of Whittlesea and Healesville were amalgamated to form the appropriate and successful Shire of Nillumbik. Although it has experienced a few teething problems, as have other municipalities, they are being addressed. The amendments are appropriate and sensible. They should be supported by both sides of the house. I am disappointed that will not be the case.

Debate adjourned on motion of Mr BATCHELOR (Thomastown).

Debate adjourned until later this day.

ROAD SAFETY (DRIVING INSTRUCTORS) BILL

Opposition amendments circulated by Mr BATCHELOR (Thomastown) pursuant to sessional orders.

Second reading

Debate resumed from 9 April; motion of Mr COOPER (Minister for Transport).

Mr BATCHELOR (Thomastown) — The opposition will not oppose the bill. However, it will propose important amendments and hopes the government will see the sense of and accept them. In the same way that earlier today the government took a commonsense approach and allowed the honourable member for Richmond to debate a petition, the opposition expects it will see that the amendments are commonsense amendments. I will deal with the amendments in detail later.

This bill is an admission of failure by the government. It is an acknowledgment that the proposals and the ideology that drove the government at the commencement of its first term were wrong and inappropriate. In 1993 the government proposed a raft of changes to deregulate certain parts of the road safety industry. Today the government has returned with a bill that seeks to reverse what it did in 1993. It then said part of the Road Safety Act — from memory, section 32 — was inappropriate and needed to be repealed. Today it is seeking to reinstate those provisions.

To determine how this came about we need to go back to what happened in 1993. We need to try to understand how the government could be so foolish as to accept advice from somewhere that it needed to get rid of a series of regulations controlling the driving instruction industry. At that time the government cited as the reason the mutual recognition legislation and obligations. It now again quotes mutual recognition as the reason for reregulating the industry. The government has missed the point absolutely. It has to acknowledge it was wrong then, because unless it accepts the opposition's amendments it will get it partially wrong again.

The bill is an admission of failure and an acknowledgment that for good laws to be thrown out without any due regard to the implications of doing so, in the early stages of the government there must have been a mad-dog ideology driving decisions and causing things to happen. Some five years later the government wants to introduce new laws to overcome the blunders and the mistakes it made by following the ideology that said everything in existence had to be deregulated and

that the market would be the ultimate determinant of whether and how services would be provided.

This is not the first instance of this happening in the road safety area. When the tow truck industry was deregulated in 1993 the opposition warned it would cause problems, and the government has already had to reregulate that industry. It has also happened in other areas. The government has had to reregulate in the health area and in the food industry, where it has demonstrated its mad-dog approach to regulation and the free market, which is driven by ideology and which has seen people's lives placed at risk. It will happen again.

It will not be too long before the government is forced to reregulate in the aged care industry, where it has deregulated nursing homes and standards have fallen through the floor. It is a clear acknowledgment that the then minister, the Honourable Bill Baxter, was out of his depth. He was prepared to accept any policy advice handed to him by Liberal Party members and external forces without any real consideration or examination. One can just imagine how it happened: 'Minister, here is a good piece of legislation that you can take into the house. It is sensible and it gets rid of all the burdensome regulations surrounding driving instructors'. The then minister would have asked, 'Are you sure it is a good thing?'. And I am sure the bureaucracy and political advisers would have assured him it was. As with tow trucks, City Link and a number of other areas, he got the legislation monumentally wrong. It is surprising that it has taken until 1998 for the government to acknowledge the problem and the need to rectify it.

In acknowledging that that no-care, no-responsibility system was alive and well in 1993, I indicate that on taking office after the next election the opposition will seek to identify how such flawed advice could come forward and why it took so long for the problems and the need for reregulation to dawn on the government and its advisers.

In essence the bill seeks to establish a compulsory registration scheme to administer minimum standards for the fitness and competence of driving instructors who are working with novice drivers. The basic minimum standards include satisfactory driving and criminal history checks, completion of an approved training course, possession of a full driver licence, minimum eyesight standards and the display of approved photo identification in the vehicle during instruction. In 1998 those standards have suddenly been deemed to be vital and critical, whereas in 1993 all that someone required to become a driving instructor was a bit of charm and an existing current driver licence — and nothing else. The government's desire to wash its hands and walk away from any decent and obvious regulatory framework has brought about the need for the change. There have been some unsavoury practices in the industry in the intervening period.

The opposition also suspects that there have been problems with the consequences deregulation has had for young drivers. It is acknowledged in the second-reading speech that young drivers are the most vulnerable on our roads and that they are more liable than experienced drivers to be involved in accidents that result in injury or even death. The minister says inexperienced or new drivers are four times more likely to be injured or killed in road crashes than more experienced drivers. The honourable member for Pascoe Vale will develop that issue in her contribution. She has been concerned about the impact of deregulation in the interregnum, particularly on young and inexperienced drivers. The honourable member sought to gain statistical information as to the truth of the matter. However, she was advised that that information will not be released so we will be unable to test the veracity of the ratio given involving novice drivers and the real risks that they face. The government is clearly trying to hide something.

The bill also provides an appeal mechanism. If an instructor has a licence revoked or suspended, or if an individual is refused a licence, there is an appeal mechanism through the Magistrates Court. It is appropriate for an appeal mechanism to be included in the legislation.

The opposition is surprised that the government has not considered the responsibility of driving instructors to have a zero blood alcohol content while carrying out their authorised or licensed functions. The opposition seeks to bring it to the government's attention via the amendments that have been circulated in my name. The explanatory memorandum, the minister's second-reading speech and the background material contain references to the regulatory framework within which taxidrivers work. It is an appropriate analogy. They have to be fit and proper people. The second-reading speech refers to the requirements that apply to taxidrivers. The opposition believes driving instructors should have a statutory obligation not to be under the influence of alcohol when carrying out their driving functions. The restrictions on driving instructors should be the same as those imposed on the people they are teaching, on taxidrivers and on the drivers of large commercial vehicles. If drivers engage in activities that stem from a regulation or a licence, they are doing things that flow directly from a licensing regime and are in a special and privileged position of trust. The

responsibilities of driving instructors are such that it is entirely appropriate that they should have a zero blood alcohol content when carrying out such functions.

The opposition's proposed amendments cover the obligations and responsibilities of driving instructors while in charge of motor vehicles. They also impose on instructors the obligation to have a zero blood alcohol content. We require that to be the standard under which driving instructors must operate, just as we expect it of our taxidrivers, probationary drivers, drivers of large commercial vehicles and other driver groups. Whether the government accepts the proposed amendments will be a measure of how much it is concerned about the safety of the industry and young or novice drivers. The honourable member for Swan Hill is laughing about this. It is a pity he does not take it seriously. Members of the opposition do, however. We have circulated the amendments, and we will hold the government to the test and see whether it is prepared to accept them.

Government members interjecting.

Mr BATCHELOR — Clearly it is a negligent government. It does not care about road safety issues that involve blood alcohol levels. It is a pity that it appears to be walking away from the bipartisan approach that has been taken in this house on issues such as those. The opposition is strengthening that approach and trying to get the government to accept its responsibility. I can see the honourable member for Swan Hill laughing again. He clearly has no intention of asking the government to accept its responsibility.

As I indicated earlier, the matter is being discussed tonight because the government got it very wrong in 1993. The opposition warned the government on plenty of occasions, both in this chamber and the other, when the bill was debated. The government was warned also by the full parliamentary Scrutiny of Acts and Regulations Committee in *Alert Digest* no. 18 of 8 November 1993. The committee drew the attention of Parliament to the clauses that in effect deregulated the driving instructing industry. Committee members expressed concern and said they would conduct an ongoing examination of the matter. One wonders what happened, because that examination did not take place.

It is interesting to note that not only did the government ignore the advice of the parliamentary committee but in the political debate in this chamber and in the upper house the government gave a callous or very indifferent response. Possibly the same people will make contributions to the debate tonight or during the remainder of this week, but they will attempt to paint a completely different picture.

The ACTING SPEAKER (Mr Jasper) — Order! Is the honourable member sure that he is talking about members in the house?

Mr BATCHELOR — Yes. On re-reading *Hansard* of that occasion I came across an interesting contribution from the honourable member for Mornington, who is in the chamber tonight. Members of the opposition will be interested to hear how he will try to rationalise the contradictions between his 1993 position and his position in 1998. He dug himself into a deep hole and he has to get out of it now.

Mr Steggall — The world has moved on.

Mr Maclellan — It is the difference between a parliamentary secretary and a minister.

Mr BATCHELOR — On that occasion the honourable member for Mornington, now the Minister for Transport, said:

> The repeal of driving instructor licences also relates to the mutual recognition agreement between the states and, therefore, follows much the same line as the situation regarding tow truck drivers. People who for some kind of reward teach others to drive are currently required under the provisions of the Road Safety Act to hold a motor driving instructor's licence, and a person may hold such a licence subject to the payment of a renewal fee. No further assessments are made of the licence holders.
>
> Once they have their licences and pay their annual registration fees there is no further assessment. Issues about fees charged by instructors are not investigated by Vicroads, which has no statutory charter in that regard. Those matters are usually referred to the Small Claims Tribunal or the consumer protection panels.
>
> Complaints about instructor conduct are made from time to time and include problems of sexual harassment, assault or bribery. They are always referred to the police. Therefore, the licensing adds little value to the occupation of driving instructor and gives no added protection to the client. That protection is already contained within the existing laws, which are not being affected in any way by the clauses in the bill.

So in 1993 it was acknowledged that the potential conduct of driving instructors could transgress areas of sexual harassment, bribery or assault and that the new regime being set in place would adequately deal with it; yet in 1998 we are told that that is no longer the case and that a definite need exists for reregulation.

It is interesting to go back and look at the response of the then Minister for Roads and Ports to a serious example of the sexual harassment of a young woman by a driving instructor that was raised in the upper house by a then member for Geelong Province, David Henshaw. The minister said:

> If he has been convicted I think the word will quickly pass around and that person would have difficulty in attracting customers to his driving school.

What an absolutely appalling attitude, as the passage of time has proved. In 1995 when an issue of sexual harassment was brought to the attention of the then Minister for Roads and Ports in the Legislative Council the minister resorted to the party line that had been clearly established in 1993 — a line that the current Minister for Transport clearly supported then and in his response and interjection said was valid. He implied and by his body language indicated that back then it was an appropriate response. When it was raised again in 1995 with the Minister for Roads and Ports, his attitude was, 'Well, even if the perpetrator is convicted, that conviction would be cause for a bad word or reputation to be spread about that person' — and the government effectively washed its hands of the matter.

Tonight in the chamber a final and reluctant acknowledgment has been given that all this time the government has been wrong — it has taken from 1993 to 1998 to seek to have the matters rectified.

I would have liked to have made many more points. I am cognisant of the time and that other speakers would like to join in this debate and make short contributions in order to allow more speakers to participate. However, the opposition appeals to the government to take the amendments circulated in my name and to provide the opportunity later in the parliamentary week to have the amendments dealt with in the committee stage and accepted. They are reasonable and commonsense amendments, and failure to accept them will signal that the government has once again failed the community interest test that is implicit in all road safety measures.

Mr PERRIN (Bulleen) — I support the bill. I have listened carefully to the honourable member for Thomastown's contribution to the debate. I do not think he understands the driver instruction industry or the consultation process that the government has been through in the past year with regard to this matter.

The bill is important because it brings in minimum regulation of driving instructors. I am sure you, Mr Acting Speaker, would agree with me that minimum standards for driving instructors are needed in this state. In 1993 the driver instruction industry was deregulated, and it is interesting to hear members debate the regulation of this or that industry. I am an accountant, and in all the time I have been a member of that profession it has never been regulated by governments or parliaments, yet it is my view that the industry has been able to more than adequately maintain professional standards. That is the case with the driver instruction industry also.

The bill sets minimum standards. It should be understood that the government does not wish to over-regulate an industry such as the driver instruction industry. It does not wish to impose any unnecessary burdens, so a minimum set of standards has been set up. They are as follows, as stated in the second-reading speech:

> satisfactory driving and criminal history checks (similar to those required for taxidrivers);
>
> completion of an approved training course or satisfactory demonstration of required competencies;

It was interesting that the honourable member for Thomastown did not mention training. He does not seem to think that driving instructors need to be trained. They also include:

> possession of a full driver's licence and at least three years' driving experience;
>
> minimum eyesight standards ...

The government will also require an approved photo identification to be displayed, similar to that which is seen in taxis.

The government went through a major consultation process and set up the Driving Instructor Consultative Committee to examine the industry. The committee reported to Parliament in August of last year and made a number of recommendations. It is no secret that the bill is a response to the committee's report. One can look at the names of the people who were on that committee to decide whether it had credibility and the extent to which it looked at the driver instruction industry.

The committee membership was extensive, ranging from representatives of young people and parents; a behavioural psychologist; a vocational training expert; and representatives from the Victoria Police, the Transport Accident Commission, the RACV, the Department of Infrastructure, Vicroads, the Australian Driver Trainers Association (Victoria), the Accredited Driver Trainers Association of Victoria, the METEC, a large independent metropolitan driving school, a small independent metropolitan driving school, a small independent country driving school and an advanced driver training organisation — and Vicroads provided executive support. That was a pretty extensive body of experience and expertise. It put together the comprehensive report which went to the minister and which forms the basis of the bill.

I shall outline a number of aspects of the report that are important to the debate and to the honourable member for Thomastown and the other members of the Labor Party, who seem to think that this was a proposal which the government started and stopped and which died in between.

One of the key aspects of the bill is the criminal history checks that will be made on applicants for driving instructor licences. The report recommended that extensive checks be made for convictions for sexual offences, assaults punishable by imprisonment for more than six months, drug trafficking, theft, deception, fraud, minor assault charges, drug and alcohol use and any other offence punishable by imprisonment. The committee looked extensively at the types of police checks that should be made on driving instructors. That is an important part of the bill because the government wants to ensure that driving instructors who take young people out on the road are fit and proper persons to do so.

Other checks will be made on driving instructor licence applicants to see whether they have incurred previous driver licence cancellations or suspensions or have committed offences under the Transport Act or the Road Safety Act.

I listened with interest to the arguments put forward by the honourable member for Thomastown, and I look forward to the debate on whether a zero blood alcohol level should be required for driving instructors. The Labor Party has moved that the bill should regulate that aspect of the industry. That is not the way the committee recommended we should go with regard to regulating the standards. It recommended taking a totally different path to establishing standards to be applied to driving instructors. In its report the committee recommended that an industry code of practice for driving instructors be established.

I will outline to the house some of the criteria the committee strongly recommended should be included in the code of practice. The code is obviously comprehensive. It covers many different points which should not be subject to legislation but which are commonsensical and could easily be administered by the industry. The report states:

> The committee recommends that industry representatives should prepare an industry code of practice prior to the introduction of the proposed mandatory standards.
>
> The providers of approved training course(s) should cover the industry code of practice in their course.
>
> The industry code of practice should cover such matters as:
>
> customer service
>
> cleanliness of vehicles
>
> restriction on the use of mobile phones and laptop computers in vehicles
>
> smoking in vehicles
>
> zero blood alcohol level
>
> roadworthiness of vehicles
>
> complaints from learner drivers
>
> professional development of driving instructors, including refresher courses
>
> advertising standards.
>
> The industry should examine ways of encouraging compliance with the proposed code of practice, including the marketing of the code, dealing with complaints, counselling of those who break the code, and accreditation of businesses, associations and individual driving instructors who commit to the code.

The code of practice proposed by the committee lists many areas of the industry to be regulated, but not by the legislation. In other words, the driving instruction industry is prepared — and we should congratulate it — to self-regulate on matters concerning its own conduct. The bill will look at criminal and driving records and make sure there are minimum standards, and the code of practice will pick up other aspects of regulation. It is a complementary way of regulating the driving instruction industry. Parliament should not be regulating industries willy-nilly and imposing by legislation the sorts of things contained in the code of practice.

The government is trying to bring the driving instruction industry into line with the taxi industry, and the code of practice is similar to the code that regulates that industry. The government is encouraging smoke-free taxis, the wearing of uniforms and the maintenance of zero blood alcohol levels by drivers, and roadworthy checks. The same sorts of requirements will apply to driving instructors and their vehicles. That is far superior to the amendments proposed by the honourable member for Thomastown as a way of regulating the industry. The industry will welcome the government's initiative. I have already pointed out that the committee responsible for the recommendation had a broad representation and I cannot think of a relevant body that was not represented on it. Why should the government reject the committee's report? Why should the government put together an extensive committee of people with an enormous collective knowledge of the industry and then ignore its recommendations?

I direct the attention of the house to the accreditation of driving instructors. It is significant that opposition speakers did not mention that driving instructors should be properly accredited, because a large part of the committee's report concerned accreditation and the existence of a skills base. Driving instructors play an important role in making sure that young people are able to drive safely when they get their P-plates. Young P-plate drivers have a high accident record and the government wants to reduce that statistic.

I recommend to honourable members a Vicroads booklet for L-plate and P-plate drivers. The booklet draws attention to certain things young drivers should be undertaking and includes a logbook. Young drivers can log the sorts of driving instruction they receive when they are learner drivers. The logbook encourages them to gain experience driving on country roads and freeways, at night, during the day, in the middle of a rain storm, and so on. It requests drivers and their instructors to go through a whole regime of recording driving experiences and logging an extensive number of training hours before going for a licence.

I also direct to the attention of the house a survey of attitudes of new drivers to driving instruction, which was undertaken by the committee. The key results were: the average number of lessons undertaken to obtain a driver licence was 9; more than 70 per cent of students took more than 10 lessons; the average cost of a driving lesson was $25 an hour; fewer than 10 per cent of people received lessons for less than $20; and 98 per cent obtained at least some tuition from a driving instructor. Currently two of my children are L-platers and are receiving driving instruction from me. This raises the important point that a great number of young people receive driving instruction from parents or friends and that instruction will not be regulated. It is vital to encourage young people to finish off the initial driving instruction they receive from their parents by taking lessons from professional driving instructors.

The survey went on to record that more than 63 per cent of driver students had received some instruction from their parents — the point I was making — and 98 per cent were satisfied with the professional instruction they received; that 69 per cent were satisfied with non-professional instruction from mums and dads; and more than 80 per cent received instruction on road law as part of their driver training. The majority of respondents were instructed in driving in a range of weather conditions and at various times of day, either by parents or professional instructors.

The committee provided the government with a particularly extensive body of evidence. It looked carefully at the driving instruction industry and gave the government a clear message that it wanted only minimum regulation. Woe betide any Parliament or government that puts together a comprehensive committee and then ignores its recommendations. This minor regulatory bill was recommended to the government by a committee comprised of an extensive range of professionals, and that is the way Parliament should go. Parliament should take on and implement the recommendations in legislation where the committee has asked for that to be done. Parliament should put in place minimum regulations and allow the driving instruction industry to get on with the business of self-regulation of the parts of the industry that do not require statutory regulation.

I support the bill; it is the way to go. I do not support the amendments proposed by the opposition. They are the wrong way to go and are not what the industry wants. The industry backs the government on the bill because it is exactly in line with what the industry desires.

Ms CAMPBELL (Pascoe Vale) — I support the bill and the amendments circulated by the honourable member for Thomastown. As a result of the Kennett government's obsession with deregulation — it is devoid of any responsibility to its citizens, in this instance learner drivers — Mad Max can operate in Victoria as a driving instructor with the support of the government. Mad Max could be running a driving school because there is no regulation about who can teach learner drivers for payment.

The government's reckless removal in 1993 of the regulation of driving instructors endangered young drivers' lives because newly licensed drivers are the most vulnerable people on our roads. We have heard it said many times in this debate and in discussions among family and friends — and we have also seen it in advertisements and newspapers — that accident and fatality rates for P-plate drivers are four times those of the general driving population. In Victoria over the past five years anybody could set himself or herself up to teach driving so long as he or she was off P-plates. There has been no other requirement, and all this is in the name of deregulation! There would be no need for this debate if back in 1993 the honourable member for Bulleen and all the other government members who said it was vital to give thorough and competent driving instruction to learner drivers had made the same speeches that they have made in this debate, because these provisions would have been passed in 1993.

Currently in Victoria no checks are done on driving instructors' personal driving histories, their ability to

teach, their probity or their teaching competency. This bill is being debated because of the arrogance of the Kennett government in 1993 when it chose to ignore the advice of police, the Royal Automobile Club of Victoria, the Victorian Motor Schools Association and road safety experts. The cruel irony is that the government is happily spending money — and it is a campaign the opposition supports — on making parents and guardians aware that it is important to give learner drivers plenty of experience in a range of driving conditions.

Those of us who have had the great pleasure or terror, depending on how you look at it, of teaching our children to drive without the benefit of dual controls know the importance of our children learning to drive under a range of driving conditions. I suggest that before their parents, guardians and friends teach them to drive learner drivers should be taught the basics of driving, the basics of car mechanics and the basics of road safety by professionally trained driving instructors. Over the past five years learner drivers, and the parents of many of them, have spent money on lessons from driving instructors without knowing anything about the competency of those instructors.

Prior to 1993 we knew they had undergone rigorous driving instructor tests. It was not uncommon for people to fail those tests two, three or four times before being finally being licensed. So, at the same time as the government was happily spending money on improving the awareness of parents and learner drivers of the need for learner drivers to learn how to drive in a range of driving conditions, it was also deregulating the licensing of driving instructors. That is absolutely unforgivable because the absence of thorough instruction can lead to fatalities.

The honourable member for Bulleen spouted the biggest load of rubbish heard in this debate. He has probably been relaxing and not taking too much notice of what is happening in the world over the past few months, because he was trying to tell us tonight that driving instructors want to be self-regulated. If the honourable member for Bulleen and the government had bothered to listen to driving instructors back in 1993 they would have learnt that driving instructors never wanted instructor licensing to be abolished.

If he had bothered to read the report with which he padded out his speech, the honourable member for Bulleen would have noted that the self-regulation referred to in the interim period prior to the implementation of the industry code of practice that he happily quoted included the zero blood alcohol level the opposition is seeking to include by way of amendment. I look forward to the honourable member for Bulleen voting with the opposition on that amendment. The honourable member also talked about extensive research. Obviously the notes given to him did not contain the report of the Consultative Committee for Driving Instructors called *Standards for Driving Instructors*. We have to set the record straight. The extensive research the honourable member referred to was a survey of 158 people. Extensive research? Hardly, I would suggest.

The honourable member for Bulleen also said that the driving instruction industry, the Victorian Motor Schools Association and the Accredited Driver Trainers Association of Victoria were keen to have self-regulation. I point out that they are keen to have self-regulation only in the period prior to the legislation coming into force.

The honourable member also had the gall to ask rhetorically, 'How dare the opposition say that the government had vacillated on this matter'. Well the fact is that this government has got it terribly wrong; it has procrastinated. The report was given to the minister in August 1997. Consultations took place with the Accredited Driver Trainers Association of Victoria and other interested parties in June 1997. What month are we now in? We are in September 1998 — one year and three months later. The government has stalled unnecessarily. In 1996 the Minister for Roads and Ports, the Honourable Geoff Craige, received a letter from me and from a range of motor schools strongly recommending that the current system of deregulation be stopped and that appropriate licensing for driving instructors be reinstituted.

The honourable member for Bulleen got most things wrong in his speech, with the exception of his support for the zero alcohol level for driving instructors, and I look forward to his voting with the opposition on the bill.

The speech made by former Minister Brown when introducing the 1993 Transport (Amendment) Bill, which removed the requirement for the licensing of driving instructors, is very interesting. During his second-reading speech the then Minister for Public Transport is recorded in *Hansard* of 28 October 1993 as stating:

> Because not all states and territories register motor driving instructors and tow-truck drivers, in line with the recommendations of the Vocational Education, Employment and Training Committee (VEETAC) review of partially registered occupations the government has decided that these occupations will no longer have to be registered in Victoria.

The honourable member for Bulleen should be pleased that his children are being taught to drive by driving instructors who do not need accreditation because the government decided that as some other states and territories did not register driving instructors there was no further need for registration!

During his contribution to the debate on the Transport (Amendment) Bill (No. 2) the honourable member for Mornington, now the Minister for Transport, is recorded in *Hansard* of 19 November 1993 as saying that he supported the repeal of driving instructor licences. In referring to driving instructors, he said:

> Once they have a licences and pay their annual registration fees there is no further assessment.

Because driving instructors were not to be further assessed, the minister said it was not worth having an accreditation procedure. That is brainstorming logic! He could have recommended that they be tested later on. In the same contribution he said:

> Complaints about instructor conduct are made from time to time and include problems of sexual harassment, assault or bribery.

Yet the minister supported the abolition of driving instructor licences! He further said:

> Therefore, the licensing adds little value to the occupation of driving instructor and is no added protection to the client.

This is the same honourable member who, as transport minister, has introduced the current legislation. It has taken him five years to get it right. The Transport (Amendment) Bill (No. 2) also provided for the introduction of automatic ticketing machine regulations. I wonder how long it will take the minister to get those regulations right. It will probably take him another few years, by which time a Labor government will have to fix them.

I have spoken about the breathtaking arrogance of the government. In 1962 driving instructors lobbied to be licensed. I pay tribute to Mr Jack Hardy, the only life member of the Victorian Motor Schools Association, who was on the committee that in 1962 helped organise the licensing of driving instructors in consultation with the then Liberal government. Mr Hardy handed in his driving instructor licence on his 70th birthday after teaching thousands of people how to drive. He is a credit to all driving instructors. He took pride in the fact that he had undergone the necessary testing yet on his own initiative handed in his instructor licence at the age of 70. I note in passing that the minister made no reference to age limitations in the second-reading speech.

I reinforce the point that the government has finally got the driving instructor licence procedures right — but the legislation should go further. Statistics show that newly licensed drivers are four times more likely to be involved in driving accidents or fatalities than more experienced drivers. The government should do more to help that sector of the community reduce the number of accidents in which its members are involved.

Mr McLELLAN (Frankston East) — It gives me great pleasure to join the debate and speak on the reinstatement of the fit and proper person criterion for driving instructors. I was passionate about the issue in 1993. I remember remarking at that time that as husbands and wives and parents we were willing to allow our spouses, daughters and sons to be taught to drive by persons who were fit and proper persons and accredited driving instructors. In 1993 those regulations were abolished. Parents did not know whether the driving instructor teaching their sons or daughters had committed a criminal offence because the fit and proper person criterion no longer applied to the job.

The reintroduction of minimum standards gives me great pleasure. The same thing occurred with tow-truck drivers some years ago. Although I am pleased the bill will fix the problem, I do not believe it goes far enough. I would have liked Victoria to adopt the South Australian model, which has a system of licensing accreditation that removes much of the unnecessary rubbish associated with driving schools, including the possible corruption of driving schools, driving instructors and examiners. It is a shame that these measures do not go far enough. Nevertheless, the bill recognises that the 1993 legislation was a disaster.

Debate adjourned on motion of Mr TREASURE (Gippsland East).

Debate adjourned until next day.

LAND (REVOCATION OF RESERVATIONS) BILL

Second reading

Debate resumed from 9 April; motion of Mrs TEHAN (Minister for Conservation and Land Management).

Ms GARBUTT (Bundoora) — The Land (Revocation of Reservations) Bill provides for the revocation of one portion of land set aside for recreation purposes and another portion of land set aside for public purposes in Bairnsdale. I am advised that the East Gippsland College of TAFE has inadvertently erected buildings and a car park on part of the land.

Although that occurred a long time ago, and although there has been no loss of public access, it is necessary to put things right so that the college can undertake further redevelopment of the campus. It is clear that there will be no loss of access to the trail along the Mitchell River, which is well used by the public.

The second piece of land is at Korkuperrimul near Bacchus Marsh. It is a very old reservation, with water and camping facilities. I suppose in the old days it was meant to be used by drovers but it has not been used for many years, if ever. It is currently owned by the Western Region Water Authority. The public reservation has been lifted as the authority no longer requires the land and has identified it as land it wishes to dispose of.

The final piece of land is the old shire hall reserve in Canterbury Road, Box Hill. It was formerly used by the City of Whitehorse as a pound. The council is releasing it as part of the local government operational land review and it will be sold by the government. The honourable member for Mitcham will also comment on this land because it is in his electorate. The building has various possible community uses. The Box Hill Historical Society is interested in it, and I seek an assurance from the minister that agreement will be reached between the council and interested community groups before the land is disposed of.

The local government operational land review has caused problems across Victoria. The government is forcing local government into identifying all its operational uses on Crown land and either purchasing, leasing or returning the sites so that the government may collect the sale money. Much controversy and arguments with the government have arisen. It is not a benign or amicable process. The City of Whitehorse would have preferred the land to become parkland or remain in community use but that was not allowed. I put on record that in many cases the operational land review is taking place in the face of fierce opposition by local government. It is a money grab by the government to force local government to either dispose of or pay for land that it has used in many cases for decades.

Finally, lifting reservations on land is a serious matter and not something to be taken for granted. This government has a very poor record for misappropriating public reserves and misusing them, whether we are talking about inner city parks or shire land. It is a serious matter and the opposition wants the bill to be examined seriously. However, the opposition will not oppose it.

Mr TREASURE (Gippsland East) — The Land (Revocation of Reservations) Bill is one of those small bills that come through the house from time to time. While seemingly of no great consequence such bills play an important part in government because they allow the squaring up and transferring of certain pieces of land throughout Victoria to the public advantage.

Two pieces of land dealt with by the bill are in my electorate in the City of Bairnsdale. Both blocks of land affect the operation of the TAFE college in Bairnsdale, which has expanded considerably over the years. It has embarked upon an ambitious building program to keep pace with its growing number of students. As part of the expansion some of its buildings have spread further than the noted boundaries. The land was originally the site of the Bairnsdale School of Mines and subsequently of the old Bairnsdale Technical School. The site has been occupied by educational facilities for many years.

There is a caravan park on the lower area to the east of the buildings. That area is a flood plain and was inundated during the recent floods. In the main the land we are talking about in this debate is above the flood plain. The bill returns to the ownership of the TAFE college and its system some of the buildings protruding on to what was the Crown reserve and squares up the northern side of the TAFE blocks so that some of the back streets used for such things as car parks are tied in with the college. I commend the bill to the house.

Mr ROBINSON (Mitcham) — I am pleased to make some brief remarks on the bill, particularly item 4 in schedule 1. This land is denoted as Nunawading land but is actually situated in Box Hill on the corner of Hay Street and Canterbury Road. I am familiar with the land as it is adjacent to a former secondary college I attended for two years. The revocation of the reservation is not inconsistent with the preservation of the building on that reservation. I believe discussions have taken place between the government and the council and there is an understanding that the building will be preserved. That would be very satisfactory to the Box Hill Historical Society. I contacted the society some time ago when the minister read the bill a second time. With your indulgence, Mr Acting Speaker, I will read some of the society's comments.

Helen Harris, who is the honorary president of the Box Hill Historical Society, writes as follows:

> *Box Hill Sketchbook*, with text by the late O. S. Green, states that the building, which is of red brick, was completed in June 1902. A weatherboard extension was added during the 1930s. It was used as a residence for the poundkeeper, whose task was to maintain animals impounded by the council for

various reasons, usually because they were found wandering in the streets. The pound served not only Box Hill but also Camberwell, Nunawading, Hawthorn and Kew.

This society is keen to see the building preserved and maintained, and, as the council has apparently agreed to this, we would have no objection to the deletion of the reservation on the property.

I believe the building should be preserved as it has a significant role to play in a heritage trail through the City of Whitehorse that I would like to see developed.

In recent weeks some discussion has been had about the connection of the Heidelberg artists school with the City of Whitehorse. That aspect of the city's history is undersold by the council. A lot more could be made of that connection, not necessarily by the purchase at great expense of McCubbin paintings — that is not always the best way to go — but links should be highlighted.

I suggest that the building on the land denoted in item 4 could fit into a heritage trail stretching from Blackburn Lake through to the old Burwood primary school. A number of features of that trail give it the potential to become one of the great urban walks in Melbourne, if not Australia, well serviced at both ends by public transport. It would bring together the following features: Blackburn Lake, which was the site of the recently sold McCubbin painting entitled *Bush Idyll*, which fetched more than $2 million; Gordon Crescent, where the former McCubbin home still stands; Blacks Walk Reserve, a well-known council reservation that has been upgraded over recent years; the old building that I have just referred to on the corner of Hay Street and Canterbury Road; and the Artists Park in Box Hill South, which is a municipal park of some note in the area, based on a site that the artists of the Heidelberg School frequented over the summer months almost a century ago. The heritage trail could also extend down into the Box Hill Golf Club, where a bike track is being planned along the northern edge of the course, through to Gardiners Creek, with its existing linear park, to the old Burwood primary school.

A group of people involved with upgrading the old Burwood primary school are very keen that that building, which I think dates back to the 1870s, be used for a permanent purpose. Currently, the State Schools Relief Committee occupies part of the building, where it is doing some very valuable work. Some money has been spent on upgrading the building, but the people involved with the historical society and the school are keen that the building have a bigger role. As it is a key component of a heritage trail through the City of Whitehorse, good use could be found for that facility. I will be pushing for that development in the City of Whitehorse. It would be a very good and productive investment of a modest amount of public money, and it would be a very constructive way to celebrate the links between the City of Whitehorse and the famous Heidelberg School of artists.

Mrs TEHAN (Minister for Conservation and Land Management) — I thank honourable members for their contributions to the debate on the Land (Revocation of Reservations) Bill. As the house knows, we seem to have at least one such bill per sessional period. The measure that has been addressed tonight has been on the table since the end of the autumn session. I advise the house that another bill of similar merit is to be presented later in this sessional period, when again we will deal with some small important parcels of land. Provisions of the foreshadowed bill will revoke a reservation either to facilitate disposal or when the purpose of the reservation is no longer appropriate for the existing use of the land. The bill contains examples of small pieces of land in East Gippsland, Bacchus Marsh and Nunawading where, following a change in the use of the land or an opportunity arising for sale and disposal, the reservation on the land has been revoked.

I thank speakers for their contributions to the debate. In dealing with such pieces of legislation it has been my practice to ensure that local members are always consulted prior to their introduction. Any contention about the bills is very rare.

I take the opportunity to also thank the officers of the Crown land section of the Department of Natural Resources and Environment, who work assiduously to ensure that all details of proposals are carefully considered, that the substance is sound, that the technical identification of the land is as accurate as possible and that the maps and schedules are attended to. Certainly the officers of Land Victoria and the Crown land management area under Elizabeth O'Keeffe and John Hartigan in particular do excellent work with the officers in the public land disposal area, who also work assiduously to ensure that we have accurate legislation, fully supported by schedules and maps, and that it is a transparent and accurate program to ensure that we get the opportunity to be flexible with Crown land and that it is reserved for its best possible use, and that, when a reservation is no longer appropriate or needed, we are able to change it through legislation. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

NATIONAL PARKS (AMENDMENT) BILL

Government amendments circulated by Mrs TEHAN (Minister for Conservation and Land Management) pursuant to sessional orders.

Second reading

Debate resumed from 21 April; motion of Mrs TEHAN (Minister for Conservation and Land Management).

Ms GARBUTT (Bundoora) — The bill is of mixed value. Parts of it are welcome, but the opposition does not support others. The additions to our national and state parks and protected areas are welcome. In particular, the opposition is pleased about the proposed expansion of the Terrick Terrick State Park through the purchase of private property. The park's status will be upgraded, and it will become a national park.

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

Sitting continued on motion of Mr GUDE (Minister for Education).

Ms GARBUTT (Bundoora) — Our grasslands have not been protected with the same fervour as our mountain forests. Victorians have had divided opinions on grasslands. Some have seen them as grazing country, such as those on the western plains, while others have seen them as diverse and interesting vegetation. I refer to quotations from two of our early pioneers that reflect divided views about the value of our grasslands. In 1835 John Batman described the plains to the west of Port Phillip Bay as 'the most beautiful sheep pasturage I ever saw in my life'. About a year later another pioneer, Alexander Norcock, looked at the same land and said:

> The country around here is enchantingly beautiful — extensive rich plains all around with gently sloping hills in the distance, all thinly wooded and having the appearance of an immense park. The grasses, flowers and herbs that cover the plains are of every variety that can be imagined.

As I said, views differed on the value of Victoria's grasslands, and unfortunately John Batman's views prevailed. As he foreshadowed, our extensive grasslands have been cleared for pasture for our sheep industry to such an extent that they have almost been obliterated. They have been cleared for agriculture and urban settlement so extensively that the few remaining examples are concentrated in unlikely areas such as cemeteries and railway reserves and areas almost accidentally left uncleared. Those few grassland remnants have become important for Victoria, but unfortunately they remain relatively unprotected.

Until now, little of the 15 per cent of Victoria protected by our national parks system has included native grasslands. The 1996 figures — they would probably be the same as today's — show that only about 400 hectares of native urban grasslands are protected. Although the addition of the Terrick Terrick park to our national park system is welcome, the government must act to protect the small, scattered remnants of grasslands that are now spread across Victoria. Unfortunately, the government does not have a good record in that regard. I urge the Minister for Conservation and Land Management to protect other significant areas of grassland. For example, the Craigieburn grasslands on the outskirts of Melbourne are an important part of Victoria's reserves, but their fate is uncertain because some of the proposed alternative routes for the Hume Freeway extension would almost obliterate them or cut them into such small parcels that they would become less than viable — and inevitably they would be lost.

The Minister for Planning and Local Government refused my written request for an environment effects statement on the area. Instead, we have an advisory committee examining various options; but that committee appears to be driven more by Vicroads than by the Minister for Conservation and Land Management, who should be trying to protect these remnant grasslands.

I direct to the attention of both the Minister for Conservation and Land Management and the Minister for Planning and Local Government the concerns of the Friends of the Merri Creek. Merri Creek is where the Craigieburn grasslands join. That group is concerned that an option has been selected already. In a letter dated 12 June 1998, a copy of which it has sent to me, that concern is expressed. I ask that the Minister for Conservation and Land Management comment on the evidence quoted in the letter:

> The Victorian government has announced its intention to purchase 330 hectares of the Craigieburn grasslands.

The Australian Heritage Commission lists the area as measuring 400 hectares in extent. Clearly some 70 hectares will not be protected. The opposition understands that the area to be protected excludes an important wetland in the north-east corner of the grassland abutting the edge of option 1. The Western

Ring Road project includes the building of access roads for all options other than options 6 and 7: two of the options that are proposed for deletion. When the above two facts are seen together with the advance knowledge of Vicroads that I have previously shown, there are reasonable grounds for the opposition's concern that a decision may already have been made, probably for option 1.

This matter is of particular concern because previous road developments in Victoria, such as City Link, have proceeded prior to the release of an environment effects statement. Such a statement, undertaken at the beginning of project operations, would have led to a much more open process, one in which the people could have had confidence and accepted the results. Now, however, there is a lack of confidence in both the process and the outcome.

The minister should take steps to preserve other grasslands; there is not much point in protecting one area of grassland and wiping out others. An environment effects statement gives people confidence in the process and in the outcome.

Mr Maclellan — On a point of order, Mr Acting Speaker, the independence of the inquiry was guaranteed.

The ACTING SPEAKER (Mr Maughan) — Order! There is no point of order.

Ms GARBUTT — I thank the minister for that left-field comment, which achieved absolutely nothing. I shall refer to another issue that the Minister for Conservation and Land Management will need to address if she is serious about protecting the grasslands of this state. The issue is the proposed privatisation of railway operations, and of V/Line freight in particular. Grassland remnants are often located by accident in areas such as road and railway reservations, with many of the most important being along railway reservations. What is the minister doing to ensure that new owners or lessees of freight lines will be advised of their requirements under the Flora and Fauna Guarantee Act to manage significant grassland remnants? If we have no management, it is guaranteed that these grasslands will be wiped out. The government should take action on this matter if it is serious about protecting grasslands. One statement — the placing of grasslands in the new Terrick Terrick Park — is not enough. There are other important areas for which the government has responsibility and on which it can take action. The minister must watch the privatisation process carefully to ensure that the government's responsibility for these grasslands is maintained.

I turn to three areas that will be protected in the bill. Ellery Creek will be added to the Errinundra National Park, as will the Martins Creek and Goolengook flora and fauna reserves. That is welcomed. It flowed from East Gippsland's regional forest agreement process that concluded last year. The RFA ticked off future infrastructure development at Martins Creek. I assume it is the Very Fast Train project, but the minister may take the opportunity to clear up the intention. Mining is to be allowed in the flora and fauna reserves or in some areas subject to the RFA. Will the minister allow mining in those particular areas, or are they being reserved for nothing?

The honourable member for Bendigo West will comment on Kamarooka State Park, which will be enlarged. This welcome addition makes some progress towards joining the existing state parks, which it should be a long-term goal. A bequest of private land will be added to the Grampians, which is welcome. What is not welcome or supported is the Basalt Hill quarry in the Alpine National Park. The existing old quarry is being transferred to private activity. Quarrying and/or mining in national parks is inappropriate. It does not assist with the protection of the environment and should be phased out. The government should be actively seeking options for the quarry. The government has a poor record in the Alpine National Park. Recently the excision of the area around Mount McKay from the Alpine National Park was given to a ski resort. Skiing development is already taking place. This is the first excision from a national park on record, and it was carried out without consultation and against advice. It is now subject to development proposals.

Recently the minister defied scientific evidence and advice by reissuing grazing licences in the Alpine National Park. She did so against the clear advice of consultants who said it would cause damage and would make it impossible to protect the values of the national park. This government focuses on commercial activity as a priority ahead of consultation. That is the major issue being faced by national parks. Therefore, I move:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this bill be withdrawn and redrafted to provide protection for national parks under the National Parks Act 1975 from the dangers of commercial exploitation'.

The core problem facing the community is that this government's priority is commercialisation instead of conservation. That can be seen in the insidious, creeping commercialism in national parks and sensitive environments right across Victoria which is encouraged and facilitated by the government. It will destroy the

conservation values of Victoria's national parks and turn them into theme parks.

Look at the latest developments the government is allowing and encouraging. Wilsons Promontory, once again — —

Mr Maclellan interjected.

Ms GARBUTT — Your contribution to conservation is to put a toxic dump in Werribee! I would not sit there being pleased with myself if I were you.

At Wilsons Promontory we have seen the start of commercialisation. Tidal River is separated administratively from the rest of Wilsons Promontory and is being treated and run as a holiday resort. The environmental management of Tidal River is being sacrificed for the development of the area as a tourist resort.

In the past few months the lighthouse has been closed to the public because it houses workers who are digging up a track from the lighthouse around the coast through wilderness areas with wilderness values as defined by the Land Conservation Council. A commercial developer will lease the lighthouse, put up permanent camps at strategic locations and operate commercial walks around the Prom. The development is driven by a commercial operator's needs rather than by the conservation needs of the park.

At Tidal River customer service rangers are being introduced and the environmental rangers — the real rangers — are being relocated to Yanakie. Proposals have been put forward for a licensed restaurant, private backpacker accommodation and, of course, the 45-bed lodge — all at the expense of the camp sites that have been closed down. The area already has out-of-character and inappropriate cabins and luxury facilities. From the Tidal River lookout you cannot see anything except the new cabins with their bright, shiny roofs which stick out for miles around and are quite out of character with the rest of the accommodation at Tidal River.

Mrs Tehan interjected.

Ms GARBUTT — I do not have to stay in one; I just have to look at them from the overlook. I am not alone in complaining about the developments and proposals.

Honourable members interjecting.

Ms GARBUTT — Some time ago one of the biggest petitions ever submitted was presented to this Parliament.

Honourable members interjecting.

The ACTING SPEAKER (Mr Richardson) — Order! The Chair is having difficulty hearing the honourable member. I ask honourable members to restrain themselves.

Ms GARBUTT — In case the minister missed it, I would like to report the resolutions carried at the public protest meeting held at Tidal River on Sunday 28 June this year, a cold midwinter day on which hundreds of people got together to express to the minister what they thought of her proposals. I believe the minister should listen and take note.

Mr McArthur — On a point of order, Mr Acting Speaker, I seek your guidance on the relevance of the line the honourable member for Bundoora is currently pursuing. I have had a good look through the bill searching for issues relating to Wilsons Promontory and Tidal River, but can find none. I wonder why the honourable member for Bundoora is concentrating a major part of her speech on issues relating to Wilsons Promontory when the bill does not even discuss it.

Ms GARBUTT — On the point of order, it might assist the honourable member for Monbulk to look at the reasoned amendment, which has been circulated. The reasoned amendment mentions protecting national parks from the dangers of commercial exploitation, and the dangers I am outlining are exactly in line with it.

The ACTING SPEAKER (Mr Richardson) — Order! I have just assumed the chair, and at the time the honourable member for Monbulk raised the point of order I was examining the bill. I do not uphold the point of order. However, I shall continue to peruse the bill, and I rely on the honourable member for Bundoora to keep her comments relevant while I am doing so.

Ms GARBUTT — I was talking about the public protest against commercial activities at Wilsons Promontory and asking that the minister take note of the resolution passed at a public meeting. The resolution states:

> This meeting of concerned Victorians express deep anxiety at the state government's commercialisation of Victoria's parks and in particular the treatment of our premier park, Wilsons Promontory.
>
> All of the parks are under attack of commercialisation and the government is following the disastrous North American plan. We call upon Minister Tehan and the government:

(1) To immediately cease the cutting of a coastal track through pristine wilderness in the far south of the Prom.

(2) We believe the overall implementation of the government's Tidal River master plan July 1997 to be absolutely detrimental to the environs of Tidal River and will lead to the despoiling of it and the whole of the park.

(3) Rangers are recognised world wide as the principal custodians of national parks, possessing the skills in natural resource management enabling them to exercise their role as park custodians and educators of visitors to the parks ...

(4) We believe that existing camp sites available to Victorians and their families should not be reduced in number or in individual size.

(5) That the government must forthwith implement a development moratorium and must consult with the public ...

(6) We urge the government to listen to the voices of Victorians and to act in accordance with their expressed concerns and desires.

The resolution is the voice of the hundreds of people who protested at Wilson's Promontory and who were fighting for the Prom, ironically in the same way it was fought for exactly 100 years ago when it was first reserved.

I turn quickly to other areas of concern about the risk of commercial proposals destroying the value of national parks. Recently the Minister for Conservation and Land Management made an announcement on the construction of a kiosk and car park near the Twelve Apostles. The facilities will be constructed outside the national park, and although that is welcome news rumours are still circulating and there are concerns about the information centre. I ask the minister to take the opportunity of talking about where the centre will be and to give a guarantee that it will not be inside the national park. Only a recent public outcry stopped a large proposed centre being built inside the park, so perhaps the minister is learning. However, it is taking a lot of effort.

There is still the threat of privatisation of the Grampians visitors centre. I am still receiving complaints from the Friends of Grampians (Gariwerd) National Park that there is a lack of openness with the community about plans there that Parks Victoria is — —

The ACTING SPEAKER (Mr Richardson) — Order! Since the point of order was raised on the matter of relevance, I have had an opportunity to examine the bill and the second-reading speech. The bill is extremely narrow. The honourable member must confine her remarks to those national parks that are referred to in the bill and in the second-reading speech. The reasoned amendment does not provide a vehicle for the honourable member to embrace a consideration of every national park in Victoria. She is hanging her hat, as it were, on the words 'the dangers of commercial exploitation'. If the honourable member confines her remarks to her perception of the dangers of commercial exploitation of the parks referred to in the bill and in the second-reading speech, she will be in order. However, the bill does not provide her with an opportunity of ranging far and wide across the state.

Ms GARBUTT — The reasoned amendment refers to the protection of national parks under the National Parks Act 1975, which includes all the national parks under the act. The dangers of commercial exploitation face all national parks and are referred to in the reasoned amendment. The reasoned amendment does not confine itself to the national parks that are mentioned in the bill.

The ACTING SPEAKER (Mr Richardson) — Order! The Chair has made a ruling and I urge the honourable member to consider the consequences of defying the Chair.

Ms GARBUTT — The Alpine National Park, which is mentioned in the bill, is subject to some change. It is not immune from the pressures of commercialisation to which the government has subjected all national parks. Grazing licences have been issued and parts of Mount McKay have been excised from this park. That sort of commercial emphasis is a problem for all our national parks. The dangers are that once commercial operators are active there is then a push for incremental development, particularly if the operators own accommodation or facilities in national parks. The emphasis is on operating national parks or areas of national parks for profit rather than for conservation. It is a danger that all our national parks are facing this year, a centennial year for national parks, when we should be celebrating and enjoying the values of our national parks. Instead, we are fiercely defending them from attacks by the government.

Another major change in the bill is to the role of the Director of National Parks. Clauses 5 and 6 take from the director any power or any major responsibility and hand that to the secretary to the department. The bill was originally presented in the last session when it was a companion to the Parks Victoria Bill, which the opposition opposed. The opposition opposes this part of the bill for the same reasons. The secretary will now have the power to decide the policy for national parks and will purchase park management services from Parks Victoria. Parks will no longer have a dedicated voice within the department. It will just be one of many

policies and programs that are considered by the secretary. No one individual will have custody of national parks or a dedicated concern for them.

The director now plays a major part in the strategic direction of Parks Victoria, but who will do that in the future? Will Parks Victoria set its own directions with the minister and the secretary just giving it a tick, or will there be only an advisory position? It is a substantial downgrading of the position and the opposition opposes it. The opposition believes there should be a strong voice within the department with the responsibility for overseeing national parks and the National Parks Act. The opposition has difficulty with that section of the bill.

The bill is a mixed bag. There are some things that are welcome but there are others that we oppose. The minister should take on board the queries the opposition has raised and the concerns about the commercial exploitation of our national parks and attempt to provide answers to some of those issues.

Mr ROBINSON (Mitcham) — I will make some brief remarks about the National Parks (Amendment) Bill. Implicit in the bill is the faith that the negotiation facilitated by it will be conducted in a fully transparent way. Clause 6 provides for Parks Victoria to enter into a management agreement with the Secretary to the Department of Natural Resources and Environment for the management of the whole or part of relevant land as defined in other parts of the act. The question that must be asked about Parks Victoria is whether sufficient faith exists in that body's ability to conduct negotiations and management agreements in a transparent way. I guess the answer depends on whom you ask.

I would like to acquaint the house with Mr Basil Theofanides, a constituent of the electorate of Mitcham, whose experience of dealing with Parks Victoria would certainly throw a cloud over the reputation of that organisation and its ability to operate in the way outlined in clause 6. For the benefit of the house I will briefly chronicle the experiences of Mr Theofanides over the past year.

Mr Theofanides runs a dog training school — a very good dog training school, from what I can gather — and not unexpectedly he is looking to expand the operations of his business. An expression of interest was invited for the provision of dog training and education in Yarra Valley parkland from 1 July 1997. Mr Theofanides duly made an application but unfortunately the contract was awarded to another party. Mr Theofanides has no problems — —

Mrs Tehan — On a point of order, Mr Acting Speaker, I understand the honourable member is now speaking about a licence by Parks Victoria for the operation of a dog training arrangement in one of the metropolitan parks. It has no relevance whatsoever to any of the matters contained in the bill. I draw his attention to your previous ruling on relevance.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member for Mitcham, and I hope he is not barking up the wrong tree.

Mr ROBINSON — Clause 6 deals specifically with management agreements with Parks Victoria. It is entirely appropriate that we examine the ability of Parks Victoria, based on what has happened in the past, to conduct management agreements in a transparent and accountable manner, and that is what my comments are addressing.

The ACTING SPEAKER (Mr Richardson) — Order! I have heard enough. The honourable member for Mitcham is stretching a long lead on this particular terrier. I find it difficult to accept that that particular clause can relate to the operation of a dog training school. The honourable member is out of order.

Mr ROBINSON — Mr Theofanides's experience of — —

The ACTING SPEAKER (Mr Richardson) — Order! I order the honourable member: do not defy the Chair or I shall hear him no longer.

Mr ROBINSON — Mr Acting Speaker, I will try to conform with your ruling to the best of my ability. I put it to the house that the bill will succeed only if there is confidence in the ability of Parks Victoria to comply with clause 6, which provides that it will be required:

> ... to conduct management agreements entered into with the Secretary to the Department of Natural Resources and Environment in a fully transparent and accountable way.

It has been the experience of one of my constituents that in the past Parks Victoria has not been able to conduct itself in this manner. The constituent sought assurances from Parks Victoria about the way a tender had been concluded and a contract awarded. The constituent wrote to the minister more than a year ago but to the best of my knowledge has still not received a response. I understand the shadow minister also wrote to the minister on behalf of the constituent a year ago and has not received a response. The constituent has made an FOI inquiry but has still to have the matter satisfactorily dealt with.

I would be prepared to consider the bill more fully if we had an explanation of the matters of which the minister is well aware, but I suspect that the minister does not want to respond. It is like the ambulance memos missing from drawers. I do not think that is good enough.

I conclude by calling on the minister to provide advice to the constituent on the matters I have outlined so that all members of the house can be confident of the ability of Parks Victoria to conduct itself with full accountability and transparency in accordance with clause 6.

Mr CAMERON (Bendigo West) — I thank the house for the opportunity to make a contribution this evening to the debate on the National Parks (Amendment) Bill. I realise the time and will keep my comments brief. There are two parts of the bill on which I would like to comment. Firstly, I address the part of the bill that deals with the Terrick Terrick National Park, north of Bendigo. It was formerly called the Terrick Terrick State Park and will now be included in the Terrick Terrick National Park. Those sensible arrangements are welcome and there is widespread support for them. The parks will now be conducted as a national park and we hope there will be stronger management of the area.

The Kamarooka State Park is also included in the bill; it has been expanded by the purchase of an extra 204 hectares of land. That is not a large area of land, but nevertheless the park has now been expanded. Just north of Eaglehawk is the Whipstick State Park and north again is the Kamarooka State Park. Between the two parks is a winding corridor of Crown land. I hope the provisions of the bill will work towards the eventual goal of seeing the existing park and the new Kamarooka park connected to the corridor to form an overall park. This would enable the management of an entire area to be carried out. There is not the degree of forestation in central Victoria that there is in other areas such as Gippsland, but these also are very important forest areas. They cover large expanses of land and we want to see management of a larger park undertaken.

I would welcome an indication from the minister that there is a move in the direction of the establishment of an overall park in those areas. With those brief remarks I conclude my contribution.

Mrs TEHAN (Minister for Conservation and Land Management) — I rise with pride to complete the debate on the National Parks (Amendment) Bill. The house will note that with the passage of the bill the government is adding an additional 9500 hectares to the national park reserve system, bringing to more than 130 000 the number of hectares added to the system since the coalition government came into office in 1992. It is a remarkable record of ongoing emphasis on adding to the system.

The 130 000 hectares added to the system by the coalition includes the Yarra Ranges, Chiltern Box-Ironbark, French Island, Lake Eildon and Terrick Terrick national parks; the Enfield and Mount Granya state parks; the Bay of Islands, Cape Liptrap and Cape Conran coastal parks; and the Ada Tall Trees, Goolengook and Martins Creek flora and fauna reserves. That remarkable achievement is cause for celebration and is a recognition of the strong conservation emphasis the government placed on continuing to add to Victoria's reserve system in its first and second terms.

In the past six years there has been a huge increase in the number of management plans for national and state parks. When the coalition government came to office a third — or maybe less — of the parks had proper management plans. Currently in respect of more than 95 per cent of Victoria's parks the government has gone through the full process of community consultation on draft plans and their final positioning, and the parks have proper management plans. For the opposition to be tardy in its congratulation of the achievements of the government over the past six years is an indication of its failure to recognise the breadth of the parks system, the extent of its expansion and of the much-needed emphasis on proper management of the reserve system.

An additional 9500 hectares have been added through the creation of the Terrick Terrick National Park, the additional areas added to the Errinundra and Grampians national parks, the Kamarooka State Park and the flora and fauna reserves in East Gippsland at Goolengook and Martins Creek. I am particularly proud of this achievement, as are all coalition members. I refute any suggestion that the government has not been totally committed to the protection and expansion of Victoria's environment system.

As well as allocating an additional 9500 hectares to Victoria's national parks, making a total of 130 000 hectares, the bill establishes a counterpart to Parks Victoria. As I told the house when it debated the Parks Victoria legislation, Victoria is the first and only state in Australia — and one of the few states in the world — to boast a single authoritative and professional expert body to look after its metropolitan, state and national parks. It is a remarkable agency which has a tremendous breadth of experience and knowledge and which is dedicated first and foremost to the protection

of conservation values and then to opportunities for people to enjoy the benefits of Victoria's metropolitan and state parks.

There is no doubt the establishment of the Secretary to the Department of Natural Resources and Environment as the purchaser of services from Parks Victoria, the provider of services, is consistent with the whole-of-government approach to the purchaser-provider requirement that ensures the government, through its policy purchasing role, can keep watch on how services are directed. By purchasing services from professional organisations such as Parks Victoria the government will ensure the day-to-day management of assets and reserves are of the high standard set by the Secretary to the Department of Natural Resources and Environment through the management agreements that are given a legislative base in the legislation.

The other component of the bill relates to the ongoing need for the extraction of basalt from the Alpine National Park. In raising this issue the honourable member for Bundoora indicated that the Labor Party would oppose that part of the bill. The honourable member may not recognise that the quarry predates the creation of the national parks and, in particular, the Bogong National Park which was created in 1981 and the Alpine National Park which was created in 1989. The quarry was established in the 1950s for the extraction of stone for the construction of the Kiewa hydro-electric scheme.

In 1979 and 1983 the former Land Conservation Council recommended that the quarry should continue for the production of stone as required by the then State Electricity Commission and other government authorities. The Land Conservation Council on two separate occasions recommended the continuation of quarrying in this area. The management plans for the Alpine National Park, published in 1992, give full recognition to the ongoing use of the quarry located in the park which was established prior to the creation of the park.

The conditions set down to protect the park's values and the long-term rehabilitation of the quarry upon its eventual demise have been recognised and will be required as part of the approved park management plan. It is churlish of the opposition to suggest that this pre-existing use, a use recognised by the then LCC on two separate occasions and a use that is absolutely vital for the ongoing development of what is now the Southern Hydro partnership — the successor of the SECV in the area — should not be acted on in accordance with the approved extraction and redevelopment plan.

The opposition's view on this occasion is not unlike the view it took some time ago when there was a need for the extraction of stone for the completion of this building. We all know the outcome of that piece of theatre adopted by the honourable member for Bundoora at that time.

The plans relating to the Terrick Terrick National Park, which establishes an additional 1270 hectares of freehold land, were lodged in the Central Plan Office. A minor amendment adding an additional 12 hectares that was excluded from the original plan was made to the plan. As I said, the amendment plan and the additional plan are in the Central Plan Office and the parliamentary library and they show quite clearly the full plan of Terrick Terrick National Park with the additional 12 hectares.

I am delighted and proud to have carriage of a bill that implements additions to the Victorian national parks system. The additional grassland in the Terrick Terrick National Park completes the full representative system of varying reserve categories in Victoria. It is with great pleasure that I commend the bill to the house.

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

Ayes, 47

Andrighetto, Mr	McLellan, Mr
Ashley, Mr	Maclellan, Mr
Burke, Ms (*Teller*)	McNamara, Mr
Coleman, Mr	Maughan, Mr
Dean, Dr	Napthine, Dr
Dixon, Mr	Paterson, Mr
Doyle, Mr	Perrin, Mr
Elder, Mr	Perton, Mr
Elliott, Mrs	Peulich, Mrs
Finn, Mr	Phillips, Mr
Gude, Mr	Plowman, Mr A.F.
Honeywood, Mr	Reynolds, Mr
Jasper, Mr	Rowe, Mr
Jenkins, Mr	Ryan, Mr
John, Mr	Smith, Mr E.R. (*Teller*)
Kennett, Mr	Smith, Mr I.W.
Kilgour, Mr (*Teller*)	Spry, Mr
Lean, Mr	Steggall, Mr
Leigh, Mr	Tehan, Mrs
Lupton, Mr	Traynor, Mr
McArthur, Mr	Treasure, Mr
McCall, Ms	Wade, Mrs
McGill, Mrs	Wells, Mr
McGrath, Mr W.D.	

Noes, 28

Andrianopoulos, Mr	Haermeyer, Mr
Baker, Mr	Hamilton, Mr
Batchelor, Mr	Hulls, Mr
Bracks, Mr	Kosky, Ms

Brumby, Mr	Langdon, Mr (*Teller*)
Cameron, Mr (*Teller*)	Leighton, Mr
Campbell, Ms	Lim, Mr
Carli, Mr	Loney, Mr
Cole, Mr	Mildenhall, Mr
Davies, Ms	Pandazopoulos, Mr
Delahunty, Ms	Robinson, Mr (*Teller*)
Dollis, Mr	Savage, Mr
Garbutt, Ms	Seitz, Mr
Gillett, Ms	Thwaites, Mr

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

1. Clause 4, lines 18 and 19, omit "has the same meaning as Director-General has in" and insert "means the body corporate established under Part 2 of".

Amendment agreed to; amended clause agreed to.

Clause 5

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

2. Clause 5, page 4, lines 4 to 6, omit sub-clause (2) and insert —

"(2) A person appointed under sub-section (1) is employed under Part 3 of the **Public Sector Management and Employment Act 1998**."

Amendment agreed to; amended clause agreed to; clauses 6 to 15 agreed to; schedule agreed to.

Reported to house with amendments.

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.

VCE: mature-age students

Mr MILDENHALL (Footscray) — The matter I raise is for the Minister for Education. An urgent review is needed of policies that have totally closed off VCE options for students aged over 21 years in country areas, particularly in Gippsland. The guidelines in operation this year prevent schools from funding VCE students who are aged 21 years or over if no TAFE facility exists in the town. Unbelievably, that even applies to students who were already enrolled in 1997 and who were due to continue their studies in a secondary school this year. It is even more incredible that the ban should apply when the local TAFE facility, where students are meant to take up VCE options, does not offer them. The crisis has been compounded by the fact that the new guidelines prevent the students from completing their VCE studies by correspondence. In other words, the students cannot study for their VCEs at school, at a TAFE college or by correspondence.

Students in towns such as Bairnsdale, Leongatha and Drouin — and, I am sure, many other country communities — have been affected. When one puts the closure of options to pursue their VCE alongside the disastrous retention rate in Gippsland, where fewer than 6 in 10 young people reach the VCE level, one can only describe the situation as a bureaucratic black hole into which our young people are dropping.

Many students have been advised by former Commonwealth Employment Service case managers and other network providers to complete their VCEs and then pursue career options. Some responses to the hopelessness are evidenced by the number of youth suicides in the area. As usual, the department's response is that although schools may enrol students they will not be funded. The schools would then have to find the $4000 per student — —

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member's time has expired.

Myrtle–Hargreaves streets intersection, Bendigo

Mr JOHN (Bendigo East) — I ask the Minister for Tertiary Education and Training to direct to the attention of the Minister for Roads and Ports in the other place a tragic motor accident that occurred yesterday at the intersection of Myrtle and Hargreaves streets, Bendigo, when Norma Lewis, aged 72, was killed while crossing the road. I extend my deepest sympathy to Norma's relatives and friends.

Recently, partly because of a market development, the volume of traffic using Myrtle Street has dramatically increased. The community is concerned about the issue, which is the subject of an editorial in today's *Bendigo Advertiser*. A few months ago another fatality occurred about one block away from the intersection. I wrote to the Minister for Roads and Ports about the matter, as did the Honourable Ron Best, who represents North Western Province in the other place. I emphasise that although the government funds priority road projects, the City of Greater Bendigo sets its own priorities and is responsible for the maintenance of the main roads within its boundaries — and Myrtle Street is classified as a main road. Having detailed its priorities, the city council proposes funding for its projects. However, work at the intersection, including the installation of traffic lights, did not receive a sufficiently high priority to attract the necessary funding in 1998–99.

I urge the minister to urgently investigate the safety issues arising not only at the intersection of Myrtle and Hargreaves streets but along the entire length of Myrtle Street. Traffic lights are probably needed, as well as expert engineering advice on dealing with what I consider to be a dangerous stretch of road. We all know that accidents happen and that the behaviour of pedestrians and motorists cannot always be predicted. I also recognise that road work administration cannot be dictated totally by the location of accidents. Nevertheless, the tragedy and my knowledge of the intersection prompt me to impress on the minister the need for an urgent review of safety in the area.

Whitehorse: dry areas

Mr ROBINSON (Mitcham) — I raise for the attention of the minister representing the Minister for Small Business a matter of urgent interest to residents of the City of Whitehorse. It concerns the Liquor Licensing Commission policy review initiated by the Minister for Small Business late last year, and in particular the impact of that review on the longstanding dry area in part of the City of Whitehorse. The Mitcham electorate I represent covers a fair part of that city, and the dry area is an issue of longstanding significance to thousands of residents.

Late last year the Minister for Small Business announced two inquiries — an administrative review into the Liquor Licensing Commission and a policy review. The administrative review was completed and the details announced in December. The policy review, pursuant to national competition policy guidelines, was a little slower in being assembled, but the final report was, as I understand it, submitted to the minister in May. The minister has steadfastly refused to make that report public since that time and has also failed to answer questions on notice about the report. There is a growing concern in the City of Whitehorse that the government intends to adopt recommendations of the report that may interfere with the dry area arrangements in a way that is not agreeable to many people.

There is also a rising suspicion that the report is being delayed for purely political reasons. We are rapidly approaching a federal election, and the dry area falls into the marginal federal electorate of Chisholm. Members all know about Chisholm, where the sitting member fled his electorate to what he thought was the safer seat of Casey, leaving the Liberal Party fearing the worst. No-one is taken in by Michael Kroger's estimation that the government will not lose any seats in Victoria. On the contrary, Michael Kroger is setting things up for someone to blame when the worst happens.

The government should release this report for the benefit of the people of Chisholm, who are entitled before the federal election to know the government's intentions about reforming this longstanding arrangement.

Schools: member for Footscray

Mr SPRY (Bellarine) — I raise for the attention of the Minister for Education the matter of damage being done to the reputation of schools, government schools in particular, in my electorate by the shadow Minister for Education, the honourable member for Footscray. I refer to recent articles in the *Geelong Advertiser*, the issue of 8 August in particular, in which the shadow minister is alleged to have said that the state government was intimidating principals and had prevented opposition members of Parliament from having access to Geelong schools. He went on to say that the Education Department's Barwon–South Western regional office was notorious for not cooperating with efforts from Labor Party members of Parliament to visit schools.

I was naturally concerned about the allegations, which led me to make inquiries through the manager of the Barwon–South Western region, Mr Trevor Fletcher, a man for whom I have the greatest respect. I respect him for the way he handles his job and for his integrity. Mr Fletcher totally rejects the allegations, as the honourable member for Footscray would expect him to. In fact, inquiries of principals reveal that most of the principals in the area are reluctant to allow the honourable member for Footscray to visit their schools because they are well aware that in the wake of his visits there will be misrepresentations and distortions

because of what he tells the media. The result is that government schools in my region are imbued with a negative attitude because of the impression created in the media.

Councils and teaching bodies work very hard to maintain the reputation of their schools, and they resent the damage that is being done to them by the shadow minister. I ask the Minister for Education what steps he can take to preserve the reputations of schools and to counter the negative impression that is created by the shadow minister, the honourable member for Footscray, whenever he visits schools in my region in particular, and no doubt schools throughout the length and breadth of Victoria.

Child care: regulations

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Youth and Community Services. On 1 June the government introduced new children's services regulations covering the states 3200 preschools, child-care centres and occasional care centres, which involve 100 000 children. In typical Youth and Community Services fashion it has been a thoroughly disorganised process, with preschools, child-care centres and occasional-care centres receiving their regulations and advice in the post on the Thursday and Friday before the Monday implementation. The regulations are intimidatory and intrusive and a burden on volunteer committees of management. They threaten to close many of the states preschools when their annual meetings begin in the next few months.

I have written to the preschools seeking feedback on the regulations. I have received an extensive range of replies. The Rowen Street Kindergarten in Burwood wrote to its local member who, as we all now know, is in a highly marginal seat! He has to have his own column in the local newspaper to communicate with local residents. The kindergarten is pressing on with its local member against great odds. In a letter to me it stated that it is concerned that:

> Kindergartens rely entirely upon the volunteer time and effort of ... parents to manage the kindergarten's affairs and continually raise much-needed funds.

Susan Smith, vice-president of the parents committee, states:

> It has already become increasingly difficult in recent years to find parents willing and able to take on these time-consuming roles. If parents and staff are confronted with the prospect of personal and financial liability and the intrusive nature of health, financial and criminal checks, it will, no doubt deter future involvement at a committee level.

Preschool committees and kindergarten teachers are being asked to provide personal details about health and financial and police checks.

I also received a letter from the Mansfield Preschool Centre. I am happy to outline its concerns because I doubt that the local member would do so. The voluntary committee is spending a great deal of time on the preschool. The letter states:

> We feel that the new regulations — —

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member's time has expired.

Schools: finances

Ms DAVIES (Gippsland West) — I refer a matter to the Minister for Education and ask him to apologise to the schools in my electorate. The minister faxed a local newspaper with details of the schools' account moneys. He also faxed the same details to a Legislative Council member so that he could parrot the same objectionable arguments used by the minister. I remember objecting when I was a school counsellor in 1992-93 after the then minister demanded that the parents and friends associations inform him how much money they had raised and how much was in their bank accounts. Now the minister does not have to go to so much trouble. All he has to do is download the information from a computer. The minister has offended the school communities by publishing the information in a most political and offensive manner. The minister said that his information:

> ... proves conclusively that government schools are well funded.

I emphasise that no state schools in my electorate are awash with cash. They work hard for every cent. The government rightly will not allow schools to go into debt. School communities rightly need to have a cash flow in their accounts so they can pay their bills when they are due, and schools have to save for their projects. The minister is now attempting to criticise schools for their sound economic management.

I honestly believe the minister has made a regrettable error of judgment in publicising the figures. The words 'unprofessional behaviour' come to mind. In attempting to criticise schools for sound economic management he has sought to damage their reputations, and I ask him to apologise.

Mentone Body Corporate Management

Mr LEIGH (Mordialloc) — The matter I raise for the Minister for Planning and Local Government

concerns Mentone Body Corporate Management. The gentleman — I use the term loosely — I am concerned about has, since he came to my attention, run bodies corporate in the most bizarre and haphazard way one could ever imagine. He first came to my attention in 1993 when he was taking legal action against an individual from a body corporate who had sought to remove him.

Despite numerous attempts over the years by me and other members of Parliament to stop him, this gentleman, Mr Michael Prichard, continues to take the same sort of approach. In Cavanagh Street, Cheltenham, there is a block of 35 units run by this person. The body corporate sought to get rid of the individual concerned and a number of people complained to me about him. He sent me a letter threatening me with legal action unless I told him who the 12 people were who sought to discuss his actions with me.

Subsequently the body corporate met and sought to remove Mr Prichard. Instead of calling upon him first to call a meeting, they decided to call a meeting and remove him. I attended that meeting, at which 26 of the owners of the 35 units turned up. As a result Mr Prichard took the body corporate to Frankston Magistrates Court. Since no-one opposed the action he got a ruling for the meeting to be put aside. Another meeting was held subsequently and Mr Prichard has supposedly now returned the books.

However, he has done two things. Firstly, he appears to have charged the body corporate — about which I will provide information to the minister — for his taking legal action against the owners to the tune of $1785. Secondly, he sued one of the individuals, Mr Lucky Papadopoulos, for daring to oppose him and trying to remove him from the body corporate management. The court action was supposed to be held on 20 August, but Mr Prichard — to nobody's surprise — chickened out the day before and decided not to proceed with it.

The matter has become bizarre. The gentleman has consistently done the same type of thing to a range of people. Eighty-year-old people ring me saying they have been told that if they do not agree to Mr Prichard staying on he will take legal action against them. It goes on and on.

Some action needs to be taken about Mr Prichard. Two of the properties in Cavanagh Street are owned by the Office of Housing, and I hope the minister will take action on this matter.

St John of God Services: tender

Mr THWAITES (Albert Park) — I ask the Minister for Youth and Community Services to investigate the dodgy tender processes in his department's awarding disability accommodation contracts in the Northern Metropolitan region. In particular, I ask the minister to investigate the reported favoured treatment of an agency, St John of God Services Victoria, which was exempted by the minister from having to comply with proper tender processes and earlier this year received a payment of some $123 000 to house people with disabilities under the Kew redevelopment scheme.

It is reported that in the past year the St John of God agency has increased its annual earnings from the state by about 60 per cent. Last October three senior staff in the department met with the department's manager of provider services, Ms Jan Collet, to raise concerns about the favoured treatment handed out to the St John of God order. Two of the staff were subsequently made redundant, and apparently the third was redeployed. It appears that other agencies in the Northern Metropolitan region are not being given a proper chance to obtain those contracts.

The minister exempted St John of God from the tender process in a ministerial briefing note of March 1998. The briefing note stated that St John of God was the only preferred agency, even though other agencies had expressed an interest in tendering for the work. There are shades of the sorts of conflicts of interest that arose in the Intergraph fiasco, for which the minister also bears responsibility given that he was the parliamentary secretary at the time.

I ask the minister to investigate whether there is any lack of probity in an agency receiving $123 000 without having to enter into a proper tender process. Though the information has not appeared in press reports, I am informed that a senior manager in the department who is involved in handing out contracts is married to a senior manager at St John of God. Given that factor and given the concerns of senior departmental officials, I ask the minister to urgently investigate the probity of the contracts.

Lake Wendouree: European carp

Mr JENKINS (Ballarat West) — I raise for the attention of the Minister for Agriculture and Resources the invasion of beautiful Lake Wendouree in the City of Ballarat by European carp. I read with some interest an article in the *Ballarat Courier* of 28 July under the heading 'Carp crisis threatens the lake', which states in part:

> It may be difficult to imagine the ruination of Ballarat's major tourist attraction Lake Wendouree.
>
> But if the European carp found in recent years have the chance to multiply, Ballarat could be facing an ecological, tourist and recreational crisis ...

European carp have been found in the lake since 1996, following which schools of carp of between 10 and 12 have been observed in the waters around Fairy Land and Gills Boatshed. It is pleasing to note that the department has taken action on methods to catch some of the carp to get an idea of breeding and growth patterns and so on. However, in the *Ballarat Courier* of 30 July I read with some concern that chilly weather had hampered a special surveying program aimed at gauging the numbers of European carp in the lake.

I ask the minister to ensure that further surveys of carp activity in Lake Wendouree are conducted before the breeding season commences in September–October. As we are already in the first week of September, I ask that it be conducted soon to make sure that as much expertise as possible is available to prevent the lake from being ruined by European carp.

The Ballarat Fish Acclimatisation Society has been breeding trout for the lake and inland waters around Victoria for over 100 years. It is the longest serving hatchery in Australia. The people at the hatchery are concerned about European carp invading the waterways, as are the many local fishermen who are interested in catching the lake trout, not the lake carp. I hope the minister will give all the attention he can to ensuring that our great tourist asset is not ruined by the wretched European carp.

Youth: Housing Access and Support program

Ms KOSKY (Altona) — I raise with the Minister for Youth and Community Services a matter concerning the Housing Access and Support program. I ask the minister to continue funding the program beyond October 1998. This excellent program was established in November 1995 with funding from the Community Support Fund. Some 11 agencies are funded throughout the state, including Bayside Youth Accommodation Service in Geelong, Westernport Accommodation and Youth Support Service, Knox Community Service, Ringwood Extended Family Services, Yarra Ranges Community Christian Care, Berry Street, Whittlesea Housing, Kilmany Family Care in Sale, Central Gippsland Accommodation and Support Service, and Peninsula Youth and Family Services.

The program was designed to assist young people to access accommodation in the private rental market. As many honourable members would know, the private rental market is extremely tight and young people are often discriminated against when they attempt to enter it. The program provides support for young people in gaining access to private rental accommodation and develops their relationship with real estate agents. Recently I attended a forum in Geelong where a local real estate agent spoke about how he and his agency had assisted young people through this excellent Housing Access and Support program. Finally, the agencies provide ongoing contact for both tenants and real estate agents ensuring young people stay in the accommodation.

The program is funded until October this year. Unfortunately, there has not been a commitment beyond October of this year, so many of the services are gearing up for redundancies, paying out staff and finalising the program. It will be of extreme concern to young people in these areas if the program is defunded.

Given the government's new-found commitment to young people, I should have thought this program clearly deserved ongoing funding. I know a review was conducted earlier this year and I am sure it recommended ongoing funding. Over the past three years the Geelong program has assisted 600 young people, and many of the other programs have assisted similar numbers of young people. I call on the minister to give a commitment to the ongoing funding of this program for young people.

Responses

Mr GUDE (Minister for Education) — The honourable member for Footscray, in his normal uncaring, cold-hearted, dispassionate way, sought to attack the options under the VCE that may be available for students. He particularly referred to the Gippsland area. The Teaching Service Act provides for people to be educated up to the age of 18 years. One could run an argument that if people over that age were funded out of the school education vote, such expenditure would contravene the provisions of the act. The honourable member alluded to that when he referred to the need for there to be TAFE options. Such options would be available for a person over 21 years to access.

The honourable member referred to a number of TAFE opportunities in the Gippsland region. But his question was even broader than that; it was statewide. There are a number of TAFE options and there is also the option of distance learning. With the advent of information technology and its accessibility through the broader community, this area clearly needs to be explored further. I advise the honourable member that I have

taken up this matter with those associated with distance learning in Victoria to ascertain whether we can find ways of doing more to advantage people over 21 years of age.

It is interesting and proper that the ALP has started to address the issue of attendance at schools by attempting to identify some of the education policy areas. The area requires further attention. The department is currently working to try to develop further options. One could point to dual recognition programs, distance learning and TAFE options that are available, but clearly in some pockets in the state people cannot readily access places of learning from their domestic settings. Therefore we need to look at a broader range of options that might facilitate outcomes in that area.

I can advise the honourable member that I am not surprised that he raised the issue because it has been raised with me on my numerous trips to the Gippsland area. In discussions I have had with TAFE colleges in the area I have, in company with my colleague the Minister for Tertiary Education and Training, sought appropriate ways of dealing with the issue.

The honourable member for Bellarine raised allegations said to have been made by the honourable member for Footscray and concerns he has expressed about schools in the Barwon–South Western region apparently not being prepared to have the honourable member visit them. I would have thought that the particular stunt he pulled with the former Labor candidate in the Bellarine area — who happens to be a very good principal, notwithstanding what I have just said — was not a clever thing to do. I am certainly aware that, as I have moved around, a number of school communities have indicated to me their concerns about the honourable member for Footscray going into their schools.

An opposition member interjected.

Mr GUDE — I pick up the interjection — on the contrary. I have said publicly in this place and in the broader community that I welcome and encourage opposition members going into schools. It has been downright embarrassing to me as minister to have to go out to Broadmeadows because the Leader of the Opposition does not go into his schools. When I go into those schools it is interesting to hear staff say that they have not seen the honourable member for Broadmeadows or a Labor member for a long while. I ask, 'Who do you remember?', and they say, 'We remember Jack Culpin. We do not even know who the member for Broadmeadows is'.

I therefore encourage opposition members to go into their schools. What I discourage — in particular with regard to the honourable member for Footscray — is going into those schools and then publicly saying things that are untrue. The problem that many in education have is that they do not feel at all confident in having an open discussion with the honourable member for Footscray because they fear that he will misrepresent virtually everything they say. It is a sad occasion when an opposition spokesman on education, a would-be minister, has such a low reputation that people in schools do not want to talk to him when he visits them.

I am reminded of the occasion two and a half years ago when I became Minister for Education and was told that I would not be welcome in any schools. However, I carted myself off straightaway to the worst of those schools and was welcomed in all of them.

Honourable members interjecting.

Mr GUDE — No, I have attended hundreds of schools. I am always happy to talk to the union representatives and they are always happy to talk to me. It is quite remarkable. They often say, 'Phil, we are told we have to say these things to you but we really don't believe it. Can we put the union stuff to one side and have a discussion with you about our school and about the things that are important to us?'. Of course, as any reasonable minister would be, I am more than happy to sit there and have discussions with them. It is remarkable that the government has been able to develop programs that are of interest to them such as, for example, the allocations in, dare I say it, the last state education budget — a record budget of over $4 billion. It is the first time there has been that sort of commitment to education in the history of the state.

We hear about class sizes and the need for additional teachers. There are some 1350 teachers committed to education as part of this budget. We hear about pay rates. The government has just given the teachers in Victoria an additional 8 per cent without any cajoling from the union. There was not even a union claim before the government in relation to the previous pay increase. Since 1995 something like 25 per cent has been provided in pay increases.

More than 30 000 teachers will be provided with laptop computers as part of the government's continuing commitment to information technology and learning in schools. The government is currently spending $1 billion in upgrading schools. As I visit schools I note that they are very proud of the funds that are being spent and the way they have spent them for the improvement of school education, and then along

comes this miserable little man from Footscray whose only goal in life is to tear things down and be negative; to whine, carp, bitch and moan. He has nothing constructive to offer. I have seen the honourable member's latest contribution to education, a little brochure entitled *Education Update*. You will be relieved to know, Mr Acting Speaker, that I am not going to deal with that tonight. I would love to do it, and I nearly feel provoked enough to do it, but I will save that one.

Honourable members interjecting.

Mr GUDE — No, it is good, and I am going to save it. I feel sorry for the honourable member for Footscray. I feel more sorry for the Labor Party having a person of his lack of stature visiting schools and representing himself as a potential Minister for Education.

The honourable member for Gippsland West raised a question with respect to publishing the accounts of schools. The honourable member had her say and her statements were largely wrong. The publishing of the accounts of schools throughout the state came as a consequence of an FOI request that was put to the government some weeks ago by the *Age* newspaper. It published that information and put it on the Internet so that everybody could see it. What are the facts? The facts are that, according to a report done in 1993, as at the end of 1990 school bank accounts held some $84 million.

I repeat that at the end of the school year, after all the needs of the school year had been expended, $84 million was left sitting in those bank accounts. What is sitting in those bank accounts now is just on quarter of a billion dollars — $249 million! It includes a whole raft of things. All I have said publicly and all I will say again tonight — —

Opposition members interjecting.

Mr GUDE — You will find reason to eat your words, so you keep parroting away. I hope the interjection has been picked up because the government will use it again and again. The important thing is that schools are focusing on the needs of the school community and have increased access to funds. Under Schools of the Future, 92 per cent of the recurrent expenditure in schools education funding is held in the hands of local school communities. It is terrific when schools set funds aside for specific projects, as has been identified in the *Age* and in some other publications. I am aware of a number of schools where funds have been set aside for specific purposes. When schools are holding a quarter of a billion dollars of taxpayers' funds I ask only that when individual schools go to their school communities and invite them to do more to assist in the raising of funds they say to them, 'We have got $130 000' — or $1 million or whatever the amount of money is — 'and these are the areas to which we are going to allocate those funds, so we want money to get X, Y and Z projects off the ground'.

I have been very supportive of the schools process. The only people knocking school communities are members of the state opposition. If the government did not think school communities were doing a good job it would not continue to fund them in the very generous way it has funded them to date. The opposition observed that schools are underfunded. My reply to that suggestion is that the money in school bank accounts has moved up from $84 million to a quarter of a billion dollars in a short period.

I also make the valid observation that if one takes the last year's budget commitment of the previous government and allocates it to the current year, one finds that in real terms the current figure is many, many millions of dollars in front. For the first time schools education has received more than $4 billion. Unlike its predecessors, the Kennett government is committed to a number of things in education, including getting the standard of buildings and their facilities up to the highest level. The opposition — that tardy lot — left Victorian schools in a disgraceful situation. The government is about quality and standards. Remember those two words: 'quality' and 'standards'.

Funding for schools is about raising the standard of education and delivering quality outcomes. We are seeing funding targeted to schools as never before. An example in the last round of funding was the allocation of funds for literacy programs and the allocation of 1000 additional teachers to support that area. This is one example of the sort of commitment the government has made to schools education. I should have though: the honourable member for Gippsland West might be better advised to consider the real needs of schools in her electorate and get her facts right rather than to pursue the juvenile, puerile and stupid course she embarked upon this evening.

Mr McNAMARA (Minister for Agriculture and Resources) — The honourable member for Ballarat West raised the important issue of the ecological sustainability of Lake Wendouree, an issue that is of great concern to those in the Ballarat community. I have had the opportunity of paddling across Lake Wendouree on many pleasant occasions. We all recognise the value of the lake as a recreation facility for the Ballarat community.

For many years the Ballarat Fish Acclimatisation Society in Gillies Street has done a lot of work in stocking the lake with trout, which has provided a great recreation for anglers in the Ballarat area. However, the government is concerned about the declining number of trout in the lake. The department, through its fisheries division, is undertaking extensive research to monitor the number of carp in the lake and the survey is close to completion. I compliment the Ballarat members of Parliament on their efforts and concern. Once the report is finalised the government will take appropriate action to reduce the number of carp in Lake Wendouree.

Dr NAPTHINE (Minister for Youth and Community Services) — The honourable member for Altona raised with me the Housing Access and Support program, a time-limited project funded through the Community Support Fund. Honourable members will be aware that projects funded under the Community Support Fund are for specific periods. All people involved in the program know that, and those with whom I have met understand it is a time-limited project. The project endeavours to provide accommodation for many people and has been successful in doing that. A great deal has been learnt from the review of the program, and as a result some of the initiatives will be incorporated into programs operated by the Department of Human Services and the Office of Housing, in youth services and in other programs such as SAAP, so what we have learnt from the program will be incorporated in many of the practices within the Department of Human Services.

The honourable member for Pascoe Vale raised the children's services regulations. Unfortunately, the honourable member was cut off midway through her contribution and had not asked for any action. The children's services regulations were introduced this year following an extended process of consultation with the broad community and supported by the Children's Services Industry Advisory Group. The children's services regulations, based on the Children's Services Act, are about improving the health and safety standards in children's services across the state. That includes long day-care centres, occasional care centres and kindergartens. Children's services is a large industry which provides services to about 100 000 children within Victoria. It is important that we have appropriate legislation and regulations to ensure quality standards within those services so we can protect the health and welfare of those children.

The honourable member was concerned about volunteer committees and the workload they felt was being introduced through this regulation. I recently wrote to all preschool committees outlining several issues of concern to them. I believe that clarified the issues, and I am happy to provide the honourable member with a copy of that letter.

The honourable member also referred to police checks. They need to be done on teachers and staff working directly with children. I am sure the honourable member will agree, as honourable members from all other states and territories and of both political persuasions agree, that it is important to ensure that people working directly with children undergo appropriate police checks to provide the correct environment for those children. Police checks are also made of the proprietors of services to ensure they are fit and proper persons to run day-care centres. I may have to write to all centres again to clarify the confusion about committees of management. Only one person nominated by the committee of management as an appropriate person needs to have a police check. That ensures that two sides of the equation are covered. I am sure the community would expect nothing less than those standards from a government that cares about the health and safety of children.

The Deputy Leader of the Opposition raised concerns about the delivery of disability services in the northern region by St John of God Services, including an allegation that it was provided with funding of $123 000 that was exempt from a tender process. I want to clarify that situation for the honourable member and the house. The memo of March 1998 refers to a draft ministerial briefing from the regional director seeking a tender exemption for St John of God Services Victoria to deliver accommodation and support to people who would be relocating to the northern region from Kew residential services.

The draft was never sent from the northern region, never seen by me as minister and never signed by me as minister, and it never got the $123 000. That accommodation proposal was incorporated into a tender process under the Target 200 tender, which is a process now out in the marketplace. The allegations of the Deputy Leader of the Opposition are false, without foundation, and I expect an apology.

Mr MACLELLAN (Minister for Planning and Local Government) — I commend the honourable member for Mordialloc, who has campaigned for a long time to obtain a review of the status of the management of a body corporate in his electorate. The property has 35 units with a manager who apparently will not agree to return the books or have meetings that may have enabled his appointment to be terminated. When people called meetings or called his management into question there were threats of legal action in an endeavour to

prevent any criticism. As the honourable member said, that included threatening people as old as 80 years of age with legal action if they continued to question the management of the body corporate.

It is clear from what the honourable member says that inevitably in a group as large as the 50 000 to 60 000 bodies corporate in Victoria some will not be managed up to standard, and the government will have to look at the issues raised by the honourable member for Mordialloc and the example he has given of a most unsatisfactory situation to see if it can better manage the situation. That could include looking at the qualifications of the people who ought to be allowed to be body corporate managers and at the accountability to the members of the body corporate.

As I understand it from the papers given to me by the honourable member for Mordialloc, some suggestion is made that the Department of Human Services owns a couple of units among the 35, and it may be that we can prevail upon the Minister for Housing to take up the opportunity afforded through that ownership to see if we can assist the body corporate in resisting some of the quite unreasonable claims that seem to have been made.

The situation seems to be that the former manager is now presenting the body corporate with accounts for legal costs which he incurred in taking legal action against members of the body corporate. An inquiry probably needs to be undertaken as soon as possible to see if we can assist the body corporate members to ensure that they get a fair deal.

Mr HONEYWOOD (Minister for Tertiary Education and Training) — The honourable member for Mitcham raised for the attention of the Minister for Small Business in another place two aspects of the liquor licensing review. The conscientious minister in the other place has embarked upon the first comprehensive review of liquor licensing for many years in this state, and she has ensured that she has consulted widely with all the relevant stakeholders who may have concerns about the future of that industry.

Not surprisingly, such a wholesale review takes some time to pan out, so I ask the honourable member for Mitcham, who is a new member, to be patient, given that the review is being undertaken by a government which likes to be consultative and which ensures that all stakeholders have a say in the outcome by going through the proper process rather than being railroaded, as occurred with so many reviews under the former Labor government.

More specifically, the honourable member for Mitcham raised the dry area in his electorate. He put forward a very droll argument. Even as a new member he should be well aware that the electorate of Burwood is adjacent to his, and, Mr Acting Speaker, I think you have a stake in this outcome as well. The seat of Burwood is very well represented by an active local member who takes an interest in local issues and who, for some 22 years, has been a strong advocate of retaining that area as dry; so I would not, if I were the honourable member for Mitcham, get too excited about any radical plans to change the system out there in his dry corridor.

The honourable member for Bendigo East referred to the intersection between Myrtle and Hargreaves streets in Bendigo, where for the second time in a month a tragic accident occurred. In the recent case a lady crossing the road was tragically run over. Traffic has increased in Myrtle Street specifically due to a market redevelopment. I understand that the honourable member for Bendigo East, as a very concerned member and being keen to resolve issues quickly, has already ensured that the matter has the active consideration of the Minister for Roads and Ports in another place, and we expect a very speedy outcome from his approach, whether traffic lights need to be installed or some other remedial action is required to be taken to ensure that the traffic problem is mitigated.

Motion agreed to.

House adjourned 12.05 a.m. (Wednesday).

Wednesday, 2 September 1998

The ACTING SPEAKER (Hon. J. F. McGrath) took the chair at 10.05 a.m. and read the prayer.

Honourable members interjecting.

The ACTING SPEAKER — Order! Honourable members have started the day rather poorly. I draw their attention to the young people presently in the public gallery and ask the house to be aware of the impression made on our visitors.

PETITIONS

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

Late-term abortions

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 partial-birth abortion under any circumstances;

we believe that late-term partial-birth abortion is morally and ethically wrong;

we seek amendments to the Crimes Act which will prevent partial birth terminations.

Your petitioners therefore pray that section 10 of the Crimes Act be amended accordingly to disallow the practice of late-term partial-birth abortions in Victoria.

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

By Mr TRAYNOR (Ballarat East) (119 signatures) and Mr SAVAGE (Mildura) (1932 signatures)

Wedderburn sewerage system

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

This humble petition of the undersigned citizens of the state of Victoria sheweth their opposition to the proposed provision of a sewerage system for the town of Wedderburn, on the basis of the fact that their present system of individual bacteriological septic tanks is adequate for their needs, and of the fact that at least 75 per cent of the residents of Wedderburn are unable to pay the costs involved in installing and paying annual fees for the proposed sewerage system.

Your petitioners therefore pray that no sewerage system will be installed in the town of Wedderburn.

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

By Ms GARBUTT (Bundoora) (396 signatures)

Laid on table.

Ordered that petition presented by honourable member for Bundoora be considered next day on motion of Mr CAMERON (Bendigo West).

PAPERS

Laid on table by Clerk:

Financial Management Act 1994 – Report from the Minister for Health that he had received the 1997 Annual Report of the Psychologists Registration Board.

Keilor Cemetery Trust – Reports for the period 1 July 1995 to 31 December 1996 and for the period 1 January 1997 to 31 December 1997 (two papers).

FITZGERALD REPORT ON CORRUPTION

Mr HULLS (Niddrie) — I move:

That this house notes the Fitzgerald report into corruption in Queensland and condemns the government for not learning any lessons from the systematic corruption that flowed as a result of the anti-democratic regime of Bjelke-Petersen and demands that action be taken to stop such corruption becoming entrenched in Victoria.

The ACTING SPEAKER — Order! Is the motion seconded?

Opposition members interjecting.

The ACTING SPEAKER — Order! Thank you for providing me with so many seconders. I really need only one!

Mr HULLS — The fact that there are so many seconders from the opposition reflects the Labor Party's concern to end corruption in Victoria. I propose to show the distinct similarities between the systematic corruption that developed under the Bjelke-Petersen regime and what is happening under the Kennett regime in Victoria.

The warning signs of corruption should have been evident as soon as Joh Bjelke-Petersen became Premier of Queensland. In 1959 Bjelke-Petersen became involved in what can be described only as a fairly shady transaction. He was issued, as a member of Parliament, with an authority to prospect for oil over some 150 000 square kilometres of north-west New South Wales. The fee for that authority was £2, and it was issued by his good friend, the then Minister for Mines, Mr Ernie Evans. To prevent trafficking in those authorities to prospect, the Department of Mines had forbidden their transfer for other than nominal amounts.

A month after securing the authority Bjelke-Petersen incorporated a company he called Artesian Basin Oil Co. Pty Ltd, and he immediately entered into an agreement to sell 51 per cent of that firm to an American company for more than £12 000 and sought approval to transfer his authority to prospect to Artesian Basin Oil for £2. However, some time later at a meeting of the company he announced that the value of the oil search authority was £12 650. In effect he sold 51 per cent of a piece of paper that cost him £2 for £12 650, a profit of approximately 6 million per cent. However, he did not declare that profit to the taxation department, which won a High Court ruling that tax had to be paid on the profit.

Three weeks after Bjelke-Petersen became Premier companies in which he held shares were given six-year leases to prospect for oil on the Great Barrier Reef, north of Cooktown. Warning bells should have sounded then to alert people to the fact that the bloke did not understand the concept of conflict of interest because he was prepared to use his public office to line his own pockets. Shortly after that the then Premier's wife was given shares at a par price of $2.75 in a company called Comalco, despite Bjelke-Petersen having been warned that members of his family should not accept those shares because Comalco was involved in dealings with the Queensland government. Again it was clear that he did not understand the concept of conflict of interest because he allowed his wife to accept the shares despite his knowing that Comalco was doing business with his government. They are two clear examples of the former Premier of Queensland using his position to line his own pockets.

Those examples existed well before the Fitzgerald inquiry and well before the clear and unequivocal findings of corruption in Queensland. They show a Premier who deliberately used his position to feather his own nest and line his own pockets. The warning bells of corruption were sounding in Queensland; they had been ringing from the day Bjelke-Petersen became Premier just over 30 years ago on 8 August 1968. Those bells, however, were either not heard or were ignored by members of Bjelke-Petersen's own parliamentary party, to their shame. People in the Bjelke-Petersen cabinet either knew or should have known what was going on — that is, that Bjelke-Petersen snubbed his nose at propriety, ignored the protocols of good government and allowed corruption to flourish.

There was the extraordinary spectacle of Bjelke-Petersen appearing before the Fitzgerald royal commission and being asked about the concept of the separation of powers under the Westminster system. He was asked what he understood by the doctrine of the separation of powers, and the following exchange took place:

> 'The Westminster system? The stock?'
>
> 'The doctrine of the separation of powers under the Westminster system'.
>
> 'No, I don't quite know what you are driving at. The document?'
>
> 'No, I will say it again. What do you understand by the doctrine of the separation of powers under the Westminster system?'

The Premier of Queensland said:

> I don't quite know which doctrine you refer to.

It was put to him that there was only one doctrine of the separation of powers, and he replied:

> I believe in it very strongly and, in spite of what you might say, I believe that we do have a great responsibility to the people who elect us to government.

He was then asked:

> I'm sure you are trying to be responsive to the question, but the question related to the doctrine of the separation of powers or the principles ...

Bjelke-Petersen said:

> Between the government and the — Is it?

He was told:

> No, you tell me what you understand.

He answered:

> Well, you tell me. And I'll tell you whether you are right or not. Don't you know?

He was asking the questioner. It is absolutely frightening that the then Premier of Queensland did not understand the doctrine of the separation of powers. Worse than that, the Attorney-General of the time, Mr Paul Clauson, was quoted in the *Sydney Morning Herald* as saying that the Westminster system of democracy did not apply in Queensland:

> The doctrine under the Westminster system as we know it, in fact, doesn't exist.

When talking about the Westminster system, the then Queensland Minister for Mines, the present federal member for Kennedy, Mr Bob Katter, was quoted as saying that it did indeed exist in Queensland but that:

> ... the separation of powers does not. I believe that. Mr Clauson believes that.

Mr Katter said that the separation of powers was:

> ... contrary to the Westminster system.

When he was asked about it again, Paul Clauson said:

> People have been going around touting the idea that the system applies to every government in the world, particularly Queensland. That is totally bloody wrong.

That government did not understand the concept of the doctrine of the separation of powers and did not understand conflict of interest. As a result, conflict of interest spread throughout the activities of government. It is now known that the entire Bjelke-Petersen government was corrupt. Many members of Parliament were eventually charged with serious offences following the Fitzgerald inquiry into corruption in Queensland. Members charged included Leisha Harvey, the then Minister for Health, Brian Austin and Don 'Shady' Lane, as he was called at the time. They were all charged with using the public purse for their own private gain. They were using taxpayers' funds to purchase meals at restaurants and stay at hotels for their own private purposes.

That is similar to what has been happening in Victoria over the past few years. Victoria also has government ministers who use the public purse for their own private gain. Honourable members should remember that ministers in Queensland went to gaol for doing exactly that.

There are three main ways that government members, ministers and premiers can make money and line their own pockets inappropriately by using their public office for private gain. The first is that they can take money directly from the public purse as happened in Queensland and as has been happening in Victoria.

Mr Leigh interjected.

Mr HULLS — Documented evidence shows that ministers of the Kennett government time and again in this state, including the Minister for Conservation and Land Management who is at the table, have used the public purse for private purposes despite what the guidelines say.

The ACTING SPEAKER — Order! I call the honourable member for Mordialloc to order. He is out of his place and disorderly. I remind the honourable member for Niddrie of the forms of the house. He is not able to cast aspersions on members of Parliament, be they members of this place or any other Parliament in the country. I remind the honourable member to bear that in mind as he proceeds with his speech.

Mr HULLS — The second way members of Parliament can line their pockets is by doing favours for property developers. That happened regularly in Queensland. The property developers' decisions to develop property are contingent upon government decisions. The third way is for members of Parliament, premiers and ministers to become subservient to or in the pocket of the gambling industry. Throughout the world that powerful industry has enormous clout. Special deals were done in Queensland for property developers. The so-called white-shoe brigade developed in Queensland with people like Michael Gore, who received a $10.16 million loan from the Queensland government to develop his property at Sanctuary Cove. The government passed special legislation to allow that development to take place. The former minister for roads, local government and everything else, Russ Hinze, did particular favours by rezoning land to help particular developers.

There are stark similarities between the Bjelke-Petersen government and the Kennett government. One has only to cast one's mind back to the day when the Victorian Premier became Premier. Issues were raised in Parliament and outside shortly after about the KNF affair. The Premier was accused of using his position of Premier to funnel work to his family company KNF. He had to use this Parliament to absolve himself from such inappropriate behaviour. Had that occurred in any other state the Premier would have been forced to resign, but not in Victoria. He simply used Parliament to excuse himself. That is more Bjelke-Petersen-like than Bjelke-Petersen himself!

The Premier used his position to purchase shares. We all know about the Guandong affair that was raised in the house. The Premier's family was dealing with a person who was a major player in the gaming industry and was also involved in obtaining a favourable share deal for the Premier and his family. It happened in Queensland and it also happened here. In Queensland numerous favours were done for government mates. It was the you-scratch-my-back, I'll-scratch-yours syndrome. The same thing has been happening for years in Victoria. It is pleasing to see that certain members of the Kennett government are prepared to take a stand.

Mr Leigh — On a point of order, Mr Acting Speaker, a moment ago when you cautioned me for my disorderly conduct you also cautioned the honourable member for Niddrie for casting aspersions against members of the house and presumably government members. I ask whether the honourable member is continuing to cast aspersions in the manner you spoke of earlier.

The ACTING SPEAKER — Order! I do not uphold the point of order. I am listening intently to what the honourable member for Niddrie is saying. There is a fine line in this debate, and I am mindful of it. That was why I warned the honourable member for Niddrie earlier. I will continue to monitor what he is saying, and the Chair will not allow aspersions to be cast against any member of this place of any other Parliament in Australia.

Mr HULLS — Favours were done for mates in Queensland. There are stark similarities with the favours done for mates of the Kennett government in this state. To find an example, one has only to refer to the Auditor-General's findings some time ago when a $174 million gift was given to the Premier's mates at the casino for undercharging and the increase in the number of gaming tables. We also know that recently the Kennett government decided to forgo some $73 million in fines that should have been imposed from 30 November next year for the failure of the casino to build a second tower and the lyric theatre. That requires legislation, and it will be interesting to see how members of the government vote. Will they vote for hospitals, schools and students in their electorates or will they forgo the interests of their electorates and vote for a $73 million gift to be given to Lloyd and Ron at the casino?

It is good to see that the honourable member for Frankston East has taken a stand. He does not want to be tarnished for all time by being part of a corrupt regime: he has decided to jump off. The real test will be whether he is prepared at the next election to show that he is a true Independent by putting the Liberal Party last on his how-to-vote card.

There were continual conflicts of interest between the so-called white-shoe brigade in Queensland — the property developers and mates of the government — and the government itself. There have been continual favours given by the Victorian government to its mates at the casino. The government has abrogated its responsibility to the wider community. In particular, the Premier continues to promote the casino and continues to do special favours for it. The Premier should have taken steps to ensure that Mr Ron Walker, head of the casino and federal treasurer of the Liberal Party, did not keep both those roles. There is a conflict of interest with Mr Walker having the dual roles of director of Crown Casino and federal treasurer of the Liberal Party.

The trouble with Mr Walker is that whenever he is accused of a conflict of interest he simply dismisses it. That is what Mike Gore and Bjelke-Petersen did in Queensland. Ron Walker had put to him the fact that he had a conflict of interest when he was involved in the casino and with the Melbourne Major Events Company. He is quoted in the *Age* of 23 December 1993 as saying:

> The grand prix is bigger than the Olympic Games in Victoria and I am so proud of having won it.

He then says, which shows the philosophy that he holds close to his heart:

> Anyone who wants to level conflict of interest against me can go to hell.

That is how Ron Walker deals with conflict of interest.

A government member interjected.

Mr HULLS — There is a clear conflict of interest. The minister at the table interjects, 'I'll go to hell'. The fact is that she is part of this regime and will be judged over time about what steps she took to ensure that that conflict of interest did not continue. The stark conflict of interest about Mr Walker being federal treasurer of the Liberal Party and director of Crown Casino is evident by Mr Walker being able to use the wealth he has gained from that directorship and through government decisions that have assisted him at Crown Casino to underwrite the debts of the Liberal Party in this country. Not only has he done that but he has tried to hide the fact that he underwrote a $4.65 million federal Liberal Party debt.

In March 1996, shortly before the election of the Howard government, a senior Liberal frontbencher was quoted in the *Independent Monthly* as saying:

> Walker is somebody who needs to be kept under control because otherwise he will try to use the power of the dollar to influence decisions by the party.

At least one federal Liberal backbencher understands the concept of conflict of interest involving persons in powerful positions such as Ron Walker, who heads the monopoly casino in this state and is able to use the wealth gained from the casino to influence decisions of political parties and to finance and underwrite their debts.

In June 1996 Mr Walker paid $4.65 million to the National Bank of Australia to repay a Liberal Party debt. However, the payment was not revealed in the former Australian Securities Commission's donations register because the Liberal Party wanted to hide the money to avoid disclosing the gift. It did that by Mr Walker assigning the debt the Liberal Party owed to him to a stooge trust known as the Greenfields Foundation. That foundation, not Mr Walker, was disclosed as the source of the $4.65 million. It was the

best deal going at the time. The Liberal Party simply had to pay $100 000 to the foundation every year for about 46 years, with absolutely no interest payable.

Look at the timing of the underwriting loan. In July 1996, when Mr Walker made the massive payment to the Liberal Party, Crown Casino's share price was $2.82. That was a massive 180 per cent increase in the issue price of Crown, which pushed Mr Walker — and, for that matter, Mr Williams — into the big league. At that time $4.65 million was small change for Mr Walker. It was nothing more than a repayment of the debt of gratitude he owed to Mr Kennett of the Victorian Liberal Party for continually doing favours for him to increase his wealth.

We have to ask why the Prime Minister of this country has been silent on the issue. Why did the Prime Minister — who calls himself Honest John and who is currently in election mode, running around the country trying to become Prime Minister for a second term — make no comment about the federal treasurer of the Liberal Party trying to hide the $4.65 million loan to the Liberal Party? It would be inconceivable for the Prime Minister of this country to have no knowledge of the payment by Mr Walker and of the fact that an attempt had been made by the federal treasurer of the Liberal Party to hide the loan.

The fact is that the Prime Minister would have known that Ron Walker had paid the $4.65 million. The fact is that the Prime Minister of this country and the Premier of this state are beholden to Ron Walker, who is the chief bagman for the Liberal Party. One really has to understand the culture that exists among these types of people in both Queensland and Victoria who have continually sought assistance from governments.

I have previously mentioned in this house the BLF royal commission into corruption in Victoria and the fact that Mr Lloyd Williams gave evidence before the royal commission. The Premier has continually criticised me for raising the matter. But it is a matter of public record that Mr Williams admitted on oath at the BLF royal commission that he and the company he was associated with were involved in paying bribes. It is true, and the Premier has made it clear, that he was not charged personally. But the fact is that the company of which Lloyd Williams was a director at the time, Dominion Properties, was charged with and convicted of having paid bribes.

The link between what happened in Queensland and what is happening in Victoria is this. A company called Cowrie Corporation Pty Ltd was found by the Fitzgerald royal commission in Queensland to have paid an $80 000 loan to Fay Hinze, the wife of the former Minister for Local Government, Russ Hinze. That loan, which was shown to be a bribe, was never redeemed and repayment was never asked for. At page 113 of the Fitzgerald royal commission report, Fitzgerald mentions the Cowrie Corporation and makes it clear that the $80 000 could be seen only as a bribe.

It just so happens that at the time Cowrie Corporation — and articles have been written about it — had only two major clients, who were both involved in property development in Queensland. One of them just happened to be Hudson Conway. The fact that Hudson Conway was a client of Cowrie Corporation raises questions about the $80 000 bribe and on whose behalf it was paid. I think it is incumbent upon Mr Williams — and a motion was moved in this house yesterday about people writing letters of explanation if they believed they have been defamed in the house — to give a full and frank account of what happened in relation to his involvement with Cowrie in Queensland back in the 1980s. The reason it is so important for him to do so is that back in 1979 he denied that he had had any specific dealings with or had sought favours from the Queensland government.

In the past couple of weeks a copy of a letter dated 31 August 1982 from Mr Lloyd Williams to Mr Russ Hinze was sent to me anonymously. The date of the letter is crucial, because in July 1982 the Cain government was going public about whether or not companies associated with the BLF royal commission should be charged with bribery. One of the companies mentioned was Dominion Properties, which, as we know, was later charged with bribery.

In August 1982 — despite the fact that one of his companies in Victoria was about to be charged with bribery because it paid money to get special favours — Mr Lloyd Williams wrote to Russ Hinze. The letter, dated 31 August 1982 and addressed to the Honourable Russ Hinze, Esquire, states:

> Dear Russ,
>
> Just a short note to 'enlist your aid' to expedite the procedure for our property in Stafford Road, Stafford.
>
> I am enclosing a list of the dates from the time when we made the application just on three years ago for this property. We have now been advised by the Brisbane City Council that we can expect rezoning by the end of this month. The dates they suggest are shown on the last page of my chronology.
>
> I have a problem that we are due to pay out a terms contract with the original vendor and in order to finance or resell the gazettal is required.

> Every possible objection to this site has been brought up already. We were in the local government court for three months fighting the appeal.
>
> I do apologise for worrying you about this matter, but the present economic conditions make it rather urgent from our point of view.
>
> Best wishes,
>
> Regards,
>
> Lloyd.

Mrs Tehan — On a point of order, Mr Acting Speaker, the honourable member for Niddrie has quoted extensively from a document. Will he please clearly identify and give the date of the document?

Mr HULLS — I am not only happy to identify the document, but I am also very keen to table it. The letter is dated 31 August 1982 and is addressed to Russ Hinze.

Honourable members interjecting.

Mr HULLS — Well, he couldn't write it to Russ today, could he? The fact is that this is a businessman who has continually tried to get favours from governments and who, despite its being a time when his company was being investigated for corruption for paying bribes, was more than happy to seek assistance with property development from Russ Hinze.

The letter is signed, 'Best wishes. Regards, Lloyd'. It was clearly not the only time Mr Williams had dealings with Russ Hinze, and it is necessary to ask what involvement Hudson Conway had with Russ Hinze in relation to an $80 000 bribe paid by Cowrie.

Mrs Tehan interjected.

Mr HULLS — Corruption is inappropriate whenever it takes place. The Minister for Conservation and Land Management is prepared to defend corruption, to simply shake her head and say that it happened a long time ago. Who cares how long ago it happened? Hudson Conway was a client of Cowrie's, Lloyd Williams wrote a personal letter seeking personal favours from Russ Hinze, and Cowrie was found to have paid a bribe to Russ Hinze's wife. Mr Williams must give an explanation. Mr Williams is used to writing letters to people, either seeking favours from governments or trying to stop appropriate scrutiny of his behaviour. It has already been made public that a short time ago Mr Williams wrote to me basically asking the opposition to back off in relation to casinos. The opposition is not prepared to do that.

I turn to property developments and the fact that the state government has done favours for a number of property developers. I have the privilege of being a member of the Public Accounts and Estimates Committee of this Parliament. When the Minister for Planning and Local Government appeared before the committee recently he made an extraordinary comment on the development of the HMAS *Lonsdale* site, a former Hudson Conway site. The minister's overturning of a planning decision on that site resulted in a windfall profit of some $3 million to Hudson Conway, which sold the site with the new planning arrangements in place.

When asked on what basis he overturned the panel decision, the minister said:

> ... on advice from urban design staff in the department given to me in several hourly doses on butcher's paper ...

The minister used the butcher's paper defence — he overturned the ruling based on a design on butcher's paper. When asked whether or not he knew that by overturning the recommendation he was giving a windfall to Hudson Conway, the minister answered:

> I did not know whether the federal treasurer of the Liberal Party had a personal interest in this site when I made my decision. I did not know whether the federal treasurer, or indeed Hudson Conway, still had an interest in the site'.

It was an extraordinary thing for him to say. He was quoted in last week's edition of the *Southern Cross* in relation to the butcher's paper matter. The article states:

> I did not use any butcher's paper to make that decision nor can you quote me as having said that, nor is it in the transcript, and it is not butcher's paper and I invite you to go and look at the sketches.

When the minister was before the committee he said he used butcher's paper, yet when interviewed about it by the newspaper he said he had never used the term 'butcher's paper' and that he did not say he had used butcher's paper. It is absolute nonsense!

The minister also said he did not know that Hudson Conway was involved. I have a copy of a memo dated 6 November 1995 addressed to the Minister for Planning and Local Government in relation to the HMAS *Lonsdale* site. It states:

> Purpose:
>
> To provide background information for your meeting on 10 November 1995 at 4 p.m. regarding the HMAS *Lonsdale* site in Port Melbourne.
>
> Background

1. SJB Planning is acting for Hudson Conway Pty Ltd which has contracted to purchase the former HMAS *Lonsdale* site in Beach Street, Port Melbourne.

What on earth is going on? Who does the minister think he is? He said when he was before the Public Accounts and Estimates Committee that he did not know that Hudson Conway, Ron Walker and Lloyd Williams were involved in the site, yet he had received a memo making it quite clear that Hudson Conway was involved. There is no doubt that the government is going down the same track as the Bjelke-Petersen government. I advise government members that all members of the Bjelke-Petersen government either knew or should have known what was going on. Government members have been contacting me on a regular basis saying, 'You're right, Hullsie, to raise these issues. You're absolutely right. What can we do about it?'.

Honourable members interjecting.

Mr Leigh — On a point of order, Mr Acting Speaker, the honourable member for Niddrie is casting aspersions on government members. I invite him to name the government members who are saying those things so that media representatives can ask them about it. Here is the opportunity for him to do so. We would all love to know who they are. I do not think any government member knows the honourable member for Niddrie's phone number, never mind anything else.

The ACTING SPEAKER — Order! There is no point of order. The honourable member for Niddrie merely made the assertion that some honourable members had spoken to him and it is open to honourable members, in this case government members, to refute that during the debate. As I said earlier, it is a very fine line when you are talking about corruption and drawing parallels. The Chair is ever vigilant on comments made by the honourable member for Niddrie. If he crosses the line I assure the house I will move appropriately. At this stage he has not crossed that line.

Mr HULLS — In conclusion, the members of the former Bjelke-Petersen regime are tarnished for all time as being part of a corrupt regime because they took no action. Individuals may not have been involved in corrupt conduct, but they knew and saw what was going on and decided to do nothing about it. The same has happened in Victoria. Government members know what is going on and are expressing concerns about it, but they have decided to do nothing about it. They too will be tarnished for all time. When the history of the Kennett regime in Victoria is written their names will be recorded as the silent monkeys who decided not to take any action against the Premier, the dirty deals that have been going on and the continual favours provided to mates of the government. They will be tarnished for all time and they will have to live with it. They should have no doubt that we will not forget them!

Mr RYAN (Gippsland South) — We have heard again the usual harangue we have been hearing in this place for the past five and a half years. There has been no change. No substantiated facts are ever presented in the course of that sort of contribution, just the same slanderous commentary.

I start by referring to the amendments made yesterday to the standing orders to enable members of the public to come to Parliament and comment on allegations made against them. This debate is not a bad first test of the mechanism whereby people who feel that they have been treated poorly in this place are able to comment in defence of their names. The contribution we have just heard was a classic example of the justification for introducing such a mechanism.

I will go through some of the factual issues pertinent to the debate on the motion before the house. The motion is:

> That this house notes the Fitzgerald report into corruption in Queensland and condemns the government for not learning any lessons from the systematic corruption that flowed as a result of the anti-democratic regime of Bjelke-Petersen and demands that action be taken to stop such corruption becoming entrenched in Victoria.

I will examine some of the factual background giving rise to the Fitzgerald inquiry. The report is titled, 'Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct'. That is important because the Fitzgerald inquiry dealt with issues that the honourable member for Niddrie advanced in support of his motion. Importantly, the starting point of the Fitzgerald inquiry was from an entirely different perspective than that which has been advanced by the honourable member for Niddrie. That is a fundamental point of the debate.

The final report was presented on 3 July 1989. The order in council giving rise to the report was on 26 May 1987. It was modified on 24 June 1987, 25 August 1988 and 29 June 1989. One of the key elements of the final report of the inquiry is set out on the first page. The pertinent issues are dealt with under the heading 'The setting up of this inquiry'. I will not quote from the document in its totality because it is a tome of considerable import and I have no intention of going through its many hundreds of pages. However, in considering the way the honourable member for Niddrie has chosen to develop the debate, I suggest the

opening page is instructive on where the debate should start and the direction it should follow. Page 1 of the report states:

> During December and January 1987, the *Courier Mail* newspaper published a series of articles concerning vice and police inactivity which were written by a young journalist, Mr Philip John Dickie ...
>
> However, on 11 May 1987, the Australian Broadcasting Corporation's *Four Corners* program telecast the *Moonlight State*, a television documentary compiled by another investigative journalist, Mr Christopher Masters. Events which had been filmed raised the possibility that the police force was lying or incompetent or both.
>
> Masters interviewed former and serving police, two of whom appeared on the *Four Corners* program. They and Masters suggested that something was badly amiss with the policing of gambling, organised prostitution and drug trafficking in Brisbane, particularly in Fortitude Valley. The *Moonlight State* suggested the police force had been ignoring and perhaps condoning significant criminal activity for a long time. This was in stark contrast to the official position of the Queensland Police Department, which denied that significant vice existed or that brothel ownership was concentrated in a few hands.

The report then states that on the day following the *Moonlight State* telecast the Acting Premier, Mr Bill Gunn, announced there would be an inquiry. Until that time the sequence of events had been that through the investigative journalism that I have described, it had become apparent that the Queensland community held grave concerns about the police activity, or more particularly inactivity, giving rise to the establishment of this inquiry.

The report further states:

> Supported by the advice from Mr Ian Davis Francis Callinan, QC, senior counsel for the government at the inquiry, Gunn honoured his commitments firmly and with vigour.

That comment is pertinent because it demonstrates that as soon as this issue was raised in the public eye in the manner I have just established, and as soon as the inquiry was announced, the government of the day, through the Acting Premier Bill Gunn, fully cooperated with the way the inquiry was conducted. In various parts of the document there are commendations to the government of the day for the manner in which it cooperated entirely in the conduct of the inquiry and the assistance which was given. The report continues:

> After the commission's substantive public sittings commenced, it became clear that police corruption was widespread, and part of a bigger problem. There was a need for the inquiry to examine wider issues. The commission's scope and responsibilities began to balloon.

It is pertinent to mention that at this point the inquiry moved away to the more general issues ultimately referred to by the honourable member for Niddrie. Power and influence had been asserted in other areas, particularly government areas. I reiterate that the core issue that gave rise to the establishment of the Fitzgerald inquiry was police activity and police inactivity because the inquiry eventually established that the police force in Queensland was rotten to the core. That was the prime issue that gave rise to the Fitzgerald inquiry and findings.

The report deals with an absolute litany of examples of the way the police force was conducting itself in Queensland over the many decades prior to the establishment of the report in 1987. That is exemplified by paragraph 2.2.1 under the heading 'The First Joke 1959-1974'. Without quoting from the report at length, it refers to the notorious Jack Reginald Herbert. Jack Herbert was the head of the licensing branch from 1959 to 1974 and he had a scheme which was extraordinary in its terms. The licensing branch was running a series of systems protecting people involved in illegal activity, particularly SP bookmaking.

Herbert and his cronies had developed a means whereby they were being paid in effect protection money on a basis that started out at £20 per month. By the time Herbert left in 1974 he had something like 40 to 50 SP bookmakers. As people were transferred out of the licensing branch he took over their books. He took over the donations that were received each month. When he had finished he was receiving about $800 per month by way of kickbacks from people he was protecting through his position as a police officer. That amount was then approximately twice his salary.

I could go through the document chapter and verse. It sets out the extraordinary sequence of events where police officers were directly involved in the sorts of activities I have described. There is discussion about the famous Terry Lewis who, of course, was a big player in this. I do not intend to go into his full history, but an interesting issue to note from the inquiry's report is relevant to Terry Lewis's involvement in the first casino licences issued in Queensland. Page 83 of the report states:

> Other investigations were also being carried out by the Casino Control Division which had been appointed within the Treasury. One of Lewis's former deputy commissioners had been appointed consultant and was later to become the Chief Casino Inspector of that division. Lewis had urged his former colleague to apply for the post and they stayed in close contact during the period when the casino licence applications were being considered.

Clearly that was the fox in with the chooks. Mr Terry Lewis and his cronies had managed to position themselves in such a fashion that when the inquiry into

the casino licensing establishment was under way they were able to fit themselves into that mechanism and ensure they were influential, as police, in achieving the outcome they wanted. In respect of Terry Lewis it continues:

> Suggestions for an independent body to investigate complaints against police gathered momentum and, by the end of April 1982, the Police Complaints Tribunal had been constituted. Lewis, for his part, was quite satisfied with the work of the Internal Investigations Section and considered the tribunal unnecessary. He and Lane —

who was then the commissioner —

> discussed suitable appointees for the tribunal.

The theme of all this is that over many decades the police had been conducting themselves in a manner that caused the Fitzgerald inquiry to be established and, ultimately, resulted in various allegations being made against people in government.

The important point is the involvement of the police. That must be so if there has been the systematic corruption described in the motion because the police are the gatekeepers in all of this. The police form the investigative arm that ensures that proper protection is maintained on behalf of the community. The difficulty for those involved in such protective activity is that if the police are not in the bag, or if the police have not been nobbled, they have a problem.

It is interesting that the expression 'systematic corruption' that appears in the motion appears also in the commentary in the Fitzgerald report on Jack Herbert:

> When Herbert joined the licensing branch in 1959, he was not a naive man and had an eye for the main chance. Until then, he had no inkling or perception of systematic corruption in the police force.

The comment is important to this debate because either by accident or design the honourable member for Niddrie has taken the term 'systematic corruption' applied in the Fitzgerald report to the police force and applied it to the government in his motion. Why has it been done in that fashion? I suggest it is because he has conveniently overlooked the fact that it is inconceivable that the functioning of the community could be systematically corrupted if the police are not in the bag on such an issue.

Opposition members interjecting.

Mr RYAN — What I have just put to the house is based on an absolutely irresistible logic. It then leads to the question: What is the Victorian Labor Party's view of the Victoria Police Force? If I am correct in saying that the conduct of the police force is pivotal in allegations such as those made by the honourable member for Niddrie, how does the opposition — which is the alternate government in Victoria — view the activities of the state police force? In this most public of forums I make it clear that I believe Victoria has the finest police force in the nation, and I want to hear what the Labor Party has to say about that issue. I want to hear also whether the opposition considers it possible that what it describes as systematic corruption can develop without the police force having been nobbled.

I see the honourable member for Northcote warming up in the traces. She will be the next to speak, and I wish her well in what will be her maiden speech in this place. I am sure that as long as she says nothing antagonistic and nothing about political issues to cause concern, she will be accorded the usual courtesy that members of the house extend to anyone making a maiden speech in this place. I will be very interested to hear what she has to say and I genuinely wish her well.

I refer now to another matter that the honourable member for Niddrie raised this morning — the casino, which is a topic he returns to frequently. This time he referred to the famous Senate inquiry that became a laughing matter of huge proportions. I do not know whether the Victorian Labor Party even made a submission to it. If it did the submission went through to the keeper! Certainly the inquiry did not attract public interest — probably because it was much ado about nothing.

If I remember correctly, in his commentary Mr Gerry Hand, one of the Labor Party faithful, said appropriately that it was nothing more than a sham initiated on behalf of the Labor Party to achieve political ends. The same has occurred this morning. That is to be contrasted with what happened in Queensland. I have just read to the house from the Fitzgerald report details of the involvement of Terry Lewis as a police officer in the granting of the first of the casino licences.

The Queensland political structure was fundamentally different from what existed — and still exists — in Victoria. In 1991 when the then Victorian Labor government passed legislation for the development of a casino in Victoria it very sensibly established the Casino Control Authority, now the Victorian Casino and Gaming Authority. It did so because it wanted to wedge between the government of the day and the licence holders and casino operators an independent entity that would serve the important purpose of being the gatekeeper, just as the police are gatekeepers in

other aspects of community life. I commend the Labor Party for that; I have done so before and do so again. That structure differed radically from that of Queensland.

I believe I am right in saying that the personnel the Labor Party appointed as members of that control authority remained in situ for a period of years after the current government was elected in 1992. It is a commentary on the coalition government that it has always accepted the complete independence of that authority and will continue to do so.

Therefore again I ask the opposition, and I put it squarely to the honourable member for Northcote: What is the view of the Labor Party about the Casino and Gaming Authority and its operation in Victoria? Does the Labor Party suggest that the members of the authority have been nobbled? Does it say, in support of the issues advanced by the honourable member for Niddrie, that somehow, in whatever form, the authority that the Labor government established in 1991 has been got at in some way so as to serve the purposes of the current government or any of the other people named this morning by the honourable member for Niddrie? Is that how it puts the argument? If it does, let us hear what is said on behalf of the Labor Party — I would love to hear from the honourable member for Northcote on the issue — because I do not believe it would curry any favour in the Victorian community.

The authority has conducted itself in the manner intended. It was established as an independent entity wedged between government and operator to serve the important purpose of keeping a balance and that is what it has done. The coalition government has unfailingly observed the recommendations made by the authority. I make that remark in the context of the commentary by the honourable member for Niddrie about the granting of a licence for additional tables at the casino.

The authority made recommendations about that, which were adopted. The same thing has happened again in relation to the delays in the construction of the lyric theatre and the tower, and fines not being imposed. Those matters have been the subject of recommendations by the authority which have been adopted by the government.

Mr Haermeyer interjected.

Mr RYAN — It was inevitable that we would hear from the honourable member for Yan Yean, the shadow Minister for Police and Emergency Services. It is timely that he has joined us, which I never thought I would hear myself say, but it is pertinent to the first point I have made in his absence. He is now present in the house and I would be interested to hear what he has to say about the Victoria Police Force and whether he stands by the way our magnificent police force conducts itself. I would be very interested to hear whether he is prepared to offer the support that I believe is due to it. I would be pleased to hear also how he would put the performance of the Victoria Police in the context of what was happening in Queensland and the direct nexus between the Queensland Police Force being rotten to the core and the ultimate rise of the sorts of issues about which the honourable member for Niddrie is complaining.

The notice of motion is a complete fiction and there is nothing new in it. Again the honourable member for Niddrie is making spurious allegations against a range of people in an environment where good old cowards' castle has served its purpose very effectively for many people. The honourable member for Niddrie has never gone out on the front steps of Parliament House and made the allegations, although he has been invited to do so many times. There is the assertion of systematic corruption made in a context which is completely different from the words in the Fitzgerald report from which it has been pinched.

The honourable member for Niddrie spent approximately half an hour talking about different scams. Mr Acting Speaker, what we have heard today is another scam on the part of the honourable member for Niddrie. He has come in here without the basic facts or a foundation for the sorts of allegations which he has consistently made over a period of years, trying to support a motion for the consideration of the house. The motion is just as spurious as the sorts of issues about which the honourable member has consistently complained and it is just as strong today as it has been over the past few years. It is a weak allegation with no foundation, and if the honourable member had any common decency he would withdraw the motion.

The ACTING SPEAKER — Order! Before calling the honourable member for Northcote I remind the house that this will be the honourable member's maiden or inaugural speech to the Parliament. As the honourable member for Gippsland South has mentioned, the precedents and protocol of the Parliament have been that these speeches are heard in relative silence. At the same time the speeches have not sought to be political or controversial in any way. It is a little difficult for the honourable member for Northcote because she needs to relate her remarks as closely as she can to the debate before the house. Honourable members will understand that normally we have the opportunity of doing this on the address-in-reply or

some similar debate that has wide-ranging terms. Members will need to be mindful that it is going to be difficult for the honourable member to stay within the normal protocols set in precedent. I again remind honourable members that such speeches have generally been heard in silence, and these speeches have generally been non-controversial and non-political.

Ms DELAHUNTY (Northcote) — Mr Acting Speaker, thank you for the opportunity to speak on the wider ramifications of the Fitzgerald report. It is my view that the Fitzgerald report can be seen as a modern text of the fundamental principles of parliamentary democracy. It explores with some care and with great respect the basic scaffolding of what civilised societies have created as the basics of parliamentary democracy. In the state of Queensland, which had corrupted the processes of fair, open and accountable democratic government, the Fitzgerald report went back to basics. It courageously revived the critical role in a modern democracy of the Parliament, public dissent, the media and the various people's watchdogs, in particular the Auditor-General.

The notion goes back as far as Plato, and Fitzgerald reminds us that the Parliament:

> ... is meant to be a forum in which the necessity and worth of proposed laws ... can be debated. It should also serve as an inquest, in which all or any aspects of public administration can be raised.

Significantly, Fitzgerald goes on quite rightly to argue that without adequate information from government, Parliament, the people's house — and let us not forget that this is the people's house — is impotent. The report continues:

> Without information there can be no accountability. It follows that in an atmosphere of secrecy or inadequate information, corruption flourishes.

The power of the report is its implicit belief, a belief I have long clung to, that democracy is and must be a continuous conversation between the government and the citizens and the leaders and the led. This continuous conversation, this contest of ideas in public policy, is absolutely killed off if the administration insists on secrecy and silence. Mr Fitzgerald wrote:

> Information is the linchpin of the political process.

It lubricates it. We all know, particularly in the twilight of the 20th century, that information in contemporary society, and certainly in modern politics, is power. The report continues:

> If the public is not informed, it cannot take part in the political process with any real effect.

The Fitzgerald report was a valuable and timely reminder to modern governments of the importance of what many people might consider to be rather old-fashioned notions which are the concrete of the democratic process. The Fitzgerald report referred to the importance of ethics, standards and basic values in public administration and showed how in the absence of these values, ethics and standards, corruption in high places flourishes unseen and thus unchecked.

In many ways the Fitzgerald report was a cri de coeur for the revival and respect of the institutions of our democracy. In my view it is a good read. It should come as no surprise to anyone in the house that I believe there are alarming parallels between the destruction of democracy in Queensland under Joh Bjelke-Petersen and the savage assaults on our democracy in Victoria. I have been propelled into Parliament because of the damage to our civic culture in Victoria at this time. Victorians have witnessed contempt for the citizen, the cruel silencing of critics and disdain for the democratic discussion and debate that we know is the lifeblood of democracy.

We have witnessed bullying of the media and there have been attempts to neuter Parliament and de-legitimise the role of the opposition. There has been an obsession with the artifice of commercial in confidence. It is a clause we hear a lot about, yet it denies Parliament, and thus the public of Victoria, essential information about the government's spending priorities and the administration of the state. It represents a corporatist view of government, not a civic view of government. The distinction is very important.

The corporatist view of government shuns openness and accountability; it knows the cost of everything but in many ways the value of very little, particularly very little that is public and is prized by the public. The language of the corporatist state — of client, customer, user pays — denies citizens an understanding of what the government is saying and doing. Governments must be fiscally responsible, conscious of the bottom line, but government is more than just a business. Every decision the government makes rolls out of the cabinet room and affects the very tone and texture of our society. I am not a client of the government. I am a citizen in this state with rights and responsibilities, as are the people of Northcote who put me here.

It is a great honour to represent the people of the electorate of Northcote. At the recent 15 August by-election the voters of Northcote resisted the blandishments and bullying of the campaign and spoke very loudly for strong representation and for a civic culture that involves the government valuing all citizens

regardless of the colour of their skins or the content of their wallets. The blowtorch was applied, but the voters of Northcote spoke against the politics of division and defamation. It is an honour to represent an electorate that is intellectually diverse and robust, yet so racially diverse.

In many ways Northcote reflects the rainbow of nationalities that make up modern Victoria — indeed, contemporary Australia. In many ways the electorate of Northcote is a snapshot of modern Australia. It has one of the largest Greek populations, a strong Italian community, and proud Arabic, Chinese and Vietnamese Australians living in harmony and alongside the Irish, Scottish and English accents and traditions. Northcote is proudly multicultural and never questions multiculturalism. Multiculturalism is part of the tradition and make-up of this country, and we live it in Northcote.

I am honoured to represent Australians who value and respect citizenship in all its diversity. However, the people of Northcote have expressed to me strongly their feeling that they have been living in an electorate punished by the corporatist view of government I have just outlined — a view of government that looks only at the bottom line and sees no other cadences in its role. The corporatist style of government sees the cost of everything, but the value of very little. It distorts and devalues the fundamental notion of the public good, public services, and even public space. For example, Northcote is the only electorate in this state I know of that has been blighted by the closing down of two major hospitals. The people of Northcote ask me why it has happened. They ask me what priorities would lead a government to make those decisions. I suspect they are more corporatist than civic values.

The right to dissent is a fundamental right in democracy on which the Fitzgerald report spends some time and which it holds high. The report states:

> Apart from the established institutions of parliamentary democracy, informal methods of dissent are useful for checking the abuse of power by governments.

Fitzgerald goes on to speak about the past in Queensland, yet what it describes has a chilling similarity to what is happening in a place we know and love. The report further states:

> When church and other community leaders ... have expressed independent concerns with respect to public issues ... their comments frequently have been rebuffed by a barrage of propaganda and personal abuse.

Does that sound familiar? I remind the house of the treatment of a number of democratic dissidents in this state. Victorians have witnessed the sacking of the former Equal Opportunity Commissioner, the sacking of local councils, attacks on the independence of the judiciary, attacks on church and other community groups, the silencing of student organisations on university campuses through legislation, the hounding from office of a former Director of Public Prosecutions, the hounding from office of a Children's Court magistrate, restriction of access to the Administrative Appeals Tribunal, and the removal of legal rights of appeal to the Supreme Court. That is an extraordinary development in the way the role of dissidents and the rights of individuals to information are viewed.

Since October 1992 more than 150 bills that remove the right of individuals to seek review of administrative action in the Supreme Court have been passed. Is that not a denial of natural justice? I have already referred to the value and the intrinsic role of Parliament in a democracy as referred to in the Fitzgerald and other reports.

Do we devalue Parliament and silence the people's house when the government makes an arbitrary decision to suspend the sitting of the Victorian Parliament during the federal election? Equal opportunity laws have been weakened; the crimes compensation and victims of crimes tribunals have been abolished. The City Link legislation was bulldozed through Parliament; the independence of the Auditor-General is undermined.

Again, the Fitzgerald report refers to the intrinsic and absolutely essential role of the people's watchdog for a healthy and robust democracy. The attack on the people's watchdog, the Auditor-General, has angered the citizens. Fitzgerald noted that 'the Auditor-General is an effective check on the abuse of public money'. Disability and advocacy groups funding has been removed; tenancy groups have been terminated; the Land Conservation Council has been abolished; and community and church groups have been silenced through the 'confidentiality clauses'.

It is awful. I believe we are all diminished by this and that our civic culture is damaged. We are not the proprietors of civic culture; we are the caretakers. Public dissent is not un-Victorian. The Fitzgerald report repeats time and again that public dissent is absolutely legitimate and necessary. We should not forget the intemperate language that lashed church leaders who dared to question the increasing hegemony of gambling in this state. Honourable members should remember that someone as eminent as the former Governor dared to assert that the notion of banning by-elections was intrinsically undemocratic.

His views have particular poignancy for anyone who is elected to this place as a result of by-election. Imagine, had that notion become law we would not have allowed the people of Gippsland West to speak, to choose the Independent honourable member for Gippsland West, Susan Davies. The people of Mitcham would have been denied a voice because a party person would have been appointed to represent that electorate. The democratic process would not have occurred in Gippsland West or in Mitcham, and the people of Mitcham would have been denied the strong voice of the honourable member for Mitcham, Tony Robinson.

Citizens have the right to speak. They must not be bullied into silence. Whether it is a brave soul from the church, the law or the media, they are publicly scarified. The Fitzgerald report with delicious understatement referred to 'many persons of ordinary sensitivity being effectively deterred by such invective from valuable participation in public life'. As the Fitzgerald report so forcibly demonstrated, silence, secrecy and the attempt to silence anyone who wants to muse even on alternatives in public administration, breeds corruption in civic affairs. It also leads, as Fitzgerald eloquently pointed out, to inequity in public administration. It leads to a politicised public service; a public service obeying an unaccountable government, which leads inextricably to gross unfairness in spending.

I will give one example to illustrate that point. When the government declared it was loosening the purse strings to provide computers for our public schools the initiative was applauded and welcomed. The formula however to determine which schools received what was contorted and, in the Northcote electorate, was unjust. The formula was that for every $3 raised by the schools the government would allocate $1 — a 3-to-1 formula based on how much money school communities could raise. Computers in schools are not and should not be a reward for inventiveness, lucrative or even lucky fundraising. They are tools of learning. They are, we are told, part of the modern education repertoire. They should be available to every student in every school. They should not be a reward for those who can flog as many lamingtons and Maltesers as possible.

This distorted formula resulted in schools in the Northcote electorate gaining from the public purse just over $13 000. The Frankston East electorate, a comparable demographic electorate, which until recently was represented by a different political colour, was rewarded for its fundraising efforts with $219 000. The Northcote electorate received $13 000 and the Frankston East electorate $219 000 — almost 20 times more for Frankston East schools! The community asks the question: where is the justice in that and what priorities are driving the formula to produce that unjust result?

I turn to the role of the media. In a vibrant democracy the role of the fourth estate is to illuminate the political process, to lubricate the civic conversation that I have spoken so much about, and to be a conduit of information between the government and the citizen. It is true that relations between politicians and journalists can be strained and fractured. It is symbiotic, unsatisfactory and imperfect, but necessary for the free flow of information and the fostering of debate. As the Fitzgerald report found, that was not the case in Queensland in the past, and I now believe it is not so in this state, where attacks on individual journalists and editors are notorious. Even more insidious is the lobbying of media boards of management to remove journalists or editors or dictate editorial policy. The current inquiry into the ABC, already pre-empted by the government's public view on the outcome, stated publicly even before the ink is dry on its mission statement, suggests another attempt to keep the public broadcaster in line.

The strategy is clear. The media must be a cheer squad for government or it is cowed or banished. The Fitzgerald report detailed the damage such a cynical strategy can do for that conduit of information; for the free flow of information between the government and its citizens. We are warned. Victoria and Australia is at the crossroads. As we face a new millennium and the magnificent celebration of the nation's 100th birthday, the centenary of Federation, in the year 2001 — a magnificent milestone — we must decide what sort of society we want. We have a choice between a mean society dominated by the ruthlessness of the markets and the choice of a compassionate, civil society that works in partnership with government, business and the community to make this country a better place.

As the Fitzgerald report describes so clearly, damaging its democratic scaffolding does not make this a better place. It is with some sadness that I say that this government's achievements have been sullied by its assaults on democracy and I pledge today to work to redress them.

In conclusion, I thank the people of Northcote for their belief in me and my party. Northcote is well used to strong representation and expects it. It is an honour to follow such fine parliamentarians as Tony Sheehan, a former Treasurer, Mr Frank Wilkes, a former Leader of the Opposition, and further back, Mr John Cain, Snr, a former Premier of Victoria. I thank the Australian Labor Party for its support. I particularly express

gratitude to the party members and volunteers for their efforts, hard work, humour and enthusiasm, which earned the Australian Labor Party a wonderful victory in the recent by-election. I look forward to working with the party and the people of Victoria to ensure in the near future a John Brumby-led Labor government, a government for all citizens.

Honourable Members — Hear, hear!

The ACTING SPEAKER — Order! Before calling the honourable member for Berwick I believe it is appropriate for the Chair to make a comment. The maiden or inaugural speech just made by the new honourable member for Northcote has set new parameters for such speeches in this place. The decision to take a non-traditional path by referring to controversial issues was, in the opinion of the Chair, a temptation for those on the government benches to break the tradition of hearing such speeches in silence. The Chair acknowledges the restraint shown by government members. It might foreshadow a new era as we head towards the new millennium. I have been in this place for almost 15 years and that maiden or inaugural speech was much different from those heard in the past. It may be a sign of where we are heading in the future.

I believe it is important to make those comments because new members will enter this place from time to time, and today we may have seen a change in the way maiden or inaugural speeches are received in Parliament.

Dr DEAN (Berwick) — I have not had a chance to catch up with the new honourable member for Northcote to congratulate her on becoming a member of Parliament. I met her at the Constitutional Convention and found her to be approachable and pleasant. On the other hand, I am saddened and disappointed. I believe she was used today by her political party in a way that she does not as yet comprehend by being asked by the Labor hierarchy to break with the traditional form of maiden speeches. The camera was there — —

Mr Bracks — On a point of order, Mr Acting Speaker, the honourable member for Berwick is referring to the honourable member for Northcote as 'she' whereas he should be referring to 'the honourable member for Northcote'.

The ACTING SPEAKER — Order! The honourable member for Williamstown raised a point of order about the words being used. Unfortunately, I was distracted at the time and did not hear the words used. It is traditional in this place to refer to honourable members by their correct titles. I am sure the honourable member for Berwick is aware of that. There is no point of order.

Dr DEAN — She does not yet realise the way she has been used in this house by presenting a speech with political content when by tradition maiden speeches block interjection — a vigorous part of democracy in this house — on controversial issues. It is amusing that she said this side of the house had reduced democracy while being part of a plan to prevent interjection. Her speech was very eloquent, but in this house we are on about two things — substance and truth.

Mr Haermeyer — On a point of order, Mr Acting Speaker, the motion before the house was moved by the honourable member for Niddrie. The honourable member for Berwick has been providing some sort of literary critique on the speech of the honourable member for Northcote for the past 3 minutes. May I suggest you call him back to the motion.

Dr Napthine — Mr Acting Speaker, on the point of order, I find it amusing that the honourable member for Yan Yean raised a point of order suggesting that the remarks of the honourable member for Berwick are not germane to the debate when he is refuting the previous speaker's comments. Prior to being interrupted by the honourable member for Yan Yean he was saying that the speech of the honourable member for Northcote lacked substance and facts, which is absolutely germane to what a debate is about. Clearly, the comments of the honourable member for Berwick are not only relevant to the debate but he should be heard. His comments are also accurate.

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

Dr DEAN — The honourable member for Northcote will find that, no matter how hard the opposition tries to gag a member of the government, the rules of the house will allow him or her to speak. I totally agree with the honourable member that it is not un-Victorian to express dissent. However, it certainly is un-Victorian to make statements in this house that are untrue.

I turn now to some of the statements which are fundamentally and easily demonstrated as being untrue. The honourable member for Northcote referred to the government introducing amendments to the FOI act regarding exemptions for commercial confidentiality. Those provisions have always been in the FOI act, which was enacted and implemented by the Labor

Party. The Labor Party amended the provisions of the FOI act on commercial confidentiality, but the honourable member for Northcote stated that that was done by the current government. That statement is absolutely untrue and shows clearly that we cannot expect a high level of research from her.

The honourable member went on to say that the Schools of the Future project, which gives independence to schools, was introduced by the current government and was therefore inappropriate. The Labor government and its bureaucracy had the Schools of the Future program well in train before the Liberal government came into power. The former Labor government is on record as saying that it was hoping and trying to get the Schools of the Future project in place but could not do so because of the unions and other impediments. It did not have the courage that this government had to follow it through.

She talked about councils being sacked. What an extraordinary thing! I presume she is talking about the consolidation of councils. Which government initiated the process of the consolidation of councils, held an inquiry and intended to implement it? It was an extraordinary misstatement of fact, but I can see that she is not at all interested to learn that she has just misled the house, as she is chattering away.

The ACTING SPEAKER (Mr A. F. Plowman) — Order! The honourable member might refer to the honourable member by her title.

Dr DEAN — She has just stated that the commercial confidentiality provisions of the FOI act were introduced by this government. They were not; they came from the former Labor government. She stated that the Schools of the Future project was a product of this government. It was not; it was initiated by the Labor government, which is on record as saying it tried to introduce that project. She is on record as saying that the current government's consolidation of councils was no good, when the Labor government held its own inquiry and tried to do it and was only thwarted because it lacked the courage to introduce it. Three major errors are contained in her first speech, in which she stated totally untrue things to this house.

Does it stop there? No, it does not. She referred to section 85 of the Constitution Act and its relation to the Supreme Court. Which government initiated the use of section 85 in the process of reducing the powers of the Supreme Court, which became inimical to its legislation? The Labor Party made far more provisions with respect to the Supreme Court under section 85 than the present government has made. She has not gone back and examined the record. She does not do her research.

She talked about the sacking of the former Equal Opportunity Commissioner. What really happened? The Equal Opportunity Commissioner was invited to stay on in that job but because of reform of the Equal Opportunity Commission and the creation of an independent board, she decided she would not remain. That was her decision. She could have remained as the Equal Opportunity Commissioner for Victoria if she had desired to do so. Wrong again!

What worries all government members about this is that it is the very first speech, and it is not only inaccurate but suggests that the honourable member will not do her research. In her past life the honourable member had others to do her research. Every backbench member of this place has to roll up his or her sleeves and do his or her research. No-one can expect to be able to read a speech in this house without interjection if that speech contains statements that are incorrect, and then say, 'I am upholding the democracy of Parliament', because that amounts to saying, 'I do not understand how this place operates and ought to operate'.

As I said, I have met the honourable member for Northcote on a personal basis and find her an easy person to talk to. However, she will have to learn that if she is to stand in this public place and represent the people of this state she will have to be accurate in what she says; otherwise, she will be accused of not telling the truth.

Honourable members interjecting.

The ACTING SPEAKER (Mr A. F. Plowman) — Order! I ask the honourable member to return to the debate. We have had some minutes on this topic.

Dr DEAN — I repeat: if the honourable member for Northcote had understood the basis of the motion she would have realised what I am about to say about it.

Mr Bracks interjected.

The ACTING SPEAKER (Mr A. F. Plowman) — Order! The honourable member for Williamstown will refrain from interjecting.

Dr DEAN — I will demonstrate that this is one of the most reckless, untrue, disgraceful and lazy motions that has ever come before this house. The motion states categorically that this government has done nothing about the Fitzgerald report. The crux of the whole argument is the answer to the question: when was the Fitzgerald inquiry held and who was in government

when the Fitzgerald inquiry published its findings? The inquiry was held between 1987 and 1989. The Cain Labor government was in office in 1989 and was there until 1992. What did the Labor government do about the Fitzgerald inquiry? Absolutely nothing. Perhaps the motion should be rephrased in that way. Why did the Labor government do nothing about the Fitzgerald inquiry?

Let us consider what the current government has done. It becomes almost farcical because the Fitzgerald inquiry, as the honourable member for Gippsland South has mentioned, was into corruption in the police force. In 1996 the Victoria Police Force, with the support of the coalition government, introduced Project Guardian. In the annual report one can read that Project Guardian looked at three reports when examining the ethical standards and conduct of the Victoria Police Force. I do not know whether the honourable member for Northcote is interested, but I am stunned that she did not know which three reports Project Guardian, a combination of police and outside parties, looked at to determine how to change the Victoria Police Force. They were the report of the Mollen Commission in New York, what were then the first and second interim reports of the Wood inquiry in New South Wales, and the report of the Fitzgerald inquiry.

The Project Guardian task force worked for 18 months to two years, produced — and I have seen them — three massive volumes containing interrelated data on the 290 recommendations of the previous commissions and its own findings, and came up with 130 recommendations for change to the police force as a consequence of examining the reports of those earlier commissions. The government implemented 95 per cent of the recommendations that went to ethical standards, the accountability of supervisors and discipline. It created the police ethical standards department, the sole role of which was to cater for matters raised in the Project Guardian report.

The Project Guardian inquiry was established as a result of the findings of the Fitzgerald inquiry and Victoria's Operation Bart, which had been established by the police force. I will read from the Ombudsman's report on Operation Bart shortly. Project Guardian involved an enormous investigation along the lines of the Fitzgerald inquiry. The investigation started in September 1995 and lasted until March 1998.

Mr Robinson interjected.

Dr DEAN — If you don't want to rely on the Ombudsman's report, that is your problem. The investigation involved ongoing internal disciplinary proceedings which lasted six months. In summary, 2406 incidents were investigated and 1548 members of the police force were interviewed, after which 11 members of the force were dismissed, 380 were fined, 414 were disciplined and 229 resigned, and 7 civilians were fined.

In his final report the Ombudsman made a series of further recommendations, all of which were accepted by the government. The one state that picked up the recommendations of the Fitzgerald inquiry, held its own inquiries, cross-referenced all the recommendations and implemented its own solutions was Victoria. Then, when the first serious matter arose — allegations about the window shutter industry — the police force established Operation Bart to investigate those allegations. That was the first inquiry held either in Australia or overseas in line with the Fitzgerald inquiry recommendations. The honourable member for Niddrie may not want to take my word for it.

Mr Finn — Where is he?

Dr DEAN — At least the honourable member for Northcote is in the house. Perhaps the level of sham that allegations about the Fitzgerald inquiry recommendations not being pursued has reached can be underlined by a reading of the June 1997 annual report of the Victorian Ombudsman, part of which states:

> Events have occurred during this year which have strengthened the system. The Chief Commissioner of Police has established the ethical standards department to replace the internal investigations department, Parliament has amended the Police Regulations Act extending the powers of the Ombudsman and procedures have been adopted to provide a more extensive basis for the informal handling of complaints in appropriate circumstances.
>
> On 15 May 1997 Parliament amended the Police Regulation Act to strengthen the framework within which police complaints are handled by the Ombudsman.
>
> Perhaps the major change has been the broadening of the definition of police 'conduct' which may be complained of and the addition of the definition of 'serious misconduct'. Police members now for the first time may complain to the Ombudsman about serious misconduct of other members of the force, the complaint handling provisions for both the police and Ombudsman have been extended to include police reservists and protective services officers and the Ombudsman may now receive complaints concerning unofficial conduct as well as official or purported official conduct of themselves, reservists and protective services officers.
>
> Another significant change made is that, in addition to the receipt of public complaints of serious misconduct, internally generated investigations by police of serious misconduct must now be notified to the Ombudsman at the time of the commencement of the investigation ...

That action was voluntarily undertaken by the police commissioner.

> On the other hand, police are now statutorily obliged to notify the Ombudsman and investigate complaints ...

The recommendations were being followed through.

> In September 1996 the situation was also strengthened when the Chief Commissioner of Police established the ethical standards department to replace the internal investigations department ...

The first test of the new system was Operation Bart. In his May 1998 report the Ombudsman states:

> But what must be emphasised is the very positive and timely response by police command when the dimensions of Operation Bart became apparent. That response included such initiatives as Operation Guardian, the creation of the ethical standards department —

about which I have already told the house —

> and steps taken to impose greater accountability on supervisors.
>
> Thus, although the investigation itself has occupied a considerable length of time, unlike some external inquiries where recommendations for action whether they be criminal, discipline or systemic only follow the conclusion of the inquiry, in this case all criminal and disciplinary proceedings have been instituted and in most cases completed.

He further says he is extremely pleased with the way the police department handled those matters. That report can be described as an extraordinary indictment of this motion, the very nub of which is that the Victorian government has failed to take account of the findings of the Fitzgerald inquiry.

Mr Finn interjected.

Dr DEAN — Sometimes I wish I was back in court because my argument is what is called being on a winner! The former Labor government did nothing about the Fitzgerald report. The Kennett government, which is now being attacked by the honourable member for Northcote, instituted its own inquiry, resulting in 103 recommendations; for its action, the government drew praise from the Ombudsman.

The entire police department has changed. It has created an internal ethical standards department, and a new series of regulations have been implemented as a result of the findings of the Fitzgerald and Wood inquiries. However, the honourable member for Northcote has allowed herself to be trapped by the honourable member for Niddrie in one of his lazy, selfish, undisciplined and untrue motions, the sole purpose of which was to whip up the dust and confuse people.

Mr Finn interjected.

Dr DEAN — Dirty dust! His aim was to confuse people and hope to place question marks in their minds — but without any skerrick of evidence having been produced

Ms Delahunty interjected.

Dr DEAN — The honourable member for Northcote may not recall that the honourable member for Niddrie has been called to account for the accusations he has been spreading for so long. In fact, he was on the 3AW Neil Mitchell program with Lloyd Williams. Lloyd Williams said to him, 'Repeat those allegations against me, here in the studio'. What did he do?

Mr Leigh interjected.

Dr DEAN — Not much, because, as the honourable member for Northcote should soon understand, he has no evidence to back his allegations. Victoria, unlike other states, has different defamation rules, unlike New South Wales, particularly, with its public policy matters. In Victoria the absolute defence to defamation is the truth. An honourable member simply has to tell the truth; then any statement can be safely repeated outside the house. However, for the past three or four years — at least since 1996 — the honourable member for Niddrie has made accusations here for which he did not have evidence. When challenged not only by government members but by a person he was accusing face to face in a radio studio he would not repeat the accusations.

What is the difference between the Fitzgerald inquiry recommendations and the garbage put to the house today by the honourable member for Niddrie? The basis for holding the Fitzgerald inquiry was what we in the legal fraternity call evidence. The absence of evidence in a democratic society is called unsubstantiated, probably untrue allegations. That makes the world of difference.

The honourable member for Niddrie has used this house in the knowledge that he does not have the evidence or could not possibly put up the defence of truth outside this place. He simply proffers the same stuff time and again. One must ask: if somebody continues to yell 'Fire' after members of the public have looked up to find there is no fire; what will inevitably happen?

We know the inevitable result — the public, the people are sick to death of it. The honourable member for Niddrie has lost all credibility on this issue. What saddens me is that he has sucked in the honourable member for Northcote. She has joined his little band and she will be tarred with the same brush as having the same view — that one can come into this house, make statements that can be demonstrated to be categorically untrue, raise the dust and then just leave.

In relation to these accusations the house, including the honourable member for Northcote, should ask itself when was the last time it heard from the honourable member for Niddrie something creative or positive or something that indicated a new direction for the legal profession or some new project for government. All these accusations are made through negative eyes. They cannot be substantiated and come from a point of view that can be described as a paranoid, manic compulsion to stalk the government. That is very sad. Recently Judith Durham of the Seekers was involved in a legal action because of someone stalking her. I know nothing about that case, but it is sad that someone should have a psychological bent to stalk someone else. It is unnatural behaviour, behaviour associated with a lack of creative thought, and it comes from an attitude of mind that people in the community do not respect.

I say to the honourable member for Northcote, as I say to the honourable member for Niddrie, that this continual failure to produce evidence only results in a perception that they, particularly the honourable member for Niddrie, have nothing further to offer and that they will always be negative and will never come up with the goods to substantiate their accusations. They have a psychology about their job, which is supposed to be to represent the people of Victoria, that will be rejected by the community. Unfortunately, that washes over the whole of the Labor Party, which is seen as lacking creativity, being negative and raising matters that are untrue. All those things have caused the electorate to twice reject the opposition, and they will continue to cause the electorate to reject the opposition three, four or many more times.

Mr MILDENHALL (Footscray) — The desperate personal abuse and meaningless drivel from the honourable member for Berwick is a panic reaction to the superior contribution made by the honourable member for Northcote. It was an absolute privilege to hear her inaugural speech, which was an erudite, eloquent and articulate exploration of the principles and standards of open government. It was not surprising that the speech provoked such a panic reaction on the other side of the house.

Honourable members interjecting.

Mr MILDENHALL — We have seen a class act, a class contribution from the honourable member for Northcote.

Honourable members interjecting.

The ACTING SPEAKER (Mr A. F. Plowman) — Order! The level of interjection has become too great. I ask honourable members to desist from that degree of interjection and give the honourable member for Footscray a chance.

Mr MILDENHALL — It was appropriate that the honourable member for Northcote elaborated on the principles, values and standards of open government. It was an appropriate counterpoint to the contribution from the honourable member for Niddrie, in which he pointed out the links and parallels and the ominous comparisons between what has happened in Victoria and the notorious Fitzgerald era in Queensland.

Democratic values are the key to this debate. They are central, not only to our community but also to government administrations. I will focus my remarks on the central importance of democratic values to the education system; not only to its curriculum but also to its values, the way it goes about its business and the administration of this major service delivery area.

Anti-democratic values are the key to this motion. Such values can be expressed as the unreasonable application of ministerial authority; the failure to take the views of the community into account; the silencing of critics; the intimidation of administrations and communities; and the drawing of the cloak of secrecy over a government's activities. These anti-democratic practices were eloquently explained by the honourable member for Northcote. They are the hallmarks, the indicators, the yardsticks of an anti-democratic administration. They are the pre-conditions for corruption; they set the scene for corruption to thrive.

After Fitzgerald, with its extensive recommendations for open and democratic government, it is imperative that state parliaments and the community are vigilant in ensuring that transparent and accountable administrations are the order of the day.

There are at least 10 areas of anti-democratic behaviour in the education portfolio that are in violation of the principles of open government. The opposition and the community have clearly expressed their fundamental objection to such practices and behaviours. Education is an area of government where democratic traditions, values and practices ought to be showpieces of

government administration. We should hold up those values to our schoolchildren.

This administration should be a beacon. Its practices should be models for the way forward. Instead the Department of Education and the education administration are the worst examples of authoritarian practices and anti-democratic behaviour. The first anti-democratic and disgraceful behaviour was the arbitrary closure of more than 50 schools at the end of 1992 when the government took office. No notice or right to object was given to those communities. The Northland Secondary College attempted to appeal and uphold its legal right to seek redress. That showed how difficult it was to even question the overuse of the authority of the office of the minister.

That was immediately followed by the so-called quality provision taskforces that pitted community against community. The Auditor-General reported that there was a widespread perception that the outcomes had been predetermined and the views of the community were not taken into account or listened to. The application of such anti-democratic values was highlighted in that process.

There is a need for open process, independent avenues of appeal and for the community to have its say. The opposition has twice sought to introduce private members bills to set up an independent appeal and consultative process conducted by an independent and representative group involving local government and other informed persons to make recommendations on a more consultative process. The government should heed the processes adopted in other states and turn to that model. The government has not learnt. The minister refused to take into account the views of the Wantirna Heights community during the closure of its primary school. Recently the government proposed closing the Blackburn campus of the Forest Hill Secondary College, which Mr Brideson in the other place called an appalling process. There should be some independent process.

Mr Finn — On a point of order, Mr Acting Speaker, the honourable member for Footscray has been speaking for 10 minutes. During that time he has occasionally made passing references to the motion but his contribution is predominantly about education issues. I have read the motion moved by the honourable member for Niddrie and it is clear there is no mention of educational issues. The honourable member for Footscray is out of order and, as usual, he is totally irrelevant.

Mr MILDENHALL — On the point of order, Mr Acting Speaker, the concept of democratic values is obviously foreign to the honourable member for Tullamarine. The central point of the motion is the democratic and anti-democratic values that were involved as preconditions to the corruption becoming entrenched in Victoria following the examples noted in the Fitzgerald report on practices in Queensland. The Fitzgerald report made copious references to it. A major component of the report was a series of recommendations about open government, freedom of information, open processes and transparent and accountable government and administration. It is the recommendations on open government of the Fitzgerald report that I am seeking to apply to this major area of government administration.

Mr Robinson — On the point of order, Mr Acting Speaker, the Chair has allowed a wide-ranging debate on the motion. The first government speaker spent a great deal of his contribution concentrating on what the honourable member for Northcote said in her maiden speech, but the Chair allowed that breadth of debate. It is entirely appropriate that the honourable member for Footscray be given the same latitude by the Chair.

The ACTING SPEAKER (Mr A. F. Plowman) — Order! I do not uphold the point of order. The notice of motion refers to systematic corruption and anti-democratic regimes. The honourable member for Footscray should restrict his remarks about education to those aspects of the motion.

Mr MILDENHALL — The recommendations of the Fitzgerald report are a key aspect of the motion moved by the honourable member for Niddrie. One of the standard practices of the Bjelke-Petersen regime was to compulsorily transfer and deal harshly with teachers who publicly questioned government decisions and participated in public debate. Fitzgerald made a number of recommendations about the need for open debate and said governments had a key responsibility to enhance and nurture participatory democracy. The motion compares that era in Queensland with the Victorian situation. Teachers and principals were silenced with the government's introduction in 1993 of teaching order 140, which was overused to intimidate teachers and principals by limiting their right to speak. It intimidated them into complying with government orders and represented an overuse of the authority of the office of minister.

The principal of Diamond Creek Primary School, Noel Dovey, spoke out in exasperation after years of going through the right channels about his dilapidated school. He believed he had the worst facilities in the state. How

did the government respond? It responded in typical Bjelke-Petersen style. Did the government respond to the need of the school? Did it elevate its priority or listen? No, its response was, 'Shut up, keep quiet or we will get you'. Mr Dovey was threatened with teaching service order 140. That order that was not meant to apply to people who are not members of the public service — that is, ordinary citizens. But the minister severely criticised the Don Valley school council for speaking out and accused it of breaching public service regulations and teaching service order 140. It is an outrageous use of ministerial authority and a not only distorted but wrong use of that order.

Mr Haermeyer — It is a jackboot tactic.

Mr MILDENHALL — It is a jackboot tactic, worthy of the finest traditions of the disgraced Bjelke-Petersen government. Intimidation of administrations is another key indicator of such behaviour. In recent months it was fascinating that, as part of the ongoing jostling over the Liberal Party leadership, the Minister for Education had failed to brief the Premier on changes to the VCE and as a result the Premier was embarrassed on radio by the head of the — —

Mr Leigh — On a point of order, Mr Acting Speaker, with the greatest of respect, the VCE and what the Premier said on radio about the VCE or anything else has nothing to do with the motion. It seems to me that the honourable member should stick to the motion. If he says there is corruption, let him prove it, but his talking about whether the Premier was aware of VCE changes when talking on ABC radio has absolutely no relevance to the motion.

Mr MILDENHALL — On the point of order, Mr Acting Speaker, it is absolutely germane to my argument about democratic values and the application of the Fitzgerald report recommendations about individuals' rights, open government and participatory democracy to raise examples of where such principles have been violated and the reasons that the government must adhere to the Fitzgerald report recommendations and implement such democratic values in its own administration. I was just describing another example to demonstrate the way the principles have been violated and how that practice needs to change.

Mr Robinson — On the point of order, Mr Acting Speaker, the last few words of the motion are:

> ... that action be taken to stop such corruption becoming entrenched in Victoria.

Anyone with even a rudimentary understanding of the Fitzgerald inquiry would understand that corruption in Queensland under the Joh Bjelke-Petersen government extended to a wide range of government areas. One need only consider the number of ministers who ended up in prison to understand that corruption became entrenched in Queensland in many ways.

The honourable member for Footscray is entitled to canvass a range of areas of government activity in which such corruption could become entrenched in Victoria. By posing numerous questions relating to the education portfolio that is precisely what he is doing, and he is perfectly entitled to do so.

The ACTING SPEAKER (Mr Cunningham) — Order! On the point of order raised by the honourable member for Mordialloc, the honourable member for Footscray has touched upon a number of areas and he seems to be prolonging his remarks on education. I will not uphold the point of order at this stage, but I ask him to come back to the main theme of the motion.

Mr MILDENHALL — Thank you, Mr Acting Speaker. Obviously because he cannot see the word 'education' in the motion, the honourable member for Mordialloc does not believe that government administration can cover running an education system. I will explain to him that education is a major part of government activity, and that the same practices — —

Mr Finn — On a point of order, Mr Acting Speaker, it would seem to me that the honourable member for Footscray is now defying the Chair. You have given him a direction, but he is continuing with his earlier ways. While he is directing his comments to the honourable member for Mordialloc he is directly defying the Chair.

Mr Haermeyer — Mr Acting Speaker, the points of order of the honourable members for Tullamarine and Mordialloc are vexatious and designed to do nothing but interrupt the speech of the honourable member for Footscray. The two members have sat there with their mouths open and have not listened. How they could possibly have followed what has been said is beyond me.

The ACTING SPEAKER (Mr Cunningham) — Order! There is no point of order.

Mr MILDENHALL — I think Mary has the whole of the government benches worried after her speech!

Government members interjecting.

Mr MILDENHALL — The point of the example was to indicate the automatic reaction of both the Premier and the minister after being embarrassed on the radio — which was to sack the public servant and to silence and intimidate the administration. Despite the minister's denials of having any involvement in it, when appearing before the Public Accounts and Estimates Committee the secretary of the department conceded that he had in fact acted in that manner.

The opposition is extremely concerned about this government's failure to allow open scrutiny by drawing the cloak of secrecy over and not allowing proper scrutiny by opposition members of the everyday activities of its administration.

The government has intimidated principals and school communities into refusing to allow opposition members not only to go into schools but also to even ask schools what they are doing. That is drawing a cloak of secrecy over schools. The government has even used a ruse of not allowing schools to answer a questionnaire with questions as basic as: how many computers do you have? An application for approval for the basic questionnaire has been sitting with the department for five weeks.

The government uses inconsistently applied rules to intimidate schools and deny elected MPs access so they cannot establish how government expenditures are implemented at the school level. The government's drawing a cloak of secrecy over its activities and cutting scrutinising activities from the role of MPs are examples of what took place under the Bjelke-Petersen government and indicate that the Victorian government has not learnt the lessons from the Fitzgerald report recommendations.

Freedom of information, about which the honourable member for Northcote made extensive comments, is not only a key issue in this portfolio but also an issue about which key lessons came from the Fitzgerald inquiry. As a former opposition leader is often heard to say, the closing down of FOI prevents the disinfecting impact of sunlight on government activities. Transparency of government activities is a key area. This government's continued abuse of FOI legislation, tightening up of the manipulation of the existing system and continual changes to not only the legislation but the conditions surrounding it — such as fees and exposure to costs — are not only an indictment of the government but also a very real and practical impediment to elected MPs and members of the community establishing what is going on in ministers' offices and administrations and whether corrupt practices are occurring.

The use of commercial in confidence and claims of exemption for contracts has become an art form used by the government and its legal advisers to prevent reasonable access to information. The most recent changes to the Victorian Civil and Administrative Tribunal, under which reasonable requests for information may now be accompanied by a most unreasonable exposure to significant costs for members of Parliament and members of the community, are simply another abuse of the principles of FOI. It is a disgraceful situation and the government ought to remedy it as a matter of urgency.

The government has intimidated its critics and prevented exposure of appropriate information in a number of other ways. The government removed the protection of the Crown from school councils. School councils are not only abused by the minister but are now exposed to much greater risks. They do an enormously valuable job under difficult circumstances, but the government needs to come clean on the myth it promotes of autonomy and self-government.

The legal system has been used to intimidate critics and citizens seeking to exercise their legal rights. I have mentioned Northland Secondary College. More disgraceful than the attack on the indigenous population at Northland was the attack on the disabled students and their parents who were involved in the Berendale special school. Through their families, the students said, 'We would like to exercise a right to access to education that the government is trying to deny us simply on the grounds of our disabilities'. Only following two hearings in the Supreme Court were those rights able to be exercised. The government's response was to expose to immense legal costs those parents and students who were attempting to exercise those rights. It was a classic Bjelke-Petersen tactic to expose them to enormous costs and intimidate them by use of every means at the government's disposal.

Another aspect is the lack of transparency in the exercise of government administration. The funding of the significant area of capital works operation is an absolute mystery and totally murky. To top it all off, the minister cannot differentiate between his personal interests and his public duty. He accepted a freebie to the Atlanta Olympics that was paid for out of education department funds. It is an absolute disgrace!

Mr LEIGH (Mordialloc) — The motion demonstrates why it is a good idea for the house not to sit during the federal election campaign. Today's happenings have demonstrated an abuse of the procedures of this house in a number of areas in an attempt to advantage the Labor Party through the use of

scare tactics. It is to the government's credit that in this sitting it is giving to individual citizens the right to provide to the Privileges Committee answers to smears made without evidence, such as those made today by the honourable member for Niddrie and other opposition members. The Labor Party know about me. I often get lots of information — —

Mr Haermeyer interjected.

Mr LEIGH — I've got some on you, Sonny, don't you worry about that! I often receive information that I make available to the house. In all my years here, whenever anyone has provided me with documents I have made them available. When Labor Party branch members provide me with documents, I use them to expose the flaws and the corruption that often occurs in an unsavoury way on the other side of politics.

In considering the motion, one has also to consider the people supporting it. I will start at the back and work forward. The honourable member for Footscray is a man of such high integrity that when he was mayor of the former City of Footscray and — —

Mr Haermeyer — On a point of order, Mr Acting Speaker, the honourable member for Mordialloc is preparing to reflect on the integrity of honourable members of this place. I suggest you caution him.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Mordialloc does appear to be departing from the motion before the house. I caution him that he should not make any imputation against the honourable member for Footscray.

Mr LEIGH — I am saying, Mr Acting Speaker, that in considering a motion such as the motion before the house the credibility of any individual who is supporting it is important. It is a fact that the honourable member for Footscray was the mayor and a counsellor of the former City of Footscray. An Auditor-General's report exposed the fact that through its abuse of the system the former council lost $10 million in land deal arrangements. When the honourable member was mayor the city was compulsorily acquiring people's properties to flog them on to one of the Labor Party's rich developer mates on that side of Melbourne.

I am proud that at the beginning of the government's term of office, I was responsible for having FOI extended to local government and for having the government give the Auditor-General the power to snoop into local government matters whenever he wanted. On another occasion the City of Footscray offered a gentleman $85 000 for his house. It intended flogging the house off to the developer and making money, but in the end paid $360 000 for it. In another instance the council tried to close some laneways to get land. A gentleman was offered $1.5 million for his land, but ended up getting more than $2.5 million for the land — its true value!

The honourable member for Footscray coming here pontificated about the Bjelke-Petersen regime, which presumably he read about in comic books back in the 1980s. Other than that, what does he know about it? He tried to imply that the current Minister for Education had some association with the Queensland government. I think most members of this house on either side would consider that beyond credibility. So much for the credibility of the honourable member for Footscray.

The new honourable member for Northcote made her first speech in the debate. In line with the rules of the house, I listened to her in silence. The Acting Speaker pointed out that honourable members normally make non-controversial maiden speeches. The community wants Parliament to lift the tone of the place and not drag it down. In effect the opposition has said it is okay for a new member to hit the other side over the head while members on the other side cop it all as if it were nothing.

To be fair to the honourable member for Northcote, during the Cain-Kirner government years and the course of the Bjelke-Petersen time she was a member of what is called the fourth estate. During those years, and with all the checks and balances that people such as the honourable member for Yan Yean pontificate about in place, the former government lost $20 billion of taxpayers' money, yet opposition members dare to talk in this chamber about social justice, the rights of individuals, and so on.

Mr Haermeyer — On a point of order, Mr Acting Speaker, I suggest the honourable member for Mordialloc should be asked to relate his comments to the motion. Nothing the honourable member has said in the past 5 minutes relates to the motion.

The ACTING SPEAKER (Mr Cunningham) — Order! One would hope the honourable member for Mordialloc is about to place before the house some facts regarding his comments.

Mr LEIGH — When moving a motion in the house one needs to have some credibility. During the contribution of the honourable member for Niddrie I thought we must have been sitting in the Queensland Parliament. The honourable member constantly

referred to events in Queensland leading up to 1987. It is fair to question the credibility of members who move motions. In her contribution the honourable member for Northcote made many assertions. She spoke about the end of democracy. As an alleged journalist — —

Mr Haermeyer — On a point of order, Mr Acting Speaker, it seems that the honourable member for Mordialloc is basing his entire speech on questioning the credibility of members who have contributed to the debate. Although such references are acceptable in passing, the honourable member must in some way relate his speech to the motion. This is not an opportunity for him to indulge in a scatter-gun attack on previous speakers.

Mr Finn — On the point of order, Mr Acting Speaker, I point out that when the time spent by the honourable member for Yan Yean raising points of order is deducted from that allocated to the honourable member for Mordialloc, we come up with approximately 5 minutes. My experience is that it is reasonable for any honourable member — and that includes the honourable member for Mordialloc — to spend the early part of his or her speech refuting what has been said by previous speakers. As only 5 minutes of the honourable member's 30 minutes has been directed at commenting on the contributions of others to the debate, I suggest the honourable member is totally within his rights.

The ACTING SPEAKER (Mr Cunningham) — Order! On the point of order, the honourable member for Mordialloc can make passing references to such matters, but if he takes it further and starts impugning honourable members he is out of order.

Mr LEIGH — Before I was rudely interrupted by the honourable member for Yan Yean, I was about to move on to the honourable member for Niddrie, who was a federal member of Parliament representing a Queensland electorate. This is a man who supports integrity and would never participate in deals or wheeling and dealing to the disadvantage of anyone. The slurrer of slurrers is happy to come into the chamber without any evidence and say the same thing time after time and hope somehow it all sticks. This same man was a member of a federal Labor government. If we compare apples with apples, and I agree — —

Mr Haermeyer — On a point of order, Mr Acting Speaker, I suggest the honourable member for Mordialloc is defying your ruling. His comments about the honourable member for Niddrie do not relate to anything that the honourable member has said. It is purely a personal attack on the honourable member for Niddrie and bears no relationship to the motion before the house.

The ACTING SPEAKER (Mr Cunningham) — The honourable member for Mordialloc is now starting to stray into personal attacks on honourable members, and I ask him to return to the motion.

Mr LEIGH — Let me assure the house it was not a personal attack on the honourable member for Niddrie. When one debates the Joh Bjelke-Petersen era one should also refer to the corruption in government around the country that occurred at the same time because it relates to this debate. At that time the federal Labor government was run by good old Bob Hawke. His Treasurer was the man who always forgot to put in a tax return, Paul Keating — a clever Treasurer. It is a great idea.

I refer the honourable member for Yan Yean and the house to an article headed 'The Deal' that appeared in the *Age* of 8 July. This very credible article discussed why Paul Keating, when Prime Minister, was so obsessed with Indonesia. It was called his personal benefit and concerned a piggery that had gone awfully wrong. The man who was Prime Minister was wheeling and dealing with President Suharto. I am sure the honourable member for Yan Yean will be aware of it as he subscribes to the *Age*. The article states:

> A few weeks later, the Prime Minister wrote to the parliamentary official who keeps a record of cabinet ministers' pecuniary interests for the public to inspect. In a brief letter, Mr Keating advised — —

Mr Haermeyer — On a point of order, Mr Acting Speaker, the motion before the house states:

> That this house notes the Fitzgerald report into corruption in Queensland and condemns the government for not learning any lessons from the systematic corruption that flowed as a result of the anti-democratic regime of Bjelke-Petersen and demands that action be taken to stop such corruption becoming entrenched in Victoria.

This is not an opportunity for the honourable member to go on about whatever he perceives to be corruption in federal governments or any government. It relates to the lessons of the Fitzgerald report as they apply to Victoria.

The ACTING SPEAKER (Mr Cunningham) — If there are any further points of order I will take note of what the current speaker is saying and I will intervene at the appropriate time. I do not uphold the point of order.

Mr LEIGH — It is important to talk about corruption. I am a honest politician. In my time in this place I have never done a deal with anyone that has advantaged me in any way, shape or form. The honourable member for Yan Yean laughs. I would love the honourable member to prove that I have ever done anything like that. I would not. It is an insult for him to impugn my reputation by the way he smirks.

I refer the house to corruption because members of the public have every right to be critical of any politician on any side who does a deal. One should not do a deal and hand over a piggery to somebody with no money and then hand it on to a very senior Indonesian businessman who is a personal buddy of the President of Indonesia so that somebody makes a lot of money.

I refer the house to the former federal senator, Graham Richardson, who was the chief numbers person for the then federal government. People such as the honourable member for Yan Yean — —

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Mordialloc on the motion.

Mr LEIGH — This matter relates to the motion because Graham Richardson was a former communications minister. He then went to work for Kerry Packer and did all sorts of deals. I could go on and on. I refer to the Fitzgerald report. When you guys were in government you never made a decision — —

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member will address the Chair.

Mr LEIGH — As pointed out by the honourable member for Berwick, when the coalition government was elected it read reports, took note of them and did something about them. If opposition members want to make such claims they should give me the evidence. If they can prove to me that there is somebody corrupt in my government I will personally go and chase them, and I suspect so would every other government member. We are not interested in corruption. It is not acceptable to cast these aspersions and draw long bows and say that it is credible politics. At the last election the opposition used the same stunt and did not get anywhere. The Labor Party will obviously do it again at the next election and make a whole lot of wacky statements, but it will not get anywhere. I have demonstrated on a number of occasions the corrupt practices that occur on the opposite side of the chamber. People such as the honourable member for Thomastown who sought to — —

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

Mr LEIGH — The biggest single sin in our democracy is when somebody tries to cheat a voter of his or her vote with such open tactics as taking a card and pretending it to be that of somebody else. The honourable member for Yan Yean supports those concepts. He is happy to see such practices occur. I know about the manipulative deals that go on in the union movement because some of your union mates talk to me. They talk to me because they also know about some of the corrupt practices that occur in the honourable member's party. I forewarn the honourable member now, over the next few weeks and after the federal election, stand by! In the past I have delivered the goods, and brother, have I some more interesting things for you!

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

GST: City Link tolls

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the fact that under the Melbourne City Link Act Victorian motorists will be paying $38.10 each week in tolls for a daily return journey on City Link in July 2000, and that if the Howard government's 10 per cent GST is added motorists will pay an additional tax every time they use City Link, costing them a massive $200 per year just in GST, on top of the tolls. I ask why the Premier will not stick up for all Victorian motorists instead of just a few and why will he not oppose this tax on a tax?

Mr KENNETT (Premier) — What a riveting question! This is the project which we fought in part during the last election and which the ALP totally opposed. Fortunately Victorians walked in the other direction and overwhelmingly supported the government because they recognised that the City Link project would not only save them a great deal of time but be a much better project in an environmental sense than would the utilisation of existing roads. Over a year, as that seems to be the time frame that the Leader of the Opposition is talking about, it will save Victorians literally hundreds of dollars in wear and tear of vehicles, depreciation, fuel, and so on. The savings of this project will be enormous.

Mr Brumby interjected.

Mr KENNETT — Let us put the Leader of the Opposition to the test. Will you be using City Link when it is built or will you not, in protest? Will you use it or not?

Mr Brumby interjected.

Mr KENNETT — You are not going to use it?

The ACTING SPEAKER — Order! Interjections across the table will serve nothing but to waste question time. If members ask questions they need to be prepared to listen to the answers. If they are not satisfied with the answers they should ask a further question but interjections across the table will only waste question time.

Mr KENNETT — May I say that the Leader of the Opposition increasingly reminds me of a former Labor Premier who never rode on a freeway, but I look forward to the Leader of the Opposition using this infrastructure.

The Leader of the Opposition might find a couple of other issues interesting in terms of this question. Firstly, on the figure he gave for the weekly cost of using the City Link, he must know more than I do because that has not been determined as yet. Once again he is misleading the house because as we get closer to the start-up date Transurban will establish a price for the utilisation of that infrastructure to attract a maximum number of vehicles through it.

Mr Brumby interjected.

Mr KENNETT — No, the maximum, not the minimum, is set in the tax. Unfortunately that is where the Leader of the Opposition, as always, is wrong. Yesterday I tried to pass on to the Leader of the Opposition another issue on this line of questioning but of course, as always, he is not interested in the general plan. Looking at the Howard plan as a whole, it offers Victorians a reduction on petrol costs of $3.5 billion a year. What does the Beazley plan offer by way of a reduction on fuel costs? Nothing at all! If you are a motorist and you simply want to continue to utilise your vehicle, unless you have a 4-wheel drive in which case your costs will go up, Kim Beazley and the Labor Party will give no relief at all to most of this country. Therefore the package being offered by the Howard government is without doubt the greatest opportunity Australian motorists have to get a better and fairer deal. I am surprised to hear the criticism because those who live in country Australia will benefit most from the Howard plan.

An opposition member interjected.

Mr KENNETT — The good thing about coming in here is that this lot is so predictable! When I put on this tie this morning I said to myself, 'Some goose on the other side will make a silly comment'.

Opposition members interjecting.

Mr KENNETT — I just make the comment that the tie I am wearing has been issued by Very Special Kids, a charity for terminally ill children. It raises funds especially with an appeal at a particular time every year — I think the date is in October — to try to give that organisation the opportunity to look after terminally ill children. I wear this tie proudly and I hope that the goose on the other side who commented on it will give generously to the appeal.

East Gippsland: flood recovery

Mr TREASURE (Gippsland East) — Will the Premier advise the house on the progress of the works being undertaken by the government's East Gippsland task force established to assist the region to recover from the recent floods?

Mr KENNETT (Premier) — I thank the honourable member for his question because it relates to a tragedy in this state that affects a great number of people. The honourable member, together with colleagues in the other place, the Honourables Philip Davis and Peter Hall and the honourable member for Gippsland South, have been working very closely with the community down there to try to assist it to recover from not only two years of drought but also a subsequent awful flood that in some areas caused 15 inches of rain to fall overnight and literally change the landscape.

Without doubt the recovery program in the area has been the most effective I have seen after a natural disaster anywhere in Victoria over the past 22 years. It has been a wonderful partnership between state government, local government, the local community and all the emergency services as well as individuals and families. I place on record my congratulations to them all on the leadership they have shown. If people ever want to have their faith in human beings repositioned, it can be done down there in East Gippsland at the moment.

The federal government will assist the state government in meeting the costs associated with the recovery program. To date the government has spent approximately $16 million, and that is a large sum of money. There has been $10.5 million allocated for roads and associated works; $1 million for urgent work on river and water catchment areas and $1.5 million for the clearance and repair of access roads and restoration

work in national parks and state forests. That is important because many of these roads are fire roads. It is now spring and it will not be long before summer begins, and the roads must be cleared to protect the local community. The government has provided approximately $0.45 million for fencing, comprising grants of approximately $1600 per kilometre for people who lost their fencing during the disaster.

The cabinet and the government have approved four further assistance programs costing another $4 million which will focus on rehabilitation of the environment. A sum of $400 000 has been allocated for pasture rehabilitation, and this is very important. It was decided last week that the work must be done urgently because there is a window of opportunity in September and October to do it before summer sets in. The grant is going towards the Upper Tambo Valley area, which was devastated by the drought and then the flood, and it will give people the opportunity to take advantage of favourable sowing conditions.

In addition $2.5 million has been allocated to the land rehabilitation program for the return of pasture to native vegetation or trees in the Upper Tambo Valley. Unfortunately past farming practices have resulted in much of the landscape being stripped to a state where it suffers badly in adverse climatic conditions. When there has been drought and flooding later occurs the damage is enormous. Some of this land will never again be used for pasture, and the government will undertake a major program of replanting.

The third assistance program is the river stabilisation and pasture rehabilitation program for flood plain properties on the river flats that have been affected by extreme environmental damage. The water has moved so quickly that it has not only carved away metres of soil but in some cases has removed the course of the existing river to an entirely new course, all within 24 hours.

There has been an allocation of an additional $600 000 for the land protection incentive scheme, which will be available to all East Gippsland farmers. This is not the conclusion of the project. Mr Phil Davis will stay in charge of the task force until the work is done, which we expect will be by the end of the year. The Deputy Premier and I are working closely with our local members on a regular visitation and reporting program. Other issues such as the land/farm buy-back scheme are being concluded at the moment, and I hope to announce them within the next two weeks.

I repeat to opposition members in particular, not from a political point of view, that if they want to understand what we as members of Parliament and the Parliament can do quickly and efficiently, the template that has been developed as a result of this national emergency is well worth studying in future emergency situations. Every emergency will vary slightly, but this plan has worked exceptionally well. I thank the honourable member for East Gippsland and his local colleagues. They have carried the brunt of the disaster, and it has been greatly appreciated by the community.

Mr Thwaites interjected.

Mr KENNETT — The Deputy Leader of the Opposition is making inane interjections; he should visit the affected area and have a look rather than ridiculing the good work done by farmers and SEC workers and even members of Parliament, who have put aside political differences to deliver a positive outcome to the people of East Gippsland.

GST: education

Mr MILDENHALL (Footscray) — I refer the Minister for Education to the GST on education which will be imposed on all items other than tuition fees. Will the minister demand of his federal colleagues that education be GST-free, because families will be forced to pay a GST every time they pay for books, stationery, sport and music tuition, transport, school lunches, Internet services, computer software and peripheral items, school uniforms, shoes, optional excursions and camps?

Mr GUDE (Minister for Education) — It is important to note that in the commonwealth package, which is a very clear package in contrast to what is being offered by the Labor Party, it is anticipated that there will be a reduction of about $240 million in education expenditure as a result of the tax reduction that will result from the abolition of 10 taxes.

An honourable member interjected.

Mr GUDE — Listen to the whole proposition. The reductions should enable those funds to be spent more efficiently and effectively on school education, so there will be a real saving to the commonwealth as a consequence of that. I make the additional comment that the share-of-revenue arrangements which the commonwealth is entering into with the states and which the Premier referred to yesterday in question time will give another level of surety to the states in programs such as education.

It is important that we are able to secure a sound and viable base for health care, education and transport so that governments right around Australia can provide

quality services to the community. I should have thought the sorts of advantages that will flow from the commonwealth tax proposal would encourage opposition members to be supportive of it. But, no, that is not their normal way. They never do anything of an innovative nature. They never come up with new policy direction. They have made no attempt to look at the national tax structure and do something constructive to take us into the next millennium. They are simply trying to buy the odd vote or two.

One can compare that with the federal coalition, which has a clear tax plan that will advantage Australians generally and in which there will be a clear advantage in education services.

Investment: strategic recruitment program

Mrs McGILL (Oakleigh) — Will the Treasurer advise the house of the dividends that the government's strategic investment recruitment program is delivering to all Victorians?

Mr STOCKDALE (Treasurer) — This is another very good news story for Victoria. The government, in common with a number of other jurisdictions, has identified the critical importance of information technology, multimedia and other knowledge-based industries as the key to a more prosperous and secure Australia in the 21st century.

It is critically important that we depend not only on the activity that is generated within Australia from Australia's resources, but also that in two respects we are able to hook into the development of these industry sectors around the world. The first is to bring to Victoria as a base, investors from other countries who will use Australia as a base to export to the Asia-Pacific region. It is emerging as the principal success of the government's information technology and multimedia development strategy that we are seeing a strong trend of international investors bringing to this country resources, new technology, new techniques and new products, and setting up centres from which they provide services around the whole Asia-Pacific area. Often they are very high-volume job creation centres that typically involve between 500 and 1000 employees in core centres, service centres and other sorts of establishments.

Over the past four years the government's multimedia and knowledge-based industry strategy has brought to Victoria $2 billion — $2000 million — of new investment and has created more than 10 000 new jobs. Those jobs would not exist if it were not for the fact that the Victorian government has gone out into the world promoting the state as a centre of excellence and has traded on the fact that it has a wide range of comparative advantages. Many Australians, including the Labor Party, underestimate the significance of the skilled work force in this country — it has been the basis of attracting much of the investment into the country.

I contrast that scenario with the so-called industry policy released yesterday by the federal colleagues of the state opposition. The two distinguishing cornerstones of the so-called policy were the adoption of an initiative that the Victorian government has been urging for several years. It is pleasing the ALP has finally adopted the policy of the Kennett government on research and development support and in relation specifically to the exemption from capital gains tax of venture capital, development capital and US pension funds. From the Labor Party's point of view it is a great pity that initiative will be implemented by the Howard government. Having embraced the government's policy the Labor Party will not actually have the opportunity to implement it. However, the government has had encouraging indications in the business tax reform agenda the Prime Minister is developing that following the election the federal government will also address that issue. It has been longstanding Victorian policy and I am pleased to see it adopted.

The second element is the re-establishment at the national level of the VEDC — a great Labor idea that is well-known in Victoria for its remarkable success in delivering government to our side of politics. Of all of the things that helped to deliver government to the coalition two things stand out: the collapse of the State Bank following the implementation of the deliberate policies of the then Treasurer, Rob Jolly, to make the bank a high-risk lender, and the hare-brained scheme, the attempt to build — —

Opposition members interjecting.

Mr STOCKDALE — Look how sensitive they are about this! As soon as you get onto this topic they all come out of the woodwork defending the empire. The idea was to build a new political constituency for the ALP by handing out taxpayers' money to so-called sunrise industries, and the Labor Party at the national level has reintroduced the VEDC as the second key element of its industry policy. Just as that policy helped to get a coalition government elected in Victoria, I am sure it will help to get a coalition government elected nationally.

Mildura Base Hospital

Mr SAVAGE (Mildura) — I direct my question to the Premier. On the basis that the government will be spending $1 billion on pet projects in central Melbourne, such as Federation Square, why was the decision to privatise the Mildura Base Hospital made in secret without community consultation and contrary to the wishes of 61 per cent of the Mildura electorate?

Mr KENNETT (Premier) — I thank the honourable member very sincerely for his question. We have to establish priorities in this Parliament for the expenditure of public moneys. When I received the honourable member's letter two weeks ago asking whether now that there are three Independents the government would increase its funding to those three Independents, I was somewhat overwhelmed by this new party that was developing. On the one hand, we have this wonderful Independent member asking us — —

Honourable members interjecting.

The ACTING SPEAKER — Order! Would the honourable member for Mordialloc like to go home early today? Honourable member are merely wasting question time. This is a forum of the house that people continually argue ought to be better utilised. This sort of performance merely wastes time. It is in the hands of honourable members.

Mr KENNETT — On one hand, the honourable member for Mildura asks the government to spend money wisely — he is concerned about the MAI — but it does not stop him writing to me asking me to spend more of the public's money to support him.

On the issue of the hospital, the honourable member is leading a rearguard action when most of the community in Mildura absolutely supports the development of a new hospital and the way it has been done. As the honourable member will know, literally months and months of consultation took place with the doctors, nurses and community. Ultimately it was the hospital board that asked for the new development to be undertaken. The honourable member for Mildura wants to deny his community the same opportunities that are being given, for instance, to the people in the Latrobe Valley. The honourable member for Morwell — my close friend! — is one of the first people to acknowledge that the new hospital at Traralgon is without a doubt a wonderful asset to the people of Traralgon. The honourable member for Morwell is nodding his head in agreement.

The honourable member for Mildura has to decide whether to support his community and allow it access to a hospital with the latest technology and equipment or condemn it to using a building that is so old it cannot properly accommodate new technical equipment. The people of Mildura have benefited substantially, not only from what the government has done over the past five or six years but also from the new technical advancements that are available to supply a range of hospitals throughout the state for the benefit of the community. If the honourable member does not want the hospital, as he is obviously saying here he does not — —

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition says no, he wants a government-owned hospital. The beauty of the system the government has in place is that the capital is being provided at no cost to the government. The government can then enter into an arrangement to buy places for public patients. That means the onus for maintaining the hospital with the latest equipment falls to the provider of that facility.

For a long time I have not seen a local member of Parliament who is so deliberately undermining his own community against the provision of good health services. Even my good friend, the honourable member for Morwell — —

Mr Hamilton — On a point of order, Mr Acting Speaker, I ask the Premier to withdraw his comment. I believe I have been misrepresented.

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

Mr KENNETT — Keith, that is not what you said to me yesterday. Tell the house what you said about your leader yesterday? Do you want me to repeat it?

The honourable member for Mildura is against the provision of new hospital services for the community. I am happy that the members for North Western Province in the other place, Ron Best and Barry Bishop, are working closely with the hospital board, the doctors, the nursing staff, a majority of the public, and the municipality to deliver this new infrastructure.

This government will deliver good services to communities throughout the state wherever people live, even though some members of this house have no capacity to understand where they will lead their communities in future years.

Education: adult learning

Mr THOMPSON (Sandringham) — I ask the Minister for Tertiary Education and Training to inform the house of the work being done by the Department of Education to raise the profile of adult learning in the community?

Mr HONEYWOOD (Minister for Tertiary Education and Training) — On Monday I had the pleasure of launching Adult Learners Week. Honourable members will be pleased to know that the theme for Adult Learners Week is 'Amaze Your Neighbours'. Throughout regional Victoria and metropolitan Melbourne more than 347 000 Victorians are accessing adult learning opportunities. Many programs are free of charge because of the generous subsidies provided by the Kennett government — some $26 million a year — but importantly, as you will be aware, Mr Acting Speaker, with the wonderful Warrnambool adult community education (ACE) programs in your electorate, the government is providing access to more than 500 neighbourhood houses, community centres, CAEs and TAFE institutes. The government is providing lifelong education opportunities to mature-age Victorians in particular.

More than 70 per cent of the 347 000 Victorians enrolled are mature-age women. Often they are women who have been housebound and who want to get back into the work force through accessing genuine skilling programs. Equally, they involve the University of the Third Age, with more than 40 campuses. I know many honourable members support those programs. The honourable member for Mooroolbark is a volunteer English teacher at the Croydon campus of the University of the Third Age. It is a wonderful bridge for people isolated in their communities, because it allows them to access new friendships with like-minded people who want to explore different learning opportunities.

Just as importantly, Adult Learners Week is about enhancing learning opportunities for people who may have missed out on their schooling for career opportunities. My colleague, the Minister for Education, has already signed off on the Victorian certificate of education being made available in many adult learning centres and via distance learning on the Internet, so people can do their VCE, often as mature-age students, to enhance their career opportunities.

Whether it be regional Victoria or metropolitan Melbourne people should be aware of the lifelong learning opportunities available during Adult Learners Week. I commend this initiative to the house.

ARTS ACTS (AMENDMENT) BILL

Introduction and first reading

Mr KENNETT (Minister for the Arts) introduced a bill to amend the Libraries Act 1988 and the National Gallery of Victoria Act 1966 and for other purposes.

Read first time.

MUTUAL RECOGNITION (VICTORIA) BILL

Introduction and first reading

Mr KENNETT (Premier) introduced a bill to continue the adoption of the Mutual Recognition Act 1992 of the commonwealth, to amend the Trans-Tasman Mutual Recognition (Victoria) Act 1998 and certain other acts and for other purposes.

Read first time.

PETROLEUM BILL

Introduction and first reading

Mr McNAMARA (Minister for Agriculture and Resources) introduced a bill to repeal and re-enact, with amendments, the Petroleum Act 1958 and for other purposes.

Read first time.

VICTORIAN INSTITUTE OF MARINE SCIENCES (REPEAL) BILL

Introduction and first reading

Mr McNAMARA (Minister for Agriculture and Resources) introduced a bill to repeal the Victorian Institute of Marine Sciences Act 1974 and for other purposes.

Read first time.

PLANNING AND ENVIRONMENT (AMENDMENT) BILL

Introduction and first reading

Mr MACLELLAN (Minister for Planning and Local Government) introduced a bill to amend the Planning

and Environment Act 1987, the Environment Effects Act 1978 and the Planning and Environment (Planning Schemes) Act 1996 and for other purposes.

Read first time.

CONSUMER CREDIT (FINANCE BROKERS) BILL

Introduction and first reading

Mrs WADE (Minister for Fair Trading) introduced a bill to repeal the Finance Brokers Act 1969, to amend the Consumer Credit (Victoria) Act 1995 so as to prohibit certain persons from engaging or being involved in finance broking, to empower the Business Licensing Authority to permit certain persons to engage in finance broking and for other purposes.

Read first time.

LEGAL PRACTICE (AMENDMENT) BILL

Introduction and first reading

Mrs WADE (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Legal Practice Act 1996 with respect to professional indemnity insurance and other matters and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation of the bill.

Mrs WADE (Attorney-General) *(By leave)* — Honourable members will recall that when the Legal Practice Act was passed it was proposed that there would be different arrangements regarding professional indemnity insurance and that the existing arrangements would be covered by a sunset clause. It was intended that professional indemnity insurance be put out to the open market and the sunset clause was extended.

During the period since the principal act was passed the government has obtained reports on the proposal from the United Kingdom and Canada and as a result of the advice received it believes it is more appropriate for the existing situation to continue in Victoria in the interests of clients of solicitors and small solicitor firms.

Some other provisions in the bill result from observation of the operation of the Legal Practice Act over the past few years, but they are mostly of a machinery nature.

Motion agreed to.

Read first time.

LAND (FURTHER REVOCATION OF RESERVATIONS) BILL

Introduction and first reading

Mrs TEHAN (Minister for Conservation and Land Management) introduced a bill to provide for the revocation of reservations over certain areas of land, to repeal the Bendigo (Dai Gum San Village) Land Act 1975 and for other purposes.

Read first time.

CONSERVATION, FORESTS AND LANDS (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mrs TEHAN (Minister for Conservation and Land Management) introduced a bill to amend the Conservation, Forests and Lands Act 1987 and other acts to amend references to the Secretary to the Department of Natural Resources and Environment, to amend the Coastal Management Act 1995, the Crown Land (Reserves) Act 1978 and the Parks Victoria Act 1998 and for other purposes.

Read first time.

HEALTH SERVICES (FURTHER AMENDMENT) BILL

Introduction and first reading

Dr NAPTHINE (Minister for Youth and Community Services) introduced a bill to amend the Health Services Act 1988 and for other purposes.

Read first time.

VICTORIAN COLLEGE OF THE ARTS (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 Victorian College of the Arts Act 1981 and for other purposes.

Mr HAMILTON (Morwell) — I ask the minister for a brief description of the bill.

Mr HONEYWOOD (Minister for Tertiary Education and Training) *(By leave)* — As the honourable member for Morwell would be aware last

year the government restructured the governing councils of all universities. At the time we could not do a similar restructuring of the Victorian College of the Arts because it reports to Melbourne University. A review committee has worked in consultation with the current governing council and a restructure of the governing council arrangement has taken place.

Motion agreed to.

Read first time.

PHYSIOTHERAPISTS REGISTRATION BILL

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

Second reading

Debate resumed from 23 April; motion of Dr NAPTHINE (Minister for Youth and Community Services).

The ACTING SPEAKER — Order! I advise the house that I am of the opinion that the second and third readings of this bill will need to be carried by an absolute majority of the Legislative Assembly.

Mr THWAITES (Albert Park) — The opposition supports the Physiotherapists Registration Bill, which is one of a continuing series of bills affecting occupational regulations in the health area. It updates and modernises the legislation concerning the registration of physiotherapists. It adopts the model used for nurses, medical practitioners, osteopaths, optometrists and podiatrists.

The key changes are a statutory definition of unprofessional conduct, an opening up of inquiries conducted by the board, incorporation of the board and the use of certain titles by those practising in the field. The Australian Physiotherapy Association has written to the opposition indicating its support. The opposition has great respect for physiotherapists and their association and its input is taken seriously. The letter, dated 24 April 1998, states:

> The Australian Physiotherapy Association Victorian Branch (APA) is pleased to support the Physiotherapists Registration Bill now before the Victorian Parliament.
>
> In particular, the APA supports the proposed protection of the titles 'physiotherapist' and 'physical therapist' since both titles are commonly used to describe practitioners of physiotherapy. A paper outlining the association's position in more detail is enclosed.

A paper outlining the association's position was attached. I understand use of the words 'physical therapist' applies particularly in America. The peak international body for physiotherapy is the World Confederation for Physical Therapy. The paper attached to the association's letter states:

> The titles 'physiotherapist' and 'physical therapist' are not generic titles commonly used to describe any practitioner of any kind of manual therapeutic practice. Both titles are commonly used to describe practitioners of physiotherapy. The use of either title could therefore be said to induce a belief that the person is registered under the proposed new Physiotherapists Registration Act.

I have a concern that I have previously raised with bills of the same type — namely, a limitation on the use of the title by people who pass themselves off as registered physiotherapists. I believe that under this legislation if people call themselves physiotherapists rather than registered physiotherapists it is unclear whether they can be disciplined or prevented from continuing to do so.

The association's view is that if a person calls himself or herself a physiotherapist that is enough to breach the act. I do not know if that view would be upheld in court as there may well be a legal argument that if the word 'registered' is left off the advertising sign there is no breach of the act. My view is that in all these acts the protection should be widened to ensure that people who are not entitled to call themselves physiotherapists do not do so. The public will be unaware of the details of the act and will assume that a person calling himself or herself a physiotherapist is a registered physiotherapist

The issue of consumer protection arises. I note that the bill contains an additional clause, which I am not sure is in some of the other bills, that prevents persons from holding themselves out as qualified physiotherapists. That adds an additional protection that may not have been provided by some of the other legislation.

In preparing this contribution I looked at last year's Physiotherapists Registration Board report, which is interesting in a few respects. First, it shows how few disciplinary proceedings are taken given that 3500 physiotherapists are registered in Victoria. I am sure that is because physiotherapists tend to have a very high standard of behaviour and therefore very few instances of misconduct occur. The percentage is certainly a lot smaller than in my former profession and probably many other professions.

I notice also that of the six complaints received, three were not followed through or it was found that there was no case to answer. One case involved a non-registered person using the title of physiotherapist,

and in another it was alleged that a physiotherapist had charged a consultation fee when no consultation had taken place. As I said, the number of complaints against 3500 physiotherapists is very small. Only one inquiry was conducted into one physiotherapist, and even that was on a relatively technical issue about the use of equipment, rather than the sort of misconduct we sometimes hear about, involving sexual misconduct, overcharging and the like.

The other fact that stands out is that even with the new physiotherapists being admitted, the majority of practitioners are female.

The report also contains evidence of a number of overseas-trained physiotherapists coming from the United Kingdom, Hong Kong and South Africa. We welcome those foreign-trained physiotherapists who, no doubt, will practice with the same skill as Australian-trained physiotherapists.

In conclusion, the opposition and the government strongly admire the work done by physiotherapists. I am concerned that some people do not have access to physiotherapists because the Medicare system applies only to medical practitioners. In the short term it will not be possible to extend a fee-for-service Medicare principle to other health professionals, as the cost would probably be too great. Through community health centres and perhaps changes in the way that care is delivered, particularly to older people, health care will increasingly be provided to older Australians by health professionals other than doctors, including physiotherapists.

The coordinated care trials currently being conducted between the commonwealth and the state aim to deliver the best value in health care to certain groups of Australians, including the chronically ill and the aged. Many people will potentially gain more benefit from the care of a physiotherapist than that of a doctor. It is very important to provide a health system whereby Australians, particularly the chronically ill and the aged, receive the best range of health care at the best price. That is the aim of coordinated care.

I am concerned also that, with the cuts to hospital budgets and the other financial pressures on hospitals, the number of physiotherapists formerly able to provide free outpatient services in public hospitals, particularly to pensioners and others, has been reduced. People who used to be able to access a physiotherapy service through an outpatients department may now have to go to a private physiotherapist. That will be satisfactory for many people, but those who do not have sufficient income to pay for that service may miss out on physiotherapy, and in the end that will cost the community more because they may end up back in hospital as a result of their illness or injury becoming worse.

Physiotherapists obviously play a key role in rehabilitation. For example, if an older person has had a fall and breaks a hip, rehabilitation is vital in improving his or her quality of life and in keeping health costs down. As all honourable members know, over the years many acute beds in hospitals have been filled by people who have suffered some sort of injury and have not received the appropriate rehabilitation. If expenditure in health could be shifted more towards rehabilitation and preventive health measures, the government would save money as well as providing a better quality of care.

I make those general remarks in support of the bill. I anticipate that the legislation will work satisfactorily, although, as I said, I am concerned about the use of the words 'registered physiotherapist'. I hope the government will continue to monitor that issue to ensure that the level of consumer protection is not reduced.

Mr DOYLE (Malvern) — I welcome the support of the opposition for the Physiotherapists Registration Act, which is important proposed legislation. As the Deputy Leader of the Opposition said, the Parliament is now very familiar with such a model of health occupation and practitioner registration. We have dealt with medical practitioners, nurses, osteopaths, chiropractors, optometrists and podiatrists, and today we are debating a bill governing physiotherapists. During the session we will also debate a measure that will govern dentists.

I will explain the government's thinking on a couple of the matters raised by the Deputy Leader of the Opposition because they were points well made. Certainly it was not intended that there be a loophole so that people holding themselves out as physiotherapists could be differentiated from people calling themselves registered physiotherapists.

The Deputy Leader of the Opposition was quite right in saying that the proposed act refers to 'registered physiotherapist or registered physical therapist'. It is not intended that someone leaving out the word 'registered' could escape prosecution for an offence under clause 57. That is so for a number of reasons. The first is fairly straightforward: clause 57(1)(a) not only refers to a registered physiotherapist but also contains the general catch-all that anyone who is not a registered physiotherapist may not take or use:

> ... any other title calculated to induce a belief that the person is registered under this Act ...

The commonsense interpretation and the intent of the Parliament will be that anybody unlawfully calling himself or herself a physiotherapist would certainly have established the nexus intended by that clause and should be prosecuted. It is fairly plain that that person would be taking a title calculated to induce a belief that he or she is registered under the act.

The government provided that general catch-all — and I know it is not quite the same point that the Deputy Leader of the Opposition made — because in some cases it is not possible to list all the titles that you wish to protect so that people, particularly charlatans, do not fool the public.

As honourable members know, the difficulty in the health professions is that if somebody is determined to dupe the public, he or she will come up with some clever title that sounds vaguely medical or clinical but is not included on a specific list in the legislation, thereby perhaps having a stronger argument that the legislation does not apply to him or her. Had Parliament included an exhaustive list of specific titles a person could argue that any other title is okay because if it were not it would have been included in that quite exhaustive and specific list. The decision was made not to do that but to insert the titles 'registered physiotherapist' and 'registered physical therapist' and include the catch-all 'any other title calculated to induce a belief' to pick up all other titles, including 'physiotherapist'. As I said, some occupations are more difficult to describe. The nexus between the word 'physiotherapist' and the intention of the bill is clear.

The bill contains other protections. The Deputy Leader of the Opposition alluded to the offence prescribed by clause 57(1)(d) — that is, to claim to be qualified to practise as a physiotherapist. Some of our primary health professions include people with a plethora of qualifications that sometimes bewilder the public. If someone happens to have a qualification in one area he or she must not lead the public to believe he or she is a physiotherapist or can do that sort of work safely. The Deputy Leader of the Opposition is correct in raising the matter, as the intention was that the provision be specific. Another protection is available through the Crimes Act. If harm is done to a member of the public, the police force is able to take action, as has previously happened.

In the next year or so the house will probably be dealing with another important bill. The government has to think about the proper line to be drawn between the work of a board set up to regulate a profession and how far we expect them to be a quasi police force, watching for charlatans who are entirely outside the profession. The two responsibilities overlap and the bottom line is the protection of the public, but one must be careful in asking a particular professional board to become a kind of police force, looking out for anybody in the community who, in this example, is not a physiotherapist.

I acknowledge the problem about deciding where police resources would be involved and where the board would have proper responsibilities for the public's protection. I am happy to flag to the Deputy Leader of the Opposition and the opposition in general that when the government examines the Health Services Commissioner's legislation it may be appropriate to consider giving some prosecutorial or investigative powers to the Health Services Commissioner so that the range of other professions and people in the community who are prepared to try to defraud the public can be taken up in a forum more appropriate than the board that regulates the profession. The government maintains that sufficient protection exists for the titles, including the naked title 'physiotherapist'. It is comfortable with the protections in place for the public.

The Deputy Leader of the Opposition and I are in furious agreement on two other points made by him. I agree with his comment about the level of primary health care that can be provided by practitioners such as physiotherapists or podiatrists. I welcome his support for the coordinated health care trials, although it is slightly more constraining when the general practitioner is the funds holder, as in the coordinated care trials. I understand what he says about moving away from the GP or clinically based model, but at the same time we need to be alive to the flexibility of things such as the coordinated care trials. As he said, that is particularly important when we deal with people suffering from chronic illness. That scenario is perhaps one of the greatest challenges to be faced in the future by those providing health care and rehabilitation and by governments and will be the proper precinct of government.

I thank the opposition for its support of the measure. We needed to change the current legislation. The Deputy Leader of the Opposition read a letter of support from the Australian Physiotherapy Association (APA), which I welcome also. The current board is not incorporated; and unprofessional conduct is not defined in the statutes, so the process of inquiry certainly needed upgrading. So far the government has found its model to be efficacious when dealing with inquiries, which also should be more open to perusal. Those matters are addressed in the bill.

The board will follow the standard model of seven members, with four physiotherapists, two lay people and one lawyer. The board will be incorporated and, therefore, independent of government. It will register and inquire into the professional conduct of physiotherapists. The government suggests the protection of the public should be through a protection of title. Quite properly, as the Deputy Leader of the Opposition said, 'physical therapist' has been included in the legislation as a protected title. However, an important distinction is that although the government is protecting the title 'physical therapist' that does not mean that other properly qualified professions cannot describe what they do as physical therapy. For example, osteopaths could well describe some of the services they offer as physical therapy and that could be entirely proper.

The protection of title applies to 'registered physical therapist' — in other words, people holding themselves out to be physiotherapists. The intention is not to draw artificial barriers between various health professionals but to protect the public against unqualified practitioners practising on the public.

Another variation to the standard model is an important departure for the protection of the public. For the first time legislation will provide that as a condition of registration the board should require adequate professional indemnity insurance. It is not proposed that they 'must' require that because to include a mandatory requirement would give insurance companies the power to determine registration, as it were. Obviously that would be inappropriate. In some cases the board may not insist on professional indemnity insurance — for example, for a visiting academic or someone who has reached the end of his or her practising life or somebody moving to administration but who still wishes to be registered particularly for the purpose of belonging to a professional association. Although the board may not insist on professional indemnity insurance, that power will be in the legislation. It is a further protection for the public although it is a departure from the standard model.

The Deputy Leader of the Opposition mentioned that the Victorian branch of the Australian Physiotherapy Association has welcomed and supported the proposed legislation. I thank Charles Flynn, the chair of the current Physiotherapists Registration Board of Victoria, and its members for the work they have put into regulating the profession over the years so that it now enjoys an enviable standard. I thank also the board's registrar, John Barkla, and the president of the Australian Physiotherapy Association, Megan Davidson, Fiona McKinnon and the executive officer, Jennifer Lake, with whom I have been consulting for some time while drafting the bill. They have been most instructive and helpful in redrafting legislation that, after all — while it protects the public — regulates their profession.

The model is evolving somewhat. That is also true in the advertising of the profession because false, misleading or deceptive advertising will be offences under the legislation. The wording of the bill on the protection of the public is considerably more modern than is found in the current legislation.

It is important to refer to the existence in the bill of a section 85 provision, which restricts the jurisdiction of the Supreme Court and will be found in all our health occupation registration acts. Once the board has decided to either restrict or suspend registration or to deregister a professional, it is appropriate that it is able to transmit that decision as required by its regulations to the various governing authorities throughout Australia and New Zealand and to other boards, to place a notice to that effect in the *Government Gazette*, and to notify an employer, if appropriate. It is important to note the section 85 provision. No-one would wish any action to lie against the board for the proper transmission of that important information about a particular practitioner.

National competition policy has become something of a mantra in Australian politics, but it is used somewhat differently in the health professions. National competition policy is an important intellectual, social and civic discipline that requires that deliberations on a proposed review of legislation are begun on a clean sheet of paper, as it were. If it is proposed to restrict competition or bar access to certain people entering the field, clear reasons must be given for doing so — not, as is sometimes the case, with a reversal of the onus of proof. In other words, restrictions must be intellectually argued for and shown to be sound before any statute or legislation will recognise them.

That is a useful intellectual and social exercise, but the inherent principle in all of these acts is the protection of the public. When you start with a blank sheet of paper — particularly in the health professions, which are concerned with the protection of the public, the public interest and the public benefit — significant restrictions have to be put in place. That is certainly the case in acts like this, where we are saying you cannot practise physiotherapy unless you are appropriately qualified, and a range of other restrictions are appropriate for the profession. While the model is evolving and these acts are enacted under the general blanket of national competition policy, the central

principle at the heart of each of the acts is the protection of the public.

When dealing with the various professions it is heartening to find professionals willing, indeed keen, to place constraints upon themselves and their professional practice. They do so because they recognise that it is necessary for the benefit of the community as a whole. As did the Deputy Leader of the Opposition, I congratulate the physiotherapy profession, particularly the executive of the Australian Physiotherapy Association and the board on their leadership, their consultation and their wise advice and help in the drafting of what I am sure will be a positive piece of legislation.

Mr ROBINSON (Mitcham) — In the few minutes available to me this afternoon I wish to make a few brief remarks on the Physiotherapists Registration Bill. In particular I contest the view expressed by the minister in his second-reading speech when he said he was confident that the bill would ensure the continuing provision of responsive, high quality physiotherapy services to all Victorians. This bill will do a number of things that are welcome — it will enable physiotherapists to conduct their affairs in ways similar to chiropractors, osteopaths and podiatrists in terms of the professional recognition of standards — but I doubt whether it will address the problem of the lack of high-quality physiotherapy services provided to all Victorians.

I am mindful of the concerns of the Australian Physiotherapy Association, whose support for the bill has been critical. The APA supports the bill, but it also has some serious concerns about access to physiotherapy services in Victoria. The Victorian branch of the APA recently conducted a survey, the results of which it reported in a document entitled 'A Survey of Children with Physical Disabilities'. It shows how in no small measure access to high quality physiotherapy services will be dependent upon government policy, particularly government funding of schools, because many Victorians who are in need of physiotherapy services are children of school age. The APA's survey found that the highest proportion of children requiring intensive physiotherapy services attend school — 65 per cent of them — and a clear majority of those children use the public system.

The survey also found that the lack of physiotherapists with training in paediatrics was of significant concern to families. A notable expression of concern from parents involved in the survey relates to the lack of regular physiotherapy services and the consequent potential for development problems and permanent physical damage to children in Victorian schools. The general lack of funding in schools and centres for physiotherapy services also featured prominently in the survey.

The APA's survey concluded that the data supported the view that Victorian physiotherapy services for children with physical disabilities are underresourced to meet clinical and developmental needs. The APA has put those concerns to the government and is of the opinion that the provision of physiotherapy services to Victorian children with physical disabilities in the age group 0 to 18 years has reached crisis proportion. We will hear more about that in the future.

The APA has called on the Victorian government to address the crisis in children's therapy services as a matter of urgency with the aim of creating a service model capable of meeting the community's needs for paediatric physiotherapy across the state.

The minister wants Victorians to believe this bill will ensure that all Victorians who need them will be provided with physiotherapy services. The bill will achieve certain things; but full provision is not one of them. In Victorian schools there are children requiring intense physiotherapy services who are not able to receive those services in adequate measure. What Victorian school principals are forced to tell the parents of those students is that they can, instead, utilise the Visiting Teacher Service. The people who staff the VTS are of a very high standard and have a lot of training — —

The ACTING SPEAKER (Mr Richardson) — Order! I am not certain that this is directly relevant to the bill. The bill concerns itself with the registration of physiotherapists and the provision of physiotherapy services by professionals. It seems to me that the honourable member is straying from that matter by introducing material relating to schools and the Visiting Teacher Service.

Mr ROBINSON — My strong suit may not be logic.

The ACTING SPEAKER (Mr Richardson) — Order! I inform the honourable member that mine is, and I would like him to restrict himself to matters that relate specifically to this legislation. My patience is drawing thin.

Mr ROBINSON — Thank you, Mr Acting Speaker. The point I was going to make is that, although members of the VTS may be highly qualified, I doubt if many of them are adequately qualified in physiotherapy. This fact is at the very heart of the bill. It

is my contention that in Victorian schools at the moment there are children requiring physiotherapy services who are being forced to accept substitute services instead of services provided by properly qualified and trained physiotherapists. VTS teachers are not necessarily qualified in physiotherapy.

Government policy in Victorian schools is, therefore, at odds with the aims of the bill. The bill, as outlined in the explanatory memorandum, aims to protect the public by providing for the registration of physiotherapists. The situation for children who do not have access to appropriate services cannot be tolerated. The aims of this bill have, in certain respects, already been defeated, and they will continue to be defeated so long as resources are not made available in adequate measure for students in Victorian schools who have pressing need for physiotherapy services.

I conclude my remarks by repeating that, although this bill will achieve some of the objectives laid down and some of the provisions outlined by the minister in his second-reading speech, it will certainly not address the question of continuing access for all Victorians who need physiotherapy services. If anyone is in doubt about that, they need look no further than the recent survey conducted by the APA.

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the Deputy Leader of the Opposition and the honourable members for Mitcham and Malvern for their contributions to the debate. I acknowledge and appreciate the support the opposition has given this legislation.

I also acknowledge the significant contribution of physiotherapists as individuals and as a profession to the health care system in Victoria and Australia. That profession has high ethical standards of training and delivers a range of high quality services to people in need, particularly those with physical disabilities, people recovering from accidents, injuries and illnesses and those involved in the sporting field with sports physiotherapists who are now specialists. Physiotherapists have much to be proud of in their contribution to the health of Victorians and the people of Australia. I acknowledge the positive role played by the association in its support for the legislation and in the continuing development of the highest ethical standards of the profession. The government appreciates the association's ongoing efforts in those areas.

I congratulate the honourable member for Malvern as parliamentary secretary to the Minister for Health on his leadership in the development of the legislation. Once again he has shown himself able to run a positive consultation process with the broader community and also with the proponents in the community who have a particular vested interest in the area. The honourable member has brought all those people to an agreed position, which is reflected in the legislation. I acknowledge the role of officers of the Department of Human Services who have worked with the honourable member for Malvern and the important and positive role played by the existing physiotherapists board. It has carried out its duties well over the years in the development of legislation that is in the interests of the community, the protection of the public and the support of the profession.

As the Deputy Leader of the Opposition said, the legislation follows the model used for the development of new and more appropriate legislation in a range of health professions, including medical practitioners, nurses, optometrists, podiatrists, chiropractors and osteopaths. It is one of the significant achievements of the government, and particularly this Parliament, since 1992. All those areas have been updated and significantly improved. Some of the issues of accountability and protection of the public have been the introduction of better systems for natural justice and for dealing with people within the profession who come to the attention of the board.

The legislation has been on the table since the autumn session and has had wide support in the community over that period. It is important that it have a speedy passage. A number of machinery amendments have been introduced that take into account the fact that the references in the original bill were to the Public Sector Management Employment Act 1992 and the Administrative Appeals Tribunal. Those references now require correction through the passage of time because now the references should be made to the Public Sector Management and Employment Act 1998 and the Victorian Civil and Administrative Tribunal Act 1998; hence the 15 amendments merely make appropriate changes to the bill to take account of those other legislative changes.

I commend the bill to the house and once again acknowledge the work of the honourable member for Malvern, the physiotherapists profession and its association, the board and officers of the Department of Human Services for their contribution to the bill. I also acknowledge the significant support of the opposition.

The ACTING SPEAKER (Mr Richardson) — Order! As the required statement of intention has been made pursuant to section 81(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading of

this bill now requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

1. Clause 3, lines 25 to 28, omit all words and expressions on these lines.

Amendment agreed to; amended clause agreed to; clauses 4 to 53 agreed to.

Clause 54

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

2. Clause 54, lines 23 to 25, omit "officer or employee of the public service within the meaning of the **Public Sector Management Act 1992**" and insert "employee under Part 3 of the **Public Sector Management and Employment Act 1998**"

3. Clause 54, page 36, lines 2 to 4, omit "the regulations or guidelines made under the **Public Sector Management Act 1992**" and insert "any directions given by the Commissioner of Public Employment under the **Public Sector Management and Employment Act 1998**".

4. Heading to Part 4, line 1 omit "ADMINISTRATIVE APPEALS" and insert "VICTORIAN CIVIL AND ADMINISTRATIVE".

Amendments agreed to; amended clause agreed to.

Clause 55

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

5. Clause 55, lines 4 to 6, omit all words and expressions on these lines and insert —

"(1) A person whose interests are affected by the relevant decision, finding or determination may apply to the Victorian Civil and Administrative Tribunal for review".

6. Clause 55, line 22 after "decision" insert ", finding".

7. Clause 55, lines 23 to 26, omit sub-clause (3) and insert —

"(3) If a finding has been made at a formal hearing under Part 3 but no final determination has been made at that hearing, an application for review under this section can only be made with the leave of the Tribunal.".

Amendments agreed to; amended clause agreed to.

Clause 56

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

8. Clause 56, line 28, after "decision" insert ", finding".

9. Clause 56, line 29, omit "Administrative Appeals" and insert "Victorian Civil and Administrative".

10. Clause 56, line 31, after "decision" insert ", finding".

11. Clause 56, page 38, line 1, after "decision" insert ", finding".

12. Clause 56, page 38, line 2, omit "Administrative Appeals" and insert "Victorian Civil and Administrative".

Amendments agreed to; amended clause agreed to; clauses 57 to 62 agreed to.

Clause 63

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

13. Clause 63, lines 10 and 11, omit all words and expressions on these lines and insert —

(3) "The **Public Sector Management and Employment Act 1998** (except in accordance with Part 7 of that Act) does".

Amendment agreed to; amended clause agreed to; clauses 64 to 66 agreed to.

Clause 67

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

14. Clause 67, lines 3 to 5, omit "officer or employee of the public service within the meaning of the **Public Sector Management Act 1992**" and insert "employee under Part 3 of the **Public Sector and Employment Act 1998**".

15. Clause 67, lines 12 to 14 "the regulations or guidelines made under the **Public Sector Management Act 1992**" and insert "any directions given by the Commissioner of Public Employment under the **Public Sector Management and Employment Act 1998**".

Amendments agreed to; amended clause agreed to; clauses 68 to 95 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

The ACTING SPEAKER — Order! The third reading also requires to be passed by an absolute majority. As there are fewer than 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PRINTERS AND NEWSPAPERS (REPEAL) BILL

Second reading

Debate resumed from 9 April; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — The opposition does not oppose this bill. It is a sensible piece of legislation which repeals the Printers and Newspapers Act of 1958. As the Attorney-General said in her second-reading speech, it re-enacts an amended version of the identification requirements in the Wrongs Act.

The old Printers and Newspapers Act, which was passed in this house in 1958, was modelled — as the Attorney-General has already indicated — on English laws of the late 18th and early 19th centuries. The whole purpose of the act was to ensure that any person who printed or distributed material that could be described as libellous, blasphemous or seditious could be identified by requiring the identity and address of the printer and publisher to be given prominence in the article they had published so that if a person was defamed he or she had somebody to sue. Consequently a colourful history of defamation actions has taken place over the years.

I am reminded of the interesting case of a fellow called Harold Newstead, who lived in Camberwell many years ago. The *Daily Express* newspaper wrote an article about a Mr Harold Newstead, a Camberwell man who had been gaoled for nine months for bigamy, which related to the effect of a decision in the courts. Unfortunately another Harold Newstead, who was a hairdresser, also lived in Camberwell, and he claimed he suffered an immediate loss of custom after the article was published.

His hairdressing business deteriorated and he sued the *Daily Express* for loss of business. The jury found in his favour. It found that describing someone as a bigamist is libellous, inappropriate and has the ability to cause business as a hairdresser to decrease. The jury awarded him only one farthing in damages. Perhaps he got the worst of both worlds: he got only one farthing and at the same time was accused of being a bigamist.

Another interesting defamation case occurred in relation to the 1979 VFL Grand Final. Two days prior to the match a discussion of it took place in a television news program broadcast on Channel 7. The sports commentator, Peter Landy, referred to Collingwood and Carlton as arch rivals, described the forthcoming game as a replay of a previous grand final and discussed Carlton's problems. Stephen Phillips, who was also a commentator at the time, remarked that the deadline for VFL contracts was the following day and that Carlton's centre-man, Wayne Harmes, had called for a pay increase. Phillips then asked the then Carlton president, Ian Rice, whether he was annoyed that Harmes had not only asked for a pay increase but had gone public just before the grand final in relation to seeking such a pay increase. Rice replied:

> Yes, I think it was most unfortunate on the eve of the big game with Collingwood. I also note that his lawyer is a Collingwood man and I just think that it's a 'Collingwood ploy', and I'll be speaking to Wayne very shortly about it ...

Describing as a Collingwood man someone who is not is extremely libellous.

The ACTING SPEAKER (Mr Richardson) — Order! The Chair should declare an interest in this matter, having been a lifelong Collingwood supporter!

Mr HULLS — That is just a bit of bad luck, isn't it, Mr Acting Speaker. The lawyer acting for Wayne Harmes at the time was Stanley Ernest Waites. He had not been named in the broadcast discussion, but he was well known as being Wayne Harmes's solicitor in negotiations with the Carlton Football Club. He sued the television station and Ian Rice. In his statement of claim the lawyer said that Rice's statement contained imputations that he had acted as part of a scheme or a plot by Collingwood to disadvantage Carlton at a crucial time and that he was betraying the trust of his

client in order to do so. He also claimed that the statement conveyed the meaning that he had acted dishonestly, dishonourably, unprofessionally and in a manner that constituted an abuse of his position as a solicitor acting for a particular client. The defence denied that the words were defamatory.

The case came on for trial in the Supreme Court of Victoria before Mr Justice Southwell and a jury. I would not want to cast aspersions on Mr Justice Southwell because I do not know what his football allegiances are, but the jury found in favour of the lawyer and awarded him $30 000 in damages. It demonstrates how libellous it can be to call someone a Collingwood supporter if the person is not one. That could only occur because the people who published the supposed defamatory words could be identified. Although the words were used on television, the person who said them could be identified, and the purpose of the Printers and Newspapers Act was to ensure that publishers of defamatory material could be identified.

One of the pioneers in drawing the attention of Australians to the problem of the law of defamation, particularly as it relates to cross-jurisdictional boundaries, was none other than the former Prime Minister, Sir John Gorton. During his term as Prime Minister many years ago he issued a writ against the ABC because it had claimed that he was involved in a plot to undermine one of his ministers, Malcolm Fraser. The importance of the case was not so much the outcome of John Gorton being successful and receiving compensation for loss and damage but the fact that the allegation was broadcast on the ABC in a whole range of jurisdictions. John Gorton took action in relation to the alleged defamatory material in all those jurisdictions, each of which had different laws. It was then that the state governments realised there was a problem with defamation laws being different in each state.

The effect of the bill is to bring the legislation into the 21st century. These days there is a vast range of media outlets and material can be published in ways that were not thought of in 1958 when the original legislation was passed. It is no longer relevant to simply require that a printer's name be published on a particular publication. The current legislation is regarded as archaic and it is considered responsibility for publications should rest with the publisher rather than with the printer. Today printers work in a far more sophisticated environment, use modern equipment and distribute for a variety of purposes.

The legislation repeals the original bill. However, because the requirement of identification is considered still to be important that requirement is not abolished, particularly in relation to defamation matters. The bill therefore amends the Wrongs Act to include a requirement for the publisher rather than the printer to be identified on a distributed publication. On that basis the opposition does not oppose the bill.

Ms McCALL (Frankston) — I am delighted to follow the honourable member for Niddrie. He was positive, and that is a good sign at the start of the sitting. I will place the bill in its historical context because over the years the reputations of printers, newspapers and producers of the printed word in general have got what those involved would describe in their own words as 'a very bad press'. I will put my comments in the context of why it is good to be on this side of the house repealing legislation instead of introducing it.

The history of the legislation goes back to the Printers and Newspapers Registration Statute of 1864 and reflects on what had happened in the United Kingdom as the result of William Caxton having produced the first printing press. For honourable members who were not particularly interested in history at school, I will ask the indulgence of the house to give a brief history lesson on printing presses.

Mr William Caxton was born in Kent in 1422 and is considered to be the father of the printing press. He set up a hand-operated printing press. His particular interests were literature and he spent much of his early life in the city of Bruges in Belgium. In March 1469 he began to translate the history and recollections of the battles of Troy, which he did not finish until 1471. In the process, in his own words 'his pen became worn, his hand weary, his eye dimmed'. As a result he decided it would not be a bad idea to do something to speed up the process. Subsequently he learnt how to print. Caxton brought that skill back to England. He may not have shown a great deal of imagination in the quality of the stuff he produced, but during his lifetime he translated 24 books, some of them incredibly long, and by the time of his death he had published about 100 items of various kinds.

The history of printing and publishing in England is a particularly long one. The first daily newspaper printed in England was considered in the words of Sheridan, from his play *The Critic*:

> The newspapers! Sir, they are the most villainous — licentious — abominable — infernal. Not that I ever read them — no I make it a rule never to look into a newspaper.

However, by the beginning of the 18th century newspapers were widely printed and read and produced

some interesting documentation — for example, the British press made its debut with an inauspicious newspaper in the early 17th century. The newspaper coverage was one of the only ways news and gossip were circulated within the coffee shops of London. Of course, gossip was the major issue. Much of the stuff printed in those early newspapers was, as Sheridan would have said, pretty villainous, fairly licentious and clearly not covered by parliamentary privilege. A series of acts of Parliament were proclaimed culminating in the 1864 act. To a certain extent that act protected the printer but it also made it easier for those who may have been defamed to actually chase the person who had been rude about them in the first place.

The first daily newspaper published in Sydney was the *Sydney Morning Herald* and its ownership by the Fairfax family dates back to its origins. It is a more recent newspaper than any of those of England or North America. In North America probably the most famous publisher or printer of newspapers would be William Randolph Hearst who was pastiched rather thinly in the film *Citizen Kane* with Orson Welles. *Citizen Kane* was about how important what you printed in the newspaper was and what people did or did not believe when you had done it.

We have our own more interesting newspaper in Melbourne, affectionately referred to as the *Age*. I am informed that most honourable members read it, although not all of us like to admit we do. I am led to believe that it has not hesitated to attack political leaders, which comes as a bit of a surprise, among them the former Prime Minister, Sir Robert Menzies, who lived from 1894 to 1978. He nonetheless termed the *Age* his favourite newspaper, which is interesting in itself.

At the end of last century a very important case, the Alfred Dreyfus case, had an impact on publishing in Europe. The famous article on the front page of the French newspaper under the headline 'J'Accuse' was written by Emile Zola. It concerned the misuse, the treason and trial of Alfred Dreyfus, who spent most of his mature life on Devil's Island as a prisoner of the French government.

The publishing and printing of newspapers has been a part of our lives for a long time. It is appropriate with the changes to printing methods and styles that we recognise the legislation must move along with it. Printing has gone from the laborious work that Caxton did originally, to the metal printing press of Gutenberg, to the highly electronic and sophisticated equipment we see today, which has had a few hiccups along the way, including the problems Rupert Murdoch had when he modernised the *Times* newspaper in London. He moved the *Times* from Fleet Street to its new site in Wapping. In fact, for the first time in its history the newspaper was not published for 12 months in 1978-79 as a result of industrial action brought about with the changes to the printing system.

We now come to the present day. I am delighted to support legislation that repeals a principal act in recognition of the fact that those needs for protections against the printer in the early days of printing and publishing are now in many respects obsolete. We have arrived at a stage in our own development where merely to have the name of the publisher on a document, whether it is a newsletter, newspaper or magazine, is sufficient for those of us who need protection. I hope that by repealing the legislation we encourage those who place information in newspapers, newsletters and magazines to continue to be as honest as I am sure they would maintain they have been in the past.

Mr LEIGHTON (Preston) — As the honourable member for Niddrie advised, the opposition is not opposing the bill. The bill repeals the Printers and Newspapers Act 1958 and inserts some identification provisions into the Wrongs Act. The 1958 act required the identification of people who printed and published newspapers and also made it an offence to operate printing presses or types for printing without being identified. The principal act provides for the identification of the printer of the newspaper or commercial advertiser. There is also provision for a Registrar-General and a registration process.

Several honourable members have mentioned that the 1958 act had its genesis in legislation of the previous century of English legislation. In preparing for my contribution to the debate I attempted to trace through the history of the 1958 act in the Victorian Parliament. I referred to both *Hansard* and to indexes of legislation. It was interesting because I could not find any second-reading speech or debate either on the 1958 act or any of its predecessors. Along the way the 1958 act has had an amendment here and there, and there may well have been debate on some of the amendments. From what I could tell, there has never been a second-reading speech or debate on the substantive legislation.

The 1958 act was simply consolidated legislation. Prior to that the legislation was consolidated in 1928, 1915, 1890 and initially in 1864. I managed to obtain a copy of the 1864 act. However, even then there did not appear to have been a second-reading speech. It seems it was consolidated legislation either lifted from a New

South Wales act or from the English Parliament. Effectively we are repealing an act of the English Parliament without it ever having had a second-reading speech and debate in the first instance.

The remarkable thing about the 1864 act is that it is similar to the 1958 act. I could have been reading the 1958 act. It is the 1864 act that makes it an offence to not be known and to own and operate printing presses or types for printing. I am not even sure what a type for printing is. It is certainly not the sort of thing we recognise these days.

I support the repeal of the act for two reasons. As a matter of principle there is little place in a modern tolerant society to make it an offence to own a printing press and not be known to the state. There are other remedies through the law of defamation. However, I am reluctant to support anything that allows the state to control who can own and operate printing presses and to publish newspapers.

As a matter of principle I support the bill. Given modern technology, the state has really no way of controlling the dissemination of information. One can examine it in a couple of ways. Firstly, I refer to the printed material — what appears in hard copy form. In 1864 and perhaps as late as 1958 the ability to produce material in printed paper form was more restricted than today. However, in this day and age when teenage kids have PCs in the lounge rooms of their homes they can produce something of better quality than could have been produced in 1958 and modern photocopiers can produce an A3-size broadsheet. The act of producing something on a PC at home, putting it on to a high-speed photocopier and belting out something in A3 format, could possibly meet the definition in the 1958 act.

I am aware that members on both sides might regularly put out newsletters for their constituents or party members or to meet their portfolio responsibilities and in doing so they could potentially be in breach of the 1958 act. However, as the honourable member for Niddrie said in his reference to electronic transmission by which radio and TV are broadcast nationally, it seems fairly absurd for the state to attempt to control the printed form within the boundaries of one state.

Over the past few years computer technology on the Internet and the World Wide Web has exploded. Now information is produced in a way that not even national governments, let alone one state government, could hope to control. Our society has not fully come to grips with how to recognise that information and decide whether it is electronic or printed. For instance, information received electronically by phone to a computer could be printed on a personal laser printer — and then it would take on a printed form.

As the honourable member for Frankston said, last century some newspapers were in the form of gossip sheets. Everyone knows that the Internet is a great place for gossip — one need only look at some of the Internet columns about Bill Clinton's recent problems to be aware of that. I look at one Internet site that makes allegations about politicians. How could the state possibly hope to control that? For anybody interested in having a look at it the Web address is http://www.smuggled.com.

Mr Perton interjected.

Mr LEIGHTON — Yes, you get a mention on it! That is the entry page. The honourable member for Doncaster has made my next point: I assume it is in the United States because it is the only country that does not have its country code listed in an Internet address. If it were in Australia it would have an 'au' in the Internet address. As it has not I assume it must be in the United States. The site has a number of less than flattering comments directed towards the honourable member for Doncaster.

Mr Perton — I was only trying to help the bastard!

The ACTING SPEAKER (Mr Seitz) — Order! That is unparliamentary. I ask the honourable member to withdraw his comment.

Mr Perton — I was not referring to him.

The ACTING SPEAKER (Mr Seitz) — Order! Regardless of that the language is not acceptable.

Mr Perton — I withdraw.

Mr LEIGHTON — I do not want anything withdrawn, Mr Acting Speaker. As I understand it the site is in the United States, and I do not know how the government of Victoria could regulate it. I wish the honourable member for Doncaster good luck if he wants to pursue the matter. Certainly the site talks about being pursued by the honourable member for Doncaster.

Mr Perton interjected.

Mr LEIGHTON — The gentleman referred to has a collection of pages but the address I read out is really the entry page. Amongst his links is one that says, 'For sites banned by the Australian government, click here'.

You click on that site and among the pages it will take you to is http://www.smuggled.com/ken1.htm.

Mr Perton — I hope he becomes a customer of yours. I will give you his file.

Mr LEIGHTON — A customer of mine in my previous professional capacity or as a politician?

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Preston, without assistance.

Mr Perton — He needs a lot of assistance!

Mr LEIGHTON — At the second address I read out he makes certain allegations, and I am sure if I went any further and repeated those allegations in this house the honourable member for Doncaster would be taking a point of order. He makes allegations about — —

Mr Perton — He's a perjurer!

Mr LEIGHTON — Let's accept he is a perjurer; let's accept he is being defamatory. I am suggesting that when such a site exists that makes allegations about a range of politicians, including members of this house, it might be worthwhile having a look at it. When people with such Internet sites make allegations about politicians and the honourable member for Doncaster, despite being a lawyer, has been unable to successfully sue and shut the site down, it is rather absurd for the government to maintain on the statute books legislation that is not only in its intent and purpose but its actual words very similar to the original legislation that came out of England last century.

It is an absurd proposition for the state to attempt to control printing presses any longer when such material, whether it is defamatory or false or whether the author has committed perjury, exists on the Internet. When that type of material flourishes on the Internet it is absurd for us to try to control other forms of media. Therefore a bill that revokes the 1958 act and its previous incarnations is a sensible measure and it has my support.

Mr PERTON (Doncaster) — It is with great pleasure that I follow my friend the honourable member for Preston, in that he made a number of very pertinent points about the inability of national and state governments to fully regulate the Internet, certainly as the Internet has developed until this time.

This very good bill appears to have bipartisan support. It repeals the Printers and Newspapers Act of 1958, which has quite a long history, modelled on the English laws of the late 18th and early 19th centuries. The 1958 act largely reflects its predecessor, the Printers and Newspapers Registration Statute of 1864. The aim of the legislation was to ensure that those who printed or distributed seditious or blasphemous libels could be identified and penalised while also enabling parties in civil actions to identify the printer and publisher of printed material. To achieve those aims the 1958 act prescribes a number of matters including requiring persons who own printing presses and publishers of newspapers to register their details with the Registrar-General.

As the honourable member for Preston and the minister in her second-reading speech rightly said, the time for such registration requirements is now long gone. The advent of electronic forms of word processing and copying, even more than the Internet, has made legislation used to regulate printing presses or types for printing no longer applicable in today's society. The point made by the honourable member for Preston is that the Internet changes everything. It does not change just the nature of our ability to sue for libel or to prosecute for blasphemous material or to deal with seditious material.

It goes well beyond that, because it blurs the understanding of what a newspaper is. On the opening page of my Internet browser I use a service that comes out of New York, Microsoft NBC. As the honourable member for Preston was throwing around URLs, I point out that it is at www.msnbc.com. The service provides me with a newspaper, but it is no longer just print. At the top of the page the msnbc service provides me with the Melbourne weather report routed through New York. It provides me with world news that is not just in text — a mixture of text, audio and video is available to me. The understanding and definition of a newspaper or a piece of printing changes completely. The honourable member for Preston was right to say that these sorts of issues throw older pieces of legislation into disarray. The modern printing means being dealt with in the legislation throw the entire notion of government as we know it out the door.

The honourable member for Northcote spoke about the corporatist nature of government. I am not sure that the distinction she draws between corporatist government and other forms of domestic government is valid. There are international legal issues that nobody is dealing with. The Microsoft monopoly on PCs, in terms of both operating systems and general software, is international, but the only body dealing with it is the United States government. The United States courts deal with monopoly in the context of a market of 280 million people, many corporations, great wealth, and an ability

to produce competitors. In a medium-sized economy like Australia or smaller economies the danger posed by the international monopolies is much greater. These issues cannot be dealt with by domestic governments working alone.

The government goes beyond that and talks about the new printing medium changing the nature of government. Recently my researcher, while preparing a speech for me, found an interesting example of the inability of governments to regulate physical activity as a result of Internet changes. She found an example of an American consumer whose daughter had severe asthma. All of the drugs approved by the American Food and Drug Administration for the condition had been tried and none of them worked. The consumer read on the Internet, on the chat groups that relate to people with asthma, that a new drug was available in France. He took steps to order it via email, paid via his American Express card, and the drug was delivered to him in the United States. It was positive in terms of the treatment of the condition and in controlling the asthma. The man was interviewed for the purposes of an article and stated that if the government of Belize or China had been involved he would not have relied on it. He believed that French medical scientists are the equals of American medical scientists and that the French were hardly likely to approve a drug that would damage its citizens. That example indicates that in the modern world governments are going to be competing for our patronage, whether in approving drugs or in any number of other physical activities.

The Victorian government has addressed this issue quite well. The honourable member for Preston is well aware of electronic service delivery — the business channel, the land channel and the citizens channel. They have been described as the best in the world. Yesterday I slipped away to a lunch with representatives of the national Office of the Information Economy, including its chairman and director. They stated in front of an audience that in the areas in which the Victorian government has chosen to act on the new media it is a leader in world best practice. That has been stated not only by Australian authorities; in a speech in Seattle in February Bill Gates stated that the Victorian government was a leader in applying these new technologies to the service of constituents and citizenry. Bill Gates was particularly impressed with what the Victorian government had done in delivering to the citizenry via the new printing medium services based on what the citizen wanted rather than on what was determined by the department or agency that was delivering the service. This demonstrates the wonderful difference between the old and the new printing media. People can seek what they want without necessarily knowing who the printer or publisher is or what department it is. Not only has Bill Gates described the Victorian electronic service delivery system as the best in the world, but the G8, the group of seven industrialised states plus Russia and their on-line committee, have described the Victorian government's initiatives in electronic service delivery as the best in the world.

The issues that we as a community have to deal with do not include just sedition and liability and the like. I am robust enough to say that the stories on the URLs that were referred to by the honourable member for Preston are false and defamatory. Mr Hoser, who was the publisher of those pages, was a constituent of the honourable member for Bulleen.

Mr Leighton interjected.

Mr PERTON — As the honourable member for Preston stated, Mr Hoser was in gaol for much of the time. My only regret, and I ask the honourable member for Preston to take it into account, is that I spent a year trying to help Mr Hoser and produced a file some 6 inches thick. On two occasions I managed to make representations which resulted in his taxi licence being restored. Of course he neglected to say that on the Web page that continues to defame me from an American site.

The issues do not include just defamation and sedition. There are very important issues of privacy that arise as a result of the new printing media. Only today a colleague of mine was telling me the story of a Labor candidate who was seeking opinions from his constituents, not for the purpose of forwarding the material on to a minister, but for the purpose of obtaining data relating to constituents.

Mr Leighton interjected.

Mr PERTON — I am pleased to hear that the honourable member for Preston supports the GST. He is a sensible and rational man and I can understand his supporting the GST. However, the questions of data protection and privacy are serious. The databases that have been compiled on all of us, whether relating to credit card transactions or travel transactions — —

Mr Hulls interjected.

Mr PERTON — The honourable member for Niddrie makes light of this. We as politicians are robust. Most of us arrange our affairs in ways that mean we are not embarrassed by details of our private life. For most citizens, however, the data protection and privacy issues are what keep them from taking up the

new Internet media. The latest figures from the United States indicate that approximately 80 per cent of Web users are deeply concerned about the protection of their privacy. Studies done by Visa in Australia indicate that there are similar levels of concern amongst Australians. Therefore, as we move into the new age of printing and the issues of regulation that the honourable member for Preston referred to, data protection and privacy become very important.

All members of the chamber are aware that the Victorian government has had on its multimedia Website a draft data protection bill which has received strong acceptance by most of industry, most consumer groups, most citizens who have read it, and most privacy activists. These people think it is a terrific piece of legislation. Interestingly enough, it is the big banks and similar organisations who already hold huge amounts of data who are the most critical of the Victorian government in its efforts to deal with this problem.

This is not just a Victorian issue; it is a national issue. Whether it is the banks or any of the organisations that hold the greatest amount of data, such as Coles Myer, they are national organisations, and in many cases international organisations. The Victorian government's desire to deal with data protection is one that can be accommodated by a national approach.

The draft bill on the Internet shows that the government has adopted the federal privacy principles as the core of the legislation, and that should make it possible to arrange a national scheme to deal with data protection. It is not the honest people we have to worry about. Just as people make arrangements to have Websites in the United States, those who are most likely to misuse our data in data warehouses and who will apply manipulative techniques to manipulate us or people like us for the purposes of consumption and vote collection will have their data storage somewhere outside the jurisdiction, such as South America, the Bahamas or Africa. It is now quite possible for huge databases on Australians to be held offshore and still be used to manipulate us.

Again, international cooperation is needed in this area. It is a good thing the Australian government has developed a reasonably close rapport with the American government and those who administer its Internet policy. Ira Magaziner, the senior adviser to President Bill Clinton in this area, accepted the Victorian government's invitations to come to both the virtual opportunity congress that was held last year and the E-commerce summit in April. Although currently the American government takes a more self-regulatory approach to data protection, as more and more Americans understand the dangers that are posed by these huge data warehouses — with the ability to manipulate data on Australians — there will be an increasing demand in the United States for regulation in this area. Ultimately the United States, with its huge economic power and because it is the only military superpower, has the ability to impose its will in relation to data protection issues internationally.

An issue that arises in the bill is the question of identity. The honourable member for Preston did not mention it. He was critical of the fact that the legislation is superseded by the Internet, yet the vast bulk of material Australians deal with — that you and I deal with, Mr Acting Speaker — is still in paper form. It is clear that as a community we have an interest in requiring the people who produce pamphlets and literature for distribution to identify themselves. If the honourable member for Preston applied some logic to this issue he would say that ultimately the resolution of problems on the Internet will be resolved by questions of certification of identity.

Mr Acting Speaker, having paid close regard to these technological issues you will have noticed that, for instance, last week KPMG was making an offer to the world at large for certification of Websites. As this technology develops we will increasingly rely on Websites that have verifiable identification. A good example is to consider where we go to look for material on an issue of concern to us when we are at Parliament. We go to the library. We might first access the CD-ROM collection on the *Age* and the *Herald Sun*, or perhaps the *Encyclopaedia Britannica*, because it is known as a world authority in these matters. We know that if we type the appropriate URL the genuine *Encyclopaedia Britannica* site will arise.

The Victorian government is dealing with a situation that affects most Victorians because most of us still deal with the bulk of our information and material in paper form. Most defamation takes place in paper form. I am sure the honourable member for Preston has had more than his fair share of pamphlets dedicated to him and his conduct in the local affairs of his electorate and would prefer some of the material distributed by his party members — confrères and enemies — to contain some identification.

Mr Leighton — I want to see the video.

Mr PERTON — The honourable member for Preston would like to see the video as well. He was very good to refer people to URLs that referred to me. In his role in factional Labor politics and politics in

local government the honourable member is a robust fellow, but he, too, has been subject to a wide range of wild and woolly allegations, some of which are probably true and some of which are no doubt false. It would be better for the whole community if those who produced false and defamatory material could be dealt with anonymously under crimes or summary offences legislation, or alternatively under the Wrongs Act, so that the honourable member for Preston could take appropriate action against them.

Mr Leighton interjected.

Mr PERTON — The honourable member for Doncaster is caught up in the problem that his defamer is on the Web. The honourable member for Preston is probably in a better position in that most of his defamers are in hard copy.

Mr Leighton — I have not caught up with the technology!

Mr PERTON — At the conclusion of this debate I may do an Internet search for the name Leighton to see if anything has occurred on that front. The law reform we are dealing with is very practical. Although the legislation was introduced initially to deal with sedition and blasphemy and has outlived its primary purpose it still serves some valid functions: to stop people producing false and defamatory material anonymously and to enable people who produce material that contravenes the law in other ways to be readily identified.

The Attorney-General is responsible not only for legislation dealing with sedition, blasphemy and defamation, but also for legislation relating to pornography and the like. On Monday before a parliamentary committee I gave evidence about the family and the benefits accruing to it from new technologies. The average family is hugely empowered by the technology. Two or three years ago how many of us could have afforded to buy the *Encyclopaedia Britannica*? The publication costs thousands of dollars because of the distribution costs involved in its agent structure and because of the cost of the paper for such high-gloss volumes. I looked at the Website. For $10 I can buy 25 visits — roughly $1 for a full research service from the best research service in the world. Although there is a $10-a-month service, it costs approximately $70 a year for the up-to-date *Encyclopaedia Britannica*. It would be good if parents had the confidence to allow their children to use the Internet without excessive supervision.

One of the problems on the Internet at the moment is the proliferation of pornography. That does not apply on Australian sites because our criminal law — particularly the criminal law introduced by the Attorney-General — deals with a wide range of those issues, including the transmission of unclassifiable material to juveniles. It is a problem that many people, including my own electorate chairman, express reservations about giving full access to the Internet to children.

Parliament, including its Community and Family Development Committee, should assist in the production of pamphlets to inform parents they can buy software such as Netnanny and use it to undertake reasonable supervision of their children's access to the Internet. However, children may still be exposed to the sort of pornography they probably already see in newsagents' shops in magazines such as *Cosmopolitan* and *Playboy*, and as a community we must encourage people to take up the new technologies.

Although the honourable member for Preston is right to say that the Victorian government cannot resolve all the problems associated with accessing unclassified material on the Internet, nevertheless, if we set up the structures we can say that certain action may be a criminal offence if it occurs in Victoria, and if the government has access to the person publishing the material it can take action against him under Victorian law.

This is good bipartisan law reform. It repeals an act which dates back to the last century and beyond. The provisions of the bill indicate that there are valid reasons to require people to identify themselves in the publication of pamphlets and other matters so that Victorians who are either offended or damaged by breach of the law have recourse to the law. That is important. I join with the Attorney-General and the honourable member for Berwick in saying in a bipartisan and thoughtful way that Victorians can find a solution to these problems in the new millennium.

The honourable member for Preston and I must spend a lot of time using the Internet. Margaret Thatcher made an excellent speech at the recent world congress on information technology that was conducted in New York in July. The remarkable point about the congress was that although most of us could not be there in person we could read all the speeches of the participants via the Internet. Margaret Thatcher, who is in her mid-70s, shows a remarkable understanding of the new technologies. She said that most members of Parliament do not seem to be equipped to deal with the legislative issues thrown up by the Internet. Victoria is

different. Whether it is Bill Gates throwing compliments, IBM, Cable and Wireless, which owns Optus Vision, or companies setting up headquarters in Victoria such as Ericsson, which has established an office in Elizabeth Street, they are paying us a great compliment. They are saying that Victoria has a community that understands and can use technology creatively and whose legislators are amongst the few in the world who understand it. Symbolically, the Minister for Information Technology and Multimedia was one of only two politicians invited to a symposium last year in Seattle. The other politician invited was the Vice-President of the United States of America, Al Gore, who is credited with the invention of the term 'superhighway'.

Victoria has done fantastic things and this legislation is moving towards the new millennium, but we must think hard about issues involving the Internet. The Family and Community Development Committee and the Law Reform Committee must work in a bipartisan way to find solutions to the problems thrown up by the new technology. I am pleased to support the bill.

Ms GILLETT (Werribee) — I am pleased to contribute to the debate, particularly as it is one of the few occasions where debates are conducted with good humour, wit and intelligence by members on both sides of the chamber. Those three characteristics are generally and often displayed by members on this side of the house, but are not displayed often by members opposite. The honourable members for Preston and Doncaster discussed the publishing issues of the next millennium. Publishing, printing and the production of newspapers are now functions of electronic technology. The honourable member for Preston said Victoria leads the way on these issues and should be congratulated, but that could not have occurred without bipartisan support.

I am pleased a number of my colleagues are taking an active interest in the new technology. Although some of the dinosaurs like myself do not follow all the points they make, nonetheless, we support them in this interest and are pleased they are addressing the technologies that will allow the community to communicate in a way that our parents would never have imagined. When I started work some 20 years ago we had Gestetner machines and telexes.

Technology has changed so radically, yet the fundamental issues have not. Although Australians have embraced the new technology with open arms, I am concerned that we have embraced the technology for technology's sake. Instead of working out how to apply the technology so that we are its masters, the technology is becoming our master. That is why progress in the electronic communication technology has put us on the back foot. Honourable members should be congratulated for being prepared to confront and deal with these issues in a practical way.

The proposed legislation is an important piece of law reform. Many of the new technologies will not be lost on honourable members who have just experienced the rollout of Parlynet, a step forward in the electronic distribution of information. However, as I said, I express concern that although we have embraced the new technology, appropriate safeguards and understandings have not been put in place. Nonetheless, my office has agreed to be one of seven pilot sites throughout the state, and I am confident that we will ensure adequate levels of security. I am confident that we will work through all the issues. Mr Acting Speaker, you expressed some concerns and reservations to me earlier about the new technology, but many honourable members have spent considerable time and effort bringing themselves up to date with it.

This important legislation will ensure that people who question the motive or the behaviour of people will not be able to hide behind the electronic screen. I disagree with the comments of the honourable members for Preston and Doncaster about the reputation of a public person as against the reputation of a private citizen. I believe they are of equal value. It is no more important for a member of the public to have his or her reputation protected than it is for a member of Parliament. It is equally important for all citizens of the state to ensure that they are treated appropriately; that their motives and actions are not exploited; and that they are not vulnerable to cowardly, devious and scurrilous attacks on their character. Public or private people should not be defamed through the printed word.

I refer the house to a report of an incident published in my local paper that has made me interested in this issue. Recently community members have proposed developing land opposite the civic centre at 2 Princes Highway. Honourable members may be aware of the boulevard effect as you enter Werribee. Beautiful trees, some of which are a great age, grow on either side of a double carriageway. The development would be plonked in the middle of that boulevard affecting the amenity of some local residents and ruining the effect of the entrance to Werribee. Concerns were expressed to me and council dealt with the matter on two occasions. A couple of the councillors declared their pecuniary interest and withdrew. Eventually, with a broad range of recommendations to be met, a plan to build a car yard on this otherwise pristine site was endorsed.

When reporting the incident the local paper took a very odd approach. I am no lawyer, but it appeared to me that short of defamation one of the councillors who had declared a pecuniary interest criticised me for supporting the local members who were critical of the development. I was astonished that the paper did not indicate that this councillor had excluded himself from consideration of the proposal because of a clear pecuniary interest. I followed up the matter with the local paper. The journalist who wrote the article was a fine young man who wrote excellent articles. Mistakes happen and the record was to be put straight in the coming week. I felt deeply offended by the criticism of my role and my motives. Unfortunately, the article to redress the issue has not done so. It is a pity as it damages the credibility of the publication.

It is important that artworks have been excluded. Honourable members will recall that the Premier became upset about some artwork that he considered contained imputations about his good self. The bill appears to put arrangements in place where one person's pique about another person's creative work cannot force that work to be withdrawn by setting themselves up as judge and jury.

Various areas of artistic endeavour have a long and proud reputation of provoking social comment that often does not find favour with the ruling party. It is everyone's right to have their say on whether the government is doing the right thing. It is pleasing to know that art may be an expression of a political view on a range of social matters and that those who seek to criticise, damage or hurt — although they may be able to do so by the printed word — will not be allowed to get away with it.

Dr DEAN (Berwick) — The bill has attracted much interest because printing, distributing material and communication are interesting and involve politics. It is good that this bill has the agreement of the opposition. It does not happen often but when it does it is good. There was a great deal of consultation on the bill. The Australian Publishers Association and the Printing Industries Association of Australia were consulted and saw no need for the continuation of the existing act. The Australian Society of Authors was happy, and defamation lawyers, the Registrar-General's office and others were all consulted.

I believe it is important to see how history can assist and possibly predict the future. It was stated previously that the registration of printing presses in the 19th century was an important requirement. This bill is a classic example of how technology has changed our lives not just in a superficial sense but in the way we think, operate and organise our communities. Regardless of whether one thinks of the 18th century when printing presses were in small villages or in films depicting the American West where the person who published the broadsheet was somewhere in the town, one realises that the ability to publish material in bulk was an aspect of power. That person controlled the spreading of information, particularly information he or she wanted to spread. As politicians, we understand that.

Prior to that time the capacity to focus power on those who had that capacity was not there; only so many letters can be handwritten. I suppose the way to gain control was to ride with an enormous army through the village to let the villagers see who had the power. The invention of the printing press and its capacity to spread information whether for good or, as during the Second World War in Nazi Germany, for bad, enabled the person who controlled that process to exercise power.

I return to the quaint and superficial but interesting example of the Wild West films, where publications bravely supported the landowners against the cattlemen or vice versa. The broadsheets would publish and the landowners who wanted to stop the sheep graziers or others would smash up the printing presses and cause grievous bodily harm to the operators to prevent further publication. If that is not an indication that whoever prints has power, I do not know what is.

It is interesting that that principle has not changed but has grown as technology has grown. As technology grew, the capacity to put the broadsheet out in the village spread to the capacity to put a newspaper out in a region, which spread to the capacity to put a newspaper out to an entire country, which in turn spread to the capacity to present something on a television screen not only to the country but to the rest of the world. As technology grew, the power associated with printing grew as well.

That growth in technology has shaped the way that society can conduct its business. I will put my head on the block and say that I do not believe the current democratic political process in this chamber and in Australia could exist without the initial invention of the printing press and the capacity to spread our message through duplication of the message via the printed means and now also via electronic means. That capacity has had an impact by removing the need for political parties to communicate their messages by deliberate force and allowing them to capture people's minds rather than instilling in them the fear of having their bodies mutilated to convince them to follow a certain path. Political parties have been able to grow

because they can not only spread their views through the medium and gather people around them, but they can spread those views across the nation and perhaps across the world to gain support for them.

How would it be possible to have democratic elections if the people going into the voting box did not have information provided to them through the capacity to print, duplicate and publish? It would be a farce. Putting it the other way, I suggest that if that capacity did not exist, we would still be living under the feudal system, in which whoever had control of a region would have power.

Our current democratic society operates as it does because we have the capacity to publish through various means. While publishing can be a pain in the neck and a real problem for politicians, it also forms the very basis of how we conduct ourselves.

It is appropriate to consider the history of publishing when we are finally saying, as it were, 'We can move on from the registration of a printing press to other ways of trying to secure control over the power of publishing'. The bill repeals an act that deals with documents only. Already honourable members have heard some very interesting speeches about how we will cope with the electronic media, and I will come back to that issue. Given that publishing is no longer connected with a printing press but goes through a whole series of hands, it is very difficult to control its power. The publishing process may start with an international press agency picking up various pieces of information from around the world and funnelling them to a number of newspapers, which in turn contract out to somebody else to print what they want published. They contract out to somebody else to take the newspapers, which are printed by an entirely separate body with absolutely nothing to do with what is contained in them, and to distribute them to various people. Honourable members can appreciate that trying to maintain some control over the power of publishing to prevent publication of false or defamatory statements or articles becomes quite complex.

The bill provides for maintaining control in a fairly simple way: by requiring that the publisher's name appear on a published document, or, if it is a journal, somewhere quite obvious. We are not interested in knowing who is the printer but who has written what is contained in the document. The whole emphasis of the proposed legislation is on the publisher — that is, the person taking responsibility or the person checking the information and saying, in effect, 'I am putting this out'. At the same time, the printer will have the responsibility of putting the publisher's name on the document.

In separating all the requirements of publishing, the government is trying to avoid a situation arising where printers, for example, can get away with saying, 'I don't know who it was! It came from an international news service, so it's not my fault — blah, blah, blah'. Some restrictions must be imposed on printers, but honourable members can see how incredibly complex the matter is.

It is very important that honourable members take time to think about what is proposed, because we are getting to the point where the capacity to control false publication is becoming extremely difficult and we may have to adopt another approach to deal with defamatory statements. It may be that people will realise that what appears on their video screens, their computers, the Internet or whatever ought to be mistrusted until they check it themselves, because neither the means nor the mechanism is available to enable people to know immediately who is the source of information, and they will realise that they must question whether the source should be believed before relying on the information.

I do not know how such control over the Internet will be exercised in the future. I suggest it will require a magician to come up with a way of controlling the Internet to enable people to see the source of information available to them. If it can be done, it is again likely to have a revolutionary effect on the way the public treats publication. People will be more cynical and far more inquiring. When information pops up on their screens, they will see it but not necessarily rely on it because they will know that anybody could have published it and that they simply have no way of knowing who it was.

Today we say goodbye to the printing press and attempt to ensure that the publisher's name appears on documents as a means of trying to protect ourselves. In the next 10 to 15 years we may effectively say goodbye to documents, because they are becoming less important in the legal profession, in business or wherever. I am sure newspaper proprietors would be stunned if I were to tell them that however magnificent their profits at this stage, as technology develops they will have to find a more technologically appropriate and convenient way of spreading their news. I do not know how it will be done. It may be that we will have access to information via little pocket electronic devices that we pick up. It might be available in a person's car, on the wall of the house as he or she walks in, in the office or even at the back of the chamber. It might be

that anything we want to see about the news will be in any of those places.

It may well be that entertainment pieces will continue to be published because people will enjoy picking them up to read for entertainment value, for the same reasons that books are still greatly valued. But when it comes to finding out the news, even if the newspaper is delivered to your front garden, why would you bother to go out to get it, take off the plastic wrapper, get rid of all the dirt, spread the newspaper out and spend time sitting down at the table turning the pages while eating your breakfast when you have in your pocket, home or car everything you need to see it by electronic means?

I believe that as time goes by we will say goodbye to the proposed form of protection against the misuse of the incredible power of publication. The interesting thing will be how we will grapple with that. It is often the case that we do not know in advance of having to deal with problems what the solutions to them will be. We should not panic about how problems will be solved because often solutions are found as a consequence of the expanded technology and we cannot imagine what they will be.

I am sure that 10 or 15 years ago no member of this house could have envisaged the way technology is now used. We should not worry about controlling the next ream of publication. Nevertheless, we should think about those matters because as the capacity to spread news and ideas easily is improved and as people find the publication of news is before them continuously, so the power of publication increases.

Although small, the power was initially with the printer. The power then shifted to regional newspapers and is now with those who run global news networks. As the technology of publication increases, so will the power of the publisher increase. Anybody with any sense will realise that as technology makes publication easier and brings it into our homes, so the power of publication will become greater. I know, for example, of many interesting films about controlling people in the future through the capacity not only to put information before them continuously but to observe how they react to it; I believe it is called interactive technology.

It is also important to realise that lawyers are having a huge battle in deciding where the copyright on who owns what appears on our video screens and computers lies. Is it with the person who puts together a source code and then gives it to somebody else to transfer into a display on our screens? Is it with the person who displays the screen? Who is the copyright owner? It is not only a matter of controlling the misuse of the power of publication because other incredibly complex legal problems arise, as they will undoubtedly arise because of our use of technology.

The bill does not extend its provisions to works of art, because it is almost impossible to control that process. A work of art is effectively somebody drawing a picture or painting a portrait or landscape. Pictures can be more viciously defamatory than words. Nevertheless, the bill does not deal with works of art because we must realise that a capacity to draw a picture and spread it throughout the community by facsimile is almost impossible to control. We are already admitting the difficulties facing us further down the track.

Although it is important to note the passing of the printing press, it is more important to note what we are doing about the publication of documents so we can have resource to the publisher and have some accountability put in place. In comparison to my knowledge of the technology, that of the honourable members for Preston and Doncaster makes them experts. The experts must try to nut out the problem, but that cannot be achieved through adversarial politics. The only solution to the problem, which it is in everybody's interest to solve, is through cooperation between both sides of the political spectrum; the ramifications for not acting in that way are enormous.

Defamation in Victoria is different from defamation in, say, New South Wales. In Victoria one has only to tell the truth, rather than having to show that the publication of certain statements is in the public interest. If a person who has been defamed cannot find the one who defamed him or her, people throughout the country may believe untrue allegations. That can destroy lives. I know of many such examples. Daily in the courts we find somebody's reputation is on the line. The press moves in and allegations of, say, discrimination are spread across the newspapers. I do not disagree with that freedom because the courts must be open. Maybe later the allegations of discrimination may be found to be totally without foundation. Then will the newspapers with all their power say to their readers, 'All the terrible things we said earlier are not true'? That is unlikely to happen.

The power of the press to wrongly destroy somebody if allegations are manipulated by the wrong hands can be a disastrous reflection on our civil behaviour, which is why I constantly draw attention to the power of the press. On many occasions in this house I have said that the press plays an important role in keeping politicians and governments on their toes. The public must have information before it. The press plays an incredibly important part in our democracy.

However, the control of the power of the press, as I have already explained, and its increasing power as a result of technology must be kept in check. As time passes I do not know whether all honourable members will agree that the press councils should have more teeth, but if individuals do not know the author of a publication that has destroyed a reputation and therefore cannot take action to prove their innocence in the courts — thereby letting people know about the incorrect allegations or accusations — parties on both sides of politics must arrive at a mechanism to prevent that destructive side of the media from taking over. An integral part of democracy is that power always has two edges and the media has a fantastic power to do good, but with that same power the press has an enormous capacity to do harm. It will defend itself.

Power may grow in the balance of those who are leading the community. The legislature, the judiciary and the public service all play their part in having power. The media, the fourth estate, is growing in power because of the reduction in the capacity of anybody to put up a hand and say, 'You have said the wrong thing'. It is incumbent upon us to get the balance right; as politicians, we cannot shirk that responsibility. The media will rightly defend its patch; if we succumb to that, the power of the legislature goes and we do not have a proper balancing mechanism. If we succumb to the media approach, we will be the losers.

Finally, the elected politicians — and newspapers are not elected to anything — will find that their capacity to follow the policies they have put before the people becomes diminished because of the power of the press. If the power is increased in one quarter, as occurs with the press, there will be a reduction in other instruments of government power. It may be a minor thing, but that reduction is evidenced by a farewell to the printing presses and a warning to everybody that as the balance between who most influences the community changes — and politicians, as the elected group, are part of that change in balance — it is important for us to be on our toes, to be vigilant and courageous about how we handle that problem.

Mr THOMPSON (Sandringham) — The Russian writer Alexander Solzhenitsyn used as the title of his Nobel Prize winning speech the Russian proverb: one word of truth outweighs the whole world.

It is intrinsic to the role of newspapers that the truth is something to strive for. I note that an early *Age* editorial published in the 1850s — I am not sure whether the editor at the time was David Syme or his brother — states that 'the truth is the sole end that we aim for'. Unfortunately that outcome has not always been achieved, both in the case of newspapers, as evidenced by successful defamation proceedings against them, and in the case of other organisations.

My first experience with the law of defamation involved a political party factional dispute. In deference to my opposition colleagues I will not go into it in too much detail. A sheet had been circulated by one particular faction and had found its way into the local newspaper. Another member of the faction took exception to that and instituted proceedings. Ultimately the defendant was not liable to any sort of financial difficulty as a consequence of the proceedings.

In the history of communications it is instructive to note that the printing press was invented by Gutenberg, a German metalworker who adapted a number of existing technologies. The Greeks had developed the use of wax and the stylus for engraving.

I want to share with the house a story that addresses this particular area of activity. It is the story told by Cicero about two philosophers, Damon and Pythias.

Honourable members interjecting.

Mr THOMPSON — Cicero was a great Roman writer, and opposition members might learn from this particular story. The King of Syracuse, Dionysius, was regarded as a tyrant, and Pythias, who subscribed to the philosophy of Pythagoras, told some stories that did not run well in the mind of the king. King Dionysius said that unless Pythias ceased making such libellous remarks he would execute him. Pythias said he would continue to tell the truth as he saw it. That led to him being arrested. As he was arrested he asked King Dionysius whether he could go back to say goodbye to his family and put his affairs in order. The king said, 'Do you take me to be a great fool? If I let you go you will not come back'. At that point Pythias's good friend, Damon, stepped forward and said, 'I will stand in the place of my friend, Pythias, until he returns'. King Dionysius's remark was, 'Well, you are a greater fool than I am', but he acceded to the request.

The allotted time passed, and Pythias had not returned for his execution. The king mocked Damon and said, 'Your friend has not turned up. He has done what I thought he might do'. However, he gave him an extra couple of days. At length the fateful day of execution arrived. Just prior to Damon's execution in place of Pythias, Pythias arrived bedraggled and explained that he had been set upon by brigands and shipwrecked but was pleased to make it back on the appointed day.

'What then happened?', I can hear members of the opposition asking. King Dionysius was so moved by their mutual loyalty and sense of commitment that he pardoned both of them on one condition. Damon and Pythias asked what that condition was. The king responded, 'That you teach me to become a part of such a worthy friendship'. The moral of that story is that it is important to tell the truth. The story also illustrates some good qualities of character that are suitable for people today. Cicero himself was a politician and a great writer and statesman. He was familiar with the laws and times of ancient Rome. He knew the importance of the truth being told.

On the general question of the truth, it is important that it is practised in this chamber. During the past couple of days, alleged facts which have no truth in them have been the repeated in the house. Take, for example, a close look at the role of section 85 of the state constitution and the removal of rights of appeal to the Supreme Court. We have something in Victoria that does not exist in other states. In Victoria, for sound reasons, people in certain circumstances are immune from actions in court. Such circumstances include the protection of boards of management from defamation proceedings; the consolidation of Crown land so that it is not open to private claims, easements or rights of way; and the protection of medical practitioners who may be required to take samples of blood. People in such circumstances may be immune from actions in court such as charges of assault, as in cases of doctors needing to take blood samples. It is clear that there are many examples of this chamber quite properly limiting access to the Supreme Court.

In past years the Victorian Parliament has, in its wisdom, decreed that where the jurisdiction of the Supreme Court is to be varied or limited in any way there needs to be an appropriate majority in this chamber.

In addition, the Scrutiny of Acts and Regulations Committee has the responsibility of ensuring that such limitations are reasonable and appropriate in all the circumstances. It is my view that, in the overwhelming majority of cases, limitations have been adjudged by members on both sides of this house as reasonable and appropriate in all the circumstances. Earlier today, however, we heard the claim that on 150 occasions the right to natural justice had been removed from Victorians. That is untrue.

Mr Hulls — On a point of order, Mr Acting Speaker, I enjoyed the story about Cicero and King Canute or whoever it was. I wonder, however, what the section 85 ouster clauses have to do with this particular piece of legislation.

The ACTING SPEAKER (Mr McArthur) — Order! I look forward to an explanation from the honourable member for Sandringham as to the relevance of the particular line he is arguing.

Mr THOMPSON — Thank you, Mr Acting Speaker. The background to the bill is, in fact, the printers and newspapers legislation. The principal object of its establishment was that where the truth was not adhered to and people were defamed printers were obliged to enter into a recognisance by paying $600, being a promise to the court. That sum of money was recognised as an offset against any fine or penalty imposed for a blasphemous or seditious libel. Earlier in my remarks I referred to the importance in public debate, such as the debate that occurs in newspapers and also in politics, of observing the truth.

In deference to the house I may perhaps move on, noting that our time is short. It is possible to have a lesson in history that is also a lesson in the substance of the matter being debated.

The ACTING SPEAKER (Mr McArthur) — Order! The lesson has been well given, and discussion on the bill may be timely.

Mr THOMPSON — I encourage members to embark upon a study of what takes place in the majority of other states in Australia before they make statements that are untrue in this chamber.

A number of provisions in the bill refer to the Printers and Newspapers Act which is to be repealed. It is an old act based on English laws of the late 18th and early 19th centuries. The prevention of seditious and blasphemous libels was regarded as being archaic justification and is not likely to be achieved through the registration regime. Any usefulness of the registration requirements for printing presses has been superseded by the use of computers for the production of publications. A numbers of my colleagues in the house have alluded to the development in technology and the progress from the wax tablet, the stylus and the Gutenberg printing press through to cyberspace and accessing information in a completely new way. The law needs to adapt and reflect those changes. I support the bill because it is germane at this time to implement these changes in the context of a changing legal, social and technological environment.

Mr E. R. SMITH (Glen Waverley) — I could not let a bill such as this pass without having something to contribute. I am surprised that the honourable member

for Sunshine is not here to join the couple of members who were journalists in past lives. In some ways the bill is very nostalgic. It is one of some 70 pieces of legislation the Attorney-General has introduced, and, although it is a minor measure, it brings back many memories. We have seen in our lifetimes the demise of a number of newspapers. At one time Melbourne had two morning papers and one afternoon newspaper until the amalgamation of the *Sun* and the *Herald*. The *Age* continued as a morning paper, and the circulation of the *Herald Sun* is now about 700 000. Sydney had four newspapers, and that number has been reduced to two. I worked on the Sydney *Telegraph*, which amalgamated with the *Mirror* and which is now called the *Telegraph Herald*, and the Sydney *Sun*.

Television was in its infancy in those days and modern technology did not exist. If there were a big court case, such as the Bogle and Chandler inquest or the trial of Stephen Leslie Bradley who murdered Graham Thorne, a little boy whose father was a recipient of the first Sydney Opera House lottery, the newspaper would issue two or three editions on the one day and a journalist's shorthand skills would be honed to the highest degree. Today few journalists have shorthand skills — they use tape recorders and the like. It is a natural progression of the way newspapers have gone. I am not saying that we will see the demise of newspapers; that will not happen for some time.

With the way newspapers are produced in addition to the use of the Internet and the reliance on electronic forms of news, it is only those people out on the front line who will produce stories that will be in demand around the world. During the Vietnam conflict my cousin Bruce Wilson went dashing off to Cambodia for the Murdoch press and had to get in there by any means possible. He had only an Australian passport which was not valid for Cambodia, but then it was recalled that his father was born in Scotland so he quickly got a British passport to enable him to get into Cambodia. Those were the days of the intrepid reporter displaying incredible bravery.

The public relies less on newspapers now that there is so much up-to-the-second news on television. I thank the Attorney-General for introducing yet another necessary, although minor, bill. I understand why it must be introduced, but I feel nostalgic for the world of the hardworking journalists on newspapers. I wish the bill a speedy passage.

Mrs WADE (Attorney-General) — I began to wonder whether we would come to the end of this debate on such a small bill that repeals an outdated set of registration requirements for printers and publishers! It has been a wide-ranging debate and speakers have ranged over issues from the invention of the printing press through to the projected future of multimedia worldwide. It was a debate with something for everybody. A particular feature of this debate was the outline from the honourable member for Preston about how he had researched the history of the act and had searched for second-reading speeches on its move through the various consolidations of the statute book dating back to 1864 without finding any enlightenment. I have not done it, and it appears it would not have been worthwhile, although I was interested to hear of his experience. The honourable member not only researched the history, but he also indicated that he is with it so far as modern technology is concerned. He spoke about the Internet and its impact on every aspect of regulation of publishers and printers or of those who have replaced printers.

We then heard from the honourable member for Doncaster who carried on the exploration of the future by predicting that in a modern world governments will be competing for our patronage. He spoke about the Internet empowering families. There is no doubt that the empowerment of people is one of the features of modern life through access to knowledge that was previously not available. I envy young children in the present world who have access to all the knowledge on the Internet. I cast my mind back to my desire for books for my birthdays and Christmases and my disappointment when I managed to read the books I was given by the end of the day of my birthday or Christmas day. An enormous wealth of information is available to today's children if they have access to the Internet.

The honourable member for Berwick spoke of the importance of printing to a democratic system of government, but nevertheless he predicted the death of newspapers as we know them. I was also taken with the compelling way the honourable member spoke about the dangers of a future media which may be totally out of control and not accountable to anyone in an electronic world and the impact that that may have on all arms of government — legislative, executive and the judiciary. That must give one cause for concern.

I am currently considering a draft fair trading bill which deals with such things as door-to-door sales. One must consider the many other ways in which people can be approached in a modern world through the Internet, telephone sales, TV sales and so on and whether those modes of hard selling can be covered by legislation in the same way as door-to-door sales are or whether the whole area must be deregulated so there is a level playing field. This is a difficult problem to tackle.

The honourable member for Sandringham trumped everyone, not only with his magnificent story but also with his exposure of the misleading statements made by various opposition members about section 85 of the Victorian constitution. They have been of concern to me not only because in the long run they may have an impact on the government but also because they have a tendency to bring the whole of Parliament into disrepute. That should be of concern to all of us.

The other thing that came to mind as I listened to the debate was my interaction with the old Government Printing Office when I was a parliamentary counsel. It is probably the only interaction I have had with a large printing office during my career. During my 12 years as a parliamentary counsel it was not unusual for bills and house amendments to be drafted by parliamentary counsel in Parliament House, often in the middle of the night, and propped up against a mantelpiece. That is not the way bills and house amendments are drafted these days given the electronic communication between Parliament and the Parliamentary Counsel's office, which means it is no longer necessary for parliamentary counsel to be here all hours of the night.

Having drafted a piece of legislation on a mantelpiece, in those days — from 1967 to 1979 — one often jumped in a car, drove to the printing office in North Melbourne and watched the printers set up the bill or house amendments using a method of printing that I imagine is no longer in use.

Mr Hulls interjected.

Mrs WADE — Yes, I have had a long association with the statute book of Victoria! The printers set the bills letter by letter and word by word, locking them into frames for printing. One of our concerns as parliamentary counsel was that our careful drafting would be dropped on the floor — it rarely was — but on those rare occasions it sent the loose pieces of printing in every direction. Reassembling the frames was not much of a problem if that happened before you had read the first proof; but if, having read the proof and deciding it was correct, you submitted a later draft that suffered that fate, you sometimes did not pick up the odd word that may have been misplaced or the odd piece of punctuation that may have been left out. As I said, that did not happen very often. As I recall, the printers were exceptionally careful, expert in their work and committed to ensuring that the printing done for Parliament was accurate and speedy.

I take this opportunity to record in *Hansard* my appreciation of those who worked in the printing office and how much I enjoyed my visits there. Finally, I thank those honourable members who participated in the debate.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL

Government amendments circulated by Mrs WADE (Attorney-General) pursuant to sessional orders.

Second reading

Debate resumed from 9 April; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — The opposition will not oppose the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill. In assessing the bill it is important to note that classifying materials is fundamentally a matter of balance. That balance was referred to by the Attorney-General in her second-reading speech on the Classification, (Publications, Films and Computer Games) (Enforcement) Bill in this place on 16 November 1995, when she is reported as stating:

> The bill reflects the democratic principle that censorship of any material should strike a balance between competing community concerns.

I think all members of the house would agree with that sentiment. She went on to say:

> On the one hand, adults should be free to read, see and hear what they want; on the other hand, children should be protected from material likely to harm them, and adults should not have material they may consider offensive thrust upon them unsolicited and without warning.

That describes fairly well the balance that has to be struck in any legislation that seeks to restrict the publication of material. Classification is a guide for consumers to ensure they are aware of the content of the products they purchase so they can make the right choices to meet their needs and the needs of their families.

However, classification has a role in determining which products are censored. Censorship is the more controversial aspect of classification. It can be justified only as a means of protecting the public, particularly

children, from viewing material that is inappropriate. Censorship also has a role to play in ensuring that society develops as a community and does not graphically portray or glorify conduct that could be considered oppressive or barbaric. For instance, violent sexual erotica is very difficult to justify on any grounds whatever. I guess it moves the community, society in general and our view of women back into the dark old days we would rather leave behind.

Violence against any person is outrageous, but violent sexual assault amounts to a total denigration of an individual and is an assault on society as a whole. It must not be promoted through materials that are designed to appeal to the darker sides of some members of the community. Action to censor or remove such material ought to be carried out expeditiously and not hampered by technical or bureaucratic restrictions that could otherwise be justified. Some members of the community will attempt to produce that sort of material and sell it to whomever they can, regardless of age. It is important for governments to take swift action to stop that occurring and the bill will assist law enforcement agencies to prosecute those who seek to produce and distribute what would otherwise be known as X-rated material.

I am pleased to see that the material covered by the bill includes computer games. We talked earlier about advanced publishing technology. Computer games are a growing area of the market and a whole range is available. The danger exists of displaying through computer games material that is inappropriate for viewing by young children. Parents have grown accustomed to ensuring that their children's viewing of television or videos is regulated as they see fit, but the spread of certain computer games to the black market makes it almost impossible for parents to examine every bit of material their children may be viewing. That also applies to some material that is available on the Internet. It is virtually impossible for parents to sit beside their children whenever the children want to hook into the Internet.

This bill provides enforcement procedures and new categories of offences covering the production and distribution of category X films. There are new categories of offences for the selling of commercial quantities of category X films or of films or computer games that have been refused classification. The bill provides for a new offence of possessing or copying commercial quantities of unclassified material, and a commercial quantity is defined as 50 or more items. The proposal has caused some controversy.

Extraordinary claims have been made by members of the industry. For example, an article written by David Wilson and published in the *Herald Sun* of 5 July states:

> The Victorian government is considering introducing fines of up to $120 000 for people convicted of illegally selling X-rated videos.
>
> The proposed new laws will mean police will be able to charge a person if they find he or she has more than 50 X-classified pornographic videos.

The article goes on to refer to the Eros Foundation, the umbrella body that is lobbying for most of Victoria's sex shops. It continues:

> Foundation spokeswoman Fiona Patten said last night she was concerned that under the legislation a person with 50 X-rated videos could be charged.

It is fair enough for that organisation to have concerns it considers to be reasonable and appropriate. The article later quotes Ms Patten and states:

> We note that there is also the need to prove an intent to sell but are concerned an innocent swap between neighbours or family members could be construed as this by police ...

In making that comment I do not think Ms Patten gave the police much credit. The article continues:

> Fifty X-rated videos represents two beer cartons of tapes.
>
> We estimate that there are in excess of 30 000 Victorians who may have this many X-rated videos under their beds or in their bedroom cupboards.

I am a great stickler for honourable members declaring whether they have any conflict of interest in the subject being debated. I do not have a conflict of interest in relation to this matter. The last time I looked I did not have under my bed 50 X-rated videos, representing two beer cartons full of tapes. I should be interested to hear whether any other honourable member who makes a contribution in this debate is prepared to fess up and say how many porno videos he or she might have under the bed or in the bedroom cupboard.

It is drawing a long bow to suggest that people with beer cartons of X-rated videos under their beds or in their cupboards and people who swap such videos with family members or the next-door neighbour would be caught by the legislation. It appears the Eros Foundation believes it has a right to put its arguments on the agenda.

An article that appeared in the *Australian* of 20 January 1996 gave a breakdown of the sort of people who watch porn videos. I notice a few honourable members

are getting a bit toey, but I will not mention names. The article states:

> Pornographic videos are watched predominantly by university-educated men with above-average incomes, according to a new national survey.

I suppose all honourable members have above-average incomes, there are many who are university educated and most are men. The article continues:

> The university survey, based on written interviews with porno subscribers, shows these men are usually married, many with children, and —

this is the bit I am reluctant to mention —

> vote Labor.

What an outrageous assertion! The article continues:

> The survey dispels the popular but prudish myth that consumers of pornographic videos are potential criminals from the 'raincoat brigade'...
>
> Victorians were the biggest porn watchers with 32 per cent followed by New South Wales 21 per cent, Queensland 16 per cent, with the remaining states on 10 per cent and Tasmania 3 per cent.

They never have fun in Tasmania.

I was interested to note that the article appeared on 20 January 1996. It does not refer to who carried out the survey, but it was not long before a federal election. The Labor government was in power in January 1996 and one wonders whether the fact that the article specifically targets Labor voters was no more than an attempt by the Eros Foundation, or whoever, to put pressure on the government of the day. I suspect that was the case. In any event, without any real research I would be prepared to say there are just as many Liberal voters as Labor voters who watch porno movies. Perhaps we should embark on some research.

The bill is critical because the original Classification (Publications, Films and Computer Games) (Enforcement) Act failed to include a specific power for police to get a warrant to search for pornography. I understand the police had this power under the previous legislation. That became evident when some time ago police were forced to raid a Mildura house using a New South Wales warrant. The raid netted 500 videos, 600 magazines, 1000 photographs and 100 computer disks. That was reported in the *Age* of 14 April 1996. The bill appears to rectify this loophole or mistake.

The classification process has created difficulties for the policing of behaviour in this area. In the past the material had to be classified for an offence to be committed — for instance, if police seized and wanted to charge an individual with possession of, say, 400 illegal videos, each of those videos had to be classified. The delay and the cost implications were an impediment to proper law enforcement. One can imagine that classifying 400 or 500 videos would take a significant amount of time and police resources. Under the bill police officers could seize 600 videos but only 50 of them would have to be classified for an offence to be established. However, the 600 seized videos would be forfeited to the state after such classification. If a person who had been raided alleged that certain seized unclassified videos were not illegal, he or she could make an application to have the specific videos classified. If it were found they were not restricted material the state would pay for the classification process. In those circumstances I suggest that is appropriate.

The bill achieves the right balance by allowing a sample of classification to take place. It then puts the onus on the accused person to challenge whether any of the other 550 videos should be forfeited. If the person is able to demonstrate after classification that the material is not illegal, the state would pay his or her costs. Currently the delay in classification is causing considerable problems in respect of the forfeiture of such materials. Because of the delay in classification, the time the state can hold the materials without charges being laid is being extended. Technically, the state is then required to return the material. The bill gives police officers who are waiting on material to be classified an additional six months before the material reverts to the Crown if charges have not been laid.

The bill imposes a maximum penalty of 10 years gaol or a fine of up to $600 000 for selling material in commercial quantities. Honourable members would agree that that is a significant penalty. However, I am pleased that the Attorney-General has not tampered with judicial discretion or imposed a minimum penalty. Of course, after hearing all the facts of a particular case judges will use their discretion taking into account the maximum penalty that can be imposed.

The bill also deals with the presentation of restricted magazines at stores that are not restricted to children. The bill provides that category 1 material, similar to category 2 material, must be placed in sealed opaque wrappers. The provision is designed to protect children from viewing material simply by entering a newsagent, a milk bar or a service station. It will also prevent a repeat of the event that occurred at the grand prix this year when a publisher was handing out 5000 copies of a magazine, described by police as category 1, without any warnings and without any wrappers. An article headed 'Outrage over sex magazine' in the *Herald Sun*

of 5 April suggests a publisher could be gaoled for distributing 5000 copies of an unclassified sex magazine at the Australian grand prix. The article states:

> Publishers are legally required to submit potentially offensive material to the Office of Film and Literature Classification.
>
> But the publisher of *Flash* magazine, John Handley, said he did not bother because the process delayed production and was too expensive.
>
> Officers from the Victoria Police's gaming and vice division are investigating complaints from grand prix patrons who were outraged at receiving the magazine.
>
> Det. Sgt David Yule this week sent issue five of *Flash*, which was handed out at the Grand Prix bearing an unrestricted declaration, to the OFLC for classification.
>
> OFLC acting director Simon Webb said it would probably be classified category 1, meaning it could only be sold in a sealed bag to adults.
>
> 'Mr Handley did the right thing with volume 1 and submitted it for classification, but since then he has not bothered and has been trading in breach of the law,' he said.
>
> The first issue of *Flash* was classified category 1.

It is totally inappropriate behaviour for this magazine to simply be handed out to people at the grand prix. I am pleased that the bill will stop that. The incident was disturbing, particularly when there is a quote from Mr Handley who says he was worried about being prosecuted but:

> ... if you're handing out 5000 copies at the grand prix and only a handful of people complain, that means it's pretty well accepted.

That is just a nonsense argument, particularly with under-age people. If they receive this sort of magazine they will not complain. They will take it behind the sheltershed and show their mates. That sort of comment from Mr Handley is inappropriate and absurd.

I congratulate the Attorney-General on the introduction of the bill. As the Attorney-General knows, I am only too keen to congratulate her when she introduces appropriate legislation. I am never shy in giving her praise where it is due. Unfortunately, that does not happen often enough with this Attorney-General.

However, the opposition supports the legislation. We believe it fixes an oversight that occurred in 1995. It improves law enforcement procedures and it targets those who sell commercial quantities of restricted material.

Mr PERRIN (Bulleen) — I support the Classification (Publication, Films and Computer Games) (Enforcement) (Amendment) Bill. I will make a number of comments that I hope will be pertinent to the debate because I have been concerned about the type of material that is currently permeating our society and that is available to young people in particular, but even some of what is available to adults.

The proposed legislation does four things and I will concentrate on them. Firstly, it creates offences for selling commercial quantities of certain prohibited material. Secondly, it provides for forfeiture and seizure of particular unacceptable items. Thirdly, it requires all category 1 restricted publications to be sold in sealed plain and opaque packages. Fourthly, it increases the penalties against bodies corporate for offences under the act.

The first proposed amendment deals with items classified as X or Refused Classification, which are and should remain illegal items in this state. The new offences are the selling of commercial quantities of films classified X or films, publications or computer games that have been refused classification; and on top of that the possessing or copying of commercial quantities of films classified X or films, publications or computer games with the intention of selling, exhibiting or distributing the material. As has been already alluded to in this debate, a commercial quantity is 50 copies. I support that proposed number because clearly anybody who has 50 copies of such material is in the business of trading.

No-one has yet described an X-rated or Refused Classification video or film. I will put on the record the sorts of topics likely to be included in such videos, films or publications and why it is necessary to have harsher penalties for those possessing commercial quantities of them.

I ask honourable members to bear with me, as some of the items are horrendous examples of the sorts of things that should be prohibited in our society. They include depictions and descriptions of beating, raping, torturing, maiming, killing, adults portrayed as children, child sexual abuse, incest, demeaning depictions, sexually aggressive language, numerous sex partners, women soliciting rape, oral sex, anal sex, fetish use, bestiality, revolting or abhorrent phenomena, drug abuse or addiction, detailed instruction in the use of prescribed drugs or promotion of or detailed instruction in matters of crime or violence.

They are the sorts of things the proposed legislation seeks to prohibit, give an X-rating to or refuse to classify. I have no doubt that the vast majority of our community would prefer that all the depictions I put on

the record tonight were prohibited. Therefore I congratulate the Attorney-General for taking a harder line on commercial quantities of material of that type. Our society does not need depictions of such things; they do not add anything to our lives; and they demean the human being.

The second proposal is for more effective forfeiture procedures, so that illegal materials seized at the same time and from the same premises in commercial quantities can be forfeited to the Crown without the necessity for every film, publication or computer game to be classified before forfeiture may be ordered by the court. That is essentially a tightening up procedure, to ensure that all offences involving the sorts of materials I have just described are effectively prosecuted. Again I congratulate the Attorney-General. Effective and enforceable laws are needed to enable the police force to remove such materials from our society.

The third proposal will govern publications. I have talked predominantly about videos and films, but publications are in the same category and the proposed amendments will change and tighten up the current system. Currently, as honourable members are no doubt aware, if a publication receives a Category 1 — Restricted classification it may be sold only to persons 18 years of age or over and is required to be sold in sealed wrappers. Children regularly go to shops where such material is sold. The covers have pictures and images on them to which children ought not to be exposed. It is intended that such material be permitted to be sold only in sealed plain and opaque wrappers.

Section 33(1) of the act provides that all materials that a reasonable adult would consider offensive to a child should be in an opaque wrapper. Now the Victorian government — along with all states — is proposing to move away from that state law to the commonwealth classification system, of which category 1 is part. Currently the commonwealth Office of Film and Literature Classification is conducting a review of classifications, to which I have put in a submission. The commonwealth system of classification must change and therefore my basic submission to the inquiry is that requiring that certain categories of material have opaque covers to keep them away from children is not good enough.

I have a couple of publications which should not be unrestricted. They are available now in newsagencies in this city. They have on the front of them the word 'unrestricted' with a circle in a box, which is an Office of Film and Literature Classification symbol. Therefore the publication is available for anybody, including a 10-year-old child, to purchase and it could be left sitting on the shelves of any supermarket, any milk bar or any newsagency.

The publication I have before me is called *National Melbourne Sport*, but honourable members should not look in it for articles about football or cricket because they will not find them. On the front page is a young lady clad in skimpy underwear. It is something that honourable members would find very difficult to show to their children, as I certainly would — and yet the publication is unrestricted. On every page of this publication one can see pictures of naked young women enhanced by computer imagery. They are totally naked and in suggestive poses, and supposedly this material is unrestricted.

I know I am not permitted to do this, but I would like to hold up the middle page of the publication. If anybody thinks that this should be classified as an unrestricted publication and should be available in newsagents where it can be purchased by children, I will go he. There is a strong need to close that loophole to ensure that publications like that are put into opaque wrappers. They should not be available to children. There is not a picture in this newspaper that should be able to be viewed by a young person, and it should certainly not be able to be purchased by a young person.

I have another publication which states on the front page that it is unrestricted, implying that it can be sold to children. This publication is *Picture* magazine, which has another computer-enhanced photograph of a young lady with virtually nothing on. On any page of that publication there are photographs of totally naked people in extremely explicit poses. The standing orders of Parliament do not allow me to read out the language used so I cannot tell you what it says, but the articles in this publication are supposedly unrestricted by the commonwealth Office of Film and Literature Classification. These publications are freely available at newsagencies.

I turn to the third publication, *Australian Penthouse,* which is a little thicker than the last one I referred to. The front cover is not too bad; there is a fair degree of covering on the young lady. She is, however, wearing extremely skimpy material. However, a young person coming into the newsagency and picking up the publication would be confronted on the following pages with depictions of totally nude women, some bending over exposing their posteriors. I just cannot describe it — it is clearly totally unacceptable to be displayed where it can be viewed by a child.

Previously I spoke about what could be classified as X or Refused Classification material. In this magazine

there is an article on taking marijuana and drugs used in sport that encourages people to take those types of drugs. It also contains articles on the lost innocence of young women. There is not the slightest possibility that this magazine could ever be classified as unrestricted. This is material that at the best should be classified as category 1 and sold in an opaque wrapper, or at the worst should be an X or Refused Classification.

I strongly believe there is a need for a major review of the commonwealth classification guidelines, and I have made a submission to that effect. I believe the commonwealth has got it wrong. The principles are wrong and the classifications are wrong. I turn firstly to the principles of classification that the commonwealth uses. Section 11 of the commonwealth act states:

(a) adults should be able to read, hear and see what they want;

(b) minors should be protected from material likely to harm or disturb them;

(c) everyone should be protected from exposure to unsolicited material that they find offensive;

(d) the need to take into account community concerns about:

(i) depictions that condone or incite violence, particularly sexual violence; and

(ii) the portrayal of persons in a demeaning manner.

They are the principles the commonwealth uses to classify publications and by which we are bound, as is the legislation now going through Parliament.

It is nonsense to say that adults should be able to hear, read and see what they want. I have put on the record a series of depictions that the great majority of the community, including adults, would find offensive — things like rape, women looking for rape, and violence. The honourable member for Niddrie put similar criteria on the record. There is a strong need to amend that principle.

The other important thing is that we need to make sure that the depictions do not demean women or children. Although it is nice to have those principles in the bill, they do not go far enough, because the publications that I have just brought to the house, whether it be *Picture* or *National Melbourne Sport* or *Australian Penthouse*, invariably demean the women depicted. Because the photographs are sexually explicit and demeaning, they are certainly wrongly classified.

The various categories in the proposed classification system leave a lot to be desired; clearly they are unsatisfactory. The four categories that the classification board is proposing are Unrestricted; Category 1 — Restricted; Category 2 — Restricted; and RC — Refused Classification. That is absolute nonsense. The unrestricted classification that the board is using is certainly not acceptable.

In my submission to the board I suggested that it should be using a similar classification system to that which we have for films and publications. These classifications are very well known to most people and on any view there should not be four categories but five. I recommended that the categories should be G for 'General', M for 'Mature', E for 'Explicit', R for 'Restricted', and CR for 'Classification Refused'. I have included a category in the submission that I made to the board because I believe that it is necessary to have another category that is the equivalent of the films. That is a general category which includes, for example, Walt Disney films that have a G rating and to which people can take children. At present there is no such category — there is only the unrestricted category — and unfortunately that means that some of the material I brought before the house is getting through. Members will see that the categories roughly equate to the current film and video classifications. The unrestricted category should be classified as 'Mature' and should require material to be contained in an opaque cover.

The E classification is 'Explicit'. The material in that category gets worse the longer the category exists and should be available only at newsagents in opaque covers. It should be available only on request and should not be displayed on shelves. Restricted material is very explicit and borders on material that is refused classification — the sorts of things I talked about earlier. Such material should be available only from X-rated bookshops and sex shops so a person has to be 18 even to get in the front door. The Refused Classification rating would be the equivalent of the X-rated videos I spoke about earlier — depictions of rape and violence and the other phenomena I produced in the chamber. Parents would have confidence in that sort of classification system because classifications for magazines, newspapers and other publications would be similar to the classifications applying to films and videos.

I do not hold out too much hope for a good result from the commonwealth review of classifications. I have presented three examples of unrestricted classifications, and I think some should be rated X or Refused Classification. The commonwealth government has not been able to get the present classification system right and I do not think it will have any more success with the proposed new system. Although my submission to the board of review is current — it carries a June date — I have offered to make further submissions. I

know of organisations that have also made commonsense suggestions in their submissions to the board in the hope that it will recommend a change in the commonwealth classification system.

I raise the issue tonight because the Attorney-General is at the table and I always enjoy debating these and other issues with her. She will attend future meetings of the Standing Committee of Attorneys-General that will look at the classifications systems. I hope that if the states propose to adopt a common classification system for videos, films and publications the Attorney-General will take to Canberra some of the material I have produced tonight to show the review panel how out of touch with reality and community expectations the commonwealth system is. I do not know when the Office of Film and Literature Classification will come down with its findings or what will happen. However, I assure the house that many in our community are watching the progress of the board of review with enormous interest. It got it wrong in the past and it is going to get it wrong again.

Recently I read that one of the commonwealth censors left the Office of Film and Literature Classification and is now producing porn videos. It is common knowledge. I do not want to mention names but the fact is that some of the people who in the past were assessing film and video material for classification are now part of the Australian porn industry. Procedures in the office must change. I do not know the office personnel, but judging from the discussion paper the office has put out, the classifications it has proposed and the depictions in those classifications, I am sceptical about the people involved. There is a need to look at the functioning of the office, the principles and the guidelines it uses and the various categories of classification. There is also a need to consider whether there are people in the office who will later find their way into the community and produce porn movies. The thought of that occurring is a great worry to me and to other people who have brought the matter to my attention.

My suggested G category is pretty clear. It covers the Walt Disney-type movies. There is a need to ensure M-category material is clearly marked, packed in opaque wrappers and available only to people over 18 — the legal age at which people can drink, drive, defend their country and vote. Turning 18 is a key milestone in a person's life and should be the cut-off point for the purchase of M-rated material. Notwithstanding that, many adults would be disturbed by this material — even people over 18. There is considerable evidence that many adults are affected by the sex, violence and rape they see on film and video screens and depicted in printed material. Although I am suggesting a category that would be restricted to an audience aged 18 and over, I know many adults would be affected by the material available only in opaque wrappers, under the counter or in R-rated bookshops, and by the refused classification material.

I know the Attorney-General is very interested in this subject and I think we share a common view on it. I hope when she attends the meeting of the Standing Committee of Attorneys-General that considers the new classification system that arises from the review she has a good look at the matter. I am happy to give the Attorney-General the material I have with me now in the hope she will accept that the current classification system has to be tightened up and that we must make things better for the community. The bill goes some way towards that end, but I hope the Attorney-General can take the matter further in the appropriate places and will try her best to get this smut off the streets of Victoria.

Sitting suspended 6.29 p.m. until 8.04 p.m.

Mr CARLI (Coburg) — As the honourable member for Niddrie said, the opposition does not oppose the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill but believes it is necessary to ensure that the principal act, the Classification (Publications, Films and Computer Games) Act, can work effectively. The act imposes restrictions on the ability of the police to control the trafficking of X-rated videos and computer games. The bill proposes that a commercial quantity of film will be constituted by 50 items. Police will be empowered to seize items used to produce pornographic material. The government has been forced to introduce the amendment to overcome problems associated with the principal act. The alarm was raised when following a police raid in Mildura that seized a large amount of pornographic material, criminal charges could not proceed against the offenders because of limitations in the act.

Honourable members have been debating the advent of new technology, particularly on-line technologies which demonstrate the limitations of the principal act and even this bill in controlling pornographic material. It is not the fault of this government that there has been a major technological explosion in available material. One of the most prominent users of on-line technology are pornographic houses that provide various material to people via the Internet. About 30 per cent of the Australian population, mainly people aged between 14 and 25 years, use Internet services. Society is dealing with a phenomenon that cannot be checked by this

legislation. The trafficking of pornographic material is extremely difficult to control.

Parliament must confront the issue of what to do about on-line technologies that allow pornographic images, publications, videos and video games, often far worse than X-rated material, to be downloaded via the Internet. Society is now confronted with pornographic material that may be racist or violent in nature, material which should be controlled and not made available to young people.

Censorship is a balance between the rights of the individual and the rights of society to protect the vulnerable. Parliament has an obligation to control on-line technology, but the answer is not to increase censorship and make it all illegal. The reality is that if it is in cyberspace it is available to all.

There has been considerable discussion about the control of on-line gambling in the United States of America. Some people say it can be and is being controlled in the USA. The recent amendment passed by the United States Congress relating to on-line gambling was faulty legislation, because it seeks to use old techniques of control. The legislation has many exemptions — for example, it outlaws on-line gambling but exempts on-line betting on horseracing and casinos in Indian reservations. The legislation generally punishes the user. It imposes $US500 fines on certain users of the Internet who become involved in on-line gambling — for example, anyone who visits and gambles on an on-line casino site can be fined. That is not a model for censorship of the Internet. It is a model that is much criticised by the Civil Liberties Union of the United States, which has said that the legislation is unworkable but, more importantly, is unconstitutional. Similar advice has been given by the United States state department — that it is unconstitutional and an infringement of basic rights.

How should we control pornographic material or other material that is extremely violent or racist in order to protect the young and most vulnerable in our society? A number of attempts are being made. California, which has a high concentration of new technology, has a range of legislation designed to seek out and control Websites that either contain illegal material, material that is excessively violent or pornographic, or spanning, when unwanted emails are sent through the system.

Attempts have been made to provide some level of control, most of which affect the people who set up the sites. They are not intended to punish the user. However, the reality is that those sites move on and the material can still be accessed in the cyber world. Although it is an important and symbolic step, it does not do very much.

In the United States in 1995 there was a large debate on censorship and the use of measures such as those in the bill. The measures can be applied to publications, computer games and videos, but you cannot apply them to image information that moves around the world using communication networks. The debate in the United States foundered on the issues of people's rights and freedom of information. The civil liberties union opposed any censorship, and a major campaign called the Blue Ribbon campaign was waged to keep censorship away from the Net.

If censorship and the imposition of the sorts of controls we now have on other publications and videos are not the answer, what are the possible solutions? Clearly, there are several. The honourable member for Doncaster spoke earlier about the possibility of certifying material and ensuring the existence of a system so that material can be catalogued and browsers and searchers can access only controlled areas. Many kinds of software such as Netnanny are being successfully used to limit children's access to X-rated — or worse — sites on the Net.

The European Parliament is currently exploring the possibility of Internet censorship that uses technology to jam and censor pornography, as well as violent and racist material. The initiative acknowledges that the passing of pornographic material via the Internet is an issue of social concern. The six-month project will examine the technology to see whether material can be filtered out. In Victorian schools that is being done through VicOne, the broadband network set up by the government. It allows children to have access only to educational sites that are mirrored on a server.

The central aspect of it is partly technological and partly an attempt at self-regulation. It involves developing acceptable-use policies in schools, libraries and other public institutions and trying to ensure that people act responsibly to control the excesses of technology. This is a major issue because we want to encourage children to utilise technology and go on-line. The nature of the technology means they have access to everything. The bill will do an important job in maintaining the X-rated classification and controlling the trafficking of pornographic material to ensure our children are protected, which is at the very heart of the matter. However, in the context of what is now occurring it is not enough. Technology is moving so quickly that censorship has become an even bigger issue. The dilemma we face involves the tension between personal freedom and the communitarian goals

of society, which are about protecting our children and ensuring that they and others do not have access to paedophilic or bestial material.

We are trying to achieve self-censorship on the Net. These are critical issues that confront the whole world. They are not easy to resolve, given the information explosion. Given the way the Net has been created, pornographers often create sites using domain names that mirror others to trap people into visiting them. The White House site — www.whitehouse.gov, where you can contact Bill Clinton, Chelsea and the whole family — has been well publicised. Many pornographic sites mirror that name, so if you type in 'www.whitehouse.com' or 'www.whitehouse.org' you suddenly arrive at a pornographic site.

The same applies to the misspelling of search engines: one mistake will get you into a pornographic site rather than the search engine you are seeking. For example, if you put an extra 'o' at the end of the name of the most used search engine, Yahoo, you get into a pornographic site. It happened to me. It was a mistake: one finger, an extra 'o' and instead of Yahoo you have a pornographic site!

During the debate honourable members have spoken about the control of X-rated videos. Sites are available, including those for videos that can be streamed, animations, and a list of things far worse than X-rated videos. There is no control or censorship, and they are freely available to everyone. Honourable members are debating important matters that Parliament and society are endeavouring to confront while the rules are changing so quickly that they are no longer the same as those that applied when the bill was being prepared. The exercise will be difficult because we must protect civil liberties. We must not be about heavily censoring the Net, which would be almost impossible.

We can learn from the examples in the United States. For example, the Lyl amendment on outlawing on-line gambling shows such action does nothing but create something equivalent to what followed the prohibition on liquor in the United States in the late 1920s — the user is the person adversely affected. The risk is that if the government wants to track those people down, places have to be raided to ascertain whether individuals have been gambling on-line. That is the only way to do it.

People are talking about applying that procedure to establishing whether somebody is trading in pornographic material. It will create enormous problems. Australians are concerned to ensure that civil liberties are maintained and that adults are able to access X-rated videos, Websites or pictures, so we have to find a balance. A number of techniques have been put in place and tried internationally. The European attitude is to apply technology; the US, which is much more self-regulatory, has another technique. We have to learn from those experiences and be involved in international forums so that we can have some control over what is happening on the Internet.

Much of the debate this afternoon and this evening has been about the Net. We are all excited about its future as its influence is equivalent to the changes brought about by the printing press. However, while acknowledging all its potential benefits, we must also acknowledge the many potential negatives that our society must confront. Those negatives could include paedophile rackets, the availability on the Net of material on paedophilic behaviour, with pictures of children engaged in sexual practices, and a whole host of similar things. Our society has made a decision not to allow that to occur, to object to it and to ensure that the exploitation of children ceases. Australia is a signatory to international conventions on that subject. It has stringent laws about paedophilia, with vast controls in a raft of legislation, but unfortunately all that has very little impact on or control over the Internet.

In Victoria we are trying to modernise legislation to overcome the problem, which demands a bipartisan approach. The problem can be overcome only if Parliament acts as one and examines world's best practice and various attempts to control the Net. We do not want to ban pornography from the Net; we want to control and regulate its use and availability to children.

As I said, that control will involve changing parental behaviour by ensuring that our children are supervised, and creating more restricted access to the Net, as is occurring in Victorian schools where only particular sites are available. That can be done through a host of available software that will not allow access to sites containing certain words or images. All that can act as a barrier, but it differs from the legislative practices we currently have in place that are basically designed to stop distribution of pornography and to hit hard the dealers in the sex industry.

One problem is that many dealers are not in Australia, and many of those sites are nowhere to be found. We cannot access them and very often we cannot even identify them. We have to find a raft of techniques by which we can legislate to ensure that civil liberties and the rights of adults to enjoy pornographic material are retained while at the same time protecting our children by ensuring that certain excessive material is controlled

and not available to them, which is our most important task in this whole operation.

This important bill will control trafficking in videos, computer games and publications, but there is a whole world to confront out there.

Mr COOPER (Minister for Transport) — I thank all members for their contributions to this debate. I recommend that they support the bill.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Mr COOPER (Minister for Transport) — I move:

1. Clause 2, line 13, omit '1 July 1998' and insert '1 January 1999'.

Amendment agreed to; amended clause agreed to; clauses 3 to 7 agreed to.

Clause 8

Mr COOPER (Minister for Transport) — I move:

2. Clause 8, line 29, omit 'A person' and insert 'Subject to sub-section (2), a person'.

Amendment agreed to; amended clause agreed to; clauses 9 to 17 agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

ROAD SAFETY (AMENDMENT) BILL

Government amendments circulated by Mr COOPER (Minister for Transport) pursuant to sessional orders.

Second reading

Debate resumed from 21 April; motion of Mr GUDE (Minister for Education).

Mr BATCHELOR (Thomastown) — The main aim of the Road Safety (Amendment) Bill is to implement legislative changes that will create a broader uniformity of national road laws in Australia, although certain amendments are largely procedural. The process leading to establishing uniformity has been going on for some years and by and large receives bipartisan support. If the house will excuse the pun, the process has been driven by the National Road Transport Commission and meetings of state and territory transport ministers.

National road uniformity can deliver considerable economic benefits to those who work in the Australian industry, to customers of road services transport and to the local community. Not only can the process leading to uniformity deal with efficiency measures but it can result in improved road safety. Therefore, the opposition supports the bill and the government amendments circulated tonight.

The opposition was briefed on the 22 proposed government amendments about 2 hours ago, which left only a short time between the conclusion of the briefing and now, with the intervening dinner adjournment, during which it could examine the amendments. Therefore, the opposition will examine them in greater detail while the bill is between here and the other place. However, a preliminary reading of the amendments and information received at the briefing lead me to believe the opposition will have no problems about the acceptance of the proposals. The opposition appreciates the effort of the advisers and officials in providing the relevant information.

The national road transport reform program covers a wide range of areas. The most recent available report from the National Road Transport Commission, dated 1997, summarises its year and makes projections. It clearly details a number of priority areas for the commission, some of which are now included in the details of the bill.

In its annual report the NRTC details its key recommendations as they were accepted by the heads of government meeting. It said it would particularly:

> ... focus on the development of policies and practices and other mechanisms to fast-track reforms, rather than primarily focus on transport laws and play a prominent role in the implementation of reforms;
>
> pay particular attention to environmental concerns about vehicle noise and emissions, new technology and innovation in road transport.

A number of objectives are set out in the annual report. The two important objectives I have quoted are not totally picked up by the provisions of the bill.

The bill aims to achieve a number of things, in particular to improve specific and particular aspects of

the law relating to our roads and the people who use them. In summary, it seeks to empower the police to remove vehicles that obstruct driveways, and it deals with the re-licensing of drivers who have been convicted of manslaughter and other serious offences arising out of the use of a vehicle while affected by alcohol and drugs. The bill also seeks to ensure that people who do not hold a Victorian licence can be dealt with under the licence loss infringement notice procedure already in place. It seeks to remove redundant provisions relating to tractor permits. Some additional features are contained in the circulated government amendments.

Although the totality of the bill's amending provisions may not be regarded as earth-shattering, they are yet another step along the long road to achieving national road uniformity. Road transport ministers are trying to correct some of the difficulties and drawbacks that have arisen because of the nature of our federal political system. The reform is important and although it may be said to be a slow process — perhaps sometimes tedious — it is expected to reap large financial rewards. Otherwise, there would be no point in attempting any reforms.

The opposition would like the reform process and changes towards national road uniformity to lead to real reforms and the efficiencies estimated to flow from the process to commence to flow. The opposition would like to think that the benefits of the reform program will be passed on to businesses and regional and state economies that depend on road transport.

We would like to ensure that the savings being made are being delivered. They can be delivered in a number of important ways. They can lead to lower costs to customers; they can lead to improved wages and conditions for people working in the industry; and they can lead to greater returns for the people who are investing their capital and creativity in the industry. We would also like to ensure some return to the communities and regions of Australia that are dependent upon roads for their economic future. In trying to particularise how the benefit of the efficiencies and savings could be passed on to these communities there could be no better project towards which to direct some of these benefits than the Geelong Road. It is a very heavily used road; it is a crucial link between a major provincial city and the heart of Melbourne; and it is a route that provides access to jobs and other specialised services. Unfortunately, however, it is a road that has outlived its design and purpose. It is in urgent need of funding.

If we engage in a reform process that delivers efficiencies we should also be able to identify projects that can benefit from the economic efficiencies the government claims will arise from this reform process. I am sure the claims of the government in the minister's second-reading speech and the claims of the National Road Transport Commission that there will be efficiencies are true. Although many of the particularities of the reforms contained in the bill may appear at first glance to be minor, it is the totality of the series of reforms covering a range of areas such as the transportation of dangerous goods, standards for heavy vehicles, changes in registration charges for heavy vehicles, load restraint guidelines and mass and loading regulations that is important. These reforms have all been important and useful, and we would like to be able to see that the economic benefits will begin to flow back to the community.

The Geelong Road is a prime example of where the benefits could be directed, because it is an area of great need; it is an area from which many of our manufactured export products are transported; and it is an area that provides access to jobs in both Geelong and Melbourne. It is a crucial lifeline, and we call upon the government to recognise the need to upgrade the Geelong Road and ensure that there will be some return from national uniformity reforms to the road transport industry.

Members of the opposition are prepared to give support to the bill and to the ongoing process of reform of the national road transport industry. We look forward to dealing with a code of road laws for Australia, which will be a much more difficult as well as a much more involving project towards which both the National Road Transport Commission and the national uniformity movement are moving, but we also want to participate in and see the return of those economic benefits.

In conclusion, the opposition will support the bill in this place, but it will look in greater detail at the amendments while the bill is between here and the upper house. A preliminary examination indicates that it will have no opposition to the proposed amendments, although it reserves its rights.

Mr LONEY (Geelong North) — I join the honourable member for Thomastown in supporting this bill. It is, in essence, a piece of national uniformity legislation and provides for some important matters that need to be addressed — and some that are overdue — giving greater strength to the focus this state has had for some time on road safety.

We in Victoria believe, with some justification, that we are at the cutting edge of road safety initiatives. It is demonstrable that over the past 20 years or so in Victoria road safety provisions have saved countless lives. We must always maintain that impetus and continue to address the issue. We should never think we have road safety totally under control or that we need do nothing more about it. Road safety is a very important issue in this state, and it has quite properly been given a high priority. We are continuing to move in the right direction.

Particular provisions in the bill are commonsense and move us further towards a national scheme that works properly. The bill will ensure that it will not be possible to avoid penalties imposed on Victorians in Victoria simply by moving to another state or going to another state for a short period. Conversely, it provides that someone from another state who suffers a penalty in Victoria will not be able to avoid that penalty on return to his or her own state. These are important provisions.

Clause 16 will ensure that an infringement notice for drink-driving resulting in loss of licence can be issued to a person who holds a licence or permit in another state, territory or country, or who has an international driving permit. This is clearly aimed at closing a loophole that exists in this country; one that nobody would try to justify. Someone who is properly convicted in this state for drink-driving and suffers a loss of licence should carry that loss of licence wherever in Australia he or she may go.

Similarly, clause 17 ensures that a traffic infringement notice that results in a loss of licence will be treated in like manner. This is again a commonsense provision, one that means that the intent of our road safety laws — laws designed to preserve life in this state and ensure the least amount of harm and injury on our roads — cannot be avoided by taking advantage of a technical loophole. They are well worth supporting.

Clause 24 ensures that when a court finds a person guilty of serious offences, such as a conviction of manslaughter for a motor vehicle offence or driving under the influence of drugs or alcohol, no loopholes allow that driver to resume driving by having a licence issued in some other state. Those matters have been properly remedied by the legislation and will be dealt with nationally. Each state will be confident that the penalties applied will be observed regardless of where that person comes from or may be going and that that person cannot get around technical points.

Other provisions in the bill deal with changes to produce greater economic efficiency. The opposition does not have any problems with that. It is keen that the provisions of the bill should apply. The opposition would be concerned if the efficiency gains were not applied back to the state in some way to promote the underlying aims of such legislation — that is, a greater degree of safety on our roads. Those benefits should apply not only to delicensing drivers, establishing penalty regimes and so on — important though that is, it only one aspect of road safety — but to the state of our roads in general. The economic benefit derived from changes such as this should be used to deal with some of those issues.

In his contribution the honourable member for Thomastown referred to the application of those benefits to Geelong Road. People from Geelong refer to it as Melbourne Road. It is an important road, but for a whole range of reasons part of it has a poor record in respect of loss of life. I cannot understand why some sections of the road have a poor record. It is an important road to the region I represent and to Victoria as a whole. Although it carries huge amounts of commuter traffic, manufactured goods and a proportion of Australia's export goods the road is not of a high enough standard to sustain those traffic flows and the economic benefit derived from them. It is important both to my region and to Victoria generally that the road be made safer to use. I am not necessarily talking about whether a third lane should be constructed. The arguments for that are self-evident, and it must occur. One would hope in the current climate of a federal election something may be done.

If bonuses are to be received from the efficiency gains, attention should immediately be paid to the surface of Geelong Road, especially in a couple of sections on the Maltby bypass short of Werribee and back to Little River. I understand that a short time ago a new sealing method proved unsuccessful. When driving along that section one would think a grader had been over it. It is unsafe and must be dealt with immediately. After months of reduced traffic flows while the resurfacing was being done, the result is poor and needs attention. There are warning signs for drivers to slow down because stones can be thrown up. That presents a safety problem. If one is travelling at 100 kilometres an hour and suddenly slows down on that section a safety issue quickly arises. With heavy traffic and many trucks travelling on the road it can become a hazard. I hope Vicroads will pay some attention to improving the surface of the road in the areas short of Werribee on the Geelong side of the Maltby bypass through to Laverton.

Mr Perrin interjected.

Mr LONEY — As the honourable member for Bulleen interjects, some 10 to 12 kilometres of that road need attention. It presents as serious a road safety problem as speed, drink-driving and poor driver behaviour. If we want to cut down the daily tragedies that occur on our roads, road surfaces must be treated equally importantly. Not only is Geelong Road one of the most important roads in Victoria, it is one of the most important roads in Australia. It is unacceptable to have such a problem. It should be addressed quickly for the safety of not only the constituents I represent but also the tens of thousands of other people who use it every day.

The opposition supports the legislation because it promotes road safety in this state and throughout Australia by introducing provisions that make it harder for people to escape the penalties imposed for not doing the right thing on our roads. Victorians at large want to have roads that are as safe as possible. They want to be confident that when people abuse the privilege of being able to drive on our roads and their licences are cancelled the penalties will be applied no matter where they are or what mechanism they may try to use to get out of them. I am not sure about the proposed amendments but I hope they are in the same spirit as the legislation. If they are the opposition will have no problem supporting the bill.

Members of the opposition trust that the amendments are in the same spirit as the bill as a whole. We wish to see this legislation pass and be enacted for the benefit of all Victorians.

Mr SEITZ (Keilor) — I wish to make a couple of observations about this bill. I would have liked to see it go a little further with uniform road laws as well as dealing with licensing to a large extent.

It is very important that we have uniform road laws. For example, during the Olympic Games it would be preferable for Victoria — in fact the whole country — to have the same road laws as those that apply in New South Wales. In New South Wales it is illegal to make a U-turn at traffic lights, whereas in Victoria it is illegal only where a sign says 'No U-turn allowed'. Many Victorian drivers get caught on those little anomalies.

I welcome the improved safety on roads that will result from improvements in standardisation, particularly where semitrailer and truck drivers are not able to get licences in one state if they lose them in another. Having that type of uniformity right across the country, with the improved road networks and increased road transport, is a step forward.

It is also important that the same laws apply for people who have accidents. In the past when people had accidents in another state the legal fraternity in this state could not represent them; a lawyer registered in that state had to handle the case. That applied not only in cases where people's vehicles were damaged, but also when they broke road laws.

That was a little game played by the legal fraternity. A person had to advise a solicitor here, who advised a solicitor across the border — and extra money was charged for all the services. So the more uniformity is put into the system the better it will be for everybody concerned, and people will not be able to play games to create side industries.

The bill also provides for tractor learner driver permit holders to drive tractors on roads for agricultural purposes. When my electorate was semi-rural there was a great problem with that activity. Farmers' children who were 16, 17 and 18 years old would drive across roads and get into trouble because they did not have learner's permits or did not come into a category that enabled them to do that work for their parents. I refer in particular to the Keilor market gardens area, where people lived on one side of Arundel Road and the market gardens were on the other side. That created difficulty for people driving tractors as well as recreational vehicles. I hope the minister will take those matters on board so we will have standards that apply nationally.

I make another plea. A number of my constituents have experienced difficulty because of the differences in the road laws across the borders. I envisage that while the Olympic Games are being held many Victorians will drive up to Sydney and, not being familiar with the road laws in New South Wales, get caught up in the network and fined unnecessarily. I ask the minister to examine the situation and encourage his counterparts in that state and throughout Australia to try to get a standard organisation of the road laws. With those remarks I wish the bill a speedy passage.

Mr COOPER (Minister for Transport) — I thank the honourable members for Thomastown, Geelong North and Keilor for their contributions to this debate, for their indication that the opposition does not oppose this legislation, and their indication — on what the honourable members for Thomastown and Geelong North said was a quick examination of the amendments circulated prior to the debate commencing — that they would support the amendments on the basis that their later examination of the bill between houses revealed that they follow the spirit of the bill. I can assure them that they do, and that the amendments are generally

technical. The bill contains a couple of new clauses, but I will leave them for later examination.

The government has been a strong supporter of moves towards a national uniformity of road laws. As the honourable members who have spoken in the debate have outlined, the bill continues to drive the government's belief that the more uniform it can make road laws, the better off everybody in this nation will be.

The honourable member for Keilor mentioned one road law in New South Wales that is different from a road law in Victoria. All honourable members will recall that only recently Victoria changed its laws so that vehicles turning left at intersections have priority over other vehicles, which brought us into accord with the rest of Australia.

In past years many of us have with some degree of terror watched interstate motorists following their local laws and breaking Victorian laws. The government certainly supports the introduction of uniform road laws and the regulations attached to them so that interstate motorists cannot escape the long arm of the law when they break road laws — sometimes to the extreme detriment of other people — and that they can be tracked down. Over the past few years substantial progress has been made in this matter, and we intend that to continue.

The main purpose of the bill is to facilitate the adoption in Victoria of national road transport laws developed by the National Road Transport Commission under commonwealth-state agreements which provide for national uniformity as part of microeconomic reform. Implementation of the uniform legislation is a precondition for receipt of commonwealth competition grants provided for under the competition policy.

On that aspect alone, the bill is important for the people of Victoria. This bill, with all its aspects, will be very good for Victorians and all Australians. Under those criteria it deserves the support of this house.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

Mr COOPER (Minister for Transport) — I move:

1. Clause 4, line 4, after "'articulated truck'" insert ', "authorised officer"'.

2. Clause 4, page 4, line 2, omit "definition of" and insert 'definitions of "public place" and'.

3. Clause 4, page 4, after line 4 insert —

'() in section 3(2) for paragraph (a) **substitute** —

"(a) declare any place or class of places, whether open to vehicles or not, to be or not to be a road or roads or a road related area or road related areas for the purposes of this Act; and";'.

4. Clause 4, page 4, lines 10 to 13, omit paragraph (e).

5. Clause 4, page 4, after line 13 insert —

'(5) In the Principal Act —

(a) in sections 25(3), 25(3B)(a), 25(3D)(a), 51(1), 55(4), 57(3) and (4), 58(2) and 84(1) and (3) for "in the prescribed form" **substitute** "containing the prescribed particulars";

(b) in section 87 —

(i) in sub-section (1) for "a member of the police force or an authorised officer" **substitute** "a person who is referred to in section 77(2)";

(ii) in sub-section (2) **omit** "must be in the prescribed form and";

(c) in section 88 —

(i) in sub-section (1) for "A member of the police force or an officer of the Corporation or of the Department of Infrastructure (being an officer authorised in writing by the Corporation or the Secretary of the Department of Infrastructure, as the case requires, in that behalf) or, if the vehicle involved is a recreation vehicle, an officer who is authorised in writing by the mayor of any municipal council in that behalf," **substitute** "A person who is referred to in section 77(2)(a), (c) or (d)";

(ii) in sub-section (2) **omit** "must be in the prescribed form and";

(iii) in sub-section (3) for "is in the prescribed form" **substitute** "contains the prescribed particulars";

(iv) in sub-section (6) for "A member of the police force or an authorised officer" **substitute** "A person referred to in section 77(2)(a), (c) or (d)";

(d) in section 89(1) for "authorised officer" **substitute** "person";

(e) in section 89A(7)(c) for "is in the prescribed form" **substitute** "contains the prescribed particulars";

(f) in section 90(1) and (2) for "in the prescribed form" **substitute** "containing the prescribed particulars".'.

Amendments agreed to; amended clause agreed to.

Clause 5

Mr COOPER (Minister for Transport) — I move:

6. Clause 5, page 5, lines 10 and 11, omit paragraph (b).

7. Clause 5, page 5, lines 22 and 23, omit "or in a public place".

8. Clause 5, page 5, line 29, omit "7" and insert "10".

9. Clause 5, page 6, lines 16 to 21, omit paragraphs (e), (f) and (g).

Amendments agreed to; amended clause agreed to.

Clause 6

Mr COOPER (Minister for Transport) — I move:

10. Clause 6, page 8, lines 22 to 25, omit all words and expressions on these lines and insert —

"'**road**" means —

(a) an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles; or

(b) a place that is a road by virtue of a declaration under sub-section(2)(a) —

but does not include a place that is not a road by virtue of a declaration under sub-section (2)(a);'.

11. Clause 6, page 9, lines 5 to 8, omit all words and expressions on these lines and insert —

"(e) a place that is a road related area by virtue of a declaration under sub-section (2)(a) —

but does not include a place that is not a road related area by virtue of a declaration under sub-section (2)(a);".

Amendments agreed to; amended clause agreed to; clauses 7 to 13 agreed to.

Clause 14

Mr COOPER (Minister for Transport) — I move:

12. Clause 14, omit this clause.

The clause relates to demerit points procedures. It is being deleted because further changes are to be dealt with in a later bill as a result of recent court decisions in this area.

Amendment agreed to.

Clause negatived.

Clause 15 agreed to.

Clause 16

Mr COOPER (Minister for Transport) — I move:

13. Clause 16, lines 30 to 32, omit ", or has an appropriate International Driving Permit".

This was specifically mentioned by the honourable member for Geelong North in his contribution. I point out that the amendment removes the reference to a person who holds an international driving permit on the basis that it is superfluous. A person has to hold a valid licence to be able to use an international permit and is therefore already covered by the section.

Amendment agreed to; amended clause agreed to.

Clause 17

Mr COOPER (Minister for Transport) — I move:

14. Clause 17, lines 25 to 27, omit ", or has an appropriate International Driving Permit".

Amendment agreed to; amended clause agreed to.

Clause 18

Mr COOPER (Minister for Transport) — I move:

15. Clause 18, line 26, omit "kind" and insert "class".

16. Clause 18, lines 27 to 30, omit all words and expressions on these lines and insert —

"(3B) The regulations may allow the Corporation —

(a) to exempt a vehicle or class of vehicles from the requirement to be registered; or

(b) to exempt a vehicle or class of vehicles from a requirement of the regulations relating to the construction, efficiency, performance, safety, roadworthiness or design of vehicles or the equipment to be carried on vehicles; or

(c) to exempt a motor vehicle or trailer or class of motor vehicles or trailers from a requirement of the regulations relating to the carrying of loads; or

(d) to exempt a person or class of persons from a requirement of the regulations to be complied with before a driver licence or learner permit may be granted, varied or renewed; or

(e) to exempt a person or class of persons from a requirement of the regulations relating to the hours of driving of motor vehicles or the keeping of records relating to those hours of driving or the carrying of log books on motor vehicles —

subject to compliance with any conditions specified in the regulations or determined by the Corporation and specified in the instrument of exemption (if any).".

Amendments agreed to; amended clause agreed to; clauses 19 to 21 agreed to.

Clause 22

Mr COOPER (Minister for Transport) — I move:

17. Clause 22, line 30, omit "11" and insert "(11)".

Amendment agreed to; amended clause agreed to.

Clause 23

Mr COOPER (Minister for Transport) — I move:

18. Clause 23, line 8, omit "Transport" and insert "Infrastructure".

Amendment agreed to; amended clause agreed to; clause 24 agreed to.

Clause 25

Mr COOPER (Minister for Transport) — I move:

19. Clause 25, line 17, omit "24" and insert "26".

Amendment agreed to; amended clause agreed to; clause 26 agreed to.

Clause 27

Mr COOPER (Minister for Transport) — I move:

20. Clause 27, lines 7 to 31 and page 26, lines 1 to 16, omit sub-clause (1) and insert —

'() In section 3(1) of the **Transport Accident Act 1986** —

(a) for the definitions of "owner" (where first and secondly occurring) **substitute** —

'**"owner"** —

(a) in relation to a motor car, has the same meaning as in the **Motor Car Act 1958**;

(b) in relation to a motor vehicle, has the same meaning as in section 3(1) of the **Road Safety Act 1986**;';

(b) in the definition of "recreation vehicle" for paragraph (b) **substitute** —

"(b) otherwise, means a motor cycle that is of a class of motor cycle eligible to be registered under the **Road Safety Act 1986** for a fee that is lower than the registration fee for other classes of motor cycle;";

(c) in the definition of "registered motor vehicle" paragraph (d) is **repealed**.'.

Amendment agreed to; amended clause agreed to; clause 28 agreed to.

New clauses AA and BB

Mr COOPER (Minister for Transport) — I move:

21. Insert the following New Clauses to follow clause 13 —

'**AA.** ***New section 14 substituted***

For section 14 of the Principal Act **substitute** —

14. ***Defective vehicles***

(1) A member of the police force or a person referred to in section 13(6) may, in accordance with the regulations, on discovering a vehicle that does not comply with this Act or the regulations —

(a) issue a warning or a vehicle defect notice; or

(b) impose conditions on the use of the vehicle; or

(c) prohibit the use of the vehicle.

(2) A vehicle defect notice may be withdrawn or cleared in accordance with the regulations.".

BB. ***Offence if driver not licensed***

In section 18(1)(c) of the Principal Act **omit** ", or has an appropriate International Driving Permit".'.

New clauses agreed to.

New clause CC

Mr COOPER (Minister for Transport) — I move:

22. Insert the following New Clause to follow clause 20 —

'**CC.** ***New section 97A inserted***

After section 97 of the Principal Act **insert** —

"**97A.** ***Administrative fees***

(1) The Corporation may charge a fee for any service it provides in connection with the registration of vehicles or the licensing of drivers.

(2) The fee charged for a service under sub-section (1) must not exceed the cost to the Corporation of providing that service.".'.

New clause agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

LOCAL GOVERNMENT (AMENDMENT) BILL

Second reading

Debate resumed from 1 September; motion of Mr MACLELLAN (Minister for Planning and Local Government).

Mr ROBINSON (Mitcham) — I support the amendments to be proposed by the opposition. The amendments are required to provide an appropriate balance between the competing interests of democracy and efficiency. As it currently stands, the bill does not have the proper balance.

Under the bill the voice of communities in the City of Melbourne, the City of Greater Geelong and any other municipalities that choose to alter their voting systems to a system of district voting will be silenced for three years — the period scheduled in the act to elapse between elections. A three-year term is now longer than the average term of federal governments, yet the recent experience in Victoria has been that the views and desires of communities can change very swiftly within three-year periods. Honourable members need not look far to see examples of that. A swing of 13 per cent was recorded over the space of 10 months in the Gippsland West electorate. There was a swing of 16 per cent in the seat of Mitcham after a period of 20 months. Recently in Tasmania there was a swing in the order of 5 per cent after about two years. The common denominator in the three elections I have referred to was the active participation of the Victorian Premier. Long may he continue to be involved in by-elections that produce such great results for people on this side of the house.

The bill fails to recognise that electorates in Australia and Victoria are becoming more rather than less volatile. Therefore, there is an increasing need to recognise the way in which communities want to change their opinions on issues, and we should be facilitating that.

The bill makes immediate application to Melbourne City Council and the City of Greater Geelong. Clause 9 extends the application of the bill to other councils should they choose to go down the path of district voting, or presumably in the circumstances where an administrator is appointed they will have that choice imposed on them. It is worth asking how many councils in Melbourne would seek the coverage provided by the bill in changing their systems of voting.

I am familiar with the debate within the City of Monash about changes to existing arrangements for the election of councillors. The City of Monash operates under a system of single wards, and there are eight of them. However, there has been ongoing discussion about changing the system. Much of the motivation for changing the system of voting predates the bill but emanates from many problems caused by the work of Cr Peter Vlahos. There is a proposition to change the number of wards in Monash to seven. I believe that is a poor suggestion as it will increase the number of ratepayers in each ward to almost the level of state electorates. Monash is the most highly populated municipality in the suburban area. Although that suggestion may fail, it is likely that the council will consider district voting and therefore come under the operation of the bill.

The bill will not adequately serve ratepayers in Monash. It will provide for vacancies to be filled automatically in the course of the three-year terms. Although that will produce short-term financial savings, the bill will not improve the quality of representation afforded to ratepayers in those municipalities. The bill will entrench personality problems. It will encourage tighter preferencing and a greater use of stooge candidates at election time. People participating in elections every three years under a system of district voting, where they know vacancies will be filled automatically on recount, will be encouraged to ensure that many other people apply or nominate for the election and preference tightly so that they can more thoroughly control the outcome of countback procedures.

The bill in its present form will not help Monash council's reputation, which is unfortunately starting to sag. It will not help a municipality with a councillor who in a rage refers to colleagues as being in a sheltered workshop. That appalling suggestion is one which Cr Vlahos chose to clarify but not to apologise for. The bill will not assist people who are temperamentally unsuited to public life. All the changes in the world to local government will not remove the need for people seeking public office to have some people-management skills. Sadly, that is lacking in the case of Cr Vlahos. The bill will not allow community anger such as that exhibited earlier this year by Cr Vlahos when he chose to close the Waverley art gallery. That was not something on the minds of people when they voted in March 1997, and in circumstances where vacancies are filled automatically on a countback system the contemporary opinions of ratepayers will not be exercised.

I support by-elections; I was elected to this place by virtue of a by-election. With three-year terms ratepayers and citizens should be entitled to exercise a vote. Postal voting imposes greater costs than attendance voting,

which is considered to be one of the drawbacks of the traditional by-election procedures. However, postal voting is not inconvenient. In fact, it is probably the most convenient voting method today.

It should be pointed out that the provisions of the bill will not necessarily apply or be utilised very often. Resignations from councils are still exceptional. When they do occur they are often motivated by issues of great principle, issues on which the community should be entitled to have a say.

The bill attempts to improve efficiencies in councils. However, I contend that efficiency is always relative to the way in which councils operate — for example, if a council or a councillor is extravagant, the provisions of the bill will apply only in exceptional circumstances. It will not improve the council's record of management or efficiency with the filling of vacancies. They simply will have no relevance. The bill will not stop an individual councillor chalking up almost one-third of the total expenses incurred by all councillors during a period of 18 months, something that Cr Vlahos did in the City of Monash. The bill will not stop a councillor proposing extravagant measures such as a new coat of arms for a municipality at the cost of $30 000.

The claims of efficiency that the bill supposedly will achieve are largely hollow. However, the threat to democratic values and the voice of a community is not hollow — it is real. Because I am so keen on by-elections I will be pleased to support the opposition's proposed amendments to the Local Government (Amendment) Bill.

Mr PANDAZOPOULOS (Dandenong) — My contribution to the debate will concern two parts of the bill. One concerns the abolition of by-elections for district-wide local councillors and the other concerns local laws as they affect national competition policy principles. The honourable member for Prahran and I are possibly the only members in the house who have been elected to the MAV executive; and as a former councillor and mayor of the City of Berwick I believe the government's proposal to abolish by-elections is outrageous. The government has put itself into this position because it wanted to create a gerrymander by having district-wide local councillors elected in the City of Melbourne and the City of Greater Geelong.

Mrs Henderson interjected.

Mr PANDAZOPOULOS — It may work well in Geelong but in the end it is a biased system. I will refer to those details later. The system was designed to give preference to elected councillors who may end up supporting the government rather than those who may support the local community.

I will go into the details soon. In a previous session of Parliament the government rushed through the Local Government (Amendment) Bill that allowed for the district-wide election of councillors to the City of Melbourne and the City of Greater Geelong. In its haste to do so it did not think about the implications of a member resigning, which is the important issue. Why would a member resign from local council? Very few councillors die in office. Most elected officials resign from their positions, particularly in local government, because they are cheesed off, if I may use that expression, with what the council is doing. That provides ratepayers with the opportunity to have a say in an election, as happened with the member for Mitcham.

The former member for Mitcham resigned because he wanted the voters of Mitcham to have a say about major issues he felt aggrieved about, including the way the government operated on issues such as Workcover and the Auditor-General. I would like to go into more detail, as some other members in this house were similarly aggrieved but did not make a similar decision, but I will not do so. I do not want to embarrass my parliamentary colleagues on the other side of the house.

Cr Bardas resigned from the City of Melbourne because he was aggrieved about the direction the City of Melbourne was taking, and Kevin Chamberlin was elected as a councillor in that by-election. Ratepayers had the opportunity to vote on the issue that caused Cr Bardas to resign. He did so for the same reason that people usually resign from positions in local government — he was cheesed off with local government and wanted to give ratepayers an opportunity to have a vote on the matter.

Why is the countback on the previous election relevant? It is not necessarily a true reflection of the way ratepayers might feel if the by-election is conducted. I have been a candidate in local government elections on a number of occasions when I have received preferences from a variety of people who may have had political beliefs either similar to or different from mine. That may have been because they thought I was a better choice than other candidates, and that is why a countback is not relevant in such a circumstance. The provision for a countback will limit choices to a particular view at a particular time with a particular range of candidates, which is not representative of what the community might be thinking two years after that local election.

This is just another attempt by the government to stifle opportunities for local government. The government has attacked local government dramatically by sacking local councillors, putting in favoured mates as commissioners — most of them members of the Liberal Party or National Party and some of them even now running as candidates in the federal election.

Mrs Margaret Nicholls, an appointed commissioner in the City of Greater Dandenong, told me, 'I was a former councillor and mayor of the City of Oakleigh. I am independent and do not favour politics.'. Surprisingly, she is now the Liberal Party candidate for Holt, which shows the government's contempt for local government. The government started with the appointment of commissioners and now it wants to abolish local government elections and by-elections. It probably wants to abolish by-elections in state parliamentary elections because, as we know, the government has had great difficulty in recent times with by-elections.

Mrs Shardey interjected.

Mr PANDAZOPOULOS — The member for Caulfield wants to interject.

The ACTING SPEAKER (Mrs Peulich) — Order! The member for Dandenong should ignore interjections and the member for Caulfield should resume her place.

Mr PANDAZOPOULOS — I will act on the advice of the Acting Speaker, but it is difficult at times.

The ACTING SPEAKER (Mrs Peulich) — Order! I appreciate the restraint.

Mr PANDAZOPOULOS — We know the difficulties the government has faced in recent by-elections. The first big surprise was the by-election for Gippsland West in February of last year when the former opposition leader, a historical combatant of the current Premier in the 1980s — they kept themselves out of government for so long because of the tensions in the Liberal Party — decided to leave Parliament after being offered a very nice job in London. I have met Mr Alan Brown in London and he is doing a great job.

Mrs Shardey — On a point of order, I fear the member is now straying from the bill and discussing matters which have nothing to do with the topic. I ask the Acting Speaker to bring him back to the purpose of the bill.

Mr PANDAZOPOULOS — On the point of order, I am making a passing reference to why the government is finding it very difficult to accept by-elections in local government. The government has had difficulties with by-elections because of results that have not been in its interests. I am therefore making passing reference — —

A government member interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! I do not uphold the point of order at this stage. However, I ask the member for Dandenong to curtail his reference to his overseas travels and return to the debate on the bill.

Mr PANDAZOPOULOS — Thank you, but it was just a courtesy to Mr Alan Brown, who is the Agent-General in London, to say he is doing a wonderful job.

A government member interjected.

Mr PANDAZOPOULOS — I said that, and I had a point of order from the honourable member for Caulfield. Nonetheless, we know why the government hates by-elections. The government had a disappointing result in Gippsland West, an extremely disappointing result in Mitcham, and now it wants to make sure such opportunities are not made available to anybody in the future. That is why it started with local government, but its real aim is state government. I will leave it at that point.

I oppose the sections of the bill relating to district-wide councillors. The proposed amendments will ensure there are no district-wide councillors but only ward councillors, because that is much more democratic. Ward councillors provide local ratepayers with more opportunities to seek election to local council. A large municipality such as the City of Greater Geelong requires people to have large resources behind them, so the choice of candidates as district-wide councillors is biased towards either people with business links, who know they will be funded by their business supporters, or people from organised political parties.

From my observations it is apparent that some business supporters provide resources for their elections out of their own businesses; whether that is declared is another story. As I said, in effect the government is politicising local government because with elections for district-wide councillors you need people with resources — people sponsored either by business or by political parties. Therefore the government is denying or reducing opportunities for the average local ratepayer to run for local government. It wants to create a deliberate bias by politicising local government, and that is why we oppose that part of the bill.

Dr Dean interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Berwick will resist the temptation to interject. Should he wish to contribute to the debate he will have the next call if he stands in his place.

Mr PANDAZOPOULOS — My colleague from the abutting electorate of Berwick has difficulties about — —

Dr Dean — Tell us about the politics at Darebin!

Mr PANDAZOPOULOS — Perhaps we will hear from the honourable member for Berwick about the Casey council. We know that he attacks his own local council because he does not necessarily get the outcomes he likes. The local community, being inquisitive, is asking why the government is not supporting the local community as it should.

I will now focus on the national competition policy issues relating to the bill. One of the concerns of councils about the approach of the state and federal governments to national competition policy is that this is about national competition policy gone mad. What is it about? It is about providing the private sector with an opportunity to compete for services previously provided by local councils. There is nothing wrong with the private sector competing with government providers; that is the principle of national competition policy.

Let us examine in detail what that means to a local council. It is about ensuring that the charges the council places on community organisations are based on market values. I have recently been involved in discussions with the City of Greater Dandenong in relation to an ethnic community in my electorate that would like to meet as a senior citizens group in a local hall. The council states that it must charge market rate rentals for use of a local hall because of national competition policy, which is what the bill refers to, not the actual cost to council.

An honourable member interjected.

Mr PANDAZOPOULOS — Yes, that is without the GST. The council is saying that it has to charge ethnic senior citizens clubs or other community organisations market rental for the use of local halls. The council then states that if the community group wants a subsidy from the council it should apply for it separately to cover the rental cost. A huge administrative burden is being set up by local government just to administer this policy for no net benefit to the community. The bill further extends this sort of lunacy to make it harder for community organisations to use local facilities.

Mr Finn interjected.

Mr PANDAZOPOULOS — Yes, let's talk about sporting facilities. In the City of Greater Dandenong the council is running one of the largest leisure centres in the Southern Hemisphere, the Springers Leisure Centre in Keysborough. A number of years ago the council developed stage one of that leisure centre. Future plans are to incorporate a swimming pool and gymnasium similar to the set-up at the Melbourne Sports and Aquatic Centre, which works quite well because it is a multipurpose facility. There are a variety of sports facilities and activities on the same site. It is an initiative that the opposition supports, but the government is denying the Springers Leisure Centre the right to conduct different types of sporting activities on the same site to enable it to pay the bills for the venue, cover its costs and earn some income.

Under national competition policy the council has to take into consideration the impact of the centre on other private gyms and swimming pools in the area. It must factor in market values to see whether it is worthwhile, because if it does not do that it could be in breach of national competition policy. The Springer Leisure Centre could be denied the opportunity to have a swimming pool or gymnasium because it may affect and compete with private providers. This is just lunacy — this is national competition policy gone mad. This is an example of the government wanting to privatise just about everything local government does. It does not relate to the benefit or value to the local community.

What does this mean for a local leisure centre? Because they have to charge market value rental rates for volleyball, netball and table tennis, leisure centres are jacking up their prices. I am wondering why local sporting clubs that use leisure centres and buildings are complaining to me as shadow minister for sport about how expensive it is to play basketball or netball and carry out other types of activities at sports centres. It is because of the government's interpretation of national competition policy. This is not what was intended. The government has deliberately interpreted the concept of national competition policy in an extremely ideological way.

A further example can be seen in another part of my electorate in the City of Casey, which is the fastest growing residential community in the state. It is Baby Boomville, with the highest population of 0 to

4-year-olds of any municipality in the state. Facilities such as leisure centres are needed. The council would like to build a leisure centre in Narre Warren but it is a very expensive process. Not only does the council have to raise income in a difficult environment with cutbacks in local government and the introduction of commissioners that used reserves that were set aside for projects like leisure centres, but the council also has to consider national competition policy.

Mr Steggall interjected.

Mr PANDAZOPOULOS — The honourable member asks how we are going to pay for these things. Councils had been saving money in the bank year after year to build these facilities, but that money was taken away by commissioners. The reserves of $6 million to $8 million in Casey disappeared overnight with the commissioners, so we have to raise the money again. National competition policy further compounds the situation because of the way the Kennett government and the Howard government interpret that policy. They say we have to consider what the impact will be on local private leisure centres and swimming pools.

In the vicinity of the proposed Narre Warren leisure centre there are private provider gymnasiums that are doing a good job, but they cannot meet the full needs of the community. They are smaller centres and because of the size of their capital and the size of their buildings they cannot cater for the large population growth that has taken place there.

The impact on the community must be considered. The City of Casey could be denied a Narre Warren leisure and aquatic centre because there are private providers in the area. The council will have to deliberately factor in an artificial market price to determine whether it is affordable. For example, on 24 August this year the City of Greater Dandenong did a tender evaluation of residential amenity services as part of national competition policy. The council broke the tender up into three parts: part A related to general law enforcement, animal control, parking management and municipal fire prevention, and part B related to school crossing supervision.

The report detailed the issues the council had to go through as part of national competition policy. The interesting thing was that the internal bid, in terms of cost to council, was the lowest cost for the community. However, under national competition policy the council had to use the market value principle, not an actual cost principle. In business in a competitive marketplace people look at the actual cost and the profit margin they are prepared to make compared with others. When using the market value principle a local council can artificially inflate its prices because it is not paying the same level of taxes, but in relation to this tender the council had to jack up its prices by $250 000.

The direction the government would like councils to take is to have local law enforcement officers privatised, so in the part of the tender dealing with general law enforcement, animal control, parking management and municipal fire prevention the council had to jack up its prices by $150 582, which made it approximately $50 less competitive than the nearest tender. That was not the actual cost to council, because it can afford to provide the service at a lower cost by using its in-house team, it was the cost when it had to use artificial market rate values to jack up its prices and suddenly make itself theoretically uncompetitive.

The council added $100 000 to its internal bid for school crossing supervisors. That was as a result of national competition policy. The national competition policy the bill is trying to define further in ideological terms is about privatisation and not about what the Keating government intended the policy to do originally. It is about stealth and making sure local councils cannot compete with other tenderers because they have to set artificial prices not based on their true costs. That is why the bill needs to be amended.

The opposition has no problem with national competition policy when it is reasonable. There is nothing wrong with competition for telephone, banking, gas and electricity services, but creating artificial competition causes problems. The City of Greater Dandenong has taken a strong stand on these issues. It says there is not a level playing field. In the real world of business reference is always made to actual costs, yet under national competition policy costs are often higher. That is why the opposition proposes amendments and suggests the government needs to think about the issues more seriously.

Local communities will be disenfranchised by being denied the opportunity of voting at local by-elections. Members of those local communities want to use council services and facilities. They expect good service from local government, and they want it provided by local government, not by outside tenderers. Local communities are being denied that opportunity. Prices and fees are going up, and we have the Victorian and Howard governments to thank for it.

Mr BRACKS (Williamstown) — I endorse the comments of the honourable member for Dandenong about national competition policy. I think he was referring to clause 20 of the bill. Clause 20 provides

that national competition policy principles are to apply to local laws, but it is qualified by an associated public interest test. The honourable member for Dandenong was correct in alerting the house to this matter. The problem is not so much with the competition policy legislation — the Labor Party supports the legislation that was implemented by the former federal Labor government and the complementary legislation that was supported by the Labor opposition in this house — but with its application by the government, which has used the national competition policy legislation as a blunt instrument.

What could be more blunt in applying national competition policy to local government than talking about compulsion and targets and saying that 50 per cent of any activity — no matter what the activity is or what the circumstances of councils may be — must be compulsorily tendered out? What could be more restrictive and more onerous on councils than being forced to achieve such an aim? It is not the aim the government has for its own activities in the state; it does not apply the same arrangement to itself. That bold application of national competition policy has been applied and reinforced under the principal act.

The government applies competition policy spasmodically. It picks out the bits of state responsibility to which it wants the policy to apply, such as the Audit Act, and restricts its application in other areas, such as wheat and barley marketing. The government has been partisan in picking out the areas to which it wants national competition policy to apply, and what is happening is plain for all constituencies to see.

The substantive part of the bill deals with district-wide councillors and vacancies that arise on the resignation or death in office of district-wide councillors. The bill proposes that such vacancies be filled by using countbacks rather than by the holding of by-elections, which would be the normal case. In principle there is an arguable case for the proposed change. For example, the Legislative Council should follow the practice in the Senate. There should be a system under which vacancies that occur in houses of review that operate under different legislative arrangements than operate in most lower houses should be filled by the preferred choice expressed in the vote for a party or by a countback. I accept that.

However, I find it hard to accept the application of the legislation to two of the biggest Victorian councils — the City of Melbourne and the City of Greater Geelong. The principle is not too bad, particularly where there are ward as well as district-wide councillors and there is a different system of appointing vacancies in both cases. The problem is not the proposal but that the Premier has form — you cannot trust him. The Premier proposed that the City of Melbourne should continue with commissioners. Remember the dead cat he threw on the table? He preferred not to have an elected council in the City of Melbourne.

The principle is not bad, but how can a Premier who said, 'Let us continue on in a business forum in the City of Melbourne' be trusted? On the one hand he said commissioners should continue, but on the other hand when he saw it was a hot political potato, it was a dead cat. How can a Premier who proposes to do away with by-elections for seats in which a party has a 5 per cent-plus majority be trusted? That is the Premier's real aim.

Honourable members opposite know that the Premier wants an opening of the door. He wants to have the door ajar on this principle in the cities of Melbourne and Greater Geelong so he can say, 'Look at what is happening here. Why don't we also include this in the lower and upper houses of state Parliament?'. That is exactly what the Premier is proposing in these arrangements. How can anyone trust a Premier who has a total disregard for democratic principles and local councils and who refuses to acknowledge their democratic right to conduct their own activities and affairs?

The opposition could support the principle involved here if it were not for the Premier's form on this matter, which has been consistent. The Premier has been undemocratic in playing around with wards at Geelong. He did not like the previous electoral system because it did not give him the outcome he wanted, so he introduced legislation to change it. The Premier wants to use these proposals to prevent local government electorates having a democratic choice in by-elections. Where will he stop? If he gets away with it in the cities of Melbourne and Greater Geelong will he move on to the Legislative Assembly and the Legislative Council? The Premier cannot be trusted on these matters.

The opposition will propose amendments to the bill to make sure that where there are district-wide councillors by-elections will occur in the same way as they would occur in the case of any normal vacancy in a ward election. The proposals should be rejected because the government will regard them as a precedent.

Mrs HENDERSON (Minister for Housing) — I take the opportunity to thank members on both sides of the house for their contributions. This is an important

bill. The debate has been very healthy, and I wish the bill a speedy passage.

House divided on motion:

Ayes, 49

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

*Noes, 22**

Andrianopoulos, Mr	Gillett, Ms
Batchelor, Mr	Haermeyer, Mr
Bracks, Mr	Hamilton, Mr
Brumby, Mr	Kosky, Ms
Cameron, Mr (*Teller*)	Langdon, Mr (*Teller*)
Carli, Mr	Leighton, Mr
Cole, Mr	Lim, Mr
Davies, Ms	Maddigan, Mrs (*Teller*)
Delahunty, Ms	Robinson, Mr
Dollis, Mr	Seitz, Mr
Garbutt, Ms	Wilson, Mrs

**Division list subsequently amended.*

Motion agreed to by absolute majority.

Read second time.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

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

Bendigo: emergency services communications

Mr CAMERON (Bendigo West) — I raise a matter for the attention of the Minister for Police and Emergency Services. It concerns future plans for all rural emergency service communications, which the government plans to centralise. In 1994 the Public Bodies Review Committee recommended that emergency calls be centralised at three locations, two in Melbourne and one in the country. The government accepted that recommendation. The report points out that with new technology, communications rooms can be located at sites other than those considered to be traditional, and it gives examples. The only example given in country Victoria was Bendigo, and the expectation was that Bendigo would obtain such a facility.

The two metropolitan centres were established at the World Trade Centre and Tally Ho. The government now has plans for the rural communications centre. It is planned that the several country communications centres are to be abandoned and fears exist that jobs will be centralised in Melbourne rather than the country facility envisaged. Up to 70 jobs are involved. Naturally Bendigo wants the potential 70 pay packets rather than those pay packets being taken to the city.

I also ask the minister to consider the problems that have occurred with the dispatch system in the metropolitan area and to ensure that they are not repeated with a centralised system for country Victoria, particularly as the mapping in country areas is far more complicated. Will the minister give these matters his consideration? I seek a change of heart for the people of Bendigo, who seek the additional 70 jobs that go with that centre.

Taylors Lane–Wellington Road intersection, Rowville

Mr LUPTON (Knox) — I ask the Minister for Transport to refer a matter to the Minister for Roads and Ports in another place. It concerns part of Wellington Road, Rowville, between Stud Road and Taylors Lane. The City of Knox applied to the government for funding for the duplication of that part of Wellington Road and for signals at the intersection of Taylors Lane and Wellington Road. Vicroads funds will not be available in the immediate future. The City of Knox has asked for funding to be guaranteed by the government to enable it to use its own funds to duplicate that section of road and also to widen the intersection of Taylors Lane and Wellington Road.

Vicroads estimated the cost to be approximately $2.5 million. The City of Knox estimated the cost to be approximately $2.7 million. A stalemate arose when the two parties could not agree. Eventually the City of Knox revised its calculations and came up with a figure

of $2.64 million for the Wellington Road duplication and the signals. It is becoming very dangerous to travel on that section of Wellington Road, and the road is extremely busy when motorists travel east. Vehicles travelling along Taylors Lane cannot enter Stud Road at all during peak periods.

The City of Knox has again requested funding to be guaranteed by the government to enable Vicroads to proceed with the road duplication and signal works up to a cost of $2.64 million. The City of Knox has already started its initial plans. If the funding is guaranteed it will proceed to duplicate the road and improve the intersection. Is the minister prepared to guarantee funding of up to $2.64 million, which will enable the necessary works to go ahead? The honourable member for Wantirna and the honourable members for Koonung Province in another place are very supportive of this proposal. We strongly urge the minister to guarantee the funding. He is not asked to bring the funding forward, because the City of Knox will fund the works out of its own resources so long as it can be guaranteed payment in the future.

Workcover: premiums

Mr BRACKS (Williamstown) — I refer the Treasurer to the increase in Workcover premiums for employers, which, as we know, have gone up from 1.8 per cent to 1.9 per cent. What is less well known is that superannuation is now included in the calculation for Workcover premiums. I seek from the Treasurer clarification of the impact of the premium increases on employers. The increases have occurred at the same time as other related increases that received less publicity, including the increase in the F factor, which is the multiplier in the premium formula calculation. Industry rates have also gone up by one increment or 20 per cent, and the definition of injury has changed to mean that a recurrence of an injury is a new injury.

I seek clarification from the Treasurer on whether — these are the industry's calculations — because of those combined factors 500 employers now face 300 to 400 per cent premium increases, 11 000 employers face 100 per cent increases, 128 000 employers face up to 100 per cent increases and only 27 000 employers have reduced premiums. In aggregate, premiums have increased over the whole area.

Workcover has the second-worst return-to-work rate in Australia, which means employers are paying for an inefficient Workcover authority. As employers are paying more for superannuation, more for the recalculated F factor, the 20 per cent increase on industry rates, and, now that recurrence is considered a new injury, still higher premiums, will the Treasurer explain why 80 to 90 per cent of employers are worse off under the scheme, in some cases paying 300 to 400 per cent higher premiums, with the majority paying up to 100 per cent higher premiums?

The Treasurer should explain the impact of the increased premiums. Costs are being squeezed. Not only are Workcover and superannuation premiums increasing, but also a GST could be added, thereby exacerbating the problem. Employers will have their costs further squeezed, which is exactly what should not happen!

Irrigation: farmers' rights

Mr KILGOUR (Shepparton) — I direct to the attention of the Minister for Agriculture and Resources a serious issue in my electorate regarding irrigation water for farmers. Goulburn Murray Water recently announced it could guarantee only 40 per cent of farmers' water rights unless extra rain falls in Victoria's catchment areas. I ask the minister to examine the situation and ensure that irrigators receive the correct information about their water rights.

A Victorian Farmers Federation committee comprising five representatives of lower catchment farmers and five representatives of upper catchment farmers recently examined the water resource issues involved in the management of the Murray-Darling Basin Commission diversion catchment. Following the release of the committee's report the Leader of the Opposition visited country Victoria and made ridiculous statements about the situation; obviously he does not understand the Water Act. He said, for example, that all water belongs to the Crown. He should know that only water in waterways belongs to the Crown. The Leader of the Opposition shot his mouth off, thinking he knew the facts. He frightened country Victorians and then returned to the city, leaving many of them worried about the future.

I ask the minister to ensure that all irrigators receive the correct information about their water rights rather than the sort of scaremongering information put about by the Leader of the Opposition. Country Victorians should understand that no water rights will be transferred from lower or gravity irrigators to irrigators in the high country.

Mildura: early intervention therapy services

Mr SAVAGE (Mildura) — I ask the Minister for Police and Emergency Services to direct to the attention of the Minister for Youth and Community Services the

fact that last June the Spastic Society of Victoria withdrew all early intervention therapy services from Mildura. The loss of those services is affecting 30 children who suffer from autism, Down syndrome and cerebral palsy. The Department of Human Services has failed to provide a transitional and ongoing service.

The children's parents have difficulty in coping in normal circumstances. They want to do their best and achieve the best outcomes for their children, but the present void in services is making things even more difficult for them. The government's budget allocations for other locations around the state amount to between $2900 and $3000 per child, but the funding allocation for affected children in my region is about $750 per child — which can only be described as inadequate and discriminatory. A meeting in Mildura today between Department of Human Services representatives and affected parents produced a draft brokerage system that appears to be overly bureaucratic and cumbersome.

The speech therapist has already withdrawn her services as an apparent consequence of the new arrangements. There is no time frame for the introduction of a transitional model or a new model. Parents are becoming frustrated with the endless number of meetings and the delaying tactics the department is employing instead of adopting new concepts which can overcome the inadequacies. I call upon the minister as a matter of urgency to provide an appropriate service to a very disadvantaged group of people.

Schools: finances

Mr BRUMBY (Leader of the Opposition) — The matter I raise is for the Minister for Education. It concerns his extraordinary decision to release and promote details of school bank accounts to media outlets across Victoria. I want the minister to apologise for his underhanded attack on schools right across the state and to spell out exactly what he intends the schools should do with their so-called cash reserves.

Last night the minister attempted to blame the media for the release of this information, but it is quite clear from the press release from the Minister for Education dated Monday, 31 August, and headed 'Government schools well funded: Gude' that he released this information. I understand government media unit officers and his staff have been ringing local newspapers and briefing them on the amount of cash reserves held by schools in members' electorates, and the Minister has actively promoted the disclosure of these figures. He has done so in a blatant attempt to mislead the Victorian public about the position of schools and education in Victoria. It is my view that he has betrayed not only schools around the state but also government members.

The *Ballarat Courier* of Monday, 31 August, reports that the Minister for Education is urging Ballarat schools to spend their cash reserves 'to improve student learning'. It is my view that the minister needs to explain exactly what he wants those schools to spend their money on. If you look at the responses I have received from the principals of Ballarat High School, Mount Clear Secondary College and Ballarat Secondary College it is clear that parents have worked hard, they have slaved for years to raise money, and have that money put away for capital projects in the future.

More importantly tonight, Mr Acting Speaker, I want the Minister for Education to advise the house as to whether he had the support of the honourable members for Ballarat East and Ballarat West when he advised Ballarat media outlets of the size of the reserves in schools in Ballarat. Did the honourable member for Sandringham endorse the minister's actions in releasing details of the cash reserves of Sandringham Secondary College? Did the honourable member for Berwick endorse the minister's decision to release details of the reserves of the Eumemmerring Secondary College? Did the honourable member for Bayswater support the minister's decision to advise media outlets of the reserves of Heathmont Secondary College? Did the honourable member for Eltham support the actions of the minister in advising local media outlets of the size of school reserves in his electorate?

Schools have had 9000 teachers taken out of the system, and they have had maintenance funding slashed by this government. They are doing their best in a desperate environment. They are building up reserves to assist with things like computers, asphalting, new buildings, new facilities, library books and so on. I think it is scandalous that, behind the backs of government members of Parliament — —

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

Mornington Peninsula Freeway: emergency telephones

Mr DIXON (Dromana) — In the absence of the Minister for Transport I ask the Minister for Police and Emergency Services, who is at the table, to refer to the Minister for Roads and Ports in another place the matter I raise. It concerns the section of the Mornington Peninsula Freeway between Jetty Road in Rosebud and

Dromana. This section of the freeway, which was completed by this government, is 7 kilometres long and is the original portion of the freeway. The lack of emergency telephones along that part of the freeway is of concern to residents and also to many visitors to the area.

Emergency phones have been provided on other sections of the freeway, which continues all the way to Mount Martha. The original section, however — even though it is in a built-up area — has no access to phones. There are a number of exits on that section of the freeway, but they do not lead to facilities that might have telephones, such as 24-hour service stations or shops.

The whole section of the freeway reserve is fenced leaving no means for people to leave the reserve to make telephone calls. The section of freeway to which I refer is not lit at night. The vast majority of motorists who use that section of the freeway are elderly and a large proportion live in my electorate. Not only are they elderly, many own old and unreliable cars. If their vehicles break down they are unable to make telephone calls for help, and they miss that feeling of security.

I have mentioned the matter to the minister, who responded quickly and agreed about the need for telephones for the benefit of motorists. However, the installation of telephones has to be examined in line with the list of priorities and other requests for Vicroads funding. When priorities are examined will the minister rate this project highly because it will add to the security and peace of mind of residents, particularly elderly residents, and visitors to the area?

Planning: Epping quarry

Mr HAERMEYER (Yan Yean) — The matter I raise for the attention of the Minister for Planning and Local Government relates to his calling-in of an application by a Mr Tom Love for an extractive industries permit at Mr Love's property at 410 Cooper Street, Epping. The minister called in the application before the City of Whittlesea had an opportunity to deliberate on it and make a decision. Will the minister reject the application because it relates to land that is currently zoned as general farming? Mr Love seeks to rezone it for the purpose of a quarry. The land happens to be in the path of one of the preferred options for the F2 Freeway alignment.

The minister called in the application before the council and Vicroads had an opportunity to make a decision on the F2 alignment. The effect of granting the permit will mean a windfall gain worth millions of dollars to Mr Love. One has to call into question the timing of this matter, because the Vicroads decision on the F2 Freeway is, as I understand it, due some time early next year. The timing is inappropriate. At the very least the minister should defer the decision until Vicroads has made a decision about where it wants to put the F2 Freeway alignment.

There is no need for an urgent decision on this particular application, because Mr Love has a quarry adjoining the area for which he seeks a permit that has reserves of some 20 to 50 years of crushed rock. There are many other quarries in the area. The decision should never have been taken out of the council's hands. It reeks of corruption. This is about compensation — the amount Mr Love could claim from Vicroads if the F2 alignment were to go through his property. It is a transfer of taxpayers' dollars into Mr Love's pocket.

Mr Love is a prominent and influential member of the Liberal Party. He is well connected with the Minister for Roads and Ports in another place and with the federal member for McEwen, Frances Bailey. The process stinks of corruption and cronyism. I call on the minister to reject the application to show some faith in this particular exercise.

Water: Noojee supply

Mr ANDRIGHETTO (Narracan) — The matter I raise for the attention of the Minister for Agriculture and Resources concerns the quality of the water supply to Noojee, an idyllic hamlet in the north of my electorate nestled in the foothills of the Mount Baw Baw Ranges. I raise the issue with the minister as a result of a public meeting called by the local community, with my assistance, which I asked the chief executive of Gippsland Water to attend to hear the community's concerns, because over many years the town has put up with, in my opinion, a substandard water supply.

Many attempts have been made to address the issue, but it has always come down to the cost of implementing a proper water treatment plant to provide decent, potable water to a community of that size. Of course it is difficult to justify an enormous amount of money being spent to produce high quality water when only about 200 people live in a town, but as this government is committed to providing water to World Health Organisation standards it is only fair that the problem be addressed.

I give credit to Mr Ray Jensen, the proprietor of the general store, Mr John Williams, the proprietor of the hotel in Noojee, and the others who approached me for

assistance and who have lobbied hard. I agree with them; it is time the quality of their water supply was addressed.

As a result of the meeting Gippsland Water said it would ensure that the water supply was upgraded. I understand consideration is being given to a pipeline from Neerim South as one of the options. As I understand it a commitment has been given by Gippsland Water, but some elements of the community continue to spread rumours suggesting that the upgrading will not occur. I call on the minister to assure the people of Noojee that the project will proceed and that they will have potable water that meets World Health Organisation standards.

Buses: Altona

Mr BATCHELOR (Thomastown) — I raise for the attention of the Minister for Transport the quality of the route 414 bus service provided by the Westrans Altona bus line that operates between Footscray and Laverton South. I ask the minister to investigate the quality of the service because I have received a serious complaint from a regular commuter.

The person who has written to me says that since March this year she has regularly caught the 8.20 a.m. bus on weekdays from Paisley Street, Footscray, to Cherry Lane, North Laverton, but has experienced a number of problems. She specifically says that on 15 May the bus:

> ... departed from Footscray at 8.30 a.m. About 10 minutes into the journey, at 535 Geelong Road, Altona, the driver declared that he was on the wrong route and would have to put us (the passengers) off at this point. This was about half way to my destination. We (the passengers) just had to wait for the next bus.

She also writes that on 22 June she waited until 8.45 a.m. for the 8.20 a.m. bus to arrive, and that when it did not come she caught a taxi to work. She states that again on 10 August the 8.20 a.m. bus did not arrive, so she caught the bus that arrived at 9.07 a.m., but was not sure whether that was the scheduled bus or the later 9.00 a.m. service.

The commuter, Bernadette Golding, complained to the bus company about what she described as an erratic service that causes great anxiety to the patrons and is a terrible waste of time. She also complained that the bus for the homeward journey is often late, in varying degrees of between 5, 10 and 15 minutes.

Will the minister investigate the service to see whether some endemic or other problems are associated with the bus route and whether the company could make some changes to ensure that it delivers the service according to the timetable and brings some certainty back into the process? Bernadette Golding has indicated to me that it causes great difficulty with her work, particularly as there is no public phone box nearby to which she can report the problems with this service to her employer.

Bodies corporate: asset depreciation

Mr E. R. SMITH (Glen Waverley) — Following a letter I have received from Alvin Dana and Donna Magness of Silverwood Way, Glen Waverley, I raise for the attention of the Minister for Planning and Local Government a matter concerning maintenance works for condominiums. My constituents have a problem with their property, which was formerly part of the old Mimosa Primary School but is now situated within a private development. As many honourable members will know, school sites were privately developed.

One of the pressing problems for councils is that they can allow these condominiums to be developed and collect rates from them and can continue to do so for some time, but they do not have any future responsibility for them. I would like the minister to outline what public policy will be for the future and what will be done about the depreciation of common assets held by bodies corporate. This is a problem where the people have paid rates over the years but have got nothing back in return because of their body corporate's responsibility for handling these types of maintenance problems.

Initially it came out of a water pipe issue, which is not in the minister's area, but it does concern councils. I have spoken to people in the council in my area and they want the minister to give an indication of the direction in which public policy thinking is heading.

Responses

Mr McNAMARA (Minister for Agriculture and Resources) — The honourable member for Shepparton raised an issue relating to the Northern Victoria Water Consultative Committee appointed following discussions with the Victorian Farmers Federation and chaired by the Honourable Bill Baxter. The federation was invited to nominate 10 members representing the catchment areas of northern Victoria and 5 farmers representing the irrigation district. There were 10 members on the committee with both areas being equally represented.

The committee had about 11 meetings over a seven-month period with numerous on-site inspections to address the issue, which was brought to a head

following the introduction of the Murray Darling Basin Commission cap on the utilisation of water. In the past farmers in the catchment areas of north-eastern Victoria had always had a belief that they could put dams, gullies or depressions on their properties to store water. Following the interpretation we had to address the issue of putting dams on those sites because if the site was designated as a watercourse, which it was if at any stage during the year water flowed down that depression, the Goulburn Murray Rural Water Authority believed the farmer then had to purchase irrigation water sufficient to fill that storage.

In trying to determine a transitional period, the committee came up with a recommendation that was agreed to by 8 of the 10 members. Two members disagreed with the concept and one of the eight members believed the 10 000 megalitres of water allocation should be higher. The majority of those representing irrigators and basically all those representing catchment farmers agreed that a finite amount of water should be available during the transitional period.

One issue raised by farmers in the irrigation districts in northern Victoria concerns the impact that may have on their own water security. It is clear from my statements since the report was released some months ago that this will not have any impact on either the availability of water sales or the existing water security of irrigators. In fact, the 10 000 megalitre allocation will be found through efficiency savings within the system.

To put the issue in some perspective, Goulburn Murray Water runs about 3 million megalitres of water through its system. It is certainly possible to find savings of 10 000 megalitres over a minimum period of 10 years. The committee also recommended that no more than 1000 megalitres be provided in one year . Also, the program will not start until the season after this because dams will be constructed during the summer period. It will be next winter before any water can be stored as a result of that construction period.

The Victorian Farmers Federation endorsed the report as did Goulburn Murray Water, the irrigation authority, and the two catchment management authorities, Goulburn Broken and North East. With the exception of one member of Parliament, every MP in northern Victoria has endorsed the report. It was a difficult issue, and I compliment the members of the committee and the chairperson on the work done. The issue is complicated, and people should have a good understanding of it before they rush out and make comment. The recommendation provides a good deal of equity in its attempt to address a difficult issue.

Finally, I reinforce the fact that this has nothing to do with the existing very low or first allocation of irrigation water for the Goulburn system. That allocation of 40 per cent is entirely on the basis of the water we have in storage in Eildon reservoir. If we have some decent rain this month, next month and through to the end of November, we can start to resolve that problem. Of the 10 000 megalitres, or 1000 megalitres in any one season, only half will come out of the Goulburn system. The balance — the other 5000 megalitres maximum — will come out of the Murray system.

The honourable member for Narracan raised a matter about a treated water supply for Noojee that is symptomatic of the great revolution happening across regional Victoria. Currently $1 billion is being spent upgrading water services in regional Victoria. During question time the honourable member for Mildura said $1 billion was being spent on a project in Melbourne. In fact $1 billion is being spent in country Victoria to ensure that for the first time in the state's history every person living in a township in country Victoria will be drinking water up to the standard Melbourne has taken for granted for many decades. When that process is finished every country town in Victoria will have water that is a better quality than that in Sydney — and for honourable members who have had the opportunity of tasting Adelaide water, I would have to include Adelaide.

That innovative program brings approximately 350 local urban water authorities back to 15. The efficiencies created in that process have been enormous. In my own area and the area shared by the honourable member for Shepparton and others, Goulburn Murray Water found almost 50 per cent of its revenue was surplus within 12 months just by bringing all those separate township authorities into one regional authority. The North East authority had a similar experience. About 50 per cent of its revenue was surplus within 12 months.

One thing the government will be remembered for in regional Victoria is the tremendous upgrade in water services, which is not only of benefit to health because it stops the nutrients from waste water getting into the river systems but also of economic benefit because of the impact it has on investment. By the end of next year every country town with a population of roughly 200 or more will have water that is up to standard and will be able to attract investment, particularly in the food processing sector, that would not otherwise have come to its area.

In my home town of Nagambie, Eatmore Poultry has just invested in excess of $10 million in stage 1 of a development that will directly provide 32 jobs. A planned further staged development will increase that to up to 55 jobs. The company runs its own pipe from the Nagambie township water supply about 4 kilometres out of town. It would not have come to Nagambie and provided 55 jobs in our small country town without the government improving the water supply, which it did a couple of years ago with a treated water system.

Mr Acting Speaker, you have done great work in Mortlake. Clarkes Pies, a company that makes products of very high repute in Victoria, is in the process of rapid expansion and is on the verge of buying a major national brand. I hear it intends to shift production to Mortlake. The present plant is actually under threat of closure because the waste it discharges creates real problems with the EPA. That problem had to be addressed, and thanks to some very strong representations by you, Mr Acting Speaker, and your upper house colleagues, we can now proudly say that Mortlake will be sewered. Those jobs, which I think run into more than 100, are now protected because of that investment.

Noojee is in the same position. Not only are we going to have the opportunity of getting Noojee water up to world-class standard but the proposed option is to run a pipeline roughly 7 kilometres from Neerim South, and every property along the way will have the opportunity to tap into that pipeline. We are all aware of the decade of neglect under Labor when country infrastructure was allowed to run down. The current decade is one in which the infrastructure in country Victoria is being rebuilt and opportunities are being provided.

Mr COOPER (Minister for Transport) — I will deal with the matters raised by the honourable members for Thomastown, Dromana and Knox. The honourable member for Thomastown raised the quality of the bus services provided on route 414 between Footscray and Laverton South. He said a lady who complained to him had already complained to the bus company about the service delivery but apparently nothing has resulted from that complaint. The honourable member wants the matter investigated. I am more than happy to do that. The service provided by our bus operators is usually excellent. This matter, in the form of a complaint, would certainly stand out as being unusual, but I am more than happy to have it investigated. I will ensure that the honourable member for Thomastown is made aware of the results of that investigation.

The honourable member for Dromana asked about the provision of emergency telephones on the section of the Mornington Peninsula Freeway between Jetty Road, Rosebud, and where the freeway crosses over the old Nepean Highway at Dromana. It is one of the original sections of the freeway, and the honourable member has rightly identified it as a dark area. People stranded on that section of the freeway, which is fenced along both sides, would have difficulty accessing any properties to seek assistance, particularly at night.

The honourable member for Dromana stated that he had raised this matter previously with the Minister for Roads and Ports, and he now wants the minister to revisit the issue to see whether it can be raised higher on the funding priority list. I am happy to do that for the honourable member for Dromana. I am well aware of the situations that he advised the house of with regard to people being stranded. If people do not have mobile phones in their cars it can be difficult to get help. Females particularly, if they can afford it, should have mobile phones so that they can ring for assistance if their cars break down at night. If a driver does not have a mobile phone and is stranded on that section of the Mornington Peninsula freeway it could certainly be a problem. I am happy to ask my colleague in the other place to address that issue.

The honourable member for Knox raised the matter of works required in the duplication of Wellington Road between Stud Road and Taylors Lane. The Knox City Council requested that the project, which was scheduled for commencement by Vicroads in 1999–2000, be brought forward on the basis that it would provide the funding, and the cost of the works would be reimbursed by the state when the funds became available in the 1999–2000 financial year.

The Minister for Roads and Ports said that generally he was reluctant to bring scheduled work forward; however, in this instance he was quite happy to do so. He has therefore told the council that the works, which were costed at approximately $2.5 million, can proceed. The council asked the minister to provide extra funding for signals at Taylors Lane. The minister wrote to the council approving the project being brought forward with council funding but saying that no additional funds would be provided for signals as they did not meet warrants in regard to the installation of signals in that location.

The council subsequently requested an increase in the funding to cover additional items, including safety works and landscaping, and Vicroads and the Knox City Council are negotiating over that matter at the moment. It appears there will be an agreement for a final approved cost for the project of between $2.6 million and $2.7 million. I am advised that under

the revised total costs sufficient funds will be available to enable traffic signals at the intersection of Taylors Lane to be included in the project.

I suggest that the honourable member for Knox go back to the Knox City Council and report that it appears that negotiations with Vicroads will be brought to a successful conclusion and that if the council wishes to install traffic lights it will be able to be done under the revised costs of the project.

Mr MACLELLAN (Minister for Planning and Local Government) — The honourable member for Glen Waverley asked whether I could give some indication of the direction of government policy and action that might be taken in respect of the depreciation of body corporate common assets in a strata title or condominium situation. The matter is complicated by the fact that most bodies corporate do not collect or hold funds for depreciation of the body corporate assets. Indeed, I believe there could be federal taxation complications if they were to hold such funds as, generally speaking, payments made to the body corporate would be tax deductible for income-earning properties although not for owner-occupied properties. Therefore the federal taxation authorities would have an interest in, for instance, interest earned on funds held for depreciation purposes.

Clearly the matter involves accounting and community issues. With some 50 000 to 60 000 bodies corporate in the state many buildings and properties will experience the depreciation of assets owned by the residents through a body corporate and will have no provision made for their depreciation. Recurrent maintenance such as painting and servicing, gardening, and wear and tear on carpets can probably be coped with in the quarterly charge, but as the honourable member would appreciate, where it relates to a capital cost of more significance it can be an unexpected charge for people who might be on limited incomes or retirement incomes or who may have their properties up for sale and therefore not wish to participate in the body corporate's program for the renewal of those assets.

Unless we find an answer to the problem that will enable a small amount of money to be charged and held on trust for eventual depreciation on properties they will generally run down or not have sufficient moneys put aside for major depreciation items when they may be needed. It is a matter on which I shall ask the department for further advice. At the moment that is the direction of government thinking.

The honourable member for Yan Yean seemed to suggest there was some impropriety in my, as he said, 'calling in' an appeal — although that is not the appropriate term because I did not call in an appeal. I have referred a matter which relates to an issue of significant policy concerning the location of the Hume Freeway to a panel. The honourable member seemed to suggest that it would be better if the municipality dealt with the matter, as if the municipality were able to make a decision prior to any decision being made on the location or identification of the route for the relocation of the Hume Highway.

The honourable member is quite right: the two matters should not proceed separately and independently of each other; they are clearly to be considered in relation to each other. The honourable member seems to be under a misapprehension. Perhaps he is thinking of the good old days when Victoria had a Labor government and Vicroads made the decisions. But Vicroads does not make the decision in these matters any more. Last night one of the honourable member's colleagues, a shadow minister, made some critical comments about native grasslands in the very same area, saying the process by which the identification of a route for the relocation of the Hume Highway should take into account the native grasslands. The honourable member clearly does not want the relocation in the extractive industry area; his colleague does not want it in the grasslands area. It seems to me the opposition has itself in the usual sort of pickle.

A panel will be considering and reporting on the options for the relocation of the Hume Highway, taking into account issues of environment, the extractive industry and community issues in the area. At the same time a landowner in the area wishes to have an application considered. It is inappropriate for the local council to consider that in isolation while the bigger questions are being examined. Therefore, the matter is being sent to a panel and will be subject to independent advice from that panel — advice which will be public and which will be of great interest to the whole community, especially to the honourable member for Yan Yean.

I will clear up one thing for the honourable member. Vicroads will not be making the decision. That is the way the former Labor government ran things. Perhaps Vicroads was the boss when the Labor Party was in government. Perhaps the environment did not matter then: if Vicroads wanted to put it through the grasslands, it went through the grasslands; if Vicroads wanted to put it through the quarry, it went through the quarry. Perhaps, under a Labor government, if Vicroads wanted to put it through a Liberal Party property, it went through the property. It does not happen like that any more. The matter goes to an independent panel.

which reports publicly. The honourable member will then have the opportunity to see whether the panel report goes into the category of the 95 or 97 per cent of panel reports that I accept, or whether it goes into the small exceptional group I may vary. He will then be able to leap to his feet and point to the debate tonight as recorded in *Hansard* and say, 'There you are. I told you it is corrupt'.

The honourable member is on some corruption thing. I do not know why he would assume that somebody who is seeking a permit to expand the quarry from the odd 60 years supply to 100 years supply will vote Liberal; but having seen the policies of the federal Labor Party for the coming federal election, and having seen the total lack of policy from the state Labor Party, I can well understand that anyone who may contemplate being in the quarry industry, the trucking industry or the road building industry will be voting Liberal.

Mr W. D. McGRATH (Minister for Police and Emergency Services) — The honourable member for Mildura raised on behalf of the Spastic Society of Victoria some difficulties that have been experienced with disabled services delivered by the Department of Human Services. He said a meeting had taken place today between clients and the department in Mildura, so I understand every endeavour is being taken to resolve the difficulties. I will direct his concerns to the Minister for Youth and Community Services tomorrow morning, and if the minister wishes to discuss them further with the honourable member he will be able to do so.

The Leader of the Opposition criticised the fact that the Minister for Education had released statistics about various sums of money held in state school accounts. It is hypocritical of the honourable member to raise those concerns because the Department of Education was required to pass on the list of school accounts to the *Age* following a freedom of information request. It is an affront for the union, the Labor Party and the principals association to suggest that the minister should break the law by withholding FOI material.

Those groups also argue that parents do not have the right to know for what purpose their children's schools are using the money. The union, the Labor Party and the lobby groups are hypocritical in claiming schools do not have funds for computers, maintenance requirements or other programs, because when those issues are exposed as lies they then say the money held by schools is earmarked for the same purposes. The Leader of the Opposition should check his facts about how that information was divulged to the wider community. It was a response to a FOI request from the *Age*.

The honourable member for Williamstown seemed to be critical of the increase in Workcover premiums from 1.8 per cent to 1.9 per cent. There was a fair degree of audacity in his comments. When the Labor Party was in government the Workcare premium averaged 3.2 per cent, with an unfunded liability of $2 billion. It is fair to say that the Victorian Workcover Authority is paying its way with, on average, much lower premiums than those imposed by the former Labor government.

The honourable member for Bendigo West raised queries about a country emergency services communications centre at Bendigo. Approximately six weeks ago, following some irrational statements from the honourable member for Yan Yean, I responded to a Bendigo newspaper. No decision has yet been made. A proposal is being brought forward about how best to provide the roll-out for computer-aided dispatch and other communications services to ensure that the greatest possible efficiencies are achieved. At the end of the day emergency services must be able to respond to a request and reach a destination in the most efficient manner. I am certainly conscious of jobs in country regions. When the government is in a position to make those decisions the comments of the honourable member for Bendigo West will certainly be considered.

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

House adjourned 11.07 p.m.

Thursday, 3 September 1998

The ACTING SPEAKER (Hon. J. F. McGrath) took the chair at 10.04 a.m. and read the prayer.

PETITIONS

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

Deer Park Community Health Service

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:

1. The community health service in Station Road, Deer Park, and in particular the medical service enjoys the strong support of the local community who have participated in the service for more than 20 years.

2. The board and management of ISIS are proposing significant changes to the service without proper consultation with the community and staff.

3. These changes have outraged the local community, demoralised staff and are not likely to produce improved service.

4. No changes should be implemented without full consultation with the community and staff and that the community's consent would be required for any changes given that the Deer Park community has built the service.

5. If the ISIS board and management is unable to engage in full and proper consultation with the community it is unfit to remain in office and ought to resign.

6. If the board and management in these circumstances declines to resign then it should be dismissed by the state government.

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

By Mr THWAITES (Albert Park) (1192 signatures) and Mr CUNNINGHAM (Melton) (1018 signatures)

West Gate Freeway: noise controls

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 concerns over the excessive level of noise along the West Gate Freeway corridor.

Your petitioners therefore pray that the state government makes a commitment to ensure the construction of adequate noise attenuation barriers along residential sections of the West Gate Freeway equivalent to the standards established along the South Eastern and Eastern freeways.

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

By Ms KOSKY (Altona) (862 signatures)

Corryong: health services

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

The humble petition of the citizens of the Upper Murray sheweth they wish as users of the UMH and CS, to express to the minister for health and aged care, Rob Knowles, our total dissatisfaction with the MPS decision to downgrade the use of theatre for any procedure involving general anaesthetic which has resulted in this remote rural community being left without the continuity of health care or equity of access to acute care available to other Victorians.

Your petitioners pray that the theatre at Corryong MPS is reinstated and upgraded immediately (to its capability prior to November 1997) to enable general anaesthetic procedures to be recommenced.

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

By Mr A. F. PLOWMAN (Benambra) (902 signatures)

Bass Coast: special charge scheme

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 it] opposed the introduction of a special charge scheme by the Bass Coast council, Wonthaggi, as it discriminates against pensions, low-income earners and ratepayers.

Your petitioners therefore pray that the scheme be repealed from the Local Government Act.

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

By Ms DAVIES (Gippsland West) (385 signatures)

Heidelberg pedestrian crossing

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

This petition of certain residents in the state of Victoria draws to the attention of the Legislative Assembly the need for a pedestrian crossing to be installed in Lower Heidelberg Road, Heidelberg, between Banksia Street and the cutting to allow for greater pedestrian safety.

The pedestrian crossing is urgently required due to:

the increased traffic along Lower Heidelberg Road;

the inability of pedestrians to cross Lower Heidelberg Road in safety;

the government's previous commitment to the then City of Heidelberg to install a pedestrian crossing;

assist residents with access to the Yarra Valley parklands and the bus route along Lower Heidelberg Road.

Your petitioners request that previous commitments made by the state government to install a pedestrian crossing at this location be honoured and that the crossing be installed.

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

By Mr LANGDON (Ivanhoe) (204 signatures)

Heidelberg drug rehabilitation centre

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

This petition of certain residents of the state of Victoria draws to the attention of the Legislative Assembly the decision by the state government to build a drug rehabilitation centre at the corner of Edwin and Banksia streets, Heidelberg.

Your petitioners therefore request that the building of the drug rehabilitation centre at the corner of Edwin and Banksia streets, Heidelberg, stop.

The petition of the undersigned citizens of the state of Victoria state that the drug rehabilitation centre should be located in Epping within the new hospital complex.

We recommend this site because it will not impact directly on a residential area for these reasons:

public safety;

size, look, dimension of the centre is unknown;

traffic volume;

parking.

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

By Mr LANGDON (Ivanhoe) (241 signatures)

Police: Croydon station

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 community security is at risk because of cuts to police funding to the Croydon police station.

Your petitioners therefore pray that this decision be reviewed.

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

By Mrs ELLIOTT (Mooroolbark) (4696 signatures)

Laid on table.

Ordered that petition presented by honourable member for Altona be considered next day on motion of Ms KOSKY (Altona).

Ordered that petition presented by honourable member for Gippsland West be considered next day on motion of Ms DAVIES (Gippsland West)

Ordered that petition presented by honourable member for Ivanhoe (Heidelberg: pedestrian crossing) be considered next day on motion of Mr LANGDON (Ivanhoe).

Ordered that petition presented by honourable member for Melton be considered next day on motion of Mr CUNNINGHAM (Melton).

PAPER

Laid on table by Clerk:

Judicial Remuneration Tribunal Act 1995 — Statement of reasons from the Attorney-General for not accepting and for varying certain recommendations contained in the report of the Judicial Remuneration Tribunal on judicial salary and allowances.

PARLIAMENTARY COMMITTEES

Membership

Mr GUDE (Minister for Education) — By leave, I move the following motions in relation to the membership of investigatory committees:

Law Reform Committee

That Mr Loney and Mr Thwaites be discharged from attendance on the Law Reform Committee and that Mr Robinson and Ms Delahunty be appointed in their stead.

Public Accounts and Estimates Committee

That Mr Loney be appointed a member of the Public Accounts and Estimates Committee.

Road Safety Committee

That Mr McLellan (Frankston East) be discharged from attendance on the Road Safety Committee and that Mr Dixon be appointed in his stead.

Motions agreed to.

BUSINESS OF THE HOUSE

Division list

The ACTING SPEAKER — Order! I inform the house that in the division which took place on 2 September on the Local Government (Amendment) Bill, the tellers for the noes inadvertently recorded the name of the honourable member for Bundoora instead

of that of the honourable member for Mildura. The Clerk will make the necessary correction to the division list.

Mr Leigh — I raise a point of order, Mr Acting Speaker. I wonder if you could give the sitting times of the house to the honourable member for Northcote so she can be present in the chamber.

The ACTING SPEAKER — Order! Stupid and frivolous points of order like that do nothing for the standing of the Parliament. The honourable member for Mordialloc has been in this place long enough to know that that is a stupid and frivolous point of order and he should not have raised it.

Adjournment

Mr GUDE (Minister for Education) — I move:

That the house, at its rising, adjourn until Tuesday, 6 October.

Mr BRUMBY (Leader of the Opposition) — Mr Acting Speaker, the opposition opposes this outrageous motion.

Honourable members interjecting.

Mr BRUMBY — This is outrageous. What is the government running away from? I thought government members would enjoy these sittings of Parliament. This motion is not just unprincipled, it is an unprecedented act of arrogance by a government that will not face the scrutiny of the Parliament or of the Victorian people. We oppose this motion. We believe this Parliament should be sitting for more than a measly 15 days this session. The fact that this Parliament will be closed during the federal election campaign will bring shame upon all members of Parliament, whatever their political persuasion. If this motion succeeds today, the Parliament will sit for the lowest number of days ever in a non-state election period.

Spring parliamentary sessional periods in the past decade or so are as follows: in 1984, 23 days; in 1985, 26 days; in 1986, 29 days; in 1987, 29 days; even in 1988, which was a state election year, 21 days; in 1989, 26 days; in 1990, 30 days; in 1991, 28 days; in 1992, which was a state election year, 13 days; in 1993, 33 days; in 1994, 30 days; in 1995, 21 days; in 1996, 22 days; in 1997, 21 days; and this year, if this shameful motion is carried by this house on the numbers, we will sit just 15 days. It will be the lowest number of sitting days ever in a spring session of this Parliament.

The government has tried to draw some analogies or comparisons, which I believe are odious, between what is occurring today and what occurred in 1990. I do not believe you can compare those two matters. In 1990 there were 30 sitting days. If this motion is passed there will be a mere 15 this year.

The government is closing down the Parliament and running scared from the Parliament and from the federal election. The Premier is shutting down the Parliament so that he can run and hide interstate, and so that he can run down every burrow interstate. He is going to be everywhere during the federal election campaign — except Victoria. He is running away from the crisis in health, education and jobs. He is running away from the record hospital waiting list, the record class sizes, and the record youth unemployment. He is running away from these things by closing down the Parliament and trying to find an excuse to spend all his time interstate.

Victorians know they cannot afford the triple whammy of John Howard, Jeff Kennett and a 10 per cent GST. They cannot afford that. Can Victorians afford that? Can they afford the 10 per cent GST every time they go out? Every time they use public transport they will pay the 10 per cent. Every time they use the City Link tollway they will pay the 10 per cent. Every time they attend a sporting event they will pay the 10 per cent. Every time they pay for something for their kids at school — the shoes on their feet — they will pay the 10 per cent. Every time they pay for the clothes they wear they will pay the 10 per cent. Every time they pay for the books they read they will pay the 10 per cent. Every time they use the tuckshop they will pay the 10 per cent. Every time under Mr Howard's GST you will pay the 10 per cent.

So the question for Victorians is whether they can afford John Howard, Jeff Kennett and a 10 per cent GST. The Age-AC Neilsen poll quoted in the *Age* today shows that the Labor Party in Victoria is doing well compared to the Howard alternative. Why is the Labor Party doing well? The Labor Party is doing well because Victorians understand that they cannot afford the triple whammy of John Howard, Jeff Kennett and a 10 per cent GST.

I had to laugh last week when the Premier said that Parliament may not be sitting until the week beginning 6 October because the Prime Minister had asked him to campaign for the upcoming federal election. It is amazing that the Premier is campaigning everywhere except Victoria. You will not see him campaigning in Victoria. You will see him campaigning in Queensland, you will see him in New South Wales; and you will see

him overseas. I understand the Prime Minister asked him to campaign in New Zealand. Have a look at the Premier's campaigning track record over the past 18 months — —

Honourable members interjecting.

Mr BRUMBY — You could start with Gippsland West. What happened in Gippsland West? The Premier went down there day after day after day. He hand-picked the candidate. What was his name? Coleman? He went down there, sent all the cabinet down there, and what happened? Who lost? The Liberal Party lost with a swing of 14.7 per cent.

Then we had another by-election, this time in Mitcham. And what happened there? The Premier went out there day after day after day campaigning in support of his candidate. What was his name? I can't remember his name, either. Larry Loser? The swing out there was 15.8 per cent, the second largest swing ever in a by-election anywhere in Australia, and it resulted in the election of a truly outstanding member of Parliament, Tony Robinson.

What happened in Tasmania recently? The Premier went down there to help Tony Rundle and campaigned for two full days. Who lost down there? The Liberal Party. That meant three losses in a row.

What else have we seen? Recently we have seen the Premier campaigning in Northcote. He went out there and he lent his support. In the last week of the campaign he laid into Mary Delahunty. Then on the Friday morning he said he had a funny feeling in his tummy that Labor was going to lose. I think the funny feeling in his belly must have been something he ate the night before.

The Premier campaigned in Queensland for the Borbidge government, and what happened? Again, the coalition was defeated. His five efforts in campaigning in Gippsland West, Mitcham, Tasmania, Northcote and Queensland were unsuccessful. There have been five fails for the Premier. That is why last week's *Sunday Herald Sun* had an article headed, '"Jeff factor" fear for PM', written by Gerard McManus. It states:

> But the 'Kennett factor' looms above these in boosting Labor's vote in the state. Mr Kennett makes an impression on people — he is either liked or loathed — which puts Prime Minister John Howard in a no-win position.
>
> On the one hand there are those Victorians who perceive Mr Kennett as being autocratic and uncaring and who are tired of six years of Kennett reforms.
>
> No state has had more government-led change than Victoria in the 1990s. In rural and regional Victoria, the Kennett government is on the outer.
>
> This group will be taking its anger out on the coalition federally, either voting Labor in the cities, or One Nation in country Victoria.

That is true. The article concluded by saying that the Prime Minister is trying to keep Jeff Kennett out of Victoria during the period of this campaign. The Parliament is being closed down so that the Premier can next week travel to Queensland and campaign in the seat of Blair against the One Nation candidate, Pauline Hanson. The Labor Party has led the campaign against One Nation. It was the Labor Party that made the decision federally about 18 months ago that in all campaigns, federal or state, it would put One Nation last. One must ask about the commonsense, the priorities and the basis of the Premier's going to Queensland and attracting media coverage for Pauline Hanson and One Nation.

I am reminded of questions asked in this Parliament of the Leader of the National Party to give a clear and unequivocal undertaking that the National Party in Victoria will put One Nation last. Members of the opposition first raised that matter in Parliament in October 1997 on a day when the Leader of the National Party was Acting Premier. They asked whether he would give a firm and unequivocal commitment that One Nation would be put last on National Party how-to-vote cards. No such commitment was forthcoming. The Acting Premier attacked the media blaming it for the rise of Pauline Hanson and One Nation. He said it was due to the coverage given to her by some segments of the media.

It begs the question: if the Premier campaigns in Blair in Queensland, who will receive media coverage? Increased coverage will focus on One Nation courtesy of the Premier of Victoria. Once again, on 12 May in Parliament I asked for a clear and unequivocal commitment that the National Party would put One Nation last. Again no clear commitment was given by the Leader of the National Party, and there has been none since.

Mr McArthur — On a point of order, Mr Acting Speaker, I direct your attention to a matter of relevance. I understand that the question before the house is whether at the house's rising it should resume at a particular date. The Leader of the Opposition is arguing that we should return to debate a number of important issues. He is entitled to argue why the house should continue the sittings and to enumerate a range of issues

the house could deal with in those previously scheduled sittings.

I suggest that although he it entitled to outline the issues the house might debate, he is not entitled to argue the detail of those issues. I refer you, Mr Acting Speaker, to rulings by Speaker Delzoppo in 1993 when in a debate on a motion about the postponement of remaining business the Speaker asked a member to confine her remarks to the argument surrounding certain notices of motion but not to the substance of the motions. I suggest that rather than arguing why the house should maintain the sitting schedule and debate particular issues the Leader of the Opposition has strayed into arguing the issues. I suggest he is not entitled to do that.

Mr BRUMBY — On the point of order, Mr Acting Speaker, my remarks are in order. The basis for closing Parliament, as has been made clear in the press and elsewhere by the Premier and the Leader of the House, is that the Premier is to campaign in the federal election. Given that that is the reason for the blunt and premature closure of the house, it is obviously in order to canvass issues about why that is happening.

The house is being closed, as the Premier and the Leader of the House have said, so they can participate in the federal campaign. The Premier should be here in Victoria. Rather than giving One Nation a free ride in Queensland by promoting, encouraging and adding to the publicity, the Premier should be at National Party headquarters in Collins Street trying to get that party to agree to put One Nation last on its how-to-vote cards. The Premier should be in Victoria and in this Parliament, not in New South Wales, Queensland, Western Australia or elsewhere.

I am outlining the priorities the opposition believes are important for the Victorian Parliament to be debating. Given that the Deputy Premier is on the record in this place on numerous occasions talking about One Nation and its damaging impact on Australian agriculture, one of those issues is One Nation. Since he has debated those issues in Parliament it is in order for me to canvass them. The motion is to close the Parliament down.

The ACTING SPEAKER — Order! I do not uphold the point of order at this time. The Leader of the Opposition and subsequent speakers can make reference to issues pertaining to the debate. The substance of the debate is the issues the house would be debating if the scheduled sittings were to continue as intended. However, speakers should not necessarily dwell on the issues the house may or may not have been debating if Parliament were sitting. Although the Chair will accommodate passing reference to, in essence, speculation the honourable member for Monbulk was right: it is not an opportunity to dwell on issues. Nevertheless the Chair would have difficulty excluding them completely. Therefore passing references are fine, but the substance of the debate is how the change in sittings will affect governance in Victoria and how Parliament operates.

Mr BRUMBY — It is the opposition's view that rather than travelling around Queensland promoting One Nation the Premier should be in the Victorian Parliament dealing with the issues of jobs, health and education. Rather than gallivanting around Queensland he should seek from National Party headquarters a commitment that it will put One Nation last. He should do that rather than drumming up publicity for himself and Pauline Hanson. He should get a clear and unequivocal commitment from the National Party in Victoria that it will put One Nation last on its how-to-vote cards. Such a commitment has not been forthcoming. I believe the matter should be debated in Parliament — and it would be if Parliament were sitting.

An article in the *Gazette* of Warragul and Drouin headed 'One Nation promises cultural clean out to defeat enemy' states:

> And Victoria One Nation coordinator Robyn Spencer said if elected One Nation needed to have a 'good cleanout' of institutions such [as] universities, education and ABC Radio that were 'full of people who are One Nation's enemy'.
>
> 'We need to have a cultural cleanout', she said.

We need to have a cultural cleanout! I find those comments disgraceful and distasteful. They have more in common with 1930s and 1940s Germany than with Australia today. They are outrageous.

To stop those sorts of sentiments becoming policy or law in Victoria or Australia One Nation candidates must be stopped from being elected. If you want to stop One Nation candidates being elected — —

Honourable members interjecting.

Mrs Peulich interjected.

Mr BRUMBY — What you have to do — —

The ACTING SPEAKER — Order! The Chair has been extremely tolerant with the honourable member for Bentleigh, but I now call on her to remain silent. The Leader of the Opposition.

Mr BRUMBY — You could stop vandalising the furniture in the Parliament, too. Do you want to leave it alone?

Honourable members interjecting.

The ACTING SPEAKER — Order! The Chair attempts to control the house and to ensure members act with some decorum. It does not help for members to make provocative comments across the chamber when we are trying to get a bit of reasoned, rational behaviour back into the chamber. I ask the Leader of the Opposition to return to the substance of his contribution to the debate and not to provoke other members across the table.

Mr BRUMBY — I make the self-evident point for anyone who finds those sorts of sentiments and statements distasteful that the way to stop them becoming policy is to ensure that the people who express the views are not elected to Parliament. The person who made the comments will head up the One Nation Senate ticket in Victoria. I should have thought that the key to stopping that person being elected is to ensure that she receives none of the major political parties' preferences.

The Labor Party has made its position clear over some 18 months. To his credit, the Premier of this state has made his and the Liberal Party's position very clear. But it is correct to say that the issue of National Party preferences has not been decided unequivocally and has not been clarified by the Leader of the National Party in Victoria, Mr McNamara. We have twice asked him in Parliament to give a clear, unequivocal, unambiguous commitment that at all elections in Victoria the National Party will put One Nation candidates last. He has failed to give — —

Mr E. R. Smith — On a point of order, Mr Acting Speaker, earlier you gave an indication about passing references in a ruling following what the honourable member for Monbulk said about going into substance. I believe the Leader of the Opposition is now right into matters of substance and should be brought back to the confines you, Sir, originally set out and stopped from delivering arguments that go right outside the parameters you originally set.

Mr Batchelor — On the point of order, Mr Acting Speaker, the Leader of the Opposition is speaking to a procedural motion, which is not constrained by the confines of debate on a bill. However, there are constraints, and you have set those out, but by its very nature the debate on this procedural motion is less constrained than those of the type that the honourable member for Glen Waverley referred to. It is my view, which I put sincerely and forcefully, that the Leader of the Opposition is operating within the parameters you set down and is entitled to continue in the current vein.

Mr McArthur — On the same point of order, Mr Acting Speaker, despite what the honourable member for Thomastown just argued, I think you very clearly outlined the constraints members face when they debate the matter before the house this morning.

When making your earlier ruling you stated that while honourable members are entitled to argue the case for coming back next week and what they might do if they were here next week, they are not entitled to go into the detail of and argue the issues now; they are simply entitled to say why they should come back and what they might do if they were here.

I support the honourable member for Glen Waverley in his argument that the Leader of the Opposition is now definitely and consistently arguing the detail of the issues he wants to promote for next week.

Mr BRUMBY — On the point of order, Mr Acting Speaker — and there are other matters I wish to canvass in this debate — what I have been saying is totally in order. When Parliament sat in autumn on Tuesday, 12 May this year I asked a question of the Leader of the National Party about the issue of preferences. The Leader of the National Party concluded his answer with the statement:

> I can guarantee that when the National Party is doing its allocation of preferences it will be making an assessment of the blights on the Australian community. The two blights that stand out are clearly Pauline Hanson's party and the Australian Labor Party.

In other words, no decision has been made to put One Nation last. What I would like to see, if Parliament were coming back next week — I would like to see it happen today — is the Leader of the National Party making a statement in the Parliament today — —

The ACTING SPEAKER — Order! On the point of order.

Mr BRUMBY — I am arguing in my speech, Mr Acting Speaker, that if Parliament were sitting next week it would provide an opportunity for the Leader of the National Party and the Premier to make a clear and unambiguous statement to Parliament that at every election in Victoria, federal or state, One Nation candidates will be put last by the National Party. I believe it is totally in order to argue that, given that questions have been asked in Parliament about it and

that we are still waiting for a clarification from the leader.

The ACTING SPEAKER — Order! I uphold the point of order raised by the honourable member for Glen Waverley. The subject matter that has been debated by the Leader of the Opposition, and has again been debated in his response to the point of order, is a repetition — and I will not use the words used by honourable members on my left in interjections — and we know there are certain rules about repetition. I ask the Leader of the Opposition now to move on to the remainder of his contribution, given that his time is quickly running out.

Mr BRUMBY — Mr Acting Speaker, there are a range of other reasons why the government is desperate to close down the Parliament. Can Victorians afford the triple whammy, the triple dose of John Howard, Jeff Kennett and a 10 per cent GST?

It is no wonder that the Premier is so keen to close down the Victorian Parliament and go interstate and overseas, as he will do for something like 20 days. He will be out of Victoria more than he will be in it during the campaign. Victoria has the highest level of growth in bankruptcies in Australia, with a 24 per cent growth in bankruptcies in the last quarter; Victoria has lost almost 20 000 full-time jobs in the past three months; it has the four worst regions in Australia for youth unemployment — Barwon south-west region, western region, inner region, and Gippsland; private sector capital expenditure in Victoria is down by 4.5 per cent over the past 12 months; Victoria had the lowest level of economic growth in mainland Australia over the past 12 months; and its share of new national investment has fallen from 15 per cent to 10 per cent. All those things are not positive by a long shot. In fact, they show an economy which at best has stalled and at worst has stopped.

Let us look at the situation in our hospitals. Waiting lists have blown out by more than 20 per cent and people wait on trolleys for up to 48 hours for treatment. Schools are in crisis. Previously high retention rates of 78 per cent have plummeted to less than 69 per cent, and in some regional areas the figure is a shocking 56 per cent. Debate continues on the Intergraph contract scandal, where the cost has escalated from $7 million to $37 million. There is an ongoing scandal over the Crown Casino share price and the relationship between the Premier and Lloyd Williams. Is it any wonder the Premier wants to escape scrutiny in Parliament?

The opposition opposes the motion. It is an unprecedented act of arrogance by an arrogant Premier and an arrogant government. The Premier is running away from Parliament. He is running away from scrutiny to hide interstate or overseas — potentially in New Zealand. He will be everywhere except Victoria because he is running away from his shameful record of failing to deliver on jobs, health and education. Parliament should sit and the Premier should be held accountable. Victorians have a right to a public debate on the big issues of jobs, health, education and the impact of Mr Howard's 10 per cent GST.

Mr RICHARDSON (Forest Hill) — I am disappointed by the Labor Party, just as I have been disappointed by it on many earlier occasions. I did not think I could be disappointed by Labor again, but the Leader of the Opposition has disappointed us all. I had thought that we might hear some new arguments from him, but there were none. I thought he might get some support from his own members, but the paucity of support for him on the Labor benches makes it clear his colleagues follow him only out of curiosity. Only a handful of opposition members remain in the chamber. I suspect the exodus that occurred while the Leader of the Opposition was speaking was the result of collective embarrassment on the part of Labor members.

The problem with the arguments put forward by the Leader of the Opposition is that, like the leader himself, they were utterly predictable. At the beginning of his remarks and again at the end he said that the intention proposed in the motion — the house rising for the duration of a federal election campaign — is unprecedented. Either he has no knowledge of things himself — —

Mrs Peulich interjected.

Mr RICHARDSON — Or, as was suggested by interjection, he has short-term memory loss, which perhaps is not surprising. I have noticed he has the concentration span of a goldfish. Perhaps he has been deliberately and maliciously misled. For his sake I hope he has not been deliberately and maliciously misled by his advisers, because his personal staff and advisers are about the only supporters he has left in the Labor Party! None of the Labor members would support him.

An honourable member interjected.

Mr RICHARDSON — Yes, there is the new honourable member for Northcote. I will come to her in a moment; she will get her spray in a little while! The Leader of the Opposition referred to the intent of the motion as unprecedented. I know he is the new kid on the block, and as a failed federal politician was

shoehorned into the job following the defeat of a whole raft of unsuccessful former Labor leaders who could not stand the pressure of not being in government and having to do some work, but he should know it is the tradition for Parliament to rise when a federal election is called.

There was a federal election campaign in progress when I first won preselection, and I was invited to Parliament House. I sat in the gallery as the house began discussions on the day before it was due to rise because a federal election was imminent. Under successive Liberal and Labor governments the house has risen when federal elections have been called.

An honourable member interjected.

Mr RICHARDSON — I observe with great disappointment, Mr Acting Speaker, that the honourable member for Northcote has scurried from the chamber. Some people cannot stand the heat, can they? Hasn't got an auto cue? No. There was really no need for her to leave; I was going to be terribly gentle with her. She arrived late and she has left early. It is ABC hours, and she might learn that this is a different environment. She is sensible — I suppose she has decided she cannot stand the heat so she will get out of the kitchen.

The course proposed by the government is not unprecedented, as the Leader of the Opposition has claimed. A string of precedents exists for the house rising on the calling of a federal election. It is a matter of clearing the decks to allow the interests of the nation as a whole to be pursued. Labor members are just as keen to get out and support their candidates and colleagues as are coalition members. Are Labor members, and the Leader of the Opposition in particular, saying they do not want to support their own candidates and colleagues in the coming federal election campaign? Are they really saying that they have so little sense of loyalty to their own party that they do not want to do those things? Are they saying they have such a shallow sense of patriotism they are prepared to neglect the national interest? Are they saying they do not believe in their own philosophy and are not prepared to go out and pursue with all the vigour they can muster the successful election of federal Labor candidates? It is difficult to comprehend all of that.

The Leader of the Opposition referred to the history and traditions of this place and said the motion is an unprincipled attack on that history and those traditions. Following the disgraceful display of the honourable member for Northcote yesterday no-one in the Labor Party, least of all the Leader of the Opposition, is in a position to refer to principles and the history and traditions of Parliament. The honourable member for Northcote broke every rule in the book. She flouted tradition, showed contempt for this place and for — —

Ms Davies — On a point of order, Mr Acting Speaker, I thought we were supposed to be discussing the adjournment of the house, not abusing new members of Parliament.

Mr Batchelor — On the same point of order, Mr Acting Speaker, I remind the Chair that early in the debate the honourable member for Monbulk raised a point of order about relevance. He sought the Deputy Speaker's assistance in requiring that the Leader of the Opposition must be relevant when addressing the question at hand. The Deputy Speaker set parameters, which I understand you heard, Mr Acting Speaker, and with which you would concur and make a consistent ruling. Those parameters by definition and implication exclude the sorts of comments that are now being made by the honourable member for Forest Hill in attacking another member of Parliament. The honourable member's comments are not within the parameters of the debate. Mr Acting Speaker, I ask you to uphold the ruling of the Deputy Speaker in response to the point of order raised by the honourable member for Monbulk in this debate.

Mr RICHARDSON — On the point of order, Mr Acting Speaker, I concede that the honourable member for Monbulk raised a point of order relating to relevance. If the honourable member were sitting beside me now as he was at the time he would doubtless be able to refresh my memory on the events that then ensued. Mr Acting Speaker, you will recall that at the time the Deputy Speaker's response was that there were wide parameters to the debate, that the matter of relevance was important and that he was being quite tolerant. I suggest to you, Sir, that I am being far more relevant to the debate than was the Leader of the Opposition. Every point that I have made has been drawn from a quick note that I made of the words used by the Leader of the Opposition. He used words such as unprecedented, unprincipled, history and tradition. He referred to cultural cleanouts too, and I will come to that in due course.

My remarks about events in the chamber yesterday are directly in response to the emphasis placed by the Leader of the Opposition on words such as unprincipled, history and tradition. I am attempting to demonstrate that in view of the disgraceful performance by the honourable member for Northcote yesterday, encouraged, aided and abetted as she was by the Leader

of the Opposition and the whole rowdy crew behind him, it is proper for me to address the matter of tradition, history and principle in this place in response to the remarks made by the Leader of the Opposition, which were deemed to be perfectly allowable by the Deputy Speaker.

The ACTING SPEAKER (Mr McArthur) — Order! The Chair is well aware of the arguments put by the honourable member for Monbulk and of the ruling given at the time by the Deputy Speaker. I remind honourable members that the Deputy Speaker said there was a certain amount of latitude in the debate but that honourable members, while they were entitled to canvass issues, should not debate the detail of those issues. Honourable members are entitled to rebut matters raised by previous speakers. However, I believe they should not concentrate their entire debate on doing so. At this stage I do not uphold the point of order but I urge the honourable member for Forest Hill to move on to other matters. I have no doubt the house is eagerly awaiting to hear about them.

Mr RICHARDSON — Thank you for a wise ruling, Mr Acting Speaker. I assure you I will not concentrate all my remarks on the unprincipled behaviour yesterday of the honourable member for Northcote. I do not need to; there are other matters I can raise about the lack of principle on the part of the Labor Party, both when it was in government and in opposition. However, it should not go unnoticed that the honourable member for Northcote yesterday did flout the tradition, the custom and the honour of this place by departing from a well-established tradition that the house will hear in silence an inaugural speech which should, in itself, contain nothing provocative, controversial or overtly political. The honourable member for Northcote knew that. Indeed, there was an admonition from the Chair before she spoke. The house behaved perfectly and heard the honourable member in silence. The honourable member for Northcote behaved disgracefully and should be ashamed of herself, as should all her colleagues.

The Leader of the Opposition referred at great length to the One Nation party and was permitted to do so. I presume from the precedent established and allowed by the Deputy Speaker that I should be permitted to embrace the same issues on which such concentration was given by the Leader of the Opposition. One of the points he raised was that the One Nation leader in Victoria had advocated a cultural cleanout. The Leader of the Opposition thought that was reprehensible. He and the Labor Party should know all about cultural cleanouts. When the Labor Party was in government there was a cultural cleanout which was almost an ethnic cleansing. More civil servants went down the liftwell than Stalin sent to the salt mines!

When the Labor Party was elected it went through the civil service, picked out everybody who was not a dyed-in-the-wool socialist supporter of the Labor Party and kicked them out. One would think that was the cultural cleanout to end all cultural cleanouts; but no, the Labor Party is better than that. It then began to work on its own branches. Cultural cleanouts were happening all over the place. The Leader of the Opposition should know all about that. Various migrant groups were mobilised and were brought in by the busload to stack branches. Some of the older, long-established and loyal members of the Labor Party were cleaned out from those branches. From where was that organised? It was organised from the electorate office of the Leader of the Opposition. Who were the people organising the cultural cleanouts and the busloads of people? They were the personal staff of the Leader of the Opposition and other henchmen, many of whom we find are now members of this place.

The Labor Party then embarked on a cultural clean-out in this place, so down the liftwell went some of the good people it had. Tom Roper was the only one who knew how to run the house but he was of the wrong cultural identity so he went out. Gerard Vaughan, a loyal member of the Labor Party for many years and the then member for Clayton, was cleaned out! Then a whole series of Legislative Council members, loyal members of the Labor Party, were cleaned out in the preselections and a whole new lot were brought in. They lasted for one term — because at the last preselections they were cleaned out as well. The most tragic loss to the Labor Party will be the honourable member for Sunshine, who is the one intellect among those on that side of the house. What happened to him? He has been cleaned out in the preselections!

Ms Davies — On a point of order, Mr Acting Speaker, again I hear the honourable member discussing preselections of times long past. I am not the least bit interested. I ask you to ask the honourable member to address the issue.

Government members interjecting.

The ACTING SPEAKER (Mr McArthur) — Order! Any member is entitled to raise a point of order.

Mr RICHARDSON — On the point of order, Mr Acting Speaker, the honourable member for Gippsland West should not be sensitive about preselection. She actually won a preselection for Labor!

Ms Davies interjected.

Mr RICHARDSON — This is on the point of order. She raised the matter of preselection. She won preselection as a Labor Party candidate but she could not win a seat as the Labor Party candidate. She got cleaned out, so she stood as an Independent.

The ACTING SPEAKER (Mr McArthur) — Order! I uphold the point of order. The honourable member for Forest Hill has now strayed beyond making passing reference and should come back to the matter before the house.

Mr RICHARDSON — I am sufficiently rebuked to be humbled by it and I apologise.

An Honourable Member — And humbly!

Mr RICHARDSON — And humbly, yes.

An honourable member interjected.

Mr RICHARDSON — I am not going do a Uriah Heep for you — God forbid! The subject of cultural clean-out was not introduced into the debate by me; it was introduced by the Leader of the Opposition.

Ms Davies — On another point of order, Mr Acting Speaker, on the question of relevance, I do not see the connection between cultural clean-outs and the question of when this house will next sit.

The ACTING SPEAKER (Mr McArthur) — Order! I believe the honourable member for Gippsland West has been a little quick on the trigger this time and should allow the honourable member for Forest Hill at least 10 seconds of debate before she raises another point of order.

Mr RICHARDSON — Thank you very much. I suggest she start counting right now. The matter of cultural clean-out was not introduced by me; neither was the reference to One Nation. They were introduced by the leader of the Labor Party, of which the honourable member for Gippsland West was an unsuccessful member for so long. Could a vestige of loyalty to the old team still be there? Is she a true Independent? Will the honourable member for Gippsland West have to rely on votes for One Nation to get her over the line at the next election? Who knows? There are a similarities between her supporters and those of One Nation so she is on dangerous ground.

Ms Davies interjected.

Mr RICHARDSON — I cannot concentrate if I have a strident fishwife's voice interjecting from over there all the time.

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member for Forest Hill has been in this place long enough to know he should ignore interjections.

Mr RICHARDSON — It is very difficult to ignore a strident fishwife's voice coming from that direction, Sir.

Mr Hulls — You are a typical old sexist!

Mr RICHARDSON — Don't you bring sexism into it, old son!

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member for Forest Hill should return to the matter before the house, and the honourable member for Niddrie will assist the Chair if he ceases interjecting across the table.

Mr RICHARDSON — The honourable member for Niddrie will assist himself if he cools off on that one. The house has a long tradition of rising when — —

An opposition member interjected.

Mr RICHARDSON — If the honourable member for Sunshine is having a problem in that area, Viagra will be on the market very soon! A long tradition in this place is that the house rises when a federal election is called to allow the decks to be cleared, and concentration on the national interest to be carefully focussed so that the distractions of state issues will not come into a national election campaign. Opposition members are just as keen to go out and support their candidates as are members on this side to support their candidates. I do not know who the member for Gippsland West will be supporting but we do know that the people who supported her are the same people who will be voting for One Nation, so she might have a bit of a problem deciding where she will jump.

Ms Davies interjected.

Mr RICHARDSON — You will just have to work out which way you are going to jump, because they put you there. If you turn your back on them, remember that some still have some guns hidden under their beds.

I have been treating the debate with the seriousness that it deserves because the standard was set by the Leader of the Opposition and I have remained consistent with the issues that he raised. All the matters to which I have referred are points he raised in his defence of the position that he has adopted. He was rather flippant and shallow in much of what he said and you will notice,

Mr Acting Speaker, that my contribution has had none of those elements at all. I have treated the remarks of the Leader of the Opposition with great courtesy and, indeed, with the seriousness they deserved.

Mr HULLS (Niddrie) — The motion represents a huge blow for democracy in Victoria. The contempt with which the government treats democracy in this state can be gauged from the laughter of those on the other side of the house. The Premier seeks to close Parliament for a whole range of reasons, but I remind members on both sides of the house what the Governor said at the opening of state Parliament in October 1992:

> Parliament should be seen to observe the highest standards.
>
> My government is determined to ... ensure the standards of truthfulness, honesty and proper behaviour — standards we would apply in other areas of our lives — are rigorously observed.

The Premier breaks that promise by shutting down Parliament. He has broken it on numerous occasions but yet again he is showing the contempt he has for democracy in this state.

Next week Parliament should be debating a range of issues — the recent changes to the FOI act, for example. The government has imposed new charges on freedom-of-information applications. If an FOI application is made and the government does not answer that particular application within 45 days and the applicant proceeds with the application, a new charge of $170 will be imposed. It is another sign of the government's contempt for democracy.

We have heard from the Leader of the Opposition that during this period the Premier plans to travel widely on the campaign trail. The reality is that he has been ordered out of Victoria by the Prime Minister because the polls show quite clearly that Mr Kennett is a liability for the Howard government's re-election prospects in Victoria. The Premier is going as far away from Victoria as possible; he is going to Queensland to campaign. The question he has not answered is: at whose expense is he going up to Queensland to campaign for the Howard government? He is not going up there at the Liberal Party's expense; he is going up there at the expense of Victorian taxpayers. They will be footing the bill, and he has to make it quite clear that he is not only closing down Parliament to deny Victorian taxpayers access to democracy in the state, he is also using their money to go up to Queensland to campaign for a GST. It is an absolute outrage and should not — and, I expect, will not — be tolerated by ordinary Victorians.

Recently the Premier was quoted as having said on radio that Parliament does not have to sit in Victoria because we have quality Parliament here and it is the quality, not the quantity, that counts. That shows the Premier is thumbing his nose at democracy in this state.

We must remember that as members of Parliament we have inherited — and the Premier has inherited from Victorians — the role of chief custodian of the Victorian Parliament. The role of Parliament was mentioned in the Fitzgerald report. Joh Bjelke-Petersen treated the Queensland Parliament with exactly the same contempt with which the Premier is treating this Parliament. His actions in closing down the Parliament simply because he wants to campaign in Queensland make Joh Bjelke-Petersen look like a doyen of democracy.

The Fitzgerald report stated the following on the role of Parliament:

> It is much less likely that a pattern of misconduct will occur in the government's public administration if the political processes of public debate and opposition are allowed to operate, and the objectives of the parliamentary system are honestly pursued.

That did not occur in Queensland and, as we saw, corruption flourished because of the way the checks and balances on Queensland society were treated with contempt and the Parliament in that state was treated with contempt. That is exactly what the Premier is doing in closing down the Parliament. He has been told by the Prime Minister, and no doubt also by the federal treasurer of the Liberal Party, that the Liberal Party needs to win federal seats in Victoria. It needs to maintain the number of seats held in Victoria to retain government because it will lose seats all over the place in other states. It is therefore imperative that the Premier gets out of Victoria because he has become a liability.

Another reason the Premier has had to close down the Parliament is that he had planned to go to Asia during the parliamentary session. The problem for the Premier was that his Deputy Premier, Mr Pat McNamara, was scheduled to be away at the same time. The dilemma facing the Premier was that if Parliament remained open and the media were present and Parliament was under scrutiny from the media and from Victorians generally, they would have seen an acting Premier. That acting Premier would be none other than the Premier's arch rival, the Minister for Education and the honourable member for Hawthorn, Mr Gude.

The Premier was caught in a dilemma. Should he give the alternative Premier an opportunity to strut his stuff

as acting Premier in the house? Should he take the risk that Mr Gude would favour by opening up the place and making it more democratic? He faced the dilemma of having Mr Gude perform very well in the Parliament, further improving his credentials as the alternative leader of the Liberal Party in the state. Should the Premier simply shut Gude down by shutting the Parliament down? That is exactly what he has done. He has decided to shut Parliament down so the alternative Premier of the state, Mr Gude, the alternative leader of the Liberal Party, could not have the opportunity to strut his stuff in the Parliament.

Another reason the Premier is closing the Parliament is that when Parliament sits he has to face the music on a whole range of scrutiny of government issues such as the use and abuse of taxpayers' funds by way of corporate credit cards. We have had numerous debates in this place in the past in relation to ministers and senior bureaucrats misusing corporate credit cards. Examples have been raised on numerous occasions where senior bureaucrats and ministers have put their hands in the taxpayer-funded trough to feather their own nests. If Parliament were sitting next week further issues in relation to corporate credit card use and misuse would be raised.

The Premier has obviously realised that this issue is hurting him and his government badly. Rather than face scrutiny and answer the tough questions about corporate credit card misuse or abuse, the Premier has decided to take this extremely anti-democratic step and shut the place down.

Another issue that would have been raised if Parliament had been sitting next week is the continuing unhealthy relationship between the Premier and the casino. That issue would have been raised in Parliament next week as well as the favours that the government has continually done for Crown Casino and the continual personal intervention by the Premier to assist his mates at the casino. Again, the Premier has realised that these issues are hurting him and he has decided to shut Parliament down.

One more important issue that would have been raised next week is the role of Mr Ron Walker, the federal treasurer of the Liberal Party, in trying to hide from Australian taxpayers — Australian voters — the fact that he has paid off a $4.65 million debt of the federal Liberal Party. He tried to hide the fact that he had paid off that debt and hence the Liberal Party has become beholden to him by siphoning that money through a trust called the Greenfields Foundation.

That is a very important issue that would have been raised and debated in Parliament next week. It is particularly important as we head towards a federal election. The Premier would have been asked about his knowledge of this transaction and of the attempts by Mr Walker to hide his involvement in propping up the Liberal Party. The Premier would then have been asked whether he had had any conversations with the Prime Minister about the matter, and this Parliament would have been able to scrutinise whether the Prime Minister had been a party to this sleazy deal. The Premier wants to close down Parliament so neither his colleague the Prime Minister nor he can be scrutinised over Ron Walker's role in propping up the Liberal Party.

The revelation before a recent meeting of the Public Accounts and Estimates Committee of the role of the Minister for Planning and Local Government in the rezoning of the HMAS *Lonsdale* site would have been raised in Parliament next week to show the unhealthy relationship the government has with not only the casino but also its operators, Hudson Conway. The rezoning led to a $3 million windfall for Hudson Conway. The Premier does not want that sort of scrutiny. He has decided instead to close down Parliament. The Premier and the government have a history of abusing Parliament. Vital information such as secret agreements on the grand prix, the casino contract and financial packages for senior public servants have been withheld from Parliament. The government has also used Parliament to remove or weaken Parliament's powers, and examples include the powers used to break up the former SEC and the weakening and manipulation of the parliamentary committee system.

Further abuses of Parliament will take place at 2 o'clock when, as has happened time and again, question time will turn into a farce. Ministers simply refuse to answer questions put to them by the opposition. The government has abused Parliament through the use of the guillotine to prevent proper debate on important issues and by the government's continual use of the Legislative Council as nothing more than a rubber stamp instead of as a proper house of review. Not long after the government was elected the Premier was responsible for the ultimate abuse of Parliament when he used it to excuse himself for his breaching of the constitution in relation to the KNF affair when he used his public office to funnel work to his family company.

Ministerial statements have been virtually abolished. I do not recall one ministerial statement on a particular issue since my election in 1996. Instead question time is continually abused by ministers using it to deliver ministerial statements rather than following the proper

processes. There has been a huge reduction in the number of questions answered in question time. In the first three years of the Cain government an average of 14.6 questions were asked each day, and the figure for the first three years of the Kennett government is 8.1 .

The shutting down of Parliament is a further abuse of the system and a further slap in the face for democracy. I have continually raised issues of probity and propriety in this place. The government is heading down the Bjelke-Petersen path of corruption and has decided to out-Bjelke Joh by closing down this place during the federal election campaign in an effort to prevent appropriate scrutiny. It is a government in decay. The Premier has said he wants to close down Parliament because he is needed in Queensland to campaign, particularly against One Nation. I do not want to get into the rights and wrongs of campaigning against One Nation, but I agree with the Leader of the Opposition that the Premier's time would be better spent walking down Collins Street and demanding that the National Party in this state put One Nation last on its how-to-vote cards.

It is absolutely obscene that the leader of One Nation has decided to stand in the electorate of Blair. Her party is racist to the core, yet she is trying to get elected to a federal seat that is named after Harold Blair, a great Aboriginal Australian. Pauline Hanson is trying to use the name of Harold Blair to get elected to federal Parliament on the basis of her racist policies. I hope the people of Blair send a real message to One Nation and Pauline Hanson by denouncing her party and its racist policies.

Why has the Premier not participated in the debate? The Premier is the supposed upholder of propriety and democracy in the state. He is closing down Parliament, yet instead of arguing his own case he gets his lackeys to do it for him. If the Premier had any real justification for closing down Parliament he would walk into the chamber and be tested. He would explain to people in the gallery and to honourable members why he considers it is essential for Parliament to be closed down during the election campaign. But the Premier is not here. The Premier is also not prepared to explain why he does not want Phil Gude to be Acting Premier during the federal election campaign.

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member for Niddrie knows he should refer to honourable members by their appropriate titles and not by their surnames or given names.

Mr HULLS — The Premier should come into this place and explain to the honourable member for Hawthorn why he does not want him to be Acting Premier — to be in charge of the government — during a federal election campaign. We all know why the Premier does not want the honourable member for Hawthorn running the show while he is away. The honourable member for Hawthorn would not be party to closing down Parliament. I have no doubt he does not agree with the Premier's decision and would be far more democratic than the Premier. I also have no doubt that Premier Gude — should he get the opportunity — would ensure this place was run in a more democratic way. He would ensure more time was made available for the opposition to ask questions and would not run away from putting his ministers to the test. The Premier has decided he is not prepared to give the honourable member for Hawthorn his chance. Instead of keeping the Parliament open the Premier has decided to close down democracy by closing down Parliament.

It is obscene for the Premier to close down Parliament without any proper reason. It is a slap in the face for democracy and shows that the government is in decay. That the Premier is not prepared to debate the issue shows his absolute contempt for the democratic process. The Premier should come into the chamber to give his reasons and explain to Victorian taxpayers why they have to foot the bill for his interstate campaigning. The opposition vehemently opposes the destruction of democracy in Victoria and the closing down of Parliament.

Mr I. W. SMITH (Polwarth) — I have listened carefully to the duplicitous humbug of opposition members. Their hearts are not really in the debate, but they feel that because they are in opposition they have to oppose this motion. That is not new. The Leader of the Opposition and the honourable member for Niddrie have not been in this place very long and I understand why they have not bothered to research what has happened in the past. I have noted the comments the Leader of the Opposition made outside Parliament, that there is no precedent for Parliament rising during a federal election campaign. In fact, in every federal election campaign since I have been a member of this place, about 30 years — —

Mr Hulls interjected.

Mr I. W. SMITH — My career will outstrip anything that the honourable member for Niddrie does. The honourable member's future is behind him, especially with the sort of attitude he expresses in the house time and again. Honourable members could not point out to me in the history of this Parliament one

muckraker equivalent to the honourable member for Niddrie who has got anywhere. They do not get anywhere because they hallmark themselves as negative people. Who wants negative people around the place? Far more positive things need to be done rather than listening to the carping and repetitious matters raised by the honourable member. He should not worry whether Parliament is sitting over the next few weeks.

If the honourable member knows what he says is right he should make his sleazy allegations outside Parliament and have them properly tested instead of raising them in cowards' castle. The honourable member is on the wrong track if he wants a future in politics. The history of the Leader of the Opposition and the honourable member for Niddrie indicates that their negativity becomes so infectious that they typecast themselves and remain in that role until their party is so sick of being in opposition that it changes leadership for someone who is more positive and who at least has a beacon on the hill. They are no beacons on the horizon; they are lead weights around the neck of any prospect the opposition has of ever being in government in this state.

During the approximately 30 years that I have been a member of this place there have been precedents for this motion. It might come as a surprise for the opposition to know that in 1990, when the Labor Party was in government, it suspended Parliament during the federal election campaign — perhaps the Labor Party is more positive when in government — because it felt a duty to have its members out on the hustings focusing people's minds on and explaining federal issues. This opposition desires only to muckrake against the government on Victorian issues to turn people's minds away from the policies of the federal Labor Party. I am not surprised about that because those policies have nothing to offer the future of the country. They are recycled policies that have failed and will continue to fail.

My constituents do not want to know about the increase in taxation for four-wheel drive vehicles. They do not want to work their whole lives and be told by the federal Labor Party, 'Tough luck, you will pay capital gains on what you have worked so hard for'. It is their nest egg so they will not be a burden on taxpayers in their retirement. They have pride and want to stand on their own two feet. They want a government that will look ahead and develop policies for the future, as the Howard government has.

I understand why the honourable member for Niddrie and the Leader of the Opposition would want Parliament to sit. They want to try to focus the public's mind away from the hopelessness of the policies introduced by the federal Leader of the Opposition, Kim Beazley. I am sure that is the reason behind the opposition to this motion.

All honourable members should have some involvement in the federal election, because for the first time in my memory the federal government is offering a package which is complex and requires explanation. The best part of it is that the package includes measures that will so profoundly alter and benefit the way this state is run in the future. The proceeds of the proposed goods and services tax will be applied to state revenue instead of the current arrangement, which is basically an annual haggle with all the uncertainty built into it. It will liberate Victoria and other states forever of the burden of uncertainty and provide the right incentive to state governments to progress their states and generate an extra tempo of trade and commerce that will benefit their communities. We all ought to be excited about it. If the opposition was planning to form a government it ought to be excited about the prospect of having that potential finance available.

For as many years as I can remember all state parties — the Labor Party, the Liberal Party and the National Party — have been critical of the commonwealth-state financial arrangements. I have not heard one peep out of the opposition in complaining about the Howard government's proposals for federal-state financial relations. I suspect the Labor Party is looking forward to the implementation of the Howard tax plan. I suspect the reason it has not mentioned this proposal is that it secretly hopes the Howard government will be re-elected. It is an extraordinarily good idea and all parties should get out into the community and explain to the people what the tax package will mean to Victoria. Under the current federal-state financial relations Victoria is disadvantaged by about $700 million. In one swoop the proposed arrangement by the Howard government will remove that inequity. If the Labor Party ever hopes to be in government in this state it should applaud that initiative.

In conclusion, the motion moved by the Leader of the House, which will have the effect of Parliament rising until 6 October, is a great initiative because it gives us all the opportunity of making Victoria a more vibrant state. The federal government's proposal will introduce a taxation regime that will be more appropriate and successful in dealing with our demands for increasing the services provided to the people of Victoria.

If the honourable member for Niddrie wishes to continue to put the lid on his short political career, let him continue to be negative, whining and carping, as

with other members of the opposition, so he can be typecast forever in the mould he is in and so he is destined to never being successful in politics. That is the history and result of that sort of behaviour. I suggest strongly that the opposition accepts the challenge and if it is in agreement with the policies of the federal Labor Party it should join its colleagues on the hustings in an attempt to sell those policies to the people.

If members of the opposition do not become actively involved in the federal Labor campaign I suspect it will be because deep down they know the taxation package offered to the people by the Howard government is the sort of package they themselves would like to enjoy if they ever got into government, which I suspect they will not.

Finally, the motion presents all honourable members with a challenge to explain their respective policies to their constituents. It frees them from the burden of muckraking, the purpose for which the honourable member for Niddrie and the Leader of the Opposition apparently wished to use this house during the two weeks previously scheduled as sitting dates. I strongly recommend that both gentlemen become more positive and in that way they would present a more responsible opposition.

Ms DAVIES (Gippsland West) — I take the opportunity to argue against the cancellation of the parliamentary sittings. I am very aware that the federal campaign would be a distraction from state issues. Because I do not think that distraction is necessarily good for the proper operation of this Parliament, I would not have argued against the cancellation had the government announced that it was merely postponing the sittings until after the federal election. Victoria's parliamentary sitting program this year has already been brief. There were 24 sitting days between February and May this year. Originally there were to be only 21 sitting days between September and November, but now we may have only 15 sitting days. That is not enough. It was not enough before and it appears that it will now be shortened by two sitting weeks.

The good operation of Parliament is fundamental to the nature of a representative democracy. Prior to the debate I spoke with the Treasurer to ask whether extra days would be added at the end of the sittings. I was very concerned at his attitude, which was that Parliament is unnecessary unless legislation needs to be passed. It appears that debate on the necessary legislation can be squashed into the same number of days. If we need a couple of extra days we might add them on at the end. I find his attitude very strange. That sort of attitude from government members is perhaps an example that they have forgotten they were not always in government and will not again be always in government. It does not appropriately respect the representative democracy in which we live.

The Legislative Assembly is often referred to as the people's house. The Parliament provides an opportunity for people to be heard as well as government. I accept that it is the role of government to lead the Parliament — that is its job — but the job of Parliament goes much further than that. In Parliament government members take the opportunity to raise issues on behalf of their constituents — that is part of their job. Opposition members do likewise.

With the rise of Independent members in Victoria the raising of issues on behalf of constituents has been accentuated and accelerated to a significant degree. My constituents expect me to raise a raft of issues during each sitting of Parliament. They have a sense of disappointment when I tell them my opportunities for asking questions without notice are limited to the number of sitting days. I must be careful about which issues I choose and my constituents are already conscious that their opportunities are limited. Restricting the sittings of Parliament by two weeks in an already short session reduces their opportunities even further.

My constituents know that I am not a member of the government. They did not want to elect a member of the government, and they specifically rejected the opportunity to elect a member of the government. They wanted a member of parliament who would raise issues of concern to them directly in the Parliament. The people of Gippsland West know that the good operation of Parliament is fundamental not just to the concept of a representative democracy but to good government. Government needs parliament, not just the people.

Apart from passing legislation, parliamentary sittings present the opportunity for members to ask questions without notice. Ministers are required to answer specific questions about the manner in which the government operates. Adjournment debates provide the opportunity for all members to directly raise issues with ministers. Grievance debates allow members to discuss issues specifically related to their areas of concern rather than being constrained by the subject matter of bills the government may choose to introduce. Petitions and notices of motions present members with further opportunities to raise issues of concern.

As a relatively new backbencher one reason I value parliamentary sittings so highly is the opportunity it presents for me to have informal discussions with

ministers. I take those opportunities and tell government ministers that I very much appreciate being able to do so. I particularly thank those ministers who are confident enough in their role and understanding of the nature of the Westminster system of government to accord through me the respect they have for the people of my electorate by hearing the issues I raise with them. Reducing the number of parliamentary sitting days reduces opportunities for the proper exercise of parliamentary democracy.

We do not live in a corporation. Government is not just public administration. Healthy debate, which is preferably well managed, in good taste and conducted with honourable intentions, is very good for government. Government should welcome the opportunity for healthy debate to take place. It is to a government's advantage to listen to a range of points of view on the issues on which government is leading the state.

Currently, the biggest threat to the Victorian government is its own arrogance. Those who are truly and genuinely confident of the rightness of their own actions can afford to be very open and will welcome debate and allow scrutiny, whether through FOI requests or in Parliament. If the government is truly confident about itself and the rightness of its actions, it should do nothing to prevent scrutiny and should welcome the opportunity for public debate to be undertaken. Fifteen sitting days of Parliament between mid-May 1998 and February 1999 are not enough to allow for good government with open scrutiny and open debate, regardless of how many bills the government may wish to introduce into Parliament.

The people in my electorate and beyond keep asking me in some amazement, 'How can the Premier do that? How can he just say, "No, you are not sitting for those two weeks"? How can one man have so much power?'. If he can do that, what is to stop the Premier shutting down Parliament altogether? Other political leaders in history have been elected originally and then have unilaterally decided that they no longer need elections and Parliaments. It is not a good precedent to set. A government which purports to be liberal rather than autocratic should beware of each new example of autocratic behaviour. Even if one does not believe that one's behaviour is autocratic and undemocratic, one should beware of the appearance of undemocratic behaviour.

The shortening of the already very short parliamentary session gives the appearance of very autocratic and undemocratic behaviour, regardless of anyone's honestly held beliefs. I repeat that I would not oppose the shutting down of Parliament during the federal election campaign if we had a firm commitment that the same number of days — or preferably more — were to be added at the end of the current proposed session. From my short 18 months experience in Parliament, I was expecting that an extra week would be added at the end of this parliamentary session anyway — I always ask my staff to leave me another week, just in case — so I would not have opposed the closing down of Parliament during the federal election campaign. The last thing I want to do is sit in state Parliament and listen to the government and the opposition using up the time available in discussing federal issues. That is not particularly appropriate. However, it would have been very easy for the Premier to announce that Parliament would be closing down for the duration of the federal campaign and to decide to compensate by adding at least two weeks at the end of the proposed session.

I do not really understand why he has not done that. I ask the Premier to make a firm commitment to add time at the end of the current proposed session. Until he makes that commitment, I will oppose the motion to drastically reduce an already too-short parliamentary session.

Mr COLEMAN (Bennettswood) — I move:

That the question be now put.

The ACTING SPEAKER — Order! The debate has been going for 1 hour and 45 minutes, with five speakers, three against and two for the motion. The Chair will therefore accept that the question be now put.

House divided on Mr Coleman's motion:

Ayes, 48

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

McGill, Mrs
McGrath, Mr W.D.
Wade, Mrs
Wells, Mr

Noes, 33

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

Motion agreed to.

House divided on motion:

Ayes, 49

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

Noes, 33

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

Motion agreed to.

FUNDRAISING APPEALS BILL

Government amendments circulated by Mr HONEYWOOD (Minister for Tertiary Education and Training).

Second reading

Debate resumed from 30 April; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — I am sure all members of this house were gravely concerned when they picked up the *Herald Sun* on Thursday, 27 August, to read an exclusive story by Glenn Mitchell about the collapse of a particular charity in Victoria. It was a 50 year-old charity quest that had over the years raised more than $25 million for hospitals, the elderly and the homeless. The article states that the Victorian Casino and Gaming Authority is investigating the collapse of the Miss Teenage Victoria Quest. The investigation was launched a couple of weeks ago into the raising of more than $1 million by a private fundraising company called Ambitions and Aspirations Pty Ltd, trading as Miss Teenage Charity Quest.

The article goes on to state that the authority's probe will focus on the company's director, Heather Weston, and alleges that Mrs Weston had failed to pay up to $100 000 to the quest's benefactors, the Ardoch Foundation, which helps homeless children stay at school — a worthwhile cause. I am not sure what the current status of that investigation is, but my office has contacted the Ardoch Foundation, which confirmed that it was a great surprise to it that this money had apparently gone missing. I hope the minister will be able to give us an update on the current status of that investigation. It would be a shame if that money and all of the hard work put into raising that money for such a good cause was lost. I am not privy to the status of the investigation, but it would be a shame and a travesty of justice if anyone responsible for knocking off this money — if anyone is responsible — were not brought to account. The bill will address that sort of occurrence.

Charity in Australia is a massive business. Its operation, its professionalism and the extent of the services charities provide throughout this country are ever increasing — in fact, almost 70 per cent of Australians

donate to a charitable organisation every year. Australians have never been backward in coming forward when it comes to donating money to worthwhile causes. The targets for the annual Royal Children's Hospital appeal, for example, are usually not only met but overtaken. There are hundreds of very worthwhile causes throughout this state and this country that rely heavily on the generosity of Victorians and Australians. Such organisations include the Red Cross, which earns more than $10 million a year by way of charitable donations. Many households that have already donated by telephone receive up to three calls a week from differing charities looking for assistance.

The size of the industry and the fact that every day many Victorians will be asked in one way or another to donate to a charity means that one element that is critical to the survival of the industry is that the public must have confidence in it. The public must have confidence that donations to a particular charity will in the main go to that charity, although in establishing that public confidence it is also important to ensure that the charities are not strangled to death by bureaucratic restrictions and impediments. Unfortunately some so-called charitable organisations have betrayed the public trust.

Governments in the past have decided to legislate for these charitable organisations while maintaining a fine balance between accountability on the one hand and the avoidance of bureaucratic red tape on the other hand. Legislation such as the bill we are currently debating has always been envisaged. When former Premier John Cain, Jr, introduced the Fundraising Appeals Bill in 1984 he made a number of interesting comments. He said the main purpose of that bill was to provide protection to the public and respectable fundraising organisations against fraud and malpractice in fundraising appeals. He said an interdepartmental committee had been established and it had found that the regulation of fundraising might need to be undertaken in stages. He went on to say:

> The present bill is the cautious first stage of that regulation. Whether further controls are necessary will be able to be determined only after considerable experience of the operation of the system now proposed.

Even in 1984 the then Premier, John Cain, made it clear that that bill was the first step in relation to fundraisers and that further legislation may need to be enacted. He said on 3 May 1984 that the system allowing for objection by the Attorney-General to particular fundraising appeals operated on an inertia principle whereby fundraisers are entitled to proceed if objection is not made within a certain period following the supply of prescribed information to the Attorney-General.

He went on to say that that bill constituted a valuable means of reducing the risk of fraud in connection with fundraising. He continued:

> It should help to eliminate fundraisings in which money is collected for supposedly charitable causes, only to be siphoned off for the exclusive or near exclusive benefit of those who organise the fundraisings.

He then spoke of an organisation called the Universal Life Church Ltd and its offshoot, Let's Be Aware of the Disabled and Handicapped, and said that, according to press reports, of roughly $158 000 known to have been raised by that organisation only $9200 had been distributed to charities, and then only after media investigation of the organisation.

It is clear that rip-offs by non-bona fide charitable organisations have occurred for many years, and I expect, although the bill attempts to stop most if not all such rip-offs, they will continue if members of Parliament and the public are not vigilant in scrutinising charitable organisations to ensure they are achieving the purposes for which they were set up.

When Victorians donate to a charity they want to know that their money is going to those who need it and that it is not being misused by people turning the public's good into their own personal profit. They want to be assured that most of the money raised will go to charity rather than to line the pockets of those running shonky organisations.

An article appeared in the *Herald Sun* some time ago about a charitable organisation by the name of Australian Executives Serving Overseas program, a federal taxpayer-funded overseas aid agency. This is an example of the types of rip-offs that can take place. That agency spent more than a quarter of its annual budget on the salary and expenses of its managing director. The article states:

> Mr Roderick Cheatley, managing director of Australian Executives Serving Overseas Program (AESOP), provides assistance to businesses in developing countries using the expertise of Australians on short-term assignments), received a salary package of more than $105 000 in each of the two years to June, 1993.
>
> He also authorised payment of expenses, mostly on overseas trips for himself and his wife, totalling $146 000 over the three years to 1993-4.
>
> The expenses, paid on his corporate credit card, included trips to Paris, The Hague, Tokyo and Toronto. The total does not include air fares.

> Mr Cheatley's costs of about $150 000 a year compared with the agency's total funding of about $550 000 in 1991-2 — 97 per cent of which came from the federal government.

The article goes on to say that a large proportion of the money raised for that charitable organisation went into the pockets of and benefited the person running the organisation and very little went to those who needed it. I am sure that occurred because the agency did not have proper bookkeeping practices. Proper accounting and bookkeeping requirements are a fundamental part of maintaining public confidence. When legislation is passed for fundraising organisations, we as members of parliament must ensure the public has confidence in this important sector of the community.

The bill addresses that public confidence in a number of ways: a greater number of organisations will be required to meet certain bookkeeping requirements. Those organisations will exclude schools, churches and hospitals, as has been the case in the past. Inspectors will now have the power to view bookkeeping records and a new power will be vested in the minister to apply to the court to have money removed from organisations that have contravened the act.

It is our hope that that power will be used only in extreme circumstances. I am certain that the minister and members of parliament have received letters from a number of organisations and telemarketers suggesting that the legislation is too bureaucratic and will hamper their fundraising efforts. Unfortunately, because of the actions of a few, the whole fundraising community in Victoria is put at risk. While I understand their concerns in not wanting to have to cope with too much red tape, to the government's credit it is trying to get the balance right. It does not want to close down bona fide fundraising organisations, but nonetheless it has a duty to the community to ensure that public confidence is restored and enhanced for such organisations. The government has the balance right in this legislation.

The opposition will monitor the legislation and continue to seek representations from members of organisations, telemarketers and the like on how it is working. If the legislation is unworkable the opposition will not be shy in recommending amendments to the legislation.

We have all heard reports of bogus tin rattlers in Melbourne. They have a devastating effect on public confidence in fundraising. It has been revealed that some people have taken the trouble to dress up to appear as though they are collectors when they are not. Many of them are beggars. I feel for them. We have seen more and more San Francisco-type beggars on the streets of Melbourne since 1992, which coincides with the election of the Kennett government. There is no doubt that some of the inappropriately harsh policies of the Kennett government have driven people onto the streets. I am concerned about what the triple whammy, as the Leader of the Opposition calls it, effect of a Howard, Kennett and 10 per cent GST will have not only on those who are finding it hard to fend for themselves but also on ordinary Victorians.

An article in the *Herald Sun* of 30 December 1996 about the bogus beggars states:

> Councils have been urged to issue ID tags for donation collectors to weed out bogus beggars posing as charity workers.
>
> The police call for eye-catching badges or cards came as city officers warned 'professional beggars' were impersonating genuine collectors.
>
> According to Sgt Ian Earle, of the City Patrol Group, a few phonies had swapped their begging rags for smart suits and even wrote out receipts to complete the charade.

The legislation attempts to deal with that matter in a number of ways. It will force individuals who canvass on the streets for funds from the public to display more vivid identification that demonstrates whether they are paid or unpaid. The legislation will ensure that Victorians know they are giving to a charity rather than somebody simply pretending to represent a charitable organisation.

A particular concern raised in the past concerns charity bins, which are used as a simple way for people to donate clothing they do not want. The bins were placed near supermarkets or shops and people kindly donated excess clothing. They were always under the impression that the clothing would be used by the needy. It used to be the case that when the clothing was donated it was handed on to the needy. However, clothing bins are now a multimillion dollar industry. Clothes donated through many of the bins are sold for profit. In many instances they are simply profit-making exercises for private operators who pay fees to certain charities.

An interesting article in the *Sunday Herald Sun* of 20 September 1997 by Derek Ballantine about the history of how clothing bins have built up into a multimillion dollar industry states:

> Less than 10 per cent of the proceeds from clothing placed in some charity bins is reaching the needy, according to welfare groups.

That is an extraordinary figure. The article continues:

> Only 1 to 3 per cent of clothing is given away free to poor families.

> Private collection firms that 'rent' the names of charities for use on some bins are selling the clothing overseas for profit in a recycling export industry worth $60 million.

It is extraordinary that people's donations of excess clothing are exported for profit by private enterprise. The article goes on to say:

> In the best cases, private operators pay a charity up to $50 000 a year for the right to collect from more than 300 bins bearing the charity's name — but possibly gross $300 000 from those bins.

Further on the article refers to Salvation Army spokesperson John Dalziel expressing great concern about what was occurring. Mr Dalziel stated:

> What concerns us is that private operators will give the total industry a bad name if goods donated by the public are not properly used ..."

He is dead right. If people were aware that clothing they donated to private bins did not in the main go to the needy but helped to line the pockets of some wealthy entrepreneurs they would be shocked. That sort of behaviour undermines public confidence in the industry.

The article goes on to say:

> The private operators are usually given permission to paint a charity's logo on the bin in return for a fee or percentage of turnover from that bin.
>
> The charity has no direct involvement with the bins and rarely receives the clothing.

The article refers to what was said by a Mr McDonald, a person who, as I understand it, operates some of the bins, and further states:

> Mr McDonald said the public had to understand clothing deposited in bins was not necessarily handed out as welfare. It was sold to raise funds for welfare programs.
>
> He confirmed private operators returned to charities a minimum of 9 to 11 per cent of the value of clothing in bins, a standard set by NSW charity authorities.
>
> But he said major charities probably did no better because of high collection costs, overheads and waste.

I doubt very much that many members of the community know the truth about clothing bins. This bill seeks to address some of the problems that have occurred through lack of identification and deposits in the bins not being used for the purposes for which they were originally set up.

As a result of the industry being so lucrative, the number of bins around the state has proliferated, particularly in suburban Melbourne. As a result I understand that one council — I think it was the Darebin City Council — has taken a decision to ban bins from its municipality. I do not know if that ban still holds.

An Honourable Member — Yes, it does.

Mr HULLS — I am told that it still holds. There has been some concern about the proliferation and placement of some of the bins.

The industry needs to tidy itself up. Obviously there are thousands of bona fide volunteers who work for charitable organisations, and they are to be commended for the excellent work they do. But we need legislation to ensure that any shonks in the industry are weeded out, and we need to take steps to ensure that the fundraising activities of organisations are transparent and can be appropriately monitored.

An article in the *Age* of 19 February 1997 about charities themselves seeking action about bins states:

> The National Association of Charitable Recycling Associations, working alongside private operators in a competitive used clothing market, is angry that many bins do not state that only a small amount of profits generated by donations will go to the charity marked on the bin.

The article states further that:

> The Victorian secretary of the charitable recycling association, Mr Ken Thompson, said yesterday that while it was fine for smaller charities to make financial deals with private collectors, many donors were not aware of these arrangements and "the public should not be deceived ... The revenue charities generate from used clothing is significant. The Smith Family, for example, makes between $3 million and $5 million a year from used clothing and recycling textile scraps. Competition for used clothing has intensified since the arrival of private bin collectors five years ago and because people are donating less clothes.

We all know the Smith Family does an excellent job in assisting underprivileged members of our community, and I am sure no-one in this place would deny the Smith Family the opportunity to raise funds with the clothing bins. But unfortunately there is competition, and the Smith Family's fundraising efforts will be adversely impacted upon unless appropriate action is taken to weed out those people who, instead of using the bins to raise money for charity, use them for their own needs.

The legislation will deal with the issue by imposing stricter bookkeeping requirements on organisations conducting charitable clothing bin collections — an industry worth almost $40 million a year. The requirements will include keeping account of the total amount raised and the notification of how much is being paid to any commercial operator involved.

It is critical that any claim about the needs of the most vulnerable people in our community be genuine. In the past organisations have made extravagant claims, particularly through telephone canvassers seeking donations. The use of professional canvassers on commission-based fees provides the framework for outlandish statements about a grave need for money. If such statements are not genuine, a critical aspect of the industry is lost — which, of course, is public confidence.

People who donate to charities are entitled to ask whether there is a genuine need for them to donate to a particular charity, and whether the money they donate to that charity will actually go to the area where it is most needed. Unless people can be assured that there is a need for their donation and that the money they donate will go to those who need it, there will be a lack of confidence in the industry and the whole industry will suffer.

The bill attempts to deal with these matters by introducing specific regulations barring the making of misleading or deceptive statements. That is appropriate, and I hope it will ensure that no further outlandish claims are made by some less appropriate operators in the industry.

People are genuinely impressed by the members of the community who donate their time to charitable organisations, which is often because they have a genuine philosophical belief that they can assist less well-off members of the community. In many cases people do not want any reward for donating their time. Some other people who donate their time to assist such organisations are paid a small amount of money, and there is no problem with that. However, there are other people who are paid substantial amounts of money, apparently to assist such organisations.

Members of the community who donate to the organisations are entitled to know whether the person to whom they are donating is a paid or an unpaid volunteer, particularly if they are being canvassed by someone from a telemarketing company, in which case they are entitled to know whether that person works for the telemarketing company or for the actual charity, and whether he or she is being paid to make phone calls seeking donations. If people are informed of such matters they will be better educated and better able to make decisions about whether they should donate to a charity.

The bill deals with this matter by providing that telephone canvassers must disclose to the public whether or not they are paid, and if so, who is paying them. As mentioned previously, this also applies to street collectors and charity bins.

I repeat that it is necessary to get the balance right when it comes to charitable organisations. Unfortunately there always has been and will always be an enormous need for charitable organisations in the community. On the one hand it is imperative we ensure those charitable organisations are transparent and are not infiltrated by people who will use them for their own private ends. On the other hand we do not want to be imposing too many restrictions on organisations that will scare away bona fide volunteers. The bill is a good attempt by the government to achieve a correct balance. I am sure the government will monitor the legislation. The opposition does not oppose the bill but will monitor its operation.

Ms McCALL (Frankston) — I am pleased to support the bill. I have lived in Australia for only 17 years; the Ash Wednesday bushfires occurred soon after I arrived. For those of us who come from the Northern Hemisphere, experiencing the devastation of a bushfire that stretched over a district equivalent to something like the area between London and Vienna involved learning a harsh lesson very quickly. I began to understand something about the psyche of Australians. Unlike most honourable members, for the first time I experienced the open-handed generosity of Australians, particularly Victorians, in raising funds and offering their time and volunteering their energies and experience to help those less fortunate than themselves.

I do not mean by that to say that the English are not generous in such circumstances. During the 1970s and 1980s — certainly the 1970s, when I was still there — England had some problems with a number of major charities, particularly in the area of raising money for overseas funds. It was suggested that the funds did not always go where they should have gone. When I arrived in Australia, discovered the open-handedness of Victorians and realised that fundraising involved substantial amounts of money, I also realised the importance of having legislation to ensure the funds raised were used appropriately.

The original Fundraising Appeals Act went some way to achieving that goal, but over the past 14 years problems have appeared. I congratulate the Attorney-General for appropriately seeking to tidy up the difficulties with the act because other problems were to arise. I will relate some of the problems that have affected the Mornington Peninsula and my electorate of Frankston. A major issue concerns telephone canvassing. I cannot understand why the telephone canvassers always ring at the most inopportune moments, either on Sunday mornings or

right in the middle of family meals, and say, 'Have you got 10 minutes to spare?' In that situation more often than not one would be less than generous in making time to respond or commenting on the issue involved.

A number of my constituents approached me and said they felt such canvassing was intrusive. They were unsure about the charities they were supposed to be supporting and were loath to give their credit card numbers out over the telephone. Many older constituents said they felt intimidated if they said no. It was important for the government to address some of those issues to ensure that when people are contacted by telephone canvassers they know with absolute certainty what is being canvassed, by whom and who is paying the person responsible.

The second issue that caused much concern was door-to-door selling by persons who would arrive on doorsteps with books of raffle tickets without identification. The raffle tickets did not define the charity that was being supported or the prizes. The person would simply stand on the doorstep and say, 'Hello, I am from so and so. Would you buy some raffle tickets in support of my next-door neighbour's best friend's nephew who has just been diagnosed with whatever?'. The concern of a number of my constituents was the lack of identification or verification that a genuine raffle or fundraising exercise was involved. Older members of the community — I have a large number living in my electorate — were intimidated enough to hand over money across the doorstep without really knowing what it was for. I am delighted to discover that the bill will address that matter.

Another area the government looked at very carefully was fundraising appeals that are run on a regular basis by schools. For instance, Mount Erin Secondary College, of which I am a school council member, is very effective at fundraising, and many small groups run regular fundraising appeals for a number of charities. Perhaps a women's group, a scout group or a Lion's Club group will run a series of lunches, afternoon teas or early evening dinners and choose a different charity each time to be the recipient of proceeds. The government was concerned that if it asked these charities or fundraisers to be accountable for their funding by providing that each time they had to say to whom the money was destined we would be putting too onerous a task on many of them.

I would have been very concerned if I had had to go back to some of the groups in my electorate who do an excellent job of raising sums of $250 here or $300 there and say, 'Each time you are going to hold a function you have to apply to the Attorney-General and explain who is going to benefit from the money. Also, you will have to do onerous bookkeeping and keep all the bits of paper'. I am delighted to note that the legislation provides that if a group intends holding fundraising appeals on a regular basis it can apply to the Attorney-General 12 months in advance, explaining the nature of the fundraising proposed, that it has the commitment, endorsement and support of the charities it will be supporting, and then seek an exemption on that basis. Nobody wants to detract from the excellent work undertaken in the community to raise funds for specific issues.

In Frankston funds have been raised for all sorts of causes, such as the Christmas appeal of the community information service. There may be need to raise funds in relation to a particular problem. Recently a group in the Frankston district raised money for Bev Buckingham, the jockey who was injured, demonstrating that there are often one-off appeals that are of particular interest to the local community. As many honourable members will be aware, the Mornington Peninsula is famous not only for its racetrack but for its horse breeding and encouragement of female jockeys, and that appeal was appropriate.

Asking small fundraising groups to put in applications every time when their intention was to hold functions on a regular basis would detract from the essence of the intent of the bill. The purpose of the bill is to say to the public, 'We appreciate the support you give to fundraisers, appeals and charities, but we know you have the right to feel that the books are being kept properly, because then they can be audited, that you have permission to do what you are doing, and that you recognise your responsibility to the community in general'. The government recognises the importance of fundraising in the Victorian community, but it also recognises that because money is involved there must be accountability for what is done with it.

I would take up a minor point made by the honourable member for Niddrie in relation to the Miss Victoria Quest and the article that appeared recently in the *Herald Sun*. I know the families involved in the problem and I am aware that it will soon be before the courts, if it is not already. It is a very difficult situation when people genuinely believe they are working in a fundraising capacity and powers greater than they are perhaps having an impact on the funds raised and what happens in general.

I am pleased the bill deals with the issue of recycled-clothing bins. There are many such bins in the Frankston electorate. They are prone to becoming

extremely untidy and are often absolute eyesores. Local government has attempted to address the situation. I am delighted that neither Frankston City Council nor Mornington Peninsula Shire Council have taken what I think is the most appalling step of actually removing the recycling bins altogether. I am pleased the bill will ensure goods remain inside the bins instead of being just dumped around them, and that we do not have a repetition of seeing what I can only describe as scavengers or vultures fossicking around the contents of the bins assuming their contents were free for all to take.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Minister for Police and Emergency Services: Harvest Grain

Mr BRUMBY (Leader of the Opposition) — I refer the Minister for Police and Emergency Services to an article in the *Wimmera Mail-Times* of 29 May this year. The accompanying photograph showed the minister presenting a Victorian government pursuit of excellence award to a company called Harvest Grain Australia Pty Ltd. Harvest Grain Australia also received a Department of State Development grant last year. I also refer to the fact that the minister is listed as a significant shareholder in Harvest Grain Australia and has failed to declare this pecuniary interest to the Parliament. In light of the seriousness of these matters, will the minister refer this conduct, which involves not only a blatant conflict of interest but which may also amount to malfeasance of public office, to the Victoria Police for investigation?

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I think I am right in saying that I have just completed the latest register of pecuniary interests. I think I listed Harvest Grain and that would be appropriate if one considered how long I have had an interest in the Harvest Grain company in Horsham.

Mr Batchelor — Are you sure?

Mr W. D. McGRATH — I am not 100 per cent sure but I will check it. It is fair to say that a number of people in the Wimmera have seen a real opportunity to assist and develop value adding at the local area for local product and at least give some support to a local interest.

Honourable members interjecting.

The ACTING SPEAKER — Order! As I said yesterday and as the Speaker has said on numerous occasions, members are simply wasting their own question time by interjecting across the table, which evokes other answers. The house is really in the hands of members. However, I call on honourable members not to complain to the Speaker about not having sufficient time to ask questions in the house if there cannot be some reasoned and orderly responses to questions.

Mr W. D. McGRATH — I acknowledge I have given that company, as have many other district people and businessmen, financial assistance to ensure that that company does well in providing value adding to private produce that is grown by district farmers so that they can get the best return for their product. In relation to the business excellence award, I have nothing to do with how those selection processes are brought about. However, as the Deputy Premier said, they receive that award on merit for excellence in business. It has nothing to do with my being in government. It is done purely by an independent group of people. It is fair and appropriate as the local member that on behalf of the government I would present a business excellence award to that company.

The Leader of the Opposition claims to favour value adding and development of farming organisations. His question today is a joke. I am happy to support a company in Horsham because it is doing well on behalf of the district farmers and it is ensuring that not only the farmers but the whole Victorian economy does well because of that successful business.

Capital gains tax: trusts

Mr FINN (Tullamarine) — Will the Premier inform the house of the cost to Victorian farmers and businesses of a policy that seeks to remove the exemption from capital gains tax to those trusts established before 1985?

Mr KENNETT (Premier) — Our farming and business community are obviously important ingredients in the economic and social wellbeing of Victoria. It is therefore of great concern that I note a major plank of the federal Labor Party policy is to remove the exemption for capital gains tax from trusts established before 1985. This is an unparalleled attack on individual citizens, families, and companies that had been given some certainty. I think it was provided initially under the government of the former Prime Minister, Paul Keating, but that is now being removed

under his successor, Kim Beazley, Leader of the federal Labor Party. The impact of this will send a cold shudder down the spine of every — —

Mr Brumby interjected.

Mr KENNETT — The Leader of the Opposition laughed. Let it be on the record that he laughed. However, I can assure him that throughout Australia thousands upon thousands of farmers and businesses and many families are now having what they thought was the legal protection of the law removed from them by the threat of the ALP policy leading into the election. Let me give an example.

Mr Brumby interjected.

Mr KENNETT — It is not retrospective.

Mr Brumby interjected.

Mr KENNETT — No — that is right. They are just saying that if you had put your family farm into a trust in 1940 — —

Mr Brumby interjected.

Mr KENNETT — That is not retrospective. What a goose you would have to be! Regardless of what was done prior to 1985 in organising your affairs legally under the laws of the land, if elected Mr Beazley will remove exemption from that; and every farm and every business will be taxed and threatened by whatever law is put in place. That will apply also to rental businesses.

I therefore say to the people of Victoria and Australia: if over the years you have bought rental properties — because it does not apply to private homes — —

Mr Micallef interjected.

Mr KENNETT — The honourable member for Springvale interjects. I do not know when you established your farm; prior to 1985 you probably had a lot of commercial property. If you bought a range of rental properties and put them into a legally binding trust, under the current Labor Party policy you would have to have the exemption on capital gains tax removed and therefore those properties are set.

It probably means that you will also have to get a valuation very quickly going into 1 January, 1999. That will cost you a great deal of money, anywhere from $500 upwards, depending on the size of your holdings and particularly with respect to rural properties that are not amalgamated into one holding because it becomes increasingly expensive with multiple holdings.

Without a doubt it is the greatest threatened attack by any political party on citizens, families, businesses and farmers that we have seen in this country over many years.

An honourable member interjected.

Mr KENNETT — We have talked about this over the past couple of days. The financial cost to an individual's security could be enormous. According to the National Farmers Federation the Howard plan is estimated to save a farmer in the bush $7000 per annum.

I make these points. This is a serious and savage attack on law-abiding citizens. Members of the Labor Party laugh again. Who do members of the 1998 Labor Party represent? Who is it you represent? You do not represent those who have abided by the law of the land, who have established businesses or who are members of family units.

I make this last point: firstly, no-one with a family trust in this country can afford to run the risk of having his or her business affairs destroyed by a Labor government and so they must vote against Labor. Secondly, those who are thinking of voting for One Nation, wherever they live in this country, should understand that a vote for One Nation could easily put a Labor member into federal Parliament and if by voting One Nation we end up with a Labor member in Parliament then the policy of Mr Beazley that could threaten every decent, legally established business and associated trust in Australia could be out in place.

I find it incredible that those on the other side simply mock and laugh at the proposed introduction of such a policy by their colleagues. They know, as we do, that such a policy as much as anything else will scare the bejesus out of the Australian community. I can only strongly recommend: do not vote Labor, for if you do, you do so at your peril.

GST: racing industry

Mr PANDAZOPOULOS (Dandenong) — I refer the Minister for Sport to the fact that the racing industry employs 30 000 Victorians and to a report prepared for the Victoria Racing Club that examines the impact of the GST, which found that the industry was:

> Deeply concerned that a GST imposed on top of extremely high state taxes would threaten the viability of the industry —

and I ask: what changes are planned to state taxes on racing to ensure that the racing industry is not

decimated and thousands of jobs are not lost by the Howard government's proposal to place a tax on a tax?

Mr REYNOLDS (Minister for Sport) — There is no doubt that there will be some changes in various taxing levels and I am sure the Treasurer will be taking notice of them, but let us get back to the basics. The federal coalition's proposed change to the tax system will rid us of ten taxes that we now pay and institute one new tax. There are so many benefits to the whole of the community, not just the racing industry, that pays sales tax on many things that will not be paid in the future that this will be of benefit to the whole of the nation, not just one section of it.

Greater Dandenong: Lyndhurst tip

Mr LEIGH (Mordialloc) — Will the Minister for Planning and Local Government advise the house if he is aware that Cr Phil Reed from the City of Greater Dandenong, who is also an assistant to the Leader of the Opposition, Mr Brumby, has been involved in secretly approving a planning permit that will allow the Lyndhurst landfill site tip height to be increased to 35 metres as part of a plan to upgrade the site?

Mr MACLELLAN (Minister for Planning and Local Government) — The City of Greater Dandenong received an application in June which was finally approved on 14 July. Honourable members will be able to draw their own conclusions as to the speed with which the application was dealt — it was received on 19 June and approved on 14 July.

Mr Dollis — On a point of order, Mr Acting Speaker, it would assist the house if the minister spoke more closely to the microphone so the rest of us can hear.

The ACTING SPEAKER — Order! I do not uphold the point of order but I take the inference made by the honourable member for Richmond that some members might have difficulty hearing. Having experienced that, he might have some consideration for other members — particularly the Chair — who have difficulties hearing at other times when he chooses to be vociferous. I therefore ask the honourable member for Richmond to be silent and listen to the minister and I am sure others will hear what he is saying.

Mr MACLELLAN — I was saying that the application was received by the City of Greater of Dandenong on 19 June and was approved on 14 July. That is a very fast approval.

The matter was also the subject of referral to the EPA, which had no objection to it although it required that a works approval should be obtained subsequently. It was referred to the drainage authority, which had no objection, but it was not advertised.

That seems to distinguish it very much from other applications for those sorts of facilities. The honourable member for Werribee would be aware that a full environment effects process was used in respect of an application for a tip in the Wyndham municipality; yet on the other side of town an application to extend the height of the facility to 35 metres was not even advertised. I have a report from the department that advises me that there were no objections to the proposal. Of course there were no objections because other than the EPA and the local drainage authority, nobody was told that the application had been made.

It is true that it is a Labor-controlled council. It is true that a councillor who works with the Leader of the Opposition is a significant member of the council. Apparently the citizens of Dandenong are to be kept in the dark by their council in respect of such applications, whereas the state government's process has been to advertise such applications and to ensure that people have the opportunity to participate in the decision.

GST: pensioners

Ms KOSKY (Altona) — I refer the Minister for Housing to the Howard government's intention to compensate pensioners for the fact that every time they turn on a light or a heater, make a phone call or have a meal, they will pay a GST.

Will the minister provide a guarantee that the state government will exempt any compensation provided to pensioners when charging public housing rent, or does the government intend to steal one-quarter of the already inadequate compensation proposed by the Howard government?

Mrs HENDERSON (Minister for Housing) — I make it clear from the outset that government members strongly support the federal government's reform package. It is a visionary plan that will take us into the future. It will certainly be essential for Australia's future.

In response to the question I explain that public housing rents are charged as a percentage of income. People who are living in public housing pay 23 or 25 per cent of their income in rent. The package that has been outlined by the federal government includes a 4 per cent compensation increase in pensions. Because we have a percentage of income against rent, yes, there will be 1 per cent of the 4 per cent — —

Honourable members interjecting.

Mrs HENDERSON — The opposition knows only too well that the 4 per cent is a compensation package, and these expenses will be factored into that 4 per cent.

Honourable members interjecting.

The ACTING SPEAKER — Order! One wonders how many times one has to call on members to behave in an appropriate manner in the house. A question has been asked, and I assume it was a serious question, and the minister is giving her answer and has a right to be heard. I will not tolerate the continual barrage of interjections across the table.

Mrs HENDERSON — Public housing rents are very affordable. A single pensioner pays something in the vicinity of $40.80 a week in rent. In the private sector he or she would be paying between $120 and $160 a week in rent. The 4 per cent increase in pensions is a compensation package. The federal government plan is visionary and is very strongly supported on this side of the house.

Women: rural bursaries

Mrs SHARDEY (Caulfield) — Will the Minister for Agriculture and Resources inform the house of recent government initiatives to promote the role of women within rural communities and agricultural industries?

Mr McNAMARA (Minister for Agriculture and Resources) — I thank the honourable member for a very good question. I advise the house that recently the government has been implementing a number of programs that look at ways of providing additional assistance to women in regional Victoria. One of the programs is called Growing the Farm Business. The government has just completed a series of seminars particularly for rural women in 10 regional centres across Victoria that more than 500 women attended. There has been a tremendous response. Rural women have made it clear that no other government in the past has ever attempted to provide this sort of information. Our research indicates that this sort of forum and information service has not been provided anywhere in Australia.

The seminars were conducted across regional Victoria in Warrnambool, Hamilton, Mildura, Swan Hill, Wangaratta, Euroa, Traralgon, Maffra, Orbost and Yarram. The response has been so overwhelming that we have received requests to conduct a further round of seminars at 10 additional locations, and these will be run in December this year. The seminars provided practical information for on-farm management which covered issues ranging from management services through to economic advice. The initiative is one of several that have been introduced by the Department of Natural Resources and Environment. The next round of forums will be held in Ballarat, Horsham, Ouyen, Charlton, Bendigo, Echuca, Tatura, Wodonga and Yarra Glen. I am sure that they will receive even greater attendance than the initial seminars, which possibly did not receive the same degree of publicity.

The women's leadership bursaries, which are jointly sponsored by the Department of Natural Resources and Environment and the Attorney-General's Office of Women's Affairs, have been very successful in recent years and are continually expanding. This year $40 000 was distributed amongst 21 recipients of the bursaries, and a range of women from across Victoria took them up.

Recently an international conference of rural women was conducted in Washington. It was only the second such conference of its type, the first having been initiated by the Victorian government four years ago in Melbourne. At the Washington conference some 1000 delegates from 50 countries attended, and I am proud to say that the Australian contingent was the largest. Approximately 20 women of the 500 who applied received a $5000 bursary from the department, so we sent the cream of rural women from Victoria to the conference.

The Department of Natural Resources and Environment contingent was the largest Australian and international sponsor of bursaries for women from around the world. At one stage the New South Wales Labor government offered one bursary to a rural woman, compared with 20 offered by Victoria. The value of these bursaries in terms of giving international experience to a broad range of women and improving the feedback and leadership roles they can play in their individual communities cannot be measured but will be invaluable. I reinforce to all Victorians that the Victorian action plan for rural women will be launched at international Rural Women's Day on 15 October. That action plan is a five-year strategy.

The ACTING SPEAKER — Order! I ask the Deputy Premier to wind up.

Mr McNAMARA — It will enable that networking program to be built on and developed. I hope there is bipartisan support on such an important initiative.

GST: adult learning

Ms CAMPBELL (Pascoe Vale) — I refer the Minister for Youth and Community Services to the full-page advertisement this week for Adult Learners Week and ask: will the minister acknowledge that under the Howard government's GST proposal every time adult learners, who often receive low incomes or have disabilities, go to their local neighbourhood houses to undertake courses such as migrant English, health and recreation subjects, cooking and child development courses, they will be hit with a 10 per cent GST?

Dr NAPTHINE (Minister for Youth and Community Services) — Mr Acting Speaker, I seek your advice. The adult learning program is the responsibility of my colleague, the Minister for Tertiary Education and Training.

Honourable members interjecting.

The ACTING SPEAKER — Order! I ask the house to come to order. The Chair is running out of patience. I ask honourable members to be silent long enough to allow the Chair to hear what the minister is saying.

Dr NAPTHINE — The question I put to you, Sir, is that while the neighbourhood house program is my responsibility, the adult learning program, which is offered and delivered through neighbourhood houses, is the responsibility of my ministerial colleague, the Minister for Tertiary Education and Training. I seek your advice on whether the question should be redirected to the appropriate minister.

The ACTING SPEAKER — Order! I call the honourable member for Pascoe Vale.

Ms Campbell — The question related to a 10 per cent GST tax on neighbourhood houses. The Minister for Youth and Community Services is responsible for neighbourhood houses. It is he who has to answer the question about whether there is a 10 per cent GST on courses for health and education. These are not ACFE-funded courses.

The ACTING SPEAKER — Order! The question has been directed to the Minister for Youth and Community Services. I ask the minister to answer the question, understanding that he will answer it in the way he sees fit.

Dr NAPTHINE — As I said, the adult learning program and adult and community further education is the responsibility of my colleague the Minister for Tertiary Education and Training. I will seek his advice and respond to the honourable member in due course.

Queen Elizabeth Centre

Mr TRAYNOR (Ballarat East) — Will the Minister for Youth and Community Services inform the house of the services for Victorian parents provided by the new Queen Elizabeth Centre?

Dr NAPTHINE (Minister for Youth and Community Services) — The Queen Elizabeth Centre is indeed my ministerial responsibility. It is one of three early parenting centres providing statewide services to families with children aged between zero and three years of age. The two other centres are Tweedle Child and Family Service in Footscray and the O'Connell Family Centre in Canterbury. The Queen Elizabeth Centre is particularly geared towards assisting young parents who have problems with parenting. It helps parents gain confidence and skills in the important role of parenting. The centre deals with children who need special care or are posing some difficulty for their parents.

Originally the Queen Elizabeth Centre operated in North Carlton. The old centre was in a rundown physical facility — the facilities were inadequate and did not meet the needs of today's families. I am pleased to advise the house that on 5 August I opened a very new purpose-built Queen Elizabeth Centre at Noble Park. As honourable members would be aware, Noble Park is just about the demographic centre of Victoria and is therefore close to where many young families live in the growth suburbs of outer Melbourne. The new Queen Elizabeth Centre provides a number of services to families. It has residential services for 16 families, day-stay facilities for 6 families, an education and conference wing, research facilities, telephone advisory services, and specialist consulting services. The new facility was built at a cost to the government of $3.5 million. In addition to the government's contribution there were contributions from the private sector and from the Queen Elizabeth Centre's own resources. The centre receives $2 million on a recurrent basis from the government to provide these services.

In 1996-97, 5461 families across Victoria were provided with services by the centre. Some 1776 people participated in residential programs that assist mothers to bond with their children and advise them on feeding and sleeping techniques, and other issues; 2550 people participated in a day-stay program; and approximately 276 home visits were made from the centre. This was on top of the telephone advisory services and other education and research services that are provided to

assist maternal and child health centres, family councillors and other people who assist families out in the community. Following the opening of the new purpose-built centre in Noble Park it is fully expected that in the coming years those numbers will increase. I am pleased as minister and proud as part of this government that we have completed the building of this new centre to provide an important service for young families in Victoria.

FUNDRAISING APPEALS BILL

Second reading

Debate resumed.

Ms McCALL (Frankston) — I will conclude my comments on the Fundraising Appeals Bill. I am delighted with the amendments made by the Attorney-General in relation to reporting procedures for regular fundraising events by small local groups. I support the bill, and I am surprised the opposition also supports it.

Mrs WILSON (Dandenong North) — I am also delighted to support the bill, and I welcome the opportunity to comment on the second-reading speech and on the contributions made by other members. I support the honourable member for Niddrie in the matters he brought to the attention of the house. Like many honourable members, I have had the opportunity of being involved in a number of fundraising organisations raising money for charities and other groups. We all know there are many charitable organisations in Victoria that to a large extent depend not only on government contributions but also on the goodwill of their faithful supporters. It has never been easy to raise money for any charity. Although some institutions, such as the Royal Children's Hospital and Yooralla, seem to attract a lot of money, that usually follows massive advertising campaigns. Many other groups struggle continually to raise funds.

In recent times it has become more difficult to raise money for charity because people who donate need to be absolutely sure in their own minds the money will be used for the purpose for which it is being raised. Members of the public feel particularly angry when they hear of charities being ripped off or abused by people who are supposed to be their supporters. There is a feeling of betrayal when it is brought to the attention of the community that money being raised for charities is not going directly to the end recipients. I recall some years ago a foreign aid organisation was found to be allocating much of the money it collected to administrative costs such as executive salaries, travel, office expenses and so on. Little of the money was going to the people in the Third World country for which the money was intended.

Professional fund-raisers the opposition consulted on the bill were generally supportive but raised some issues. They were concerned about the 12-month time limit on appeals. I am sure the Attorney-General will be aware that many of the large charities employ professional fundraising companies to run the appeals. Many of the professional companies operate on a system they call 'relationship fundraising', which is about developing a special and lasting relationship between the charity and its financial supporters. It is similar to the voluntary giving appeals that churches have been operating for a number of years. Those appeals do not last just for 12 months; they may last for a decade or some decades, depending on how people feel about the charities concerned.

Building a relationship with the donors is best illustrated by the internationally accepted donor pyramid scheme. I am sure honourable members have heard of it. The scheme seeks to establish a relationship with the charity or organisation so that it can come back to the donor on a regular basis, at least annually. It attempts to make the donor feel it is an integral part and vital link in the charity and, of course, that the charity depends on the goodwill of these people. Churches have been funded in that way for some time. Professional fundraising organisations have advised the opposition that the 12-month time limit on appeals would create administrative difficulties — in fact, administrative nightmares. They believe they would be constantly coming back to the Attorney-General asking for permission to run their appeals. I hope the minister will address this matter while the bill is between here and the other place.

A number of volunteer fund-raisers have told me that the provisions will require them to wear identification badges which will describe them as unpaid workers or unpaid collectors. They are not concerned about wearing identification badges, but they would prefer the wording on those badges to be 'voluntary collector'. It was an important issue for them.

Another issue raised with the opposition was the concern about misleading information. A number of major fundraising organisations often put together composite stories of clients to give a more graphic illustration of the type of work they do. They hope the Attorney-General will not see that as misleading information because, in fact, it does not depict many of the cases that come to those organisations.

I have advised the house of a number of minor concerns. I am pleased there is to be percentage disclosure for organisations operating clothing recovery businesses, because these have become multimillion dollar industries. Although they help many people and employ a number of people, it should be clear that the majority of funds do not go directly to the charities for which the money is raised. Most of the money goes to the private operators.

I welcome the opportunity to make a few remarks on this important bill. It is extremely difficult for charities, especially those charities dear to the hearts of honourable members, to raise money these days. Most of the money that was formerly allocated by donors for desperate families is now spent on electronic gaming machines.

The high level of unemployment in the community has meant that people are using the money they once gave to charities for their own needs, so charities are not the recipients of their normal generosity. A 'me, too' syndrome is creeping into our society. People are becoming more selfish and are recognising their own needs rather than the needs of those who are less fortunate.

I congratulate the Attorney-General for introducing the bill. I hope the new provisions will make people feel more secure and confident about giving money to charities. I wish the bill a speedy passage through both houses of Parliament.

Dr DEAN (Berwick) — I have enjoyed listening to the honourable member for Dandenong North, but I think her speech affected members of the house in different ways. The bill is at the heart of Australia's lifestyle and character. We have heard it said many times that we are a generous people — and it is true. When there is a cause we give freely. It is extremely important if we are to implement a new fundraising bill and repeal the Fundraising Appeals Act that we be careful about what we do. The bill makes it clear that there must be a balance.

On the one hand, we do not want to make it more difficult for people who raise funds for needy causes, because that is a central role in our community. It is not only good for those who receive the money, but also for those who take part in giving the money as a social and cohesive element in the community. On the other hand, we must recognise that fundraising will become an ever increasing important part of our lives, because as we grow as an economy and a community so does the need to raise funds in a voluntary capacity and so does the need for people to abuse the process. The government must play its part in ensuring that people retain their faith in those who are raising funds. If you like, it is a credibility issue. On one side of the coin, we do not want to impede fund-raisers in collecting funds; but, on the other side, we want to ensure that the credibility of fund-raisers remains high.

It is not a false statement to say that in recent times, whether the incidence has increased or the existing incidence is more greatly exposed, there is a perception that people are abusing the generosity of Australians. As a consequence there has been a need to revisit the regulations to ensure fund-raisers are accountable to the public. It is in their own long-term interests that that occurs.

By no stretch of the imagination am I suggesting that people who are regularly engaged in fundraising are to be mistrusted. Rather, it is vital that the perception surrounding them remains strong, so that in the long term all of those charitable organisations will prosper. As a consequence several simple, easy-to-handle and obvious changes have been introduced. I believe they will assure the Australian public that regardless of whether they are approached at intersections, by telephone or at their doors they can be confident that the money donated will go to the fund the fund-raiser purports to represent.

The first change is that collectors will wear badges. Although the badges do not need to comply with some artistic element they must show the name of the fund-raiser and whether the collector is paid or unpaid. That method is quick and easy. It will assure people they can make donations, which is surely in the fund-raiser's interests.

Secondly, changes have been made to collection bins. I was saddened by the prospect of local councils prohibiting collection bins. I believe those councils have their values wrong. They are taking a step back from the generosity of Australians and making it difficult for people to give to people in need. That is a bad thing for any society. The amendments will give local councils greater faith in bins by ensuring that items must be placed inside them. That enormously useful method of collecting funds for charities will be maintained by bins being labelled to show the charity to which the contents of the bin are going. Records will be kept of how the bins are used and what goes into them.

We have all experienced collectors jangling collection tins on street corners. The changes in the bill will assist the fundraising industry by allowing people who make instantaneous decisions about giving money or driving on to identify paid and unpaid collectors, the collectors'

employers and the fund-raisers. The need for accountability requires notification to the minister and the department about the beneficiaries of the fundraising and how much money is raised.

Although all those aspects are important, if you go too far it may impinge upon the fundraising. The government has struck an excellent balance. People may ask to be shown how much money has been raised and who will benefit. The conditions that apply will enable the fund-raisers to produce summaries of the accounts — not a full set — without too much difficulty. Even if that never happens, knowing it can be done changes the community's perception and gives greater confidence to donors.

The minister should know that the fund's beneficiaries are in agreement and consent to the fundraising. That will satisfy both the minister and the community. It is important for the minister, if she wishes, to have a police check and an audit. Again, that may never be used but it can be used if necessary. It is not a panacea. It is impossible for legislation to completely eradicate shams or shonky fund-raisers but in a balanced way it is a good step towards minimising them. It is important that trade unions and political parties are exempt because through various acts they already have to present details of their fundraising.

Finally, if something goes wrong with schools, charities or religious organisations that are exempt from the provisions of the bill, the minister has the power to withdraw that exemption by going to a court. I believe that is practical and intelligent. A school, for example, may have suffered a tragedy of some sort and donations flow in. Those donations could be so large that the public is entitled to accountability. If the minister decides in that case that the school's exemption should be withdrawn it is appropriate that the court decides, thus assuring the public that the matter has been examined in a neutral and judicial way.

I believe the bill is important to the future health of a substantial section of the community and has been put together in an intelligent and practical way. I am sure it will have the effect it has been designed to have.

Mr LONEY (Geelong North) — Although I believe some areas are deficient and can be strengthened in the future, I support the general thrust of the bill. Several speakers have mentioned the generosity of Victorians. Victoria has probably the most generous population of any state or territory. That has been demonstrated over several years with fundraising events of all kinds. Each year the Royal Children's Hospital appeal is always very generously supported, as was the bushfire appeal. The Victorian community has a great philanthropic tradition. I understand that approximately 80 per cent of all philanthropic bequests in Australia occur in Victoria. That high proportion should be a source of pride to Victorians.

The previous speaker also mentioned that in recent times there has been a move towards more professional — for want of a better term — fundraising, with professional bodies fundraising on behalf of charities. Often in the past the nature of the organisation carrying out the fundraising activities has been masked from the people making donations. The bill attempts to address that issue by ensuring that people will understand what they are doing when they make contributions to a charity through a fund-raiser. The bill contains worthwhile provisions dealing with the very important issues of identification and auditing of fund-raisers.

I note that the bill includes a provision requiring telephone canvassers to disclose that they are paid and by whom they are paid. I support that provision, as does the opposition as a whole. The legislation should go a step further and require that it be disclosed during telephone canvassing how much of the contribution being made will go to the charity. In recent times in this state and across Australia disclosures have been made about fundraising groups which are supposedly supporting charities but which are receiving donations very little of which is ending up with the charities.

I direct to the attention of the house a recent telemarketing campaign undertaken in the Geelong area, including my electorate of Geelong North. The campaign was run by a company called Post-Tel Australia ostensibly for a number of charities, and when people were contacted by phone they were told that among the charities that would be supported through their donations were the Royal Flying Doctor Service, the Heart Foundation of Australia and Australians Against Child Abuse — and there may have been others.

The Post-Tel campaign consisted of people being asked to support those charities by buying sets of black leather wallets at a cost of $68 a set. People could buy them over the phone by giving their Bankcard numbers or whatever. It transpires that of the $68, only $4 was ending up with the charities. One assumes that $64 of the $68 was going to the administration costs of Post-Tel, the company running the telemarketing campaign. Approximately 6 cents in the dollar was going to the charities to which people were being told they were donating. That is a pretty paltry amount. If it is not a scam, it is probably as good as one could get

until a scam comes along. I suppose the remaining 94 cents in the dollar was going off to supposed administration costs of the company, Post-Tel.

Mr Mildenhall — It is an expensive wallet. You can get them at Forge's for $20!

Mr LONEY — As my colleague the honourable member for Footscray says, it is not even a cheap wallet. At the fine establishment of Forge's in his electorate, you can probably get a good wallet for about $20.

As I said, the fund-raiser was charging $68, and only $4 of that was going to charity. One might assume that the people working on the phones, et cetera, were pretty well paid but investigations revealed that the company was also underpaying its staff. The appropriate award rate at that time — believe it or not, there is a telemarketing award — was $14.95 but Post-Tel Australia was paying $12.72, which is well under the award rate. So the bulk of the donation was certainly not going to the employees. I am advised also that no Workcover was provided for those employees.

I repeat: people were being asked to contribute to the sorts of charities that all Victorians would support, believing that at least a large proportion of their donations would go to the charities — but only about 6 cents in the dollar ended up there.

What makes this even more serious is that some of the principals and senior people in the company, in order, I presume, to give credibility to it, claimed connections to both the Liberal Party and the state government. I understand that a director of the company, Mr Barry Bourke, made the claim that he is an influential member of the Liberal Party in the Brighton electorate. Another senior employee of the company whose first name is Michael kept telling people that he was a nephew of the state Treasurer.

I do not know whether those claims are true, but those sorts of things were being said — I assume to give some credibility to the company. My investigations were not such that would reveal either the truth or untruth of the claims, and I do not raise them in that sense. I am advised that those claims were being made by those people in order to give the company some credibility.

It is nothing short of a scam, with only 6 cents in the dollar going to the charity that is supposedly being supported, and with the people involved in the fundraising seeking to establish credibility by claiming to have certain connections with both the Liberal Party and the state government.

The legislation must be extended to cover such occurrences, and consideration should be given to whether the bill ought to contain provisions requiring companies such as Post-Tel Australia, when contacting people and asking for donations, to declare how much of the donations will go to the charities and how much will be siphoned off into supposed administration and other costs. That further step needs to be taken in the legislation.

As I said at the outset, Victorians are generous people. They respond very well to requests for donations to legitimate charities. No-one should be able to abuse the name of a legitimate charity in the manner I have described. Victorians making donations to charities expect the whole of their dollar to get to the charities. We all know that in the days of professional fundraising administration costs will be incurred, but administration costs of the sort coming out of funds raised by Post-Tel Australia are not legitimate. Future legislation should pick up this matter to ensure that Victorians can be confident when they make donations to charities that the bulk of their donations get to those charities.

Mr ROBINSON (Mitcham) — The opposition supports the Fundraising Appeals Bill. In her second-reading speech the Attorney-General drew attention to deficiencies in the 1984 legislation that had become apparent over time. In this regard it is appropriate for the house to acknowledge the contribution a number of years ago by the former honourable member for Pascoe Vale, Kelvin Thomson. I worked for Mr Thomson in 1993 when he raised a number of concerns in this place about the practices of a so-called charitable organisation. The bill is intended to prevent such practices from recurring.

During debate on an adjournment motion in 1993 Mr Thomson raised the operations of the Paravics Sports Club. Among other things, it operated the Northcote Bingo Centre and traded as Wheelchair Sports Victoria. It was, supposedly, a non-profit charity working to raise money for disabled athletes. Mr Thomson had been advised that of an approximate annual turnover of $3.5 million, less than $50 000 reached the organisation the charity was established to assist. It turned out that the manager of the Northcote Bingo Centre received an attractive salary package, including payments to a private superannuation fund, and had the use of a BMW sedan purchased by the sports club for her sole use. Also, for some years she had been authorising payments of $2000 a fortnight to a fictitious company called NBC Security. Those $2000 cheques had been cashed at the ANZ Bank in Northcote and the cash given to her de facto, David Roberts.

The bill addresses the excesses of a number of organisations such as Paravic. I am pleased that the government has responded to such fundraising problems as those raised by Mr Thomson, although when the matter was raised in the house the present Minister for Education was perhaps not as attuned to such problems. He is recorded in *Hansard* as having said:

> I hope for his sake they are true. I wonder whether he would be prepared to repeat them outside the house.

As it turns out, no action would have been taken against him had Mr Thomson repeated his accusations outside the house because last October, as a result of those activities, the man who had invented the bogus Wheelchair Sports Victoria at the Northcote Bingo Centre was fined $2000 and ordered to do 250 hours community work. I ask the house to acknowledge the modest contribution made in that matter by the former honourable member for Pascoe Vale.

The nature of modern fundraising for charitable purposes has changed dramatically over a short time. Today fund-raisers use a range of quite sophisticated techniques to generate increasing revenues. They use different techniques including direct mail, television advertising, having high-profile Australians in their advertisements, and telemarketing. Those techniques have helped turn charity work in Australia into a multimillion-dollar business. Therefore, it is appropriate that from time to time state governments review existing legislation to protect the public and the reputation of the overwhelming majority of genuine charities. Anyone in doubt about the growth of philanthropic charities need only peruse the guide to philanthropy in the parliamentary library.

Unfortunately, the growth of the industry attracts scoundrels who regularly attempt to cloak their avarice in charitable work. I have no doubt that for many years some people have been making a comfortable living sponging off communities but giving little, or nothing, to the charities they pretend to represent. Sponging happens in a variety of ways. Recently the *Whitehorse Gazette* featured a story on its front page about bogus collectors. The article states:

> Conmen are posing as charity collectors for homeless and unemployed youth to steal from unsuspecting residents.

Apparently men have knocked on doors and asked the residents to donate money for homeless children. They hold up collection tins which have no ready identification markings. Then, while the residents are inside searching through their purses or wallets, the conmen make a quick entrance, snatch whatever is handy and disappear. I have no doubt such scam operations happen not only in the City of Whitehorse but probably all over Melbourne. As the charitable fundraising industry grows, we can be sure more people will seek to make a living in such a disreputable way.

State and federal governments must keep an eye on the establishment of bodgie charities. A consequence of having worked in the office of the former honourable member for Pascoe Vale is my familiarity with the operations of the Grace Church, as mentioned in this house in 1993 by Mr Thomson. That church operated a number of so-called charitable enterprises, some of which were based offshore. I recall that one of the more sophisticated scams of the Thomas family who operated that church for a number of years was a so-called mission in Vanuatu.

We need to be aware that the tax breaks for national economic development offered by developing countries in the Asia-Pacific region present a lure to bogus charities. As we pass state legislation we must be aware of that aspect of the fundraising industry as it has developed in the latter part of the 20th century because I suspect some developments now under way fall, to a certain extent, outside the state's operations. We need to ensure that Victorians are still protected from those operations. The use of offshore charities has a double benefit to people seeking to fleece the public. Offshore charities can avoid proper scrutiny — for example, how do you check where the proceeds are going if you are told that your charitable donation will be directed to assisting a particular mission or operation in the South Pacific? It is harder to check on where and how that money is spent as opposed to, say, donations given to a local organisation that supposedly benefit wheelchair athletes.

The second benefit in offshore charities is that people of low repute can establish operations to minimise taxation arrangements. Vanuatu comes to mind in that respect. That was one of the reasons that the Grace Church set up there. Vanuatu has also been used in that way by people in the racing industry. The tax arrangements in Vanuatu, as compared to those in Australia, are favourable to such enterprises in certain ways.

As I mentioned, the bill addresses issues in the development of telemarketing to some extent, but not necessarily in a way that will offer long-term benefit to Victorians. That is because telecommunications technology is offering new opportunities for people in the telemarketing field.

Some time ago I had the opportunity to observe the operation of a political party fundraising campaign in America. The people there told me about the telemarketing techniques they used. They raised money from a call centre located in one state, but they were raising it from all over the country. It was a sophisticated operation. They used people with specific accents to contact people in states where those accents would not make the people receiving the calls feel any degree of unease.

The telecommunications industry in Australia facilitates the current and future use of call centres — or telecentres — around the country. We are, therefore, quickly developing a capacity to raise funds in Victoria through telemarketing — for both reputable and disreputable purposes — from states other than Victoria. In future people in Victoria may be pursued for donations through calls that originate from other states.

Although the bill offers protection to people who are soliciting funds through telemarketing in Victoria, it will not necessarily apply in cases where call centre operations are undertaken from interstate. I may be wrong, but I believe there could be a problem of jurisdiction in attempting to prosecute someone who failed to comply with regulations or with the provisions of the bill if they were making the calls from a call centre located in Sydney or Brisbane. That is one of the issues in telecommunications in this day and age that I think the bill should address. The government will need to address that matter as time goes by.

Before I conclude I wish to make a few remarks about clothing bins, which are an increasing feature of the fundraising industry. A few minutes ago the honourable member for Berwick referred to problems experienced by councils with the maintenance of clothing bins around the suburbs of Melbourne. There has probably been no more obvious development in charitable fundraising than the establishment of those bins across the city. I have heard many complaints about them over the years and have seen at first hand some of the more unsightly problems that are created where lots of bins are placed together in car parks and are not emptied and attended to regularly. People in the community are entitled to object to that. At times clothing bins become an eyesore.

I agree with the honourable member for Berwick that it would be unfortunate if councils were to take the view that the solution is simply to prevent the bins from being installed. I think the smarter, more productive thing to do would be for councils to work with charities to establish a few simple rules for maintenance of the bins.

I am increasingly conscious that, sadly, clothing bins are refuges for homeless people. That is something we may need to comes to terms with as a community, but if we accept clothing bins as a legitimate form of fundraising we need to take steps to ensure that the people who use them as shelter are at no great risk of danger. I am not sure whether the bins can be redesigned to lessen the risk to them.

The bill appears to be more reactive than pro-active. That is not to suggest that that is necessarily a bad thing, but the bill tends to deal with problems that are apparent now without providing the ability to react to likely future developments in fundraising. Consideration should be given to how telecall operations may challenge the proposed act if they are based in other states. We also need to consider the ramifications of the Internet, which will presumably become an avenue of fundraising for some charities.

Those developments present a challenge to the government and the community, and the legislation may need to be revisited to bring it up to an appropriate standard to deal with developments as they occur. Nevertheless the bill deserves support because it affords Victorians and the charities that operate for very good causes the protection they rightly deserve.

Mrs WADE (Attorney-General) — The aims of the government in introducing the bill are to enact up-dated provisions to assist the Office of Fair Trading and Business Affairs in investigating dubious charities and where necessary taking action against them and to provide greater disclosure and accountability to donors without imposing unnecessary requirements on charities.

The government recognises that most charities are conducted honestly and are generally efficient. However, as a number of speakers have said in this debate, it is essential that Victorians maintain confidence in our charities. In past years there have been a number of charities — one of which was referred to by the honourable member for Mitcham, and there have been quite a number of other examples — donations to which were not received at the places donors believed their donations were going.

I have been disappointed over the past few years that there have been few examples of opposition members contributing ideas for amendments to bills or actual amendments. Drafting amendments was a feature of my life as an opposition member, but over the past six

years it has been fairly rare for opposition members to contribute amendments other than reasoned amendments. Government members have the opportunity while the bill is being drafted and processed through the party to put forward their ideas, which are picked up at that stage. A number of speakers in this debate put forward some interesting ideas about ways in which the legislation could be improved.

I was not present for the whole of the debate but I will read *Hansard* and turn my mind to each of the matters raised. The honourable member for Dandenong North referred to the 12-month limit on appeals contained in clause 26. Clause 26(3) allows the minister to specify that the appeal can continue for longer than 12 months. The minister has power to delegate the functions of the bill. I anticipate the majority of the functions will be carried out by officers in the fair trading area. It will be appropriate for that type of exemption to be given where an organisation has an ongoing appeal.

The honourable member for Dandenong North raised a matter that I had intended to raise with parliamentary counsel and those responsible for drafting the bill about the description of collectors as either paid or unpaid collectors. She suggested that the word 'volunteer' may be better than the words 'unpaid collector'. I shall pursue that matter. I am uncertain whether that had been considered by those drafting the bill. There is no reason at this stage why one could not have a person described either as an unpaid collector or a volunteer.

The honourable member for Geelong North gave the example of telephone collectors for an organisation in Geelong selling wallets on behalf of a charity. He said that although the wallets were being sold for $68 each only $4 was finding its way to the charity. He also said the organisation was not paying its staff award rates and not providing Workcover. The bill provides that if paid collectors are collecting over the telephone they must give the name of the organisation and specify that it is being paid, but they do not have to specify how much of the money goes to charity. That is not a requirement for any of the different ways in which money for charity can be collected. If we were to make that change for telephone collectors it would have to be made throughout the legislation to apply to all other collections. That matter was considered but it was decided that at this stage it would be preferable not to insert such a requirement in the bill.

It is important that we test the disclosure requirements in the marketplace to see how they operate before moving to either imposing a limit on administration charges, which is the case in New South Wales, or disclosing the administrative charges when soliciting donations. The administration charges will have to be disclosed in the annual accounts of the charity. That will have a considerable effect on charities because it will become less attractive to those charities that have taken the view that however little they get from commercial collectors, be it clothing bins or telephone-type operations or any other type of collections, that it is better than nothing and therefore they do not care whether they are receiving the greater part of the money collected. Once that disclosure provision comes into operation we will depend to a certain extent on media publicity so that people who give money to charities understand which charities are using that money for charitable purposes and which are spending the majority of the money on administration. In that way they can make judgments about the charities to which they are prepared to give money. The charities will become less inclined to enter into deals of the type to which the honourable member for Geelong North referred.

The honourable member for Mitcham spoke about telemarketing and call centres that may be located outside the state. He suggested that call centres seeking donations for charities may be located in Sydney or Brisbane. They could also be located in such places as South Africa and South America. In those circumstances it would be difficult to catch up with them. The bill provides that anyone collecting money in Victoria should comply with the provisions in the bill. It might not be easy to prosecute a breach of those requirements if the person were interstate and more difficult if he or she were overseas. Nevertheless it is within our legislative capacity to include that requirement in the bill, and it is then a question of the difficulty involved in pursuing people if the requirement is breached.

There is the question of whether a constitutional issue arises regarding telecommunications and whether commonwealth legislation may have an impact on state legislation. To the best of my knowledge it does not, but it is a possibility. The government intends to monitor the legislation closely. The government hopes it does not have to further intrude on the ability of charities to manage their own affairs, but if the provisions are not effective in protecting the public and, in particular, protecting genuine charities from suffering because of the misdeeds of others, the government will have to introduce further legislation.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 12 agreed to.

Clause 13

Mrs WADE (Attorney-General) — I move:

1. Clause 13, page 14, lines 24 and 25, omit sub-clause (3).

The amendment refers to clothing bins. The intention is to discourage people from leaving material outside those bins.

Amendment agreed to; amended clause agreed to; clauses 14 and 15 agreed to.

Clause 16

Mrs WADE (Attorney-General) — I move:

2. Clause 16, lines 24 and 25, omit paragraph (h).

3. Clause 16, lines 26 to 29, omit sub-clause (2) and insert –

"(2) The regulations may exempt a person or organisation from having to comply with all, or any provision, of this Part, and may impose conditions in relation to any such exemption.".

The amendment is a redrafting of the exemption provisions and results from advice received from Parliamentary Counsel.

Amendments agreed to; amended clause agreed to; clause 17 agreed to.

Clause 18

Mrs WADE (Attorney-General) — I move:

4. Clause 18, page 21, after line 2 insert –

"(k) if applicable, details (including the number) of the account that the person intends to use for the purposes of section 27(2);".

This amendment requires the disclosure of the number of the banking account the person intends to pay collections into.

Amendment agreed to; amended clause agreed to; clause 19 agreed to.

Clause 20

Mrs WADE (Attorney-General) — I move:

5. Clause 20, after line 25 insert –

"(4) The Minister may refer any details of a notice of intention to conduct a fundraising appeal that she or he considers relevant to the Chief Commissioner of Police.

(5) The Chief Commissioner of Police must, not more than 14 days after receiving such details, enquire into and report to the Minister on the criminal record, if any, of —

(a) the person who intends to conduct the fundraising appeal;

(b) if that person is a body corporate, the directors of the body corporate;

(c) if that person is an incorporated association or an unincorporated organisation —

(i) the designated person of the organisation;

(ii) any member of the governing body of the organisation.

(6) A report may include recommendations.".

This amendment relates to the ability to refer details of a person conducting or intending to conduct a fundraising appeal to the chief commissioner for a police check.

Amendment agreed to; amended clause agreed to; clauses 21 to 23 agreed to.

Clause 24

Mrs WADE (Attorney-General) — I move:

6. Clause 24, line 8, omit "Administrative Appeals" and insert "Victorian Civil and Administrative".

7. Clause 24, lines 19 to 22, omit sub-clause (2) and insert —

"(2) An application for a review must be made within 28 days after the later of —

(a) the day on which the decision is made;

(b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.".

These amendments relate to the change of name from the Administrative Appeals Tribunal to the Victorian Civil and Administrative Tribunal.

Amendments agreed to; amended clause agreed to.

Clause 25

Mrs WADE (Attorney-General) — I move:

8. Clause 25, lines 27 and 28, omit "19(1)(a) or (c), 20 or 22" and insert "20(1)(a) or (c), 21 or 23".

9. Clause 25, page 25, line 4, omit "17 or 21" and insert "18 or 22".

10. Clause 25, page 25, line 14, omit "19" and insert "20".

11. Clause 25, page 25, line 15, omit "17" and insert "18".

These are straightforward amendments which need no explanation.

Amendments agreed to; amended clause agreed to.

Clause 26

Mrs WADE (Attorney-General) — I move:

12. Clause 26, line 19, omit "19(1)(a), 20 or 22" and insert "20(1)(a), 21 or 23".

13. Clause 26, page 26, line 3, omit "19(1)(a) or (c)" and insert "20(1)(a) or (c)".

14. Clause 26, page 26, line 4, omit "22" and insert "23".

Amendments agreed to; amended clause agreed to; clauses 27 and 28 agreed to.

Clause 29

Mrs WADE (Attorney-General) — I move:

15. Clause 29, lines 28 to 31 and page 29, lines 1 to 3, omit sub-clause (2) and insert –

"(2) If the appeal is, or was, conducted as part of a national appeal, it is not necessary for the records to be kept in a way that enables the information required by sub-section (1) that only relates to Victoria to be identified.".

16. Clause 29, page 30, after line 4 insert –

"(8) If the person who conducted an appeal continues to administer any funds or assets received as a result of an appeal after the appeal ends, the person must ensure that accounts containing a summary of the records required by sub-sections (1) and (2) are finalised within 3 months of —

(a) if the appeal ran —

(i) for 12 months or less, each anniversary of the date the appeal ended; or

(ii) for more than 12 months, each anniversary after the first anniversary of the date the appeal started; or

(b) 30 June in each year —

until the person ceases to administer the funds or assets.

Penalty: 50 penalty units.

(9) A person to whom sub-section (8) applied must ensure that accounts containing a summary of the records required by sub-sections (1) and (2) are finalised within 3 months of the date the last of the funds or assets ceased to be administered by the person.

Penalty: 50 penalty units.".

Amendment 15 relates to national appeals. When I attended a function of charity fundraisers it was pointed out to me that the bill as it is requires Victorian figures to be dealt with separately from national fundraising figures. That seemed unnecessary, although I gather it is provided for in the current act. This amendment deals with that issue.

Similarly, amendment 16 results from consultations that have taken place during the winter break. It provides for more information to be given about how funds are handled where they are not dealt with expeditiously at the end of an appeal.

Amendments agreed to; amended clause agreed to.

Clause 30

Mrs WADE (Attorney-General) — I move:

17. Clause 30, line 30, omit "18(1)(a)" and insert "19(1)(a)".

Amendment agreed to; amended clause agreed to; clauses 31 and 32 agreed to.

Clause 33

Mrs WADE (Attorney-General) — I move:

18. Clause 33, line 22, omit "30(b)" and insert "30(1)(b)".

19. Clause 33, lines 29 to 32 and page 34, lines 1 to 3, omit sub-clause (4) and insert –

"(4) A person who is conducting, or has conducted, a fundraising appeal must make any account or record that a person is entitled to inspect under this section available for inspection during normal business hours within 21 days of receiving —

(a) a written request for the inspection from the person; and

(b) the fee (if any) required by the regulations for the purposes of this section.

Penalty: 10 penalty units.".

20. Clause 33, page 34, lines 10 to 26, omit sub-clauses (6) and (7) and insert –

"(6) It is sufficient compliance with a request for inspection if the person who is conducting, or has conducted, the fundraising appeal gives the person who made the request a copy of the information requested.".

These amendments relate to information being made available to the public.

Amendments agreed to; amended clause agreed to.

Clause 34

Mrs WADE (Attorney-General) — I move:

21. Clause 34, page 36, after line 9 insert –

"(5) If the Court makes an order under this section in relation to a person who is exempt from all or part of Part 3, the Court may include in its Order a declaration that the exemption (or part of the exemption) is not to apply to the person for a specified period.

(6) If the Court exercises its powers under sub-section (5), the exemption (or part of the exemption) specified in the Order does not apply to the person during the period specified under that sub-section.".

Amendment agreed to; amended clause agreed to; clauses 35 to 43 agreed to.

Clause 44

Mrs WADE (Attorney-General) — I move:

22. Clause 44, line 24, omit "60" and insert "59".

Amendment agreed to; amended clause agreed to; clauses 45 to 70 agreed to.

Clause 71

Mrs WADE (Attorney-General) — I move:

23. Clause 71, page 57, line 25, omit "section 63(1)(c)" and insert "sub-section (1)(c)".

Amendment agreed to; amended clause agreed to; clauses 72 and 73 agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

ROAD SAFETY (DRIVING INSTRUCTORS) BILL

Second reading

Debate resumed from 9 April; motion of Mr COOPER (Minister for Transport).

Mr TREASURE (Gippsland East) — It is with pleasure that I support the bill. This is an important piece of legislation; as it relates to the road safety of our citizens, its importance cannot be overemphasised.

The bill sets minimum standards for those seeking to be driving instructors — in such a way as to not be an impediment to the industry — which are practical, workable and in line with the policies and thinking of other states within the commonwealth.

The government has no desire to overregulate the industry, but it recognises that certain basic standards should be put in place to protect not only learner drivers but also people who have advanced from that stage and have become drivers on the roads.

The bill sets out basic standards relating to the criminal and driving histories of persons who wish to be driving instructors. Once the legislation is in place the situation will be similar to that which applies in the taxi industry. The taxi industry has developed and improved considerably over the past few years. All honourable members will recognise the improvement in the appearance of the vehicles and the appearance and behavioural standards of the drivers. It is intended that similar standards will apply to driving instructors.

A training course or proof of qualification will be mandatory for persons seeking to be driving instructors. Applicants will be required to establish their prior record of learning and experience in the field. They must have held a driver licence for a minimum of three years and be proven to have adequate health and eyesight. They must display photo identification in the vehicle during times of instruction to make it clear to persons undergoing driving instruction that the instructor holds an appropriate licence.

A period of considerable consultation was undertaken leading up to the introduction of the bill. The process not only brought together all the people with an interest in the issue, it was also very democratic. Any person or group with an interest in driving instruction had the opportunity of voicing an opinion either by way of written submission or by contacting the committee that looked into the matter, the Driving Instructor Consultative Committee. The committee made its recommendations to Parliament at about this time last year. Those comprehensive recommendations led to the introduction of the bill.

The committee consisted of representatives of the police force, the Traffic Accident Commission, the Royal Automobile Club of Victoria, small and large independent driving schools from metropolitan and country areas, Vicroads and the Department of Infrastructure. Other members included a behavioural psychologist and representatives of parents and young people. Also represented was the Australian Driver Trainers Association (Victoria). The process of setting up the committee and its work were comprehensive, thorough and conducted in a professional manner.

I emphasise the depth of experience of the members of the committee because it is vital that it be highlighted. It was not merely a group of people thrown together in a hurry. The members were carefully selected from a broad range of people with experience in the area, and the quality of the report highlights that fact.

It is important in the public interest that only people of good character are licensed as driving instructors, and considerable work has been done to ensure the bill covers that matter. Cases have been recorded in Victoria of sexual assaults on learner drivers while they were under professional instruction. That is the sort of thing we need to eliminate. Good driving instructors are important in the community.

I remember some years ago being at a football match in Melbourne and seeing across the top of the Melbourne Cricket Ground a big sign which said, 'Declare War on 1034'. Unfortunately that was not the highest recorded road toll — I think the following year it reached something like 1061 — but because of the effects of those horrific days on our roads, I cannot emphasise too strongly the importance of road safety. Victoria's road toll now is in the low 300s — of course, that is still too high, but we have been able to reduce it significantly. The bill will be important in ensuring the continued improvement of road safety in Victoria as the number of cars and drivers on the roads increases.

Over the years various improvements have been made and Victoria has been a leader in road safety. The .05 law was pretty much a world first when it was introduced in Victoria. The use on a regular basis of breathalysers with road blocks has become commonplace and we have all adapted to it. The bright side is that those measures have helped to considerably reduce the death toll on our roads and have changed the culture of driving after alcohol consumption. The use of radar guns and compulsory seatbelt legislation have also helped. Victoria was a leader in introducing seatbelt legislation and is still taking the lead. Victoria's road toll is low and will continue to remain low.

During debate on the bill the opposition proposed an amendment concerning a zero blood alcohol level. At the moment that is covered by the code of practice attached to the bill. Few honourable members will have any problem with how that is brought about, but before the legislation goes before the upper house there will be an opportunity for further consideration of that issue. Certainly the zero blood alcohol issue should be covered, whether in the regulations or the code of conduct. It is a simple matter of determining how it best fits in. I do not think there is much conflict on the principle involved.

The code of conduct covers a number of things, including the zero blood alcohol issue. The committee recommended the code should include the roadworthiness of vehicles, smoking in vehicles, cleanliness of driving instruction vehicles, learner driver plates, further professional development of instructors — including refresher courses and updating — and standards of advertising. The code of conduct will be a form of self-regulation by the driving instruction industry. It will operate through the Victorian Taxi Directorate under the auspices of the Department of Infrastructure. It is a very successful method of achieving regulation without it having to be done directly through a government department. A similar system operates successfully for taxis and tow trucks.

Debate interrupted pursuant to sessional orders.

The ACTING SPEAKER — Order! The time for consideration of bills has expired.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LOCAL GOVERNMENT (AMENDMENT) BILL

Circulated amendment

Circulated government amendment as follows agreed to:

Clause 22, lines 30 and 31 and page 19, line 1, omit all words and expressions on these lines and insert –

"In section 228(1) of the **Local Government Act 1989** — ".

Third reading

The ACTING SPEAKER — Order! The Chair is of the opinion that the third reading of the Local Government (Amendment) Bill needs to be carried by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

House divided on motion:

Ayes, 53

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

Noes, 29

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

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

ARTS ACTS (AMENDMENT) BILL

Second reading

Mr KENNETT (Minister for the Arts) — I move:

That this bill be now read a second time.

The primary purpose of this bill is to increase by two the number of members of the council of the National Gallery of Victoria, from 9 to 11.

The National Gallery is a key component of our majestic arts precinct bordering St Kilda Road and Southbank. However, there will be an increased workload for the council due to the impending refurbishment of the St Kilda Road premises of the National Gallery and the take-up by the council of responsibility for the administration and management of the Museum of Australian Art that is part of the Federation Square project.

The council is required to administer the National Gallery at a time when it is necessary for the council to arrange for the movement of some of the collections in the National Gallery into storage so that the refurbishment of the gallery can take place. During this refurbishment period the National Gallery will return to its original home in the Kershaw, McCoy, MacArthur and Swinburne halls at the State Library of Victoria. The National Gallery of Victoria will focus on presenting exhibitions of major works from its collection in this temporary home from mid-1999 to mid-2001.

Ultimately when the construction of the Museum of Australian Art is completed the area under the management of the National Gallery will be almost doubled.

Due to this increased workload and responsibility it is reasonable that the size of the council be increased. The two additional members shall be appointed under section 6 of the act. Therefore the two additional members are to be nominated by the minister.

The bill also makes a number of minor amendments to the National Gallery of Victoria Act 1966, the Libraries Act 1988 and the Public Sector Reform (Miscellaneous Amendments) Act 1998. These amendments include two measures which continue and clarify the consequential amendments necessary following the passage of the Public Sector Management and Employment Act 1998.

I commend the bill to the house.

Debate adjourned on motion of Mr HAERMEYER (Yan Yean).

Debate adjourned until next day.

MUTUAL RECOGNITION (VICTORIA) BILL

Second reading

Mr KENNETT (Premier) — I move:

That this bill be now read a second time.

The bill continues Victoria's adoption of the commonwealth's Mutual Recognition Act 1992. It is part of a national legislative scheme, the goal of which is to promote the freedom of movement of goods and service providers between all the Australian states and territories.

The mutual recognition principle is that:

goods that may legally be sold in one Australian state or territory may be sold in another state or territory; and

a person registered to practise an occupation in one Australian state or territory is entitled to practise an equivalent occupation in another Australian state or territory.

The bill re-adopts, pursuant to section 51(37) of the Commonwealth Constitution, the Mutual Recognition Act 1992 of the commonwealth, with effect from 1 July 1998 (being the date on which the Mutual Recognition (Victoria) Act 1993 expired).

The bill provides that Victoria's adoption of the commonwealth act will terminate on a day fixed by the Governor in Council by proclamation in the *Government Gazette*. A similar provision is made to the Trans-Tasman Mutual Recognition (Victoria) Act 1998. These provisions give Victoria the greatest flexibility in terminating its involvement in the two mutual recognition schemes, if necessary. The bill also validates all actions done after 1 July 1998 and before the enactment of the bill.

Honourable members should note that all states and territories have been participating in a review of the mutual recognition scheme, with a view to determining whether any changes need to be made to the scheme and to the uniform national legislation underpinning the scheme. New mutual recognition legislation may be necessary in the future to take into account any agreed national changes, when they occur.

I commend the bill to the house.

Debate adjourned on motion of Mr HAERMEYER (Yan Yean).

Debate adjourned until next day.

PETROLEUM BILL

Second reading

Mr REYNOLDS (Minister for Sport) — I move:

That this bill be now read a second time.

The bill is an important new step in encouraging exploration and production activity in the Victorian petroleum and mining industries. It repeals the current Petroleum Act 1958 and replaces it with contemporary legislation for onshore Victorian petroleum exploration and production.

The petroleum industry has provided Victoria with a local source of oil and gas for the last 30 years from the offshore Bass Strait oil and gas fields. Onshore Victoria is also prospective for small to medium oil and gas field discoveries. Such discoveries provide major benefits to regional Victoria, as seen at Warrnambool and Portland, which are supplied by the onshore Paaratte gas field. This legislation will encourage petroleum exploration activity so that Victoria's onshore petroleum potential is realised and utilised for the benefit of Victorians.

This bill will provide greater certainty to petroleum explorers within a legislative framework that protects the environment and respects the interests of private landowners. The legislation provides a licensing regime that allows, through the holding of various authorities, the exploration for and production of petroleum from beneath land onshore in Victoria. While reaffirming the state's ownership of all petroleum on or below the surface of any land in Victoria it maintains mechanisms for the private sector to find and develop these resources for the benefit of industry and all Victorians.

Authorities

This bill provides for four types of authorities that reflect the resource exploration and production process. Exploration permits will allow holders to explore for petroleum within their authority area giving them exclusive rights to develop — subject to planning approval — any petroleum discoveries. Retention leases will allow exploration permit-holders to retain petroleum discoveries that are not currently commercially viable but which might be in the future. Production licences will allow exploration permit and retention leaseholders to produce from their petroleum discoveries. A fourth type of authority, a special access authorisation, will allow holders to undertake exploration activities to gain geological information for their use or for sale but does not confer any rights

to petroleum discoveries or allow drilling. The introduction of the retention lease shifts the risk profile in a direction which will encourage exploration expenditure.

Consistent with competition reform policy, land must initially be offered for petroleum exploration through an open competitive tendering system based on the best exploration program bid. However, if tendering is unsuccessful the land can be made available for application. Exploration permits will be issued for longer initial terms of five years, rather than the current two years. This change will provide explorers with a longer initial fixed period, related to the time needed for a cycle of exploration and evaluation of prospects, thus enabling them to explore in a progressive and logical manner. The bill also provides the certainty that all explorers want to develop a petroleum discovery. Explorers must be granted a retention lease or production licence over their discovery if they have complied with all these legislated requirements.

Exploration permits are offered for a maximum 10 years: an initial 5-year term followed by an option to renew for a further 5 years over up to 50 per cent of the land area. Returning half of the land for tender provides regular contestability of the land, encourages increased exploration intensity and facilitates opportunities for a larger range of upstream explorers. This bill also ensures that any known petroleum resources not held under an authority can be offered for development only through an open tender process.

Clear mechanisms are provided for authority holders to relinquish their authorities if they choose to do so. The minister may cancel authorities where their holders have not exercised their authority rights by exploring, evaluating or producing a resource in a timely manner.

Explorers submitting the winning work program bid are bound to undertake that work in the initial five years of the exploration permit. This work will be unambiguously confirmed in writing by the minister as key activities to be completed. If an explorer elects to renew an exploration permit for a further five years a new set of activities to be completed will be agreed with the minister. Completing work is required in the absence of extraordinary circumstances. Failure to do so means that the licence may be cancelled.

Underground storage

This bill preserves the ability of a production licence-holder to undertake storage of petroleum in underground natural reservoirs. Such activity is expected to provide important gas market benefits to Victoria in the immediate future through providing for greater gas supply diversity and security.

In recognition of the expected future importance of underground storage a mechanism is provided to ensure that suitable reservoirs are made available for underground storage and not left idle within a production licence. On the application of a potential storer the minister can excise unused reservoirs from licence areas and make them available for storage through open tender. This provision supports the underlying principles that authority holders must remain active on their authority area and that land can only be offered through an open competitive tender.

Land access

Petroleum resources may underlie any land, irrespective of the status given to that land. All Victorian land may be included in a petroleum authority. The legislation recognises differential environmental values ascribed to parks and other Crown land and sets appropriate access regimes for petroleum activities.

This bill provides for four categories of Crown land in recognition of the various environmental values that are ascribed to Crown land. These categories are:

Wilderness Crown land covers wilderness zones, wilderness parks and reference areas. Petroleum operations are prohibited in these areas.

Parks Crown land includes the national, state and other parks within this category where only the Minister for Conservation and Land Management can consent to petroleum operations. The existing provisions under section 40(2) of the National Parks Act 1975 have been preserved.

Restricted Crown land is defined and is largely linked to approved recommendations of the former Land Conservation Council. The consent of the Minister for Conservation and Land Management must also be obtained for operations over this category of land.

Unrestricted Crown land is all remaining Crown land representing some 50 per cent (approximately 4 million hectares) of all Crown land in the state. The Minister for Conservation and Land Management must be consulted before any significant operations occur over this land.

Private landowners' interests are recognised and protected. No petroleum operations can be carried out on any private land unless compensation has been agreed with the landowner or settled through the Victorian Civil and Administrative Tribunal (VCAT). The bill also requires that advance notification of operations must be given, that consultation be undertaken on the nature of the operations and that appropriate rehabilitation is undertaken.

Compensation

In setting out compensation for private landowners, this bill broadens the compensation now payable and aligns these compensation provisions for petroleum operations with those of mining which are contained in the Mineral Resources Development Act 1990. The mining compensation model has operated effectively and this bill will now give private landowners a common mechanism and rights relating to explorers wanting to access resources under their land.

This bill also recognises that petroleum operations over Crown land may result in the Crown or other authorised Crown land users suffering loss or damage. The bill provides that the minister may require holders of petroleum authorities to pay compensation for loss or damage in prescribed circumstances. In considering compensation to the Crown the minister will take into account the benefits that may accrue to the people of Victoria from the petroleum operations.

Planning matters

Exploration will be authorised without requiring multiple approvals. Exploration carried out under a petroleum authority will not require a planning permit nor be prohibited under any planning scheme approved under the Planning and Environment Act 1987. Production carried out under a production authority granted under the bill cannot be prohibited under any planning scheme approved under the Planning and Environment Act 1987. A petroleum production project that has been the subject of an Environment Effects Statement (EES) will not also require a planning permit. Victorian planning provisions will be amended to ensure consistency with this bill.

Land protection

The bill ensures that measures are set down for protection of the land before petroleum operations are undertaken.

In seeking acceptance for a petroleum operation, an authority holder is required to put forward an operation plan. The requirements of this plan will be detailed in regulation and will include the need for authority holders to demonstrate that they will operate to an acceptable environmental code of practice and have developed appropriate environment plans for the area they wish to operate on.

The bill also ensures that measures are in place for land rehabilitation following petroleum operations. Petroleum authority holders will be required to provide rehabilitation bonds. These may be utilised for rehabilitation, clean-up and pollution prevention work on private or public land should the authority holders not meet their obligations in this area. If the bond is insufficient the minister can recover such debt from the authority holder.

Land protection measures are strengthened by enabling the minister to require that petroleum authority holders hold insurance against expenses and liabilities that may arise from their exploration and production activities on private and public land.

Native title

The bill recognises the rights of native title holders as provided for by the commonwealth Native Title Act 1993 and therefore ensures its validity and the validity of authorities issued.

Royalties

The bill retains the current royalty on petroleum production at 10 per cent of wellhead value. However, it is now possible for a production title holder to enter into a different royalty arrangement with the agreement of the minister and after consultation with the Treasurer. This flexibility will allow other revenue arrangements to be agreed between the state and a producer. It will also allow, when appropriate, a lesser royalty rate to be set to enable the continued operation of economically marginal fields and marginal new discoveries. This provision will help maximise the level of petroleum production and minimise any waste of Victoria's petroleum resources.

Authority holders who occupy Crown land on an ongoing basis while undertaking their petroleum operations are expected to pay rent for occupying that land. Exploration operations are usually transient activities lasting only days to a few months and there is no intention to level rent for such short-term activities. However, where equipment or facilities occupy Crown land on an ongoing basis as part of a production operation authority holders will be liable to pay rent to the minister.

Information

The bill improves the provision of the public geological database of Victoria by requiring authority holders to submit all geological information gained through their petroleum operations. The bill clearly sets out when such information will be released into the public domain but ensures that authority holders have exclusive use of their information during much or all of their authority terms through appropriate retention times for the information. Authority holders benefit through open access to the geological information gained through past exploration of their authority areas. They in turn provide the information they gather for the benefit of future exploration.

Inspectors

The bill provides for the appointment of petroleum inspectors to ensure compliance and now provides a formal means for the minister to provide directions to authority holders through improvement and prohibition notices.

It is intended that the petroleum inspectors also undertake enforcement of occupational health and safety matters in relation to activities under this Petroleum Bill. The government intends to introduce amendments to the Occupational Health and Safety Act 1985 to enable delegation to the Secretary to the Department of Natural Resources and Environment of the required functions and powers. This will recognise the primacy of the Occupational Health and Safety Act 1985 and its consistent application to Victorian industry while at the same time ensuring efficient and effective delivery of industry-specific regulations under the petroleum legislation.

Transitional provisions

The transitional provisions provide for existing explorers and producers to continue their current operations and benefit from the passage of this Petroleum Bill. Current exploration permit holders may apply for a once-only five-year renewal of their permits. This provides certainty of term where currently they only have two-year terms with discretionary one-year extensions. Current petroleum producers can continue to produce from their petroleum leases until they are surrendered or cancelled. This provides producers with continuing certainty whereas currently they have only discretionary and shorter fixed terms.

Current legislation is silent on the eventual release into the public domain of interpretative information — that is, basic data enhanced by scientific analysis — arising from petroleum exploration. Consistent with other Australian jurisdictions, this bill now provides such a mechanism. To ensure that no current exploration permit holder is disadvantaged, the earliest release time will postdate expiry of the renewed exploration permit term. The bill also provides for a formal appeal mechanism.

In putting forward this bill the government is mindful of the economic benefit that the petroleum industry can bring to this state. The bill seeks to develop a more competitive market for exploration and production of this state's petroleum resources which in turn will contribute to a more competitive supply market for petroleum.

This proposal provides Victoria with contemporary petroleum legislation that encourages development of this state's petroleum resources while maintaining a high level of protection for the environment and the rights of private landowners.

I commend the bill to the house.

Debate adjourned on motion of Mr LONEY (Geelong North).

Debate adjourned until next day.

VICTORIAN INSTITUTE OF MARINE SCIENCES (REPEAL) BILL

Second reading

Mr REYNOLDS (Minister for Sport) — I move:

That this bill be now read a second time.

Victoria's marine and freshwater environments are vitally important to the health, wellbeing and prosperity of Victoria. They also support an abundant biodiversity which forms an important part of our natural heritage. Commercial and recreational fishers, water authorities, the agriculture, forestry and petroleum industries, local government, community groups, tourism operators and recreational groups all have a strong interest and involvement in the continuing maintenance and use of Victoria's aquatic marine and freshwater habitats and resources.

Since 1974 the Victorian Institute of Marine Sciences and its successor the Marine and Freshwater Research Institute (MAFRI) have been at the forefront of providing technical advice on the maintenance and enhancement of Victoria's aquatic resources and environments. The institute has built an enviable

national and international reputation for its work and all Victorians should be proud of its achievements.

In August 1997 a review of MAFRI was commissioned as part of a series of reviews aimed at ensuring the research institutes servicing the department are focused on the needs of their customers, are well managed, are in the strongest possible position to respond to the opportunities presented by future change, and deliver services efficiently and effectively. The future success of the institute will be particularly dependent upon its capacity to provide relevant, high-quality services to the aquatic resource industries of Victoria. These services must be based on the principles of sustainable management to realise the potential of Victoria's aquatic assets while improving the health of the natural environment.

MAFRI is a valuable asset for Victoria. Its staff have demonstrated their commitment to the work of the institute. It is important that their talents continue to be utilised to the maximum benefit of the marine and freshwater environment and of those who value and utilise it.

A key review finding was that MAFRI's research focus and effort would be optimised by retaining it as a separate research institute but more closely aligned with the strategic management of our aquatic resources. Therefore, MAFRI will continue as an institute under similar arrangements as apply to other research institutes within the Department of Natural Resources and Environment. Reporting through the director, fisheries, it will work closely with the staff of the department and community partners to ensure the long-term sustainable management of our aquatic resources.

This bill repeals the Victorian Institute of Marine Sciences Act 1974 and transfers the institute's assets and liabilities to the state. All employees of the institute will be transferred to the employ of the department on existing terms and conditions.

The government would like to take the opportunity to thank the board and staff of the institute for their endeavours and work over the past few years. The new organisational arrangements will ensure that the institute continues to be able provide a world-class research facility and to develop closer links with its main customers and alliances with its stakeholders.

I commend the bill to the house.

Debate adjourned on motion of Mr LONEY (Geelong North).

Debate adjourned until next day.

PLANNING AND ENVIRONMENT (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 Planning and Environment Act 1987 to provide for the Melbourne Airport Environs Strategy Plan; to provide for the recovery of advisory committee and planning panel costs in certain cases; to correct the planning permit condition provisions to reflect recent changes to section 36 of the Subdivision Act; and to make two statute law revision amendments.

The other purposes of the bill are to amend the Environmental Effects Act 1978 to provide for recovery of inquiry panel costs, and to amend the Planning and Environment (Planning Schemes) Act 1996 to make further provision for transitional arrangements arising from the introduction of new planning schemes under that act.

The Melbourne Airport Environs Strategy Plan will help ensure the airport, probably the state's most important strategic site, retains its key competitive advantages of 24-hour curfew-free operation; an integrated passenger terminal complex; large areas of surrounding rural land, allowing minimal impact of aircraft noise on nearby residential areas; enormous potential for expansion with uncongested airspace, unrestricted airfield capacity and a fine weather reputation.

Melbourne is the key freight hub for south-eastern Australia. It exports $14 billion worth of goods annually. While most leave via the port an increasing proportion — approximately a quarter by value — leave from Melbourne Airport.

Environmental and urban development pressures during the 1980s saw a joint state-commonwealth working group formed to review the 1960s master plan for Melbourne Airport and to develop the Melbourne Airport strategy. This working relationship established a strong, mutually beneficial foundation between the airport, the commonwealth, state government, municipal councils and the wider community including business, residents and educational institutions.

The introduction in 1992 of the Melbourne Airport environs areas overlay controls over severely aircraft-noise-affected areas in the vicinity of Melbourne Airport has for some years attracted the

interest of the commonwealth government as a model to be encouraged nationally. No other airport in Australia has similar provisions in place.

The Melbourne Airport Environs Strategy Plan will build on the effective work which was done at that time. It will also build on the current planning reform work — in particular the Victoria Planning Provisions in relation to the airport and the municipal local policy frameworks for the airport environs.

The bill provides the mechanism to lock in the benefits of this recent work by the preparation of a plan which both houses of Parliament will be asked to endorse. The current planning scheme provisions will continue to apply to the environs area, but any future changes will need to be assessed for consistency with the plan before they proceed. The plan will therefore be to the benefit of the airport and its operations, but also to current and future surrounding owners and occupiers by ensuring that detriment from airport operations is minimised.

The bill extends the provisions for cost recovery for panels, advisory committees and environment effects inquiries. Currently there is broad and accepted responsibility that the potential beneficiaries of planning processes ought to make contributions to the public costs of doing so. The bill makes sure that these provisions also apply to processes that have to date been exempt from the cost recovery principles. It is only equitable that these changes be made.

The bill finetunes the provisions of the Planning and Environment (Planning Schemes) Act 1996 in relation to permits granted to preserve rights to use and develop land under existing schemes, as a consequence on the approval of a new scheme. It is expected that municipal councils will ask the minister to grant permits for a number of extractive industries. The existing two-year discontinuance provisions of the act impact harshly on extractive industry. It is not uncommon for quarries to cease operations for two years given fluctuating resource prices. Consistent with the objective of preserving existing rights as far as possible, the bill allows the minister to grant permits with a discontinuance period greater than two years in appropriate circumstances.

The remaining provisions of the bill relate to minor matters relating to ensuring the planning permit conditions provisions of the Planning and Environment Act 1987 as they relate to acquiring or removing rights of way or easements (over land not covered by the permit) are brought into line with recent changes to the subdivision act 1988, and with making statute law revision amendments.

I commend the bill to the house.

Debate adjourned on motion of Mr DOLLIS (Richmond).

Debate adjourned until next day.

CONSUMER CREDIT (FINANCE BROKERS) BILL

Second reading

Mrs WADE (Minister for Fair Trading) — I move:

That this bill be now read a second time.

This bill repeals the Finance Brokers Act 1969 and re-enacts selected consumer protection provisions in the Consumer Credit (Victoria) Act 1995. The bill implements the recommendations of a national competition policy review by removing unnecessary restrictions on the finance broking industry while retaining and improving essential protections for clients of this industry.

The bill abolishes the requirement for finance brokers to be licensed. The national competition policy review concluded that licensing was not necessary to achieve the objective of the existing provisions. Instead, the bill puts in place a tailored series of prohibitions to exclude those who might present an unacceptable risk of fraudulent or predatory behaviour. Application for permission to practise despite some disqualifying factors will be able to be made to the Business Licensing Authority, as is the case under the Estate Agents Act 1980 and the Motor Car Traders Act 1986.

The bill also abolishes statutory caps on fees chargeable by finance brokers and valuers in connection with finance broking. Similar changes have in recent times been made in relation to estate agents' fees and pawnbrokers' rates and are designed to increase competition and innovation in the finance broking market.

The bill continues and clarifies the existing ban on up-front fees, so that brokerage fees are not chargeable until a loan as described in the broker's appointment is secured by the broker and accepted by the client. This ban addresses the problem of brokers intentionally taking non-refundable fees from clients knowing that no credit will be able to be secured.

As an exception to this ban, the bill provides for an agreed termination fee representing the broker's reasonable costs if a client voluntarily withdraws from a broking arrangement. Strict conditions will apply to the

termination fee to prevent predatory behaviour by unscrupulous brokers.

Penalties for non-compliance with the provisions have been increased. The bill further protects clients of finance brokers by allowing disputes about brokers' fees to be taken to the Victorian Civil and Administrative Tribunal as a low-cost alternative to the court system.

The bill will apply to the broking of consumer credit, in line with the position under the Finance Brokers Act 1969 and the position in New South Wales and the Australian Capital Territory. Exemptions reflecting those in the Finance Brokers Act 1969 will be made by the Governor in Council in accordance with other parts of the Consumer Credit (Victoria) Act 1995.

The bill's provisions represent a significant improvement over the existing provisions and have been drafted to reflect approaches in interstate legislation to the same issues. The bill fulfils Victoria's obligations under national competition policy while at the same time putting in place enhanced and balanced consumer protections.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 17 September.

LEGAL PRACTICE (AMENDMENT) BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

The Legal Practice Act 1996 has been in operation since 1 January 1997. The act introduced far-reaching reforms of the structure and regulation of the legal profession. Since its introduction, its operation has been the subject of close monitoring to identify any further reforms that could be introduced to ensure its smooth operation and the efficient regulation of the legal profession. In addition, the transitional arrangements under the act for professional indemnity insurance will come to an end on 31 December 1998 and it is necessary to provide legislative support for the regime that will come into operation after that.

Professional indemnity insurance

The act currently provides that the statutory mutual fund insurer for solicitors, the Legal Practitioners Liability Committee (LPLC), is to continue to provide professional indemnity insurance to solicitors for the duration of the transitional period and that thereafter there would be no restriction as to with whom solicitors could take out insurance. However, clause 38 of schedule 2 of the act also required the Legal Practice Board (the board) to review the functions and operations of the LPLC and to report to the government as to what the future of the LPLC should be.

The board provided an interim report in 1997 and a final report in June 1998. In the course of preparing those reports the board obtained various expert insurance and actuarial advice. In its final report the board strongly recommended to the government that the LPLC should be maintained as the professional indemnity insurer for solicitors.

Since this issue was last considered in Victoria in 1996 major reviews of the question of professional indemnity insurance for lawyers have also been carried out in Canada and the United Kingdom. In each jurisdiction the relevant reports have now concluded that the mutual fund model constitutes best practice and should be supported.

Fidelity fund

The fidelity fund is set up by the act to cover money which is stolen from trust accounts by solicitors. However, money can be given to a lawyer for a variety of reasons, some of which are related to the legal practice run by the lawyer and others which are not. It is not appropriate, for instance, for the fidelity fund to act as an insurer or guarantor of bad business or investment risks and decisions taken by a client, nor should it be expected to cover hypothetical interest or income which may have been promised to the client but never actually earned. The common law entitles a client to take action against his or her lawyer in appropriate circumstances to pursue such issues.

In 1996 amendments were introduced to the Legal Profession Practice Act 1958. The aim of those amendments was to ensure that where money was given to a solicitor for the purpose of making an investment — for instance, to earn income or obtain other direct or indirect financial benefits — the loss of such money, with certain stated exceptions, would not found a claim on the fund. The current amendments confirm and clarify that earlier objective. They also ensure that if a client receives a payment of simulated

interest — for instance, where the client is told that what is being received is interest or income but the payment actually constitutes a repayment of the client's own capital or even of someone else's capital — this payment must be brought into account when calculating the amount of any claim on the fund.

In addition, amendments are being introduced which will provide that what are effectively appeals to the Supreme Court against decisions by the Legal Practice Board to disallow a claim against the Fidelity Fund are usually to be taken as a last resort. These are based on provisions contained in the previous act.

Other amendments

Other amendments will improve trust account regulation, strengthen disciplinary procedures, refine the civil dispute jurisdiction and assist the more efficient operation of the recognised professional associations and the board.

Limitation of jurisdiction of the Supreme Court

Clause 32 of the bill has been included to satisfy the requirements of section 85 of the Constitution Act 1975 in respect of changes to the jurisdiction of the Supreme Court effected by section 212(2) of the Legal Practice Act 1997, as amended by clause 19(2) of this bill.

Section 212(2) currently provides that a person is not entitled without leave of the court to commence a proceeding to assert a claim against the Fidelity Fund unless the board has disallowed the claim wholly or partly. Clause 19 provides that proceedings to assert a claim cannot be brought until the board has considered and disallowed the claim wholly or in part and, in addition, the claimant has either exhausted alternative legal remedies or obtained leave from the board to bring the proceedings. This is to enable the better management of the fund's resources to ensure that they are not dissipated through unnecessary and costly litigation when the board has investigated the claim and has formed a view that the claim does not come within the requirements of the act and the claimant has other viable means available to him or her of recovering the loss.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 17 September.

LAND (FURTHER REVOCATION OF RESERVATIONS) BILL

Second reading

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That this bill be now read a second time.

The bill provides for the revocation of permanent reservations of lands described in the schedules to the bill. The bill removes these reservations either to facilitate disposal or because the purpose of the reservation is no longer appropriate for the future use of the land. The bill also provides for the repeal of the Bendigo (Dai Gum San Village) Act 1975. I now turn to the particulars of the bill.

Clauses 1 and 2 relate to the purposes of the bill and its commencement. Clause 3 of the bill deals with two portions of Crown land in Crusoe Road, Kangaroo Flat. Both portions are reserved for water supply purposes and form part of the Coliban Water works area. These two portions of land are currently occupied by the adjoining landowner who has the land fenced into his property. Coliban Water has advised that the land is surplus to its requirements and revocation will allow for the disposal of the land. The bill also allows for the subject land to be excised from the Crown grant which affects the site.

Clause 4 deals with the former Queen Elizabeth Centre in Cardigan Street, Carlton, which is reserved for public purposes — child care centre. The reserve was managed by the Department of Human Services in conjunction with an adjoining portion of Crown land temporarily reserved as a baby health care centre. These sites have been declared by the Department of Human Services as being surplus to its requirements. The former occupants have been relocated to other locations. The La Trobe University Centre for the Study of Mothers' and Children's Health is now located in the Royal Women's Hospital and the Melbourne Chorale is now located in the new cultural centre at the former North Melbourne town hall.

Clause 5 deals with a 6.9-hectare water supply reserve located on the Allendale Reservoir Road, Allendale, which is currently under the control of the Shire of Hepburn as the committee of management. Both council and Central Highlands Water have indicated that they have no interest in the site and the site does not possess any environmental or community values that would warrant it being kept in the Crown estate. Revocation will allow for disposal of the site.

Clause 6 deals with an 85.2 square metre portion of Fawkner Park, to the rear of the South Yarra Primary School in Paisley Street, South Yarra. The school, which is located on land reserved for state school purposes, wishes to construct an after-school play facility. To enable that to occur, the school needs to slightly extend its boundary into Fawkner Park.

The new after-school play facility will replace one that is currently located elsewhere in Fawkner Park. This building will be removed, resulting in a net gain of parkland of 314 square metres. The City of Melbourne is the committee of management of Fawkner Park and supports this proposal. A planning permit has already been obtained by the Department of Education for the construction of the after-school play facility at South Yarra Primary School. The bill also provides for the excision of the subject land from the Crown grant which affects Fawkner Park.

Clauses 8 and 9 provide for the revocation of the portion of the former Fairfield hospital site, located on Yarra Bend Park Road, Fairfield, which is not included in the forensic psychiatry institute. The land is reserved for health and social welfare purposes and has been declared surplus to the requirements of the Department of Human Services, which is the current manager of the land. The site contains many of the former hospital buildings, the AIDS memorial garden and associated multifaith chapel.

The developed area of the site contains many of the former hospital buildings and is proposed to be sold to the Northern Melbourne Institute of TAFE. This will enable the institute to establish a new campus and amalgamate the current Collingwood and Parkville campuses.

A heritage conservation management plan of the developed area has indicated that there are some historic values associated with some of the buildings. This management plan has been incorporated into the TAFE's feasibility study and referred to Heritage Victoria.

Following revocation of the current reservation affecting the land, the remainder of the site, which includes parkland areas and the AIDS memorial garden, will be permanently reserved as a public park and memorial gardens. The Northern Melbourne Institute of TAFE has agreed to manage the site. Officers of the Victorian AIDS Council have indicated that this is likely to be acceptable to the council.

The reservation of the AIDS garden area will ensure that the site remains a permanent memorial for those who have died from the AIDS virus. It will also continue to be a retreat for family and friends whose loved ones' ashes are spread over the site and for people living with HIV and AIDS.

The associated multifaith chapel is located within the proposed TAFE site and cannot be included as part of the AIDS memorial garden reserve. However, the institute has given its commitment that the chapel will continue to be accessible to the public. This commitment will be formalised through an agreement as part of the sale process.

The bill provides for these provisions to be proclaimed at a later date to ensure that all matters relating to the sale of the TAFE site, the agreement relating to the multifaith chapel and the reservation and future management of the AIDS memorial garden are finalised to the satisfaction of all interested parties prior to the reservation being revoked.

Clauses 11 and 12 deal with the repeal of the Bendigo (Dai Gum San Village) Act 1975 and the revocation of the recreation and public purpose reserve that is the subject of that act. The act was passed to facilitate the development of a Chinese historical village illustrating the contribution made by the Chinese community to life in and around the Bendigo goldfields during the goldmining period in Victoria. The act reserved the land and established a committee of management with representatives from the surrounding municipalities, the Bendigo Trust and nominees of the minister. The act also provided for the reserve to be leased for a term not exceeding 75 years. A lease was issued to the Bendigo Trust. However, funding was not secured for the development and works at the site never commenced.

The Bendigo Trust has surrendered its lease on the site and the City of Greater Bendigo, which now incorporates all of the municipalities represented on the original committee of management, has advised that it has no further interest in managing the site. The subject site contains stands of box ironbark which are subject to the Environment Conservation Council's report on box-ironbark forests and woodlands, which is expected to be completed in early 1999. Some remnants of mining activities carried out on the site are worthy of further consideration to determine if they have any historical significance.

The repeal of the act will enable the site to be managed by the Department of Natural Resources and Environment. It will also provide the ability to determine the most appropriate management and future use of the land taking into account the recommendations of the Environment Conservation

Council's report and the assessment of any cultural or historic values that may be present on the site.

Clauses 7, 10, 13 and 14 of the bill contain provisions which are generally applicable to land bills of this type and which detail the consequences of revocation and require the Registrar-General and the Registrar of Titles to make the necessary amendments to titles.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 17 September.

CONSERVATION, FORESTS AND LANDS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That this bill be now read a second time.

This bill makes miscellaneous amendments to legislation to reflect the current administrative arrangements order and the Public Sector Management and Employment Act 1998 in relation to the Secretary to the Department of Natural Resources and Environment. The bill also amends the Coastal Management Act 1995 to update the membership structure of the Victorian Coastal and Bay Management Council and regional coastal boards to better equip them to deal with the challenges arising from the implementation of the Victorian coastal strategy and the government's Bringing the Bay to Life initiative.

I now turn to the details of the bill. Part 2 of the bill amends the Conservation, Forests and Lands Act 1987 and other legislation to clarify references to the secretary to the department and to update provisions to correct redundant references and to make the relevant legislation consistent with the Public Sector Management and Employment Act 1998 and the current administrative arrangements order.

The legislation sets in place a legislative framework which clarifies when the Secretary to the Department of Natural Resources and Environment is acting as the body corporate as established under section 6 of the Conservation, Forests and Lands Act 1987 and in his role as the chief administrator of the department.

Part 3 of the bill amends the Coastal Management Act 1995 to improve its operation. Firstly, it is intended to change the name of the Victorian Coastal and Bay Management Council to the more commonly used Victorian Coastal Council. The opportunity has been taken to alter the criteria for membership of the council and the regional coastal boards from representative to skills-based. The changes will ensure the balance of skills and expertise can be brought together to achieve the objectives of those bodies. To that end potential membership of the boards has also been increased from 10 to 12 and provision has been made to allow members of Parliament to become members of the coastal boards.

The amendments reflect the commitment of government to the implementation of the Victorian coastal strategy and programs such as the Bringing the Bay to Life initiative.

Part 4 of the bill makes a consequential amendment to the Crown Land (Reserves) Act 1978 because of changes to the Coastal Management Act 1995.

Part 5 of the bill makes a small change to section 4(2) of the Parks Victoria Act 1998 to clarify the original intent of the legislation which ensures Parks Victoria's ability to take land on lease and grant subleases of that land. The bill also makes a small statute law revision in section 21(h) of the act to amend a wrong cross-reference.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 17 September.

HEALTH SERVICES (FURTHER AMENDMENT) BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

This bill amends the Health Services Act to improve the operation of that act in a number of important areas. The major elements of the bill are as follows:

1. Repeal of sunset provision regarding multipurpose services

In 1995 the act was amended to insert a new part 4A to enable the establishment of multipurpose services. The purpose of these amendments was to facilitate the

redevelopment of health services and to improve the quality and range of health services in rural areas.

The multipurpose service program which is targeted to isolated rural areas is a joint state-commonwealth initiative in which health, aged and community care services are drawn together to provide for more flexible and coordinated services which are tailored to local needs. The 1995 amendments automatically created three services. Three more have been established subsequently by order in council.

Through this program six communities in more isolated settings now enjoy health services which are broader and more flexible; they are able to set local priorities for community-based and home-based services in addition to or as a replacement for the more limited bed-based services of the past.

The multipurpose service program complements other government initiatives to improve the range and quality of health services to rural communities, such as the rural Healthstreams program and the implementation of the recommendations of the Small Rural Hospitals Taskforce with respect to service planning and capital works.

The 1995 amendments also contained a sunset provision, the effect of which is to provide that part 4A of the act will expire in December 1999. If this sunset provision takes effect, it will not be possible to create any new multipurpose services after that date. In addition, while the act contains a savings provision which appears to allow a service created prior to the expiry date to continue, it does not permit new members of boards of management to be appointed. It is also uncertain as to how other necessary requirements in the act would continue to apply.

The sunset provision was included to enable an evaluation of the effectiveness of the new provisions and to determine whether the current system of joint state and commonwealth responsibility would continue. The commonwealth has recently indicated that it intends to expand the program by developing up to an additional 30 sites nationwide.

Multipurpose services have proven to be a valuable model for service provision in rural areas. They establish a mechanism under which the one health services agency can provide a wide range of services and provide a mechanism for responding to the changing needs of rural communities. As the program is to continue at a national level, it is desirable for the act to enable the continued creation of these bodies. Therefore this bill repeals the sunset provision.

2. Principles for delivery of public hospital services

On 27 August the Australian health care agreement between the state of Victoria and the commonwealth was signed. This agreement provides for the funding of public hospital services for the five years from 1 July 1998 to 30 June 2003. This agreement replaces the Medicare agreement, which expired on 30 June 1998.

I am pleased to inform the house that, under the agreement, commonwealth payments to Victoria for public hospitals and other health services will increase by more than 15 per cent through to the year 2003 and provide greater flexibility to support successful initiatives such as Hospital in the Home.

The commonwealth has acknowledged the extra burden our public hospitals have had to shoulder as a result of the fall in private health insurance. They have agreed to automatically increase our level of funding if there is a fall in private health coverage. The signing of the agreement means that Victorians can be assured that hospital funding has been secured at sustainable levels for the next five years.

Now that the new agreement has been finalised, it is necessary to make a consequential amendment to the Health Services Act. Section 17AA of the act currently describes the Medicare principles and commitments which are to guide the delivery of public hospital services in Victoria. These principles are based upon the old Medicare agreement.

The new agreement outlines the principles that are to guide the delivery of public hospital services for the next five years. It is appropriate for the act to reflect the current agreement between the commonwealth and the state rather than the principles as stated in an agreement which has expired.

Accordingly, the bill inserts a new section 17AA which states that the delivery of public hospital services in Victoria will be guided by the principles as outlined in the relevant agreement between the state and the commonwealth as in force from time to time. This is preferable to stating the principles directly in the act, as it will mean that there will automatically be consistency between the act and the agreement that is then in force.

3. Application of trusts

The bill contains a range of technical amendments which are designed to address problems that have come to attention regarding the application of trusts to the various public health care agencies created under or regulated by the act.

In 1995 the act was amended to enable the aggregation of metropolitan hospitals into larger health care networks. This was necessary to fundamentally reorganise Melbourne's public hospital system to better meet the changing health needs of the community. The act provided that a network is the successor in law of the aggregated metropolitan hospitals which it replaces. All of the assets and liabilities of the former metropolitan hospitals vest in the successor network. This generally accords with the other provisions of the act that apply to amalgamations involving registered funded agencies and multipurpose services.

An amalgamation will proceed where the creation of a new public health care agency out of the old agencies will be in the public interest and will enable the better provision of health services throughout Victoria or in a part of the state.

The act generally provides that whenever a new agency is formed out of, and replaces, the original agencies following an amalgamation, that the assets and liabilities of each of the original agencies transfer to the new agency that is created. This is appropriate, as essentially the new agency stands in the shoes of each of the original agencies.

When the act was amended to enable the aggregation of metropolitan networks, it was intended that distributions under a trust made to a former metropolitan hospital could generally continue to be made to its successor in law. Trusts, particularly charitable trusts, are a significant source of revenue for public health care institutions such as hospitals. At present, where a trust in favour of an original amalgamated agency confers an absolute entitlement to property held on trust for that agency, then the property generally passes to the new agency. However, a trust does not always confer property upon a beneficiary. Some trusts, known as discretionary trusts do not do so. Instead, the trustee has a discretion as to whether to distribute any benefit under a trust in favour of the agencies who are eligible under the trust.

The government is aware that a network has received legal advice that it is ineligible to receive a distribution under a particular charitable discretionary trust. The current wording of the act does not always operate so as to transfer eligibility to receive a distribution under such a trust to a network created following an aggregation. It has also become evident that the other provisions of the act do not permit the application of a benefit under a discretionary trust to other types of successor agencies under the act. As such a trust does not create a right to property which can pass to the successor. The particular wording of some trust instruments may also prevent distributions to a successor agency.

The amendments seek to remedy these deficiencies in a holistic fashion by making technical amendments to the various provisions of the act which enable an agency created or recognised under the act to be abolished and replaced by a new successor agency. It is appropriate for the same regime to apply throughout the act. The bill therefore applies to the following:

amalgamations of registered funded agencies under section 65;

aggregations of metropolitan hospitals that led to the formation of metropolitan health care networks under section 65C;

amalgamations that involve the creation of a multipurpose service, or which involve the subsequent amalgamation of a multi-purpose service, under section 115U; and

the creation of a multi-purpose service from a single body by declaration under sections 115A or 115V.

These amendments are intended to apply to all categories of trust, including discretionary trusts, and regardless of the wording of the particular instrument creating the trust. They are also intended to apply equally to charitable and non-charitable trusts. For the purposes of the bill, a trust is defined to include an outright gift or disposition of property.

The bill amends the relevant provisions by providing that where a former agency is eligible or entitled to benefit under a trust, this eligibility or entitlement is conferred upon its successor following an amalgamation. It does this in two complementary ways. Firstly, it provides that the trust will be construed as referring to the new successor agency rather than to the original agency. Where a trust was created in relation to an agency which was amalgamated some time ago, and there has been a sequence of subsequent amalgamations or aggregations involving the various successors of that agency, the ultimate current successor is to be able to benefit under that trust. This is appropriate as over the years some agencies have had their status transformed a number of times.

Secondly, the bill deems the new successor agency to be the same body as the agency it replaces for the purposes of any trust. It is therefore entitled to receive any benefit that any of its predecessors were eligible to receive, including predecessors which can be traced as part of a series of earlier successions. However, to respect the wishes of the person who has created the

trust, the bill also makes it clear that if he or she has specified the particular purposes of the agency for which the trust is created, such as the treatment of children, then the trust may only be applied to the successor agency for a similar or corresponding purpose.

4. Directors of health care networks

Section 40G of the act provides that the directors of a board of a metropolitan hospital (known as health care networks) can only be removed during their term of office on the grounds of physical or mental incapacity, finding of guilt for an offence which affects suitability to be a director, absence from all board meetings without leave over a six-month period, or insolvency. The original rationale for this provision was to guarantee stability of board membership to enable network boards to be able to proceed with planning for the redevelopments within their then newly established network of campuses.

The government has the utmost confidence that the directors of the boards of governance of networks will carry out their important functions effectively and with great care. Nonetheless, as a rule acts confer a general power to remove directors or members of boards of public bodies. This is appropriate to ensure adequate accountability by directors to government and the community. There is such a general power in relation to members of boards of management of rural public hospitals under the act, and for directors of state business corporations under the State Owned Enterprises Act.

The amendments are generally consistent with these processes. They provide that:

directors may be removed by the Governor in Council on the recommendation of the minister. In practice such a power could be used in relation to directors who do not perform their duties satisfactorily; and

the minister must recommend removal where a director is physically or mentally unable to act as a director, has been found guilty of an offence which the minister considers renders him or her unsuitable to be a director, is absent without leave from all board meetings for six months, or is insolvent.

5. Constitution Act 1975 section 85 statements.

I make the following statements under section 85(5) of the Constitution Act 1975 of the reasons why clauses 6 and 13 of the bill amend the Health Services Act 1988 (the act) to alter or vary section 85 of the Constitution Act 1975.

(a) Validity of things done by trustees

Clause 13 inserts a new section 178 into the act. Clause 12 provides that it is the intention of the new section 178 to alter or vary section 85 of the Constitution Act 1975.

New section 178 contains two savings provisions relating to the acts or omissions of trustees. The amendments to sections 65, 65D, 65F, 115A, 115U and 115V of the act contained in this bill relating to trusts apply in relation to amalgamations, aggregations and to declarations of a multipurpose service which took effect prior to the commencement of clause 13 of this bill.

The act, as amended by this bill, has effect with respect to these orders and declarations, and with respect to trust instruments in relation to each former agency of a successor agency created by the order or declaration, as if all of these amendments were in force when the orders and declarations were made. They apply retrospectively to confer an entitlement or eligibility under a trust which applied in relation to each former agency upon each new successor agency from the date that the relevant order creating the successor agency took effect. This is to validate any distributions that have already been made under a trust on the mistaken basis that a successor was eligible or entitled, as a result of the then existing provisions of the act, to benefit from a trust because its former agency was so eligible or entitled.

New section 178(1) provides that anything done or omitted to be done before the commencement of clause 13 by a trustee that would not have been a breach of trust if this bill was enacted at the time of the act or omission is not to be regarded as constituting a breach of trust and the trustee is not liable for breach of trust.

The reason for this limitation of the jurisdiction of the Supreme Court is that it is appropriate to protect trustees and those who have benefited from trusts, where the trustee has distributed a benefit on the mistaken basis that a successor agency was eligible or entitled to benefit under a trust that applied in relation to one of its former agencies. This protection accords with the intention of the bill to validate such distributions.

New section 178(2) provides that nothing affected by this bill is to be regarded as making a trustee liable for a breach of trust on account of anything done or omitted to be done before the commencement of clause 13, that

would not have constituted a breach of trust had this bill never been enacted.

The reason for this limitation of the jurisdiction of the Supreme Court is that it is appropriate to protect a trustee, and those who have benefited from trusts administered by the trustee, where the trustee has acted lawfully in the past. There is to be no liability in relation to any act or omission, where liability might otherwise now arise solely as a result of the retrospective application of the changes to the law contained in this bill. For example, if a trustee had correctly considered that the eligibility of a former agency to benefit under a particular trust was not conferred upon its successor agency by the act as it was then in force, no-one should be able to challenge that decision as a result of the effects of this bill.

(b) Public hospital services principles

Clause 6 substitutes a new section 17AA into part 2A of the act. Clause 12 provides that it is intended that new section 17AA(2) will alter or vary section 85 of the Constitution Act 1975.

New section 17AA is to be the only section in part 2A. As I have already indicated, it provides that the principles contained in any agreement in force from time to time between the commonwealth and Victoria with respect to the provision of public hospital services are established as guidelines for the delivery of public hospital services in Victoria. It also states that 'public hospital services' includes services to public hospital patients provided by privately operated hospitals. This new section replaces the current section 17AA, which specified particular Medicare principles to guide the delivery of public hospital services.

New section 17AA(2) provides that nothing in part 2A gives rise to, or can be taken into account, in any civil cause of action. In particular, it states that it does not create in any person legal rights not in existence before the commencement of clause 6. This replaces a provision to the same effect that currently applies in relation to the existing section 17AA.

The new section does not take away any legal rights that currently exist; however, it does make it clear that it does not create any new legal rights. The reason for limiting the jurisdiction of the Supreme Court in this way is that it is appropriate to continue to prevent liability arising as a result of the new section. The purpose of the amendment is to give statutory recognition to the principles for the delivery of public hospital services, as a reflection of the importance of those principles. This recognition is not intended to create any legal entitlements or to enable the principles to be enforced through the courts.

6. Conclusion

This bill addresses a number of problems that have arisen in relation to the act's operation. In particular, the resolution of difficulties relating to trusts will enable bequests and donations to bodies to be used in the provision of health services. The bill will also ensure that there is no need for a trustee to engage in expensive legal proceedings to determine how the trust may be distributed, in those circumstances where the amalgamation, aggregation or declaration would have otherwise created doubt as to the appropriate course of action. The repeal of the sunset provision regarding multipurpose services will ensure that existing services can continue to operate effectively, and will enable new services to be created where this is appropriate in rural Victoria.

The bill also ensures that the act is consistent with the current and future state and commonwealth agreements for public hospital services.

I commend the bill to the house.

Debate adjourned on motion of Mr THWAITES (Albert Park).

Debate adjourned until Thursday, 17 September.

VICTORIAN COLLEGE OF THE ARTS (AMENDMENT) BILL

Second reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That this bill be now read a second time.

The Victorian College of the Arts was established in 1972 as an elite arts training institution. It was an affiliated college of the Victoria Institute of Colleges. Its mission was to promote excellence in all fields of the arts.

The college has an outstanding reputation and its graduates include a number of leading artists, musicians, film makers and dancers. The college has expanded over time and now includes six schools, offering programs in art, drama, music, dance, film and television, and studies in creative arts.

The Victorian College of the Arts is arguably the pre-eminent arts training institution in Australia and has

a number of features which are unique in the world. These include in particular, the concentration on a single campus in an arts precinct in the centre of a major city, of six creative arts disciplines, and the special form of association which exists between the college and a leading university. The college's international benchmarking partners include the Juliard School in New York, the Royal College of Music in London and the Amsterdam School of Arts, all world leaders in arts training.

Despite its progressive expansion, and the success of its programs over a number of years, the college is small for a higher education institution, and the programs it offers are expensive. Unlike other specialised arts training institutions the college receives all of its core funding through higher education funding arrangements provided by the Commonwealth Department of Employment, Education and Youth Affairs. The funding rates from DEETYA are less generous than those provided to bodies such as the Australian Film and Television School and the National Institute of Dramatic Arts (NIDA) and the college faces continuing difficulties in developing its high quality programs in a cost effective manner.

I am pleased to report that my commonwealth colleague, the Minister for Communications, the Information Economy and the Arts has provided a grant of $10 million to assist in capital developments at the college.

The Victorian government is providing $300 000 to finance an endowment campaign to generate an independent income stream to support the college programs. This extends a grant of $2.5 million previously made by the government to provide equipment for multimedia programs in the college's School of Film and Television.

The Victorian College of the Arts is fortunate in its relationship with the University of Melbourne with which it is affiliated. The degrees which are offered are those of the university and programs are approved by the university's academic board. However, the college is a separate legal entity and employs its own staff so that an arts culture which differs in some important respects from the academic culture of a major research university can be maintained.

Last year the government undertook a review of governance arrangements in Victorian universities. That review made a number of recommendations to reduce size of councils, streamline administrative arrangements, and simplify necessary government approval mechanisms. It also clarified the complementary roles of councils for strategic policy development, governance and accountability; academic boards for oversight of academic affairs; and institutional administrators for management decisions. The changes that were recommended were incorporated in legislation to amend university acts in 1997. They are now in operation and are working effectively.

The Victorian College of the Arts is not a university and its governance arrangements were not considered in last year's review. However, the principles which were followed in making recommendations for universities are equally applicable to the college and the current financial pressures that it faces make it essential that its governance arrangements are as efficient and effective as possible.

Earlier this year I established a review committee comprising Mr Peter Laver, Chancellor of Victoria University of Technology and former chair of the National Board of Education and Training; Emeritus Professor Elwyn Davies, chair of Victoria's higher education committee; and Dr Ian Allen, Deputy Secretary and Director of Higher Education in the Department of Education, to review governance arrangements at the college.

The committee was asked to apply the principles of the governance review which had been applied in the universities review but to take account of the particular circumstances of the college including its special relationship with the University of Melbourne, its small size, and its special focus on the arts.

The committee visited the college on a number of occasions, consulted with students, staff and council and with the University of Melbourne, and presented its report to me in June this year. The committee made a number of recommendations which I have accepted and which are incorporated in the legislative provisions contained in this bill.

I would like to acknowledge the government's appreciation of the work done by the review committee and to thank the committee members for their contributions.

Major provisions of the bill include:

Reducing council size from 26 to 18 members and removing several categories of membership to provide greater flexibility in appointing to the council individuals with the special expertise which is required.

Provision for appointment of overseas members to the council as has been done for universities.

Simplification of the processes for filling casual vacancies on council and approval of statutes.

Amendment of the membership and purpose of the Board of Studies to provide a sharper focus on academic matters.

Amendments to powers to borrow money and acquire and dispose of property to bring them into line with corresponding arrangements for universities.

Council membership changes will take effect from the beginning of next year. The bill includes transition arrangements for the move to the new council structure which follow the pattern used for amendments to university councils last year.

I commend the bill to the house.

Debate adjourned on motion of Mrs MADDIGAN (Essendon).

Debate adjourned until Thursday, 17 September.

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.

Eumemmerring Secondary College

Mr PANDAZOPOULOS (Dandenong) — I refer the Minister for Education to the great need for a sports stadium for the Endeavour Hills campus of Eumemmerring Secondary College. Back in 1992 under the previous government the secondary college had negotiated an agreement with Basketball Stadiums Victoria for a joint project sports stadium facility, but with the change of government that was never proceeded with. The school has been denied the opportunity of having a sports stadium. The former Joseph Banks secondary college which was nearby closed down and now Eumemmerring Secondary College is taking the majority of the students who previously attended that school.

Six years after the current government was elected, Eumemmerring Secondary College is still the only school in the City of Casey that does not have a sports stadium facility. It is quite unfair that other schools around the state have stadiums but this school does not. The government has not been able to assist, despite denying the school the opportunity back in 1992 of establishing the facility it was seeking together with Basketball Stadiums Victoria, and despite having closed a local school nearby.

The honourable member for Berwick on behalf of the school rightly organised a meeting with regional representatives of the Department of Education to see if any sort of arrangement could be made for the department to assist with the funding of this project. I have visited the school and seen the sports facilities. It has only a very small indoor area. Half the members of the PE class have to stand up against the wall and watch the rest of their classmates participate in active indoor sports, because the room is just too small, being probably about half the size of this parliamentary chamber.

Unfortunately, the Eumemmerring Secondary College was told that no money was available and that construction of a sports facility at the college's Endeavour Hills campus had not been included in the department's priorities. Although it is entitled to sporting facilities, apparently the college will not be appropriately funded.

I was somewhat surprised — the college having been told, 'There is no money for that sort of thing. Ask your local parents and council' — to see in the *Echo* newspaper of 26 August that the construction of a sporting facility at the Drysdale campus of Bellarine Secondary College has been funded by a government contribution of $479 000.

Will the minister now treat the Eumemmerring Secondary College fairly? If he is funding other schools for sporting facilities, will he please do the same for Endeavour Hills? I would like to work with the minister to ensure a facility is built at the Endeavour Hills campus of the college, which services a growing population in the area. It is the only secondary college in the City of Casey without a sports stadium. Let's work together on this, Minister.

Scoresby freeway: EES

Mr WELLS (Wantirna) — I ask the Minister for Youth and Community Services to direct to the attention of the Minister for Transport a leaflet circulated in the Rowville area about an environment effects statement (EES) on the Scoresby freeway. A number of constituents have brought this matter to my attention and raised concerns about the literature.

As honourable members may know, an EES is required by the government when making major infrastructure arrangements. The Scoresby freeway will link Frankston with Ringwood and will have a major impact on the eastern and outer eastern suburbs. The purpose of the EES, which has been in the public arena for a couple of years, is to assess the impact of the freeway on the surrounding areas. Extensive public consultation has been held about freeway designs, and associated public displays seem to have been in the community for a long time. Therefore I was initially surprised when I discovered that the leaflet, which contains misleading statements, had been circulated. But I was no longer surprised when I realised the leaflet had been published by the Public Transport Users Association (PTUA), which is associated with the Labor Party.

I draw the minister's attention to a number of statements made in the leaflet:

> The law requires an EES to consider alternatives to the proposed project.

The PTUA says this has not been done. Public attention has been directed at a number of considerations thrown up by the EES process, but the PTUA does not agree with the results of that process and is worried that its concerns are not being heard. The leaflet, under the heading 'What the state government must do', states:

> ... commission genuinely independent experts to put together a package of public transport improvements that would be an alternative to the Scoresby freeway so the community can make an informed choice ...

The community as a whole has consistently contributed to the consultation process, and an independent panel has made its decision. The PTUA is distributing the leaflet around the Rowville area and is trying to stage a talkfest, but that will not address the transport problems in the outer eastern and eastern suburbs. I ask the Minister for Transport to respond so that I can inform my constituents of the present situation.

Nillumbik: CEO

Mr HAERMEYER (Yan Yean) — I direct to the attention of the Minister for Planning and Local Government the resignation of the chief executive officer of the Nillumbik Shire Council, Mr Rochford. I note that this bloke recently sought a Supreme Court injunction to prevent the council doing a performance review on him. It seems he will go to any lengths, including resigning, to avoid a performance review. I say good riddance!

I ask the minister to provide to the house a full explanation of whether the government has agreed to pay Mr Rochford out. If so, what amount will he receive? Will the government now abandon the phoney, kangaroo court inquiry it launched into the Nillumbik Shire Council, at great expense to the ratepayers? Will the government now reimburse the ratepayers the cost of this politically inspired, mickey mouse inquiry?

One really has to ask why this government, its unelected commissioners, the honourable member for Eltham and the federal member for McEwen, Mrs Bailey, conspired to appoint Mr Rochford, give him extraordinary dictatorial powers and protect him in his position despite his deceitful and improper conduct in that position. I also note how thick these people were and the extent to which they were all involved with one another.

The commissioners appointed by this government, along with Mrs Bailey, were all involved in interfering in the election of councillors. The commissioners organised a ticket to run for the council, so there were commissioner-endorsed candidates. I have a statutory declaration here from Mr Barry Brady, who was approached to run as a commissioner-supported candidate. The chief executive officer of Nillumbik was involved in organising a ticket against Rob Marshall and other people who were running for council.

Mr Rochford has been involved in a total abuse of public funds involving legal fees at the council's expense and a trip to Japan at council expense. He has treated the councillors like mushrooms. He has a record of deceit and dishonesty. He has ridden roughshod over the local community and its elected councillors. The government inquiry was nothing more than an attempt to shift blame for this fiasco from the honourable member for Eltham and the federal member for McEwen.

I hope, now that Mr Rochford has gone, the council will be allowed to get on and govern in the interests of the ratepayers of Nillumbik. Let us hope we have seen an end to this extraordinary and indecent degree of government involvement in the affairs of an elected council.

Planning: tabletop dancing

Mrs SHARDEY (Caulfield) — I raise with the Minister for Planning and Local Government a concern about the establishment of a tabletop dancing venue in Glenhuntly Road, South Caulfield, in the electorate of Caulfield and seek from the minister clarification as to whether a separate planning permit as distinct from a liquor licence is required for the establishment of such a venue.

The establishment of this venue and the objections to it have come to my attention through various constituents in the electorate of Caulfield. I draw to your attention an advertisement in the *Herald Sun* of Friday, 31 July, for a tabletop venue which contains the words 'gorgeous girls', 'lap dancers' and 'sexually explicit entertainment may offend'. I am not passing judgment on this venue's activities; however, residents in the area have lodged complaints on the basis that a residential housing area lies at the back of the venue, which itself is among some shops on Glenhuntly Road.

The council believes the proprietors of the venue are acting unlawfully because they require a planning permit. On the other hand the proprietors believe their liquor licence should suffice because it licenses the provision of live entertainment. Although it has been established that tabletop dancing is occurring, the Glen Eira council believes the venue owners are acting unlawfully and enforcement action will be taken. The council has sought legal advice from solicitors but to date has not received that advice.

It believes an action was taken by the Melbourne City Council before the then Administrative Appeals Tribunal in relation to tabletop dancing and that it was held that a permit under the planning act would be required because a liquor licence does not suffice. In light of that decision I ask the minister to investigate whether there is a requirement for a separate permit to be issued by the Glen Eira council under the planning act to enable this activity to continue.

I am expressing the concerns of my electorate. It is important that it be established whether a separate planning permit is required for such activity to take place, given that the venue is close to a residential area.

Rail: Tinning Street crossing, Brunswick

Mr CARLI (Coburg) — I direct to the attention of the Minister for Transport the closure of the Tinning Street railway crossing on Saturday, 5 September. Will the minister suspend the closure of that crossing to enable traffic management, parkland and landscaping development of that area to be examined?

When the Upfield railway line upgrade was first announced in 1996 the government proposed six road closures along that line. Community action at the time reduced that number to four. There was agreement with the council on behalf of the residents and action groups that traffic and parkland beautification be carried out. That has not occurred in this street area, which is a wasteland. A resident in the area, Mr John Ugalde of Cassells Road, said:

> We reluctantly agreed to closure of the Tinning Street gates in return for proper and thorough traffic management and creation of strip parkland. Now we have the inconvenience of gate closures and potential chaos for traffic and no park. We all spent time developing plans for our new neighbourhood park. The area has always looked like a junkyard and we are sick of it.

The area is worse than a junkyard; it is an eyesore. It is owned by the PTC and is a total wasteland. Cr Mike Hill from the City of Moreland said he had chaired several meetings of residents and agreement had been reached on behalf of the council that the closures would occur only if traffic management and provision of parkland were agreed to. That has not eventuated. Currently there is no intention by the PTC to meet its obligations. The residents will be there on Saturday demanding the gates not be closed. The PTC should meet its obligations and honour the agreements made two years ago by the council on behalf of the residents. Residents are up in arms. It is a light industrial area and a number of businesses will be seriously affected by the closure and the failure to arrive at any traffic management proposal and turn some of the wasteland into parkland.

Greater Dandenong: Lyndhurst tip

Mr LEIGH (Mordialloc) — The matter I direct to the Minister for Planning and Local Government concerns the Labor Party's attempt to massively increase the Lyndhurst waste tip. The Labor Party says it is outraged about what is happening in Werribee, yet on the other side of the city the political party that controls the City of Greater Dandenong has secretly agreed to a massive expansion of the Lyndhurst tip. The arrangement means that the operation of the tip will be extended from the year 2008 to 2015. The council did not tell anybody nor did it advertise it.

Mr Hulls — On a point of order, Mr Acting Speaker, the matter being raised was raised at question time today and was addressed by the Minister for Planning and Local Government. I seek clarification about whether the matter can be raised again.

The ACTING SPEAKER (Mr McArthur) — Order! There is no point of order.

Mr LEIGH — How can the master of the City of Greater Dandenong, Cr Phil Reed, who works for the Leader of the Opposition, organise his council to secretly agree to a massive expansion of the tip when the opposition is so concerned with what is happening on the other side of the city?

They are proposing that an extra 5000 trucks a year come into our side of Melbourne. The Leader of the

Opposition gets his adviser to write speeches for one side of the city in a certain way, and his adviser is secretly involved in a plot to see the Lyndhurst treatment plant massively extended. I think it is an outrage! The Labor Party has been exposed tonight.

I seek an investigation into why the City of Greater Dandenong has not been prepared to tell residents what it will do. I think there should be a special investigation into what Cr Reid and other Labor Party councillors did in that city and how they managed to corruptly misuse their positions to get the proposal past their citizens so they do not know about it. A 25-metre-high dump will be built in their community, and the councillors do not care! What hypocrites! It is time the honourable member for Dandenong and other supporters — —

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member's time has expired.

PANCH site

Ms DELAHUNTY (Northcote) — The matter I raise for the attention of the Minister for Health concerns the evaporation of services at the former Preston and Northcote Community Hospital.

Mr Acting Speaker, you will recall that when PANCH ceased to exist and its beds were moved out to the Northern Hospital in Epping, the government declared — indeed, it was the minister himself who announced it; in fact, he assured the people of Preston and Northcote — that PANCH would retain something like 50 beds and that it would be retained as an ambulatory care centre.

The minister announced that the centre would perform day surgery and other investigations — theatres for which, it should be noted, many of the local communities in the Northcote area raised funds to help fit out. Many of the local communities and their leaders are saying, 'We ran the raffles. We raised the money, and we were told that these theatres' — which are quite new — 'would be utilised'.

My question is, on behalf of the people of Northcote who have been asking me for many months: where is our ambulatory care centre? If you go to Bell Street you will still see people getting off the bus looking for and wanting to use the day-care centre and surgeries. The people in the area who attended PANCH have relied upon the government to keep its word that when the new Northern Hospital was built a day-care centre would be retained at PANCH. That has not occurred, and many people who are elderly and have difficulty getting out to the Northern Hospital are confused and puzzled about why there is no day-care centre.

I call on the minister to explain as a matter of urgency when the day surgery centre will be opened to service the people of Northcote.

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member should ask for more than just information in the adjournment debate. The purpose is to ask for some form of administrative action rather than just information.

Mr Hulls — Are you raising a point of order!

The ACTING SPEAKER (Mr McArthur) — Order! No, I am simply providing some advice to the honourable member for Northcote, who is newly arrived in this place.

Ms DELAHUNTY — Thank you, Mr Acting Speaker.

Mrs Shardey — On a point of order, Mr Acting Speaker, by way of clarification, the honourable member for Northcote addressed her question to the Minister for Health, who is not in this place. I think it should be made clear that she should say 'in another place'.

Honourable members interjecting.

The ACTING SPEAKER (Mr McArthur) — Order! There is no point of order.

Honourable members interjecting.

The ACTING SPEAKER (Mr McArthur) — Order! When the house comes to order I will call the next speaker.

Mr Batchelor interjected.

The ACTING SPEAKER (Mr McArthur) — Order! The Chair is often embarrassed by the behaviour of members in this place; the honourable member for Thomastown is not excluded.

Sunbury Road, Bulla

Mr FINN (Tullamarine) — I direct a matter to the attention of the Minister for Transport as the minister representing the Minister for Roads and Ports in another place. I direct to the minister's attention the increasing traffic problems on Sunbury Road between the township of Bulla and the Tullamarine Freeway. I have had discussions with both Serge Petrovich and Trevor Blake — the next members for the federal electorates of Burke and Calwell respectively after 3 October — and they strongly support the views I am putting this afternoon.

The traffic problems in the area have been complicated further by the increase in employment at Melbourne Airport. As honourable members would be aware, employment has increased by some 20 per cent in just the past few months as a direct result of the privatisation of the airport — an initiative of the Howard federal government. On behalf of the people of the north-west of Melbourne, I offer the federal government my congratulations on and thanks for the job opportunities it has provided for the people of the region. The problem is that the road is used by residents of Sunbury and other parts of the Macedon Ranges. Sunbury is a very important part of the Macedon Ranges area, but its increasing population is causing considerable congestion on Sunbury Road. There is also the problem of an increasing number of trucks using both the Bulla tip and a number of quarries in the general vicinity of Melbourne Airport.

It is clear that because it accommodates the tip and the quarries my electorate is making a considerable contribution to the rest of Victoria by taking its waste and contributing gravel and rocks for road building and other projects throughout the state. It is only fair and reasonable that there be some return for the contribution it is making — —

Mr Haermeyer — On a point of order, Mr Acting Speaker, the honourable member for Mordialloc is reading from a book. I ask you to rule on whether that is appropriate and whether the book must be tabled.

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member for Yan Yean has often complained in this place about frivolous points of order being taken to interrupt honourable members who are raising adjournment issues. I remind him of his previous complaints.

Mr FINN — I ask the minister to speak to his colleague in another place about examining the possibility of duplicating Sunbury Road between Bulla and the Tullamarine Freeway. Every day during peak hour cars travel at a snail's pace — sometimes as slow as 30 or 40 kilometres an hour in a 100 kilometre an hour zone.

An honourable member interjected.

Mr FINN — Certainly I have experienced it. The people of my electorate should not have to put up with it. I ask the minister to examine the possibility of having the road duplicated. Given the contribution my region is making to Victoria, my constituents should get relief in this matter. They deserve it.

GST: books

Mrs MADDIGAN (Essendon) — I raise a matter for the Treasurer, and in his absence direct it to the Minister for Youth and Community Services, who is at the table. I ask the Treasurer to support calls from various community groups and book suppliers and publishers to take whatever action he can to lobby the federal government to have books and magazines excluded from the federal government's GST package. This is a matter of great importance to a large section of Victoria's community — —

Dr Napthine — On a point of order, Mr Acting Speaker, the honourable member for Essendon is breaching the guidelines and rules that apply to the adjournment debate. Matters raised during the adjournment debate should ask for administrative action by state ministers on issues within their portfolio areas. Action on taxation decisions at a federal level are not within the purview of the Treasurer, and are therefore out of order.

The ACTING SPEAKER (Mr McArthur) — Order! I ask the honourable member to relate her request to the purview of the Treasurer's administrative responsibilities in the state.

Mrs MADDIGAN — I ask the Treasurer to provide a report to the house on the result of the imposition of a tax on books and magazines on the publishing industry in Victoria. This is a serious concern for Victorians. I am surprised the Minister for Youth and Community Services is laughing, because many Victorians are employed in the publishing industry and many jobs could be lost if the cost of books is increased.

In Canada, for example, when a goods and services tax was imposed on books the demand for books dropped 10 per cent, which was exactly the amount of the goods and services tax. Economic reviews have shown demand for books to be elastic. A GST would have serious consequences. In fact, in countries that have a goods and services tax, such as the UK and the USA, books have been exempted from the GST.

Publishers in Victoria make a good point. They say the proposed GST in the health area excludes not only health services but also prescriptions. But while the GST excludes education fees it does not exclude books. Prescribed texts are just as necessary to an education system as prescriptions are to the health system. One would hope the Treasurer's aim would be to increase jobs in Victoria, which was the promise made by the coalition prior to its election in 1992. Therefore, he should be concerned about the loss of jobs as a result of

Liberal Party policy, particularly as that policy is supported by his government.

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member's time has expired.

Youth health bus

Ms BURKE (Prahran) — I raise with the Minister for Youth and Community Services a matter concerning the Inner South community health service. Robbie Chaplin visited my office late in August and spoke about funding for the youth health bus that travels around the St Kilda area, which is part of my electorate. It is a tremendous service to the community, particularly our youth. The service is looking for extra funding.

The youth health bus travels around the area late at night and looks after some very disadvantaged people. The service includes a needle exchange program, the provision of condoms and welfare arrangements for those on the streets. It is a perfect community service to assist our youth.

In the past too many people have been sitting behind office desks thinking they are looking after the youth, when there have not been enough people out in the field seeing the problems and working with youth to solve those problems. I have travelled on the bus numerous times and recognise its great service to the community, particularly to those unfortunate youth who need support. The bus service also has support from the broader community. The most important aspect of the service is that public funds are clearly seen to be assisting those with real needs in the community.

I ask the minister to make time to receive a deputation seeking additional funding. If he could meet with representatives of the group and me the matter could be discussed with him personally. I congratulate the youth health bus service for its efficient operation.

Responses

Mr COOPER (Minister for Transport) — The honourable member for Coburg raised the impending closure of Tinning Street rail crossing as part of the Upfield rail upgrade. The honourable member said there has been no community consultation about that closure. He now wants to implement a community consultation process and he wants to prevent the imminent closure.

I can assure the honourable member that, no matter what other people have said to him, a comprehensive community consultation process on all matters relating to level-crossing closures on the Upfield railway line was put in place. That community consultation process was undertaken in cooperation with the Moreland City Council. After that a decision was made, which was endorsed by the council, that the level crossings at Barkly Street, Tinning Street and Shorts Road would be closed. Now the honourable member for Coburg wants one of those three crossings not to be closed.

It is interesting that yesterday I was approached by the honourable member for Pascoe Vale who asked me to conduct an urgent and significant review of the closure of Shorts Road, and I am having that done at the moment. It would therefore appear that because of requests from two opposition MPs two of the three level crossings that the Moreland City Council agreed to close should not be closed.

The matter was discussed on many occasions, so honourable members understand that the $25 million upgrade of the Upfield railway line is a response by the government to a set of issues relating to access by heavy rail transport to that area that were never addressed by the Labor Party when in government. The Labor government wanted to close the line. Now that the coalition government is carrying out a major upgrade to bring services for people in those Labor electorates up to the level of all other rail lines within the metropolitan area, its actions on two of three crossings are under threat because of demands from two opposition MPs.

In response to the request by the honourable member for Pascoe Vale I am having the Shorts Road crossing looked at as a matter of urgency and in a genuine attempt to address the issues she raised with me yesterday.

Ms Campbell interjected.

Mr COOPER — Well, it is not the first time, you idiot!

The ACTING SPEAKER (Mr McArthur) — Order! The honourable minister is not addressing the matter.

Mr COOPER — Ministers do listen to genuine requests and respond to them. The honourable member for Pascoe Vale has raised the matter with me, and I am responding to it as quickly as I possibly can. However, opposition MPs need to understand — —

Mr Carli — On a point of order, Mr Acting Speaker, the issue I raised was traffic management and landscaping, not consultation. I accept there was consultation through that period.

The ACTING SPEAKER (Mr McArthur) — Order! By way of information for the honourable member for Coburg, in responding to issues on the adjournment debate ministers have more latitude than they have in question time. Although their responses may not be what members wish or ask for, ministers will respond in the manner that they see fit.

Mr COOPER — I find it staggering that the government upgrade of heavy rail lines through Labor electorates would be now put under threat by the demands of opposition MPs. The government is conducting a review of the matter raised yesterday by the honourable member for Pascoe Vale, and the matter raised by the honourable member for Coburg will be seen to. However, neither of the honourable members is doing any favours for people who use and will continue to use the heavy rail line to Upfield. As my colleague at the table reminds me, the opposition has never supported the Upfield rail line anyway.

The honourable member for Tullamarine has raised for the attention of the Minister for Roads and Ports traffic problems on Sunbury Road from Bulla to the Tullamarine Freeway. The honourable member for Tullamarine is an active representative of his electorate and has constantly brought matters to the attention of the government. He has a high success rate in having those issues addressed.

The honourable member stated that the traffic problems have been compounded by a significant increase in heavy truck traffic on that section of road. I understand those problems and will certainly ensure that my colleague in the other place, the Minister for Roads and Ports, addresses the issues raised by the honourable member for Tullamarine.

The honourable member for Wantirna raised concerns about documentation being circulated in his electorate by the Public Transport Users Association in which it alleges that the environment effects statement for the Scoresby freeway project is a sham. The association is demanding that it be replaced by some kind of skewed process of independent experts putting together a package of public transport options without any regard for roads. That is typical of the Public Transport Users Association. It jumps in and makes allegations prior to anything occurring.

The government has an environment effects statement that is right out there now for public comment. It was displayed for public comment throughout the region for two months prior to an inquiry panel making a final recommendation to the government on future public transport and road development in the corridor. Allegations that public transport has in some way been discounted, overlooked or ignored — or whatever it is the Public Transport Users Association is saying — are totally and utterly incorrect. They are a load of rubbish.

The options for the Scoresby project range from a base case including only public transport and road upgrades already announced by the state government to a possible investment in new public transport and road infrastructure. What the government is now seeking through this process is community comment. What the government does not need is for that community comment to be in some way skewed by biased and inaccurate claims by organisations such as the Public Transport Users Association.

The government would like the process to be conducted in a genuine, open way which reflects true community opinion rather than the skewed and biased opinion that the association constantly projects in all of its announcements. I suggest to the honourable member for Wantirna that his community should respond to issues in the fair and reasoned way it always has responded in the past. It is a matter of vital importance not only to the electorate of Wantirna but to all of the eastern and south-eastern suburbs of metropolitan Melbourne. The future of the Scoresby project will rest largely upon the kinds of comments we receive back following the community consultation period.

I thank the honourable member for bringing this matter to my attention, and I hope he will use his influence in his community to ensure that people out there who have an interest in this matter are not led astray by inaccurate comments being continually made on this matter by the Public Transport Users Association.

Dr NAPTHINE (Minister for Youth and Community Services) — The honourable member for Dandenong raised with the Minister for Education the need for a sports and gym complex at the Endeavour Hills campus of the Eumemmerring Secondary College. I will pass that on to the minister for his consideration, and he will get back to the honourable member for Dandenong.

The honourable member for Yan Yean raised with the Minister for Planning and Local Government concerns about the operations of the Nillumbik Shire Council and its administrative staff. I can assure the honourable member that the minister is well aware of concerns of many residents and ratepayers in Nillumbik about the operations and activities of the council, and the minister will advise the honourable member appropriately.

The honourable member for Mordialloc asked the Minister for Planning and Local Government to conduct an investigation into the planning processes and decisions by the City of Greater Dandenong with respect to an expansion of the Lyndhurst waste management facility. I will pass that on to the minister, and I am sure he will investigate that issue.

The honourable member for Caulfield raised with the Minister for Planning and Local Government an issue concerning the planning provisions that may relate to a tabletop dancing venue in the Caulfield area. The honourable member asked whether any particular planning provisions apply to such an activity in addition to what is required for a liquor licence in the area. Again I will pass the matter on to the Minister for Planning and Local Government, who will respond directly to the honourable member for Caulfield.

The honourable member for Northcote raised with the Minister for Health the issue of health services at PANCH. As the minister representing the Minister for Health in this house, I can respond to some degree with respect to health services. In the northern suburbs of metropolitan Melbourne there was a need to redevelop hospital services to better provide a balance of hospital and health services to meet the growing needs of the community, particularly the growth corridor in the Mill Park–Epping–Plenty area. The government is proud that under its leadership and jurisdiction a new hospital has been built at Epping and is providing high-quality health services in the area. As part of that process the Minister for Health has considered uses for other facilities to ensure there is a balance of service delivery in the northern corridor. I am sure the Minister for Health will respond directly to the honourable member for Northcote with regard to the continued provision of health and other related services in the area.

The honourable member for Essendon raised with the Treasurer the need for a report on the effect on the publishing industry of a proposed goods and services tax on books.

Mr Batchelor — On a point of order, Mr Acting Speaker, I raise a matter concerning contempt of Parliament. The matter relates to a response being given by the Minister for Youth and Community Services on behalf of the Treasurer while the Treasurer was in the chamber and had been advised of the need for him to respond. The Treasurer ought not be allowed to treat Parliament with contempt. Honourable members have already witnessed the shocking example of the government trying to shut down Parliament so these sorts of issues cannot be raised.

The honourable member for Essendon has raised an important issue, and at 3 minutes to midnight the Treasurer, although he is available to respond, has chosen not to do so and has left it to the hapless minister at the table. I ask you, Mr Acting Speaker, to direct the Treasurer, who is in Parliament House and who just a few minutes ago was in the chamber, to return and to live up to his responsibilities and answer issues raised for his attention.

The ACTING SPEAKER (Mr McArthur) — Order! I do not uphold the point of order. The Treasurer is not in the chamber at the moment and the Chair has no power to direct him.

Dr NAPTHINE — I had the displeasure of sitting in opposition in this house from 1988 to 1992. Regularly when the Labor Party was in government one minister dealt with all the issues raised on the adjournment debate. The track record of the current government is exemplary compared with that of the previous government.

I will respond to the concern of the honourable member for Essendon to highlight some of the significant benefits of the total tax reform package put forward by the Howard coalition government. The package will position Victoria and Australia well to face the 21st century. Not only does it guarantee Victoria a share of income through the GST coming to the states, there will also be significant tax dividends flowing to all Victorian families and a direct benefit to the book publishing industry in Victoria.

Victorian families will have more disposable income and that will give them a greater opportunity to purchase books. As the honourable member for Essendon would be aware, the publishing industry is a global industry, and the Australian industry competes on the export market. One of the enormous advantages of the Howard tax package is the benefits that will flow to export industries. As a result of the reform, $4.5 billion of direct benefits will flow to export industries in Australia.

The manufacturing and publishing industries will have the goods and services tax on books refunded when exporting books overseas, so they will have a significant advantage. The publishing industry in Victoria will gain enormous benefits from the Howard government tax package. In addition, the removal of the $3.5 billion diesel tax will significantly help the industry.

Mrs Maddigan — On a point of order concerning relevance, Mr Acting Speaker, I particularly asked to

have the Treasurer respond to issues regarding the publishing industry, and I neither need nor require the ill-informed comments from this minister. The diesel fuel rebate has nothing to do with the matter I raised.

The ACTING SPEAKER (Mr McArthur) — Order! Earlier this evening I said that ministers responding to matters raised during the adjournment debate are given even more latitude than they are given in responding to questions asked during question time. The honourable member for Essendon may not like the minister's response to the issue she has raised, but the minister is entitled to give it. There is no point of order.

Dr NAPTHINE — The honourable member for Essendon is displaying her complete and utter ignorance of the publishing industry because the diesel fuel tax savings proposed by the Howard government will have enormous benefits for that industry. Transport is a significant part of the industry's costs because it is required to move paper in and out of factories, transport books to the marketplace and so on.

I would have thought the honourable member, if she understood anything about the publishing industry, would know that fuel costs are significant and that the proposed diesel fuel rebate will benefit the industry significantly. The tax package put forward by the Howard government provides real opportunities for reform and for direct benefits to come to Victorian families and Victorian industries, including the publishing industry and book manufacturers. It will provide real opportunities for job growth and economic security into the 21st century. When the publishing industry evaluates the report compiled by the Victorian government it will find the Howard government tax plan offers it significant benefits.

The honourable member for Prahran raised with me, as Minister for Youth and Community Services, the services provided by the Inner South community health service, particularly the youth health bus. As the honourable member for Prahran said, the youth health bus does a particularly good job in providing direct services to young people, especially young people who are homeless, at risk of homelessness or otherwise on the streets in St Kilda and surrounding suburbs.

The ongoing provision of the service needs to be looked at, and I am pleased to advise the house that as a result of the strong representations of the honourable member for Prahran and her colleagues in the other place, the honourable members for Monash Province, Louise Asher and Peter Katsambanis, I am meeting with them and the Inner South community health service to discuss the organisation's needs and see whether we can provide additional funding this year.

We will also discuss future needs regarding the balance of the funding coming from youth and health services. I particularly refer to the Turning the Tide program and other similar programs the government has introduced to provide health services to young people to help them avoid the traps of high risk lifestyles involving drugs and the misuse of alcohol. I will be pleased to meet with the honourable members and the Inner South community health service.

Motion agreed to.

House adjourned 6.25 p.m. until Tuesday, 6 October.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 1 September 1998

Transport: Greater Geelong boards, commissions and committees

14. **MR LONEY** — To ask the Honourable the Minister for Transport, whether he will provide the details of all Minister-made and/or Ministerially-approved appointments to Boards, Commissions, Committees or similar in the Greater Geelong area since October 3 1992, indicating: — (*a*) the expression of interest process, and selection process that was used; (*b*) the terms of appointment; (*c*) any remuneration applicable; (*d*) when the positions became subject to remuneration; and (*e*) what changes have been made to the level of remuneration.

ANSWER:

In relation to the Transport portfolio, there have been no Minister-made and/or Ministerially-approved appointments to Boards, Commissions, Committees or similar in the Greater Geelong area since October 3 1992.

Roads and Ports: Greater Geelong boards, commissions and committees

15. **MR LONEY** — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports, whether he will provide the details of all Minister-made and/or Ministerially-approved appointments to Boards, Commissions, Committees or similar in the Greater Geelong area since October 3 1992, indicating: — (*a*) the expression of interest process, and selection process that was used; (*b*) the terms of appointment; (*c*) any remuneration applicable; (*d*) when the positions became subject to remuneration; and (*e*) what changes have been made to the level of remuneration.

ANSWER:

In relation to the Roads and Ports portfolio, there have been no Minister-made and/or Ministerially-approved appointments to Boards, Commissions, Committees or similar in the Greater Geelong area since October 3 1992.

Health: Box Hill Hospital

50. **MR ROBINSON** — To ask the Honourable the Minister for Youth and Community Services, for the Honourable the Minister for Health, what funds have been raised through donations in response to the letter sent out by Box Hill Hospital in late 1997 to former patients appealing for new beds.

ANSWER:

Up to the 5th March 1998, Box Hill Hospital has received donations totalling $76,325.70 towards the purchase on new patient beds.

Health: Box Hill Hospital

51. **MR ROBINSON** — To ask the Honourable the Minister for Youth and Community Services, for the Honourable the Minister for Health, with regard to the Box Hill Hospital:

1. What was the staffing level as at 25 February 1998 and how does this compare with staffing levels on the same date in each year from 1993 to 1997 inclusive.

2. What is the current operating budget and how does it compare with budgets allocated in 1993-94, 1994-95, 1995-96 and 1996-97.

ANSWER:

Prior to 1995/96 the information requested is available in Box Hill Hospital's Annual Report.

Since 1995/96 the Box Hill Hospital is part of the Inner and Eastern Health Care Network (IEHCN) and the information requested is available in IEHCN's Annual Report.

Conservation and Land Management: kerbside recycling review

66. MR ROBINSON — To ask the Honourable the Minister for Conservation and Land Management — (*a*) whether the Member for Prahran receives any remuneration in her capacity as Chairperson of a Review into Kerbside Recycling; (*b*) who are the members of the Review; and (*c*) on how many occasions has it met since it was established.

ANSWER:

I am informed that:

(a) The Member for Prahran receives no remuneration in her capacity as Chairperson of a Review into Kerbside Recycling.

(b) The Review is being undertaken by the Member for Prahran assisted by Mr Ian Coles, Chief Executive Officer, EcoRecycle Victoria, Mr Robert Joy, Director Policy, EPA and Mr Vern Robson, Director Local Government Operations, Office of Local Government.

(c) The Review group has met 7 times.

Conservation and Land Management: Eco Recycle Victoria

81. MR ROBINSON — To ask the Honourable the Minister for Conservation and Land Management:

1. When Mr Ted Tanner was appointed to the position of Chairman of Eco Recycle Victoria.

2. Whether the appointment was made by the Minister.

3. What was the justification for Mr Tanner's appointment.

4. For what term has Mr Tanner been appointed, and what remuneration he will receive during that period.

5. Who are the board members of Eco Recycle Victoria, what is their remuneration and how often has the Board met since 1 January 1996.

ANSWER:

I am informed that:

1. Mr Tanner was appointed as Chairperson of EcoRecycle Victoria on 17 December 1996.

2. The Minister for Conservation and Land Management appointed Mr Tanner under section 49D(2) of the **Environment Protection Act, 1970**.

3. Mr Tanner has had a long association with waste management issues which have provided him with the skills, experience and knowledge required to chair EcoRecycle Victoria. In 1984/85 Mr Tanner was a member of the Natural Resources and Environment Committee (NERC) of Parliament, which carried out an inquiry into container deposit legislation. During his chairmanship, between 1988 and 1992, the Committee conducted an inquiry into waste management in greater Melbourne which established the foundations for much of the policy development since.

4. The term of Mr Tanner's appointment is 17 December 1996 to 8 December 1999. The Chairperson of EcoRecycle Victoria is remunerated in accordance with the *Guidelines for the Appointment and Remuneration of Part-Time Non-Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committees*. The present rate is $245 for a full day and is within the range set for the chairperson of a Group 3, Level 2 organisation.

5. The Members of EcoRecycle Victoria are:
   Mr Ted Tanner (Chairperson)
   Mr Robert Joy (Deputy Chairperson)
   Ms Cheryl Batagol
   Ms Janet West
   Mr John O'Rourke
   Mr Warwick Field
   Mr Mark Johnston
   Mr Michael Brownlow
   Councillor Noel Harvey
   Councillor Don Chambers

   Members other than the Chairperson are remunerated at the rate of $150 for a full day within the range set for members of a Group 3, Level 2 organisation as specified in the *Guidelines for the Appointment and Remuneration of Part-Time Non-Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committees*. Mr Robert Joy receives no remuneration as he is a full-time employee of the Environment Protection Authority.

   EcoRecycle Victoria was not established until 17 December 1996 and so held no meetings between 1 January 1996 and 16 December 1996. The Board has met on 19 occasions since then.

Youth and Community Services: preschool integration systems programs

97. **MS CAMPBELL** — To ask the Honourable the Minister for Youth and Community Services, with regard to the Preschool Integration Systems Program for each Department of Human Service region in the financial years 1994-95, 1995-96, 1996-97 and 1997-98 to date — (*a*) what was the total number of applications for assistance, successful applications for assistance, unsuccessful applications for assistance, appeals lodged against unsuccessful applications for assistance and upheld applications for assistance; and (*b*) what was the Federal Government financial contribution, State Government financial contribution and the total budget for the operation of the program.

ANSWER:

(a) The Commonwealth Government via the Department of Education, Employment, Training and Youth Affairs Special Education Program (SEP) provides supplementary funding to support children with severe disabilities to access and participate in State funded preschool programs.

The SEP (preschool component) is a calendar year program.

The following tables details the funding provided through the SEP (preschool component) for the calendar years 1995 to 1998 (to date).

Table 1 - 1995 SEP (preschool component)

REGION	Total applications received	Eligible (successful) applications	Ineligible (unsuccessful) applications	Applications lodged for review (appeal)	Reviews (appeals) upheld
Barwon South Western	39	26	13	0	0
Gippsland	17	16	1	0	0
Grampians	18	17	1	3	0
Hume	39	36	3	7	4
Loddon Mallee	29	15	14	5	2
Eastern Metropolitan	130	84	46	34	14
Northern Metropolitan	62	45	17	6	3
Southern Metropolitan	129	114	15	12	4
Western Metropolitan	98	86	12	6	3
TOTAL	**561**	**439**	**122**	**73**	**30**

Table 2 - 1996 SEP (preschool component)

REGION	Total applications received	Eligible applications	Ineligible applications	Applications lodged for review	Reviews upheld
Barwon South Western	30	28	2	0	0
Gippsland	39	39	0	0	0
Grampians	20	15	5	1	1
Hume	44	30	14	11	3
Loddon Mallee	36	26	10	3	1
Eastern Metropolitan	103	68	35	15	6
Northern Metropolitan	66	55	11	2	2
Southern Metropolitan	73	59	14	5	3
Western Metropolitan	78	74	4	0	0
TOTAL	**489**	**394**	**95**	**37**	**16**

Table 3 - 1997 SEP (preschool component)

REGION	Total applications received	Eligible applications	Ineligible applications	Applications lodged for review	Reviews upheld
Barwon South Western	23	23	0	1	1
Gippsland	41	36	5	6	4
Grampians	21	16	5	1	1
Hume	44	44	0	0	0
Loddon Mallee	29	22	7	3	1
Eastern Metropolitan	128	95	33	9	5
Northern Metropolitan	62	52	10	1	0
Southern Metropolitan	79	72	7	8	3
Western Metropolitan	83	75	8	3	3
TOTAL:	**510**	**435**	**75**	**32**	**18**

Table 4 - 1998 SEP (preschool component) to date

REGION	Total applications received	Eligible applications	Ineligible applications	Applications lodged for review	Reviews upheld
Barwon South Western	23	21	2	0	0
Gippsland	33	31	2	0	0
Grampians	24	18	6	1	0
Hume	53	42	11	0	0
Loddon Mallee	27	23	4	4	2
Eastern Metropolitan	102	87	15	14	11
Northern Metropolitan	62	51	11	3	2
Southern Metropolitan	72	56	16	0	0
Western Metropolitan	71	62	9	0	0
TOTAL	**467**	**391**	**76**	**22**	**15**

(b) The Federal and State Governments' financial contribution for the operation of the SEP (preschool component) for the nominated calendar years is as follows:

Financial contribution	1995	1996	1997	1998
Federal	$766,522	$845,100	$1,000,089	$1,007,692
State	$nil	$nil	$nil	$210,154
TOTAL	$766,522	$845,100	$1,000,089	$1,217,846

Tertiary Education and Training: Victorian College of Agriculture and Horticulture

102. MR HAMILTON — To ask the Honourable the Minister for Tertiary Education and Training, in relation to the financial position at the Victorian College of Agriculture and Horticulture (VCAH) and given Melbourne University's reason for structural changes at the Institute of Land and Food Resources was the parlous state of the rural campuses and that an audit of resources at VCAH would have to have been done at the time of amalgamation with Melbourne University — (*a*) will he provide detailed information, including cash reserves and operating surplus/deficit for each of the campuses of VCAH at the time of amalgamation; (*b*) will he provide information illustrating staff number changes at each VCAH campus for the years 1994, 1995, 1996, 1997 and 1998 to date; and (*c*) will he provide comparative information for the Faculty of Agriculture at Melbourne University.

ANSWER:

I am informed as follows:

(a) Between 1 July 1992 and 30 June 1997, VCAH's audited accounts indicate that the College accumulated a consolidated excess of expenditure over revenue of $4,121,000. Expenditure includes an accumulated amount of $9,922,000 for depreciation. In most years the College had a small cash surplus, but was unable to fully maintain the value of its buildings, plant and equipment.

(b) Total EFT staffing at the VCAH was as follows:

1994	395.0
1995	360.2
1996	346.5
1997 (to June 30)	298.7

Financial and staffing information for the former VCAH campuses is not readily available on a campus by campus basis.

(c) Total EFT staffing of the Faculty of Agriculture and Forestry was as follows:

1994	77.0
1995	79.7
1996	90.8
1997 (to June 30)	88.9

The total EFT staffing (as at 31 March 1998) of the Institute of Land and Food Resources, formed by the merger of the VCAH and the Faculty of Agriculture and Forestry, was 350.7.

Agriculture and Resources: Yarra Valley Water Mitcham office

109. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources — (*a*) what is the current level of employment at Yarra Valley Water's Mitcham office, and what proportion of those employees are full time, part time and casual; and (*b*) what was the level of employment at the same establishment in the years 1993, 1994, 1995, 1996 and 1997.

ANSWER:

I am informed that:

(a) The level of employment at Yarra Valley Water's Mitcham office on 31 March 1998 was 313 full time and 14 part-time employees.

(b) The levels of employment since Yarra Valley Water's Mitcham office commenced operations on 1 January 1995 are as follows:
484 employees on 1 January 1995
483 employees on 30 June 1995
371 employees on 30 June 1996
346 employees on 30 June 1997.

Agriculture and Resources: Yarra Valley Water and South Eastern Water

110. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources — (*a*) what sums have been expended by Yarra Valley Water and South Eastern Water on customer billing software and hardware over the past three years; (*b*) how many staff from the above two organisations have travelled overseas in the past three years for the purpose of investigating computer customer billing procedures; and (*c*) what has been the cost of staff travel overseas for this purpose.

ANSWER:

I am informed that:

	Yarra Valley Water	South Eastern Water
(a) Sum expended by Yarra Valley Water and South Eastern Water on customer billing software and hardware over the past three years	$10,564,000	$6,000,000
(b) Number of staff who travelled overseas to investigate computer customer billing systems	1	1
(c) Cost of overseas travel	$3,724	$7,147

Conservation and Land Management: Point Gellibrand

111. MR BRACKS — To ask the Honourable the Minister for Conservation and Land Management, what is the basis for the decision to not fully support the City of Hobsons Bay and the Consultative Committee recommendations for Point Gellibrand, particularly with respect to — (*a*) annexation of land adjoining Hanmer Street and Kanowna Street, Williamstown, for sale for private housing rather than a Parks Victoria park; and (*b*) the extent of contamination on the whole site, including the estimated cost of clean up of the area for park use.

ANSWER:

I am informed that:

(a) The decision was not my portfolio responsibility.

(b) An environmental review of this land is currently underway to prepare detailed remediation plans.

Roads and Ports: Napier Street, White Hills

113. MR CAMERON — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports, in relation to the street area at Napier Street, White Hills, in the vicinity of Holy Rosary School:

1. Whether the traffic and pedestrian counts at the existing school crossing indicate that this location meets the requirements for pedestrian traffic signals.

2. Whether the Minister will cause the area to be altered to enable easier pedestrian access; if so, how and when.

ANSWER:

1. Pedestrian operated signals may be installed at locations where the number of pedestrians and the volume of traffic on the road exceed the warrants included in VicRoads Traffic Engineering Manual.

   Pedestrian and road traffic counts carried out in February 1997 by the City of Greater Bendigo show that VicRoads' warrants for pedestrian operated signals are just met. There are higher priority sites in the State.

2. Following discussion with the School Council, it is intended to construct a pedestrian refuge in the middle of the highway and improve the line marking on each approach to the crossing. These works are scheduled for completion in May 1998.

Police and Emergency Services: official travel, Essendon Airport

114. MR ROBINSON — To ask the Honourable the Minister for Police and Emergency Services, on how many occasions in 1997 did he or members of his department, or members of the Victoria Police Force at and above the rank of Assistant Commissioner, utilise Essendon Airport for official travel and what were the details of any such travel.

ANSWER:

I am informed that:

The time and resources required to collate all the details of the occasions Essendon Airport was utilised for official travel during 1997 cannot be justified. If you have a specific instance in mind, I may be able to assist you further.

Treasurer: official travel, Essendon Airport

115. MR ROBINSON — To ask the Honourable the Treasurer, on how many occasions in 1997 did he utilise Essendon Airport for official travel purposes and what were the details of any such travel.

ANSWER:

Essendon Airport was utilised on two occasions during 1997, on 31 July 1997 in the capacity as Minister for Multimedia to: Wangaratta, Warrnambool, Geelong and Ballarat and on 14 November 1997 in the capacity as Treasurer to: Jindabyne and Orbost.

Roads and Ports: Mitcham B-double limitations

119. MR ROBINSON — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports, what are the designated routes for B-double heavy vehicles within the electorate of Mitcham and what are the limitations on heavy vehicles on roads other than those designated for B-double heavy vehicles.

ANSWER:

B-doubles are permitted to use all roads within the Mitcham electorate that have been declared under Schedule 5 of the Transport Act 1983 (ie. all Main Roads and Freeways). Local roads can only be used if authorised by a permit issued by VicRoads or in the case of an emergency. Operators wishing to obtain a permit to use local roads must first obtain approval from the local council.

Roads and Ports: Springvale Road traffic lights

120. MR ROBINSON — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports, whether any alterations have been made in the past 12 months to the signalling programs of traffic lights at intersections, as well as pedestrian lights, along Springvale Road, between the Eastern Freeway and Canterbury Road; if so, what are these changes.

ANSWER:

Over the past twelve months alterations and adjustments have been made to a number of the traffic signals along Springvale Road between the Eastern Freeway and Canterbury Road.

At the intersection of Springvale Road and Maroondah Highway signals were adjusted to improve the time permitted for traffic travelling along Springvale Road and turning right from the east approach on Maroondah Highway.

Adjustments to the timing of the traffic signals at the intersection of Springvale Road and Canterbury Road have also been made to improve the time permitted for traffic using Springvale Road. In addition, the coordination of the traffic signals at various sites has been reviewed and, where necessary, adjustments have been made to match traffic patterns.

Roads and Ports: Koonung Trail

121. MR ROBINSON — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Port — (*a*) what is the estimated cost of work currently being undertaken on Koonung Trail north of the Eastern Freeway; (*b*) what is the cause of the stabilisation problem in the cutting above Koonung Creek; and (*c*) whether there are any other sections of the Koonung Trail which may require similar attention.

ANSWER:

The Koonung Trail is a pedestrian and bicycle pathway on the north side of the freeway immediately to the east of Blackburn Road and was constructed as a part of the recently completed Eastern Freeway. The pathway was cut through soft sedimentary rock in a steep cutting. Because of the soft nature of the siltstone, the surface of the cutting could deteriorate if exposed to natural weathering conditions unless some form of protection is applied to the surface.

VicRoads has engaged a contractor to protect the rock face and the amount of the contract is $470,000.

There are not expected to be any other areas of the Koonung Trail requiring this type of treatment.

Housing: public tenants

126. MR ROBINSON — To ask the Honourable the Minister for Housing, what was the number of public housing tenants in the electorates of Mitcham, Box Hill, Bayswater, Monbulk, Knox, Forest Hill, Bennettswood, Glen Waverley, Oakleigh, Mooroolbark, and Warrandyte as at 8 April 1998.

ANSWER:

The Department's information on public housing tenants is only listed by Local Government area, suburb or area office. Therefore, the electorate information requested cannot be provided.

Roads and Ports: Kororoit Creek Road pedestrian crossing

370. **MR BRACKS** — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports, what action is proposed for a pedestrian crossing at Kororoit Creek Road, Williamstown North, given the increased traffic movements at Kororoit Creek Road and the new residential housing pressure on the area from the 'Range' Housing Estate.

ANSWER:

Proposals for road improvement works are assessed and resources allocated on the basis of the benefits which will be delivered to the community.

VicRoads advises me that pedestrian volumes in the vicinity of the 'Range' Housing Estate are relatively low. Under these circumstances, it is unlikely that this site would attract funding for a higher cost pedestrian facility such as pedestrian operated traffic signals.

VicRoads' officers will initiate a meeting with the Hobsons Bay City Council to investigate the situation further and determine whether lower cost pedestrian treatments would be effective at strategic locations in Kororoit Creek Road, Williamstown North.

Roads and Ports: Eastern Freeway lighting

372. **MR ROBINSON** — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports:

1. Why is the Eastern Freeway east of Doncaster Road provided with less public lighting than on the city side of the Freeway.

2. What are the safety implications of less public lighting on the eastern side of the Eastern Freeway.

3. What plans does the Government have for upgrading lighting on the Eastern Freeway between Doncaster and Springvale Roads.

ANSWER:

Both sections of the Eastern Freeway comply with the Australian Standard of Freeway lighting.

Police and Emergency Services: Mitcham road fatalities

373. **MR ROBINSON** — To ask the Honourable the Minister for Police and Emergency Services, how many fatalities resulted from motor vehicle accidents in Blackburn, Blackburn North, Blackburn South, Mitcham, Nunawading, Vermont and Forest Hill in the years 1990-97, inclusive.

ANSWER:

I am informed by the Victorian Police that:

Fatalities Resulting From Motor Vehicle Accidents in Selected Suburbs, 1990-1997

Locality	1990	1991	1992	1993	1994	1995	1996	1997	TOTAL
Blackburn	1	1	0	0	0	1	1	0	4
Blackburn North	0	0	0	0	0	0	0	2	2
Blackburn South	0	0	0	0	1	1	0	0	2
Forest Hill	0	0	0	3	0	0	0	1	4
Mitcham	0	0	1	1	0	0	0	0	2
Nunawading	0	0	1	1	0	0	2	1	5
Vermont	1	0	0	2	0	1	1	1	6
Vermont South	0	0	0	2	0	0	1	0	3
TOTAL	2	1	2	9	1	3	5	5	28

Housing: Mitcham rent increases

375. MR ROBINSON — To ask the Honourable the Minister for Housing, what number of public housing tenants residing in the electorate of Mitcham are paying increased weekly rentals as a consequence of the Government's recent alteration of rent rebates in the ranges — (*a*) $0 - $1.00; (*b*) $1.01 - $2.00; (*c*) $2.01 - $3.00; (*d*) $3.01 - $4.00; (*e*) $4.01 - $5.00; (*f*) $5.01 - $6.00; (*g*) $6.01 - $7.00; (*h*) $7.01 - $8.00; (*i*) $8.01 - $9.00; (*j*) $9.01 - $10.00; (*k*) $10.01 - $11.00; (*l*) $11.01 - $12.00; (*m*) $12.01 - $13.00; (*n*) $13.01 - $14.00; (*o*) $14.01 - $15.00; and (*p*) more than $15.00.

ANSWER:

The Office of Housing in the Department of Human Services holds information on public housing tenancies by local government area, suburb and local housing office area, rather than by electorate.

Rebated rents increased on 19 April 1998 to 23% of income for tenants who were in public housing as at 17 November 1997 - approximately 54,000 households. Tenants who have entered public housing since that date pay 25% of income. Statewide, the rebated rent increases of 19 April have been in the order of:

$6.50 per week for a sole parent with one dependent child
$6.60 per week for a sole parent with two dependent children
$6.00 per week for a single aged or invalid pensioner
$10.00 per week for an aged or invalid pensioner couple.

Public housing continues to be a very affordable option for low income households. For example, a sole parent with two children now pays $56.00 per week rebated rent in public housing. Median rents in the private sector in the Mitcham/Nunawading area for the March quarter are $150.00 per week for a two bedroom house and $168.00 per week for a three bedroom house.

Conservation and Land Management: Mitcham EPA investigations

376. MR ROBINSON — To ask the Honourable the Minister for Conservation and Land Management:

1. On how many occasions have staff from the Environment Protection Authority investigated pollution complaints in Blackburn, Blackburn North, Nunawading, Mitcham, Heatherdale, Vermont, Forest Hill, Box Hill and Mount Waverley in the years — (*a*) 1993; (*b*) 1994; (*c*) 1995; (*d*) 1996; (*e*) 1997; and (*f*) 1 January to 14 April 1998.

2. How many of the above reports and investigations resulted in legal action by the Environment Protection Authority and what proportion of these actions were successful.

3. What were the specific details of these successful actions by the Environment Protection Authority.

ANSWER:

I am informed that:

1. & 2. The collation of relevant information to provide a response to these questions would require an inordinate amount of time and resources which cannot be justified.

3. General information on complaints investigations, notices and prosecutions is provided in the Environment Protection Authority's annual reports.

Police and Emergency Services: electricity distribution company bushfire mitigation programs

378. MR ROBINSON — To ask the Honourable the Minister for Police and Emergency Services:

1. Whether he receives copies of monthly reports compiled by United Energy covering the progress of its bushfire mitigation program in areas of high bushfire risk.

2. Whether he receives a copy of United Energy's annual bushfire mitigation program.

3. Whether he is aware of bushfire mitigation programs adopted by other electricity distribution companies.

4. Whether he receives copies of bushfire mitigation programs or monthly updates from other electricity distribution companies.

ANSWER:

I am informed that:

The Country Fire Authority (CFA), as the agency responsible for monitoring and reporting to the Minister on the standard of fire prevention in the country area of Victoria, keeps contact with the energy distribution companies to ensure that they implement effective bushfire mitigation programs.

Also, as a member of the Powerline Clearance Consultative Committee, the CFA meets monthly with the Office of the Chief Electrical Inspector (OCEI) and representatives of the energy companies, to deal with bushfire mitigation issues involving the electricity distribution network.

The CFA has advised the Minister that the OCEI reported that Bushfire Preparedness Audit for 1998/98, found that planned high priority works necessary to achieve preparedness for the 1997/98 bushfire season had been completed generally, prior to the declaration of the fire season. This audit was carried out under a regulatory requirement applying to the safe supply of electricity to the community, administered by the OCEI.

With regard to United Energy, the OCEI audit found that, in summary, the policies and programs relating to bushfire were of a high standard and generally, that there was no backlog of works as at the commencement of the bushfire season.

Planning and Local Government: Whitehorse demolition orders

385. MR ROBINSON — To ask the Honourable the Minister for Planning and Local Government:

1. How many demolition orders were issued for properties in the City of Whitehorse between 1 January 1995 and 14 April 1998.

2. How many of the above permits were issued by the City of Whitehorse.

3. How many demolition orders were issued for properties in postcode areas 3130, 3131, 3132, 3133, 3128, 3129, 3127, 3166, 3149, 3147 and 3148, between 1 January 1995 and 14 April 1998.

ANSWER:

Information is only available for the period July to December 1997.

1. Between July-December, 1997, 53 demolition permits were issued for properties in the City of Whitehorse.

2. Of the 53 demolition permits issued for properties in the City of Whitehorse between July-December 1997, 1 was issued by the City of Whitehorse, 38 by private building surveyors and 14 by other municipal surveyors.

3. The table below shows the number of demolition permits for properties in the nominated postcode areas for the period July-December, 1997.

POSTCODE	NUMBER OF DEMOLITION PERMITS FOR PROPERTIES, JULY-DECEMBER, 1997
3130	12
3131	6
3132	5
3133	3
3128	11
3129	2
3127	19
3166	9
3149	13
3147	4
3148	4
TOTAL	88

Fair Trading: petroleum product quality monitoring

387. MR ROBINSON — To ask the Honourable the Minister for Fair Trading:

1. Whether the Government monitors the quality of petroleum products sold at service stations; if not, why.

2. How many complaints have been received by her department relating to petroleum products reportedly of a lower than acceptable quality.

3. Whether she is aware of whether the RACV monitors the quality of petroleum products sold at service stations.

4. What powers are available to her to investigate and prosecute retailers of petroleum products below an acceptable quality.

ANSWER:

I am informed that:

The Office of Fair Trading & Business Affairs does not administer any legislation dealing with the control of the quality of petroleum products.

The Office provides a conciliation service to deal with various types of consumer complaints. On average the Office receives about ten complaints from consumers each year regarding contaminated fuel. Poor quality fuel may cause mechanical problems in vehicles, leading to additional repair costs. In such cases, through the conciliatory

process, the Office obtains redress for disadvantaged consumers based on the consumer's rights pursuant to Part IV of the *Goods Act* 1958. Furthermore the Small Claims Tribunal provides an accessible, low cost and informal dispute resolution forum for consumer claims.

The Australian Customs Service administers legislation and enforcement measures to control fuel substitution and tax avoidance. In regard to safety the Victorian WorkCover Authority is responsible for the use, manufacture, storage and transport of dangerous goods, including petroleum products, under the *Dangerous Goods Act 1985* and the *Occupational Health and Safety Act 1985.*

The RACV does not monitor fuel quality and refers any member's inquiries to the Office of Fair Trading & Business Affairs, or to the Australian Competition & Consumer Commission (ACCC).

There is no specific legislation which enables the Minister to investigate or prosecute retailers for selling petroleum products of a below acceptable quality. However under exceptional circumstances if conclusive evidence could be given to show that the trader was actually aware of contamination of the petroleum product prior to sale, there is the possibility of showing that there was misrepresentation (implied) as to the quality of the goods which would give rise to an offence under sections 12 and 16 of the *Fair Trading Act* 1985. To date no such cases have arisen.

Agriculture and Resources: Mitcham streamflows

388. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. What are the average streamflow figures for the suburban waterways at Heatherdale Creek, Mitcham; Koonung Creek, Blackburn North; Mullum Mullum Creek, Mitcham; Bushy Creek, Box Hill North and Gardiner's Creek, Box Hill.

2. What are the peak streamflow figures recorded for the above creeks in the period 1980 to 1997, inclusive.

ANSWER:

Until recently, streamflow measurements on waterways were directly related to the flood warning function, and it is only recently that flows have been measured for environmental purposes. Even then, the flows tend to be measured over a short period of time rather than continuous monitoring. As a result there is no flow data available from 1980 to 1997 for the Heatherdale Creek, Mitcham and Bushy Creek, Box Hill North.

The following comments are provided on the Koonung Creek, Mullum Mullum Creek and Gardiner's Creek.

1. A limited amount of flow data is obtainable for Koonung Creek at Middleborough Road, Blackburn North from 1980 to 1987, however the gaps in the data set preclude meaningful analysis.

2. A limited amount of flow data is available for Mullum Mullum Creek at Deep Creek Road, Mitcham from 1982 to 1991, however the gaps in the data set preclude meaningful analysis.

3. The only alternative site on Mullum Mullum Creek is at Warrandyte Road, Doncaster East. The average daily flow at this site is about 0.4 cubic metres or 35 megalitres per day.

4. While a level recorder is located on Gardiners Creek at Middleborough Road, Box Hill it is used primarily for assessing flood levels in the retarding basin in Sparkes Reserve and no reliable flow data is available.

5. The closest alternative recording station on Gardiners Creek is at High Street Road, Ashwood. The average daily flow at this site is about 0.4 cubic metres per second, or 35 megalitres per day.

Conservation and Land Management: Phillip Island boardwalks

389. MR ROBINSON — To ask the Honourable the Minister for Conservation and Land Management:

1. Whether the public boardwalk in the vicinity of the Nobbies and the Blowhole on Philip Island is still accessible to the public free of charge; if so, whether there are any plans to cease this arrangement; if not, when did it cease being available free of charge.

2. What was the cost of the boardwalk and when was it constructed.

3. From where was the funding for the boardwalk obtained.

ANSWER:

I am informed that:

1. The boardwalks at the Nobbies, within the Phillip Island Nature Park, are accessible to the public free of charge. There is no plan to change this arrangement.

2. The boardwalks were originally constructed in 1997/88 at a cost of about $250,000. The main boardwalks were accessed from concrete paths, which were on a gradient which made access difficult for those with limited mobility.

   New boardwalks have recently been constructed to replace the paths. One route provides access to the lower boardwalks at grades which comply with the standards required to provide wheelchair access. The recent boardwalks cost about $210,000.

3. Funding for the original boardwalks was provided from the Commonwealth Employment Program. The 1997 works were funded by Seal Rocks Victoria Australia ($198,000) and by the Phillip Island Nature Park ($12,000).

Conservation and Land Management: Environment Protection Authority

390. MR ROBINSON — To ask the Honourable the Minister for Conservation and Land Management:

1. What was the staffing level at the Environment Protection Authority (EPA) as at 14 April 1998.

2. How does this level compare with staffing levels in April 1997, April 1996, April 1995, April 1994 and April 1993.

3. What proportion of the EPA staff at 14 April 1998 were permanent, casual or temporary.

4. What number of EPA staff at 14 April 1998 were engaged in investigations and prosecutions.

5. How many samples from pollution sites or potential pollution sites were analysed by the EPA in 1993, 1994, 1995, 1996, 1997 and in the period 1 January to 14 April 1998.

6. What number of official investigations into pollution incidents were conducted by the EPA in 1993, 1994, 1995, 1996, 1997 and in the period 1 January to 14 April 1998.

ANSWER:

I am informed that:

1. - 4. Information on EPA staffing levels as at 30 June each year is provided in the Environment Protection Authority's annual reports. The time and resources required to provide information for specific dates is not warranted.

5. The collation of relevant information to provide a response would require an inordinate amount of time and resources which cannot be justified.

6. General information on investigations is provided in the Environment Protection Authority's annual reports.

Conservation and Land Management: Dunolly office

392. MR CAMERON — To ask the Honourable the Minister for Conservation and Land Management, with regard to the office of her Department located at Broadway, Dunolly, for the period 1 October 1997 to 1 April 1998, on what dates and for what times on those dates was this office open to the public.

ANSWER:

The Department of Natural Resources and Environment office at 89 Broadway, Dunolly has been closed since June 1996. Suitable alternative arrangements for the sale of firewood licences to the public and contact with commercial forest operators have been in place since the office was closed.

Transport: Metcard information line

394. MR ROBINSON — To ask the Honourable the Minister for Transport:

1. How many inquiries have been received by the Metcard Information Line since its establishment.

2. What is the average waiting time for inquiries to be answered.

3. What has been the cost of the Metcard Information Line since its establishment.

ANSWER:

1. There have been 29,967 calls to the MetCard Information Line since its establishment.

2. The average waiting time for inquiries is 12 seconds.

3. The MetCard Information Line is part of the total Automated Ticketing Service provided by OneLink Transit Pty Ltd under the terms of its contract and as such has not been separately costed.

Planning and Local Government: Blackburn Shell site

395. MR ROBINSON — To ask the Honourable the Minister for Planning and Local Government, what advice has been provided to him by Shell Australia, or associated companies, regarding the expected date of development of the Shell site located on the corner of Middleborough Road and Whitehorse Road, Blackburn.

ANSWER:

Shell Australia expects to lodge the development plan for approval by the Council under Clause 125-4 of the Whitehorse Planning Scheme, during 1998. Works are expected to commence during late 1998 or early 1999.

Tertiary Education and Training: Box Hill TAFE

396. MR ROBINSON — To ask the Honourable the Minister for Tertiary Education and Training:

1. How many full time students attending Box Hill TAFE, reside in the postcode areas 3130, 3131, 3168, 3128, 3132, 3167, 3129, 3149, 3166, 3133, 3150 and 3125.

2. What are the relevant figures for part time students in these respective areas.

ANSWER:

I am informed as follows:

Details of full time and part time students attending the Box Hill Institute of TAFE as at 31 December 1997 are listed in the following table.

POST CODE AREA		FULL TIME	PART TIME
3130	Blackburn	99	790
3131	Forest Hill/Nunawading	56	528
3168	Clayton	11	118
3128	Box Hill	134	1418
3132	Mitcham/Heatherdale	67	447
3167	Oakleigh South/Huntingdale	5	43
3129	Balwyn East	62	612
3149	Mount Waverley	45	262
3166	Oakleigh/Hughesdale	10	72
3133	Vermont/Vermont South	65	477
3150	Glen Waverley	41	388
3125	Bennettswood	45	304

"Full time students" have been defined as those students enrolled in training programs with an annual duration of 540 student contact hours or more.

Health: dental legislation review

397. **MR ROBINSON** — To ask the Honourable the Minister for Youth and Community Services, for the Honourable the Minister for Health, how many submissions were received by the Government in response to its dental legislation review.

ANSWER:

There were 80 submissions received from a variety of sources including professional associations, existing regulatory authorities, educational bodies and members of the general public by the Government in response to its dental legislation review.

Transport: suburban rail passengers

398. **MR ROBINSON** — To ask the Honourable the Minister for Transport, how many passengers does he estimate will utilise the suburban railway system in 1997-98.

ANSWER:

Met commuters performance indicators are reported in the Public Transport Corporation's Annual Report each year. Currently figures show an increase in 1997/98 boardings over 1996-97 totals. The final totals for 1997-98 will be published in the Annual Report of the Public Transport Corporation.

Transport: minister's automatic ticketing purchases

399. **MR ROBINSON** — To ask the Honourable the Minister for Transport, on how many occasions has he attempted to purchase a ticket through the automated ticketing machines in place at suburban railway stations.

ANSWER:

I am a regular traveller of the metropolitan public transport in both my official capacity and as a member of the public.

In my trips I have personally purchased many MetCards and witnessed the system in operation on numerous occasions. Personally I have never had any difficulties with the machines and from my observations I believe the system is working well.

Transport: minister's Met travel

400. **MR ROBINSON** — To ask the Honourable the Minister for Transport, on how many occasions in 1998 has he, in an official capacity, travelled on the suburban train, tram and bus system and what is the detail of that travel.

ANSWER:

I am a regular traveller of the metropolitan public transport in both my official capacity and as a member of the public.

Treasurer: official travel, Essendon Airport

401. **MR ROBINSON** — To ask the Honourable the Treasurer, on how many occasions in 1997 did his staff utilise Essendon Airport for official travel and what were the details of that travel.

ANSWER:

Essendon Airport was utilised on 31 July 1997 by a member of the Treasurer's staff, who accompanied the Treasurer to Wangaratta, Warrnambool, Geelong and Ballarat.

Attorney-General: official travel, Essendon Airport

404. **MR ROBINSON** — To ask the Honourable the Attorney-General, on how many occasions in 1997 did she or her staff utilise Essendon Airport for official travel purposes and what were the details of that travel.

ANSWER:

I am informed that the information available in response to the Honourable Member's question is:

Nil.

Youth and Community Services: official travel, Essendon Airport

408. **MR ROBINSON** — To ask the Honourable the Minister for Youth and Community Services, on how many occasions in 1997 did he or his staff utilise Essendon Airport for official travel purposes and what were the details of that travel.

ANSWER:

There were three occasions in 1997 when I utilised Essendon airport for official travel purposes. Details are as follows:

DATE	FLIGHT
7-05-97	Essendon-Swan Hill-Hamilton-Essendon
3-07-97	Hamilton-Essendon
25-11-97	Essendon-Hamilton-Portland-Essendon

On no occasion did my staff utilise Essendon Airport for official travel purposes.

Finance: official travel, Essendon Airport

412. **MR ROBINSON** — To ask the Honourable the Treasurer, for the Honourable the Minister for Finance, on how many occasions in 1997 did the Minister or his staff utilise Essendon Airport for official travel purposes and what were the details of that travel.

ANSWER:

The Essendon airport was utilised on four occasions and the details are:

- Elmore/Warracknabeal - Tax Reform Presentation.
- Lakes Entrance - Tax Reform Presentation.
- Mildura - Tax Reform Presentation.
- Hamilton - Sheepvention.

Gaming: official travel, Essendon Airport

413. **MR ROBINSON** — To ask the Honourable the Treasurer, for the Honourable the Minister for Gaming, on how many occasions in 1997 did the Minister or his staff utilise Essendon Airport for official travel purposes and what were the details of that travel.

ANSWER:

Essendon Airport was not used in my capacity as Minister for Gaming.

Transport: official travel, Essendon Airport

417. **MR ROBINSON** — To ask the Honourable the Minister for Transport, on how many occasions in 1997 did he or his staff utilise Essendon Airport for official travel purposes and what were the details of that travel.

ANSWER:

Neither I nor my staff used Essendon Airport for official travel purposes in 1997.

Roads and Ports: official travel, Essendon Airport

418. **MR ROBINSON** — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports, on how many occasions in 1997 did the Minister or his staff utilise Essendon Airport for official travel purposes and what were the details of that travel.

The Minister for Roads and Ports and his staff utilised Essendon Airport for official travel purposes during 1997 on three occasions. The details are:

Two return flights - Melbourne to Portland; and
One flight - Swan Hill to Melbourne.

Housing: official travel, Essendon Airport

419. **MR ROBINSON** — To ask the Honourable the Minister for Housing, on how many occasions in 1997 did she or her staff utilise Essendon Airport for official travel purposes and what were the details of that travel.

ANSWER:

On no occasion did I or my staff utilise Essendon Airport for official travel purposes in 1997.

Planning and Local Government: official travel, Essendon Airport

420. **MR ROBINSON** — To ask the Honourable the Minister for Planning and Local Government, on how many occasions in 1997 did he or his staff utilise Essendon Airport for official travel purposes and what were the details of that travel.

ANSWER:

The Minister for Planning and Local Government and his staff have not utilised Essendon Airport for any air travel for official purposes during the calendar year 1997.

Transport: automatic ticketing

422. **MR ROBINSON** — To ask the Honourable the Minister for Transport:

1. On how many occasions between 1 January and 22 April 1998 have automatic ticket machines located within PTC ticket offices been out of service.

2. What were the details of these breakdowns and how long was the machine out of service in each case.

ANSWER:

OneLink Transit Pty Ltd is not contractually required to make the information you have requested publicly available. However, I have been advised that the Booking Office Machine availability averaged in excess of 99% for the period in question.

Roads and Ports: Eastern Freeway extensions and links

423. **MR ROBINSON** — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports:

1. Whether the Minister has had discussions with private companies concerning the possible extension of the Eastern Freeway westwards from Hoddle Street; if so, whether these discussions have included the introduction of a toll on any future extension.

2. Whether VicRoads has any plans for an underground link between the Eastern Freeway and the Tullamarine Freeway.

3. What is the estimated cost of an underground link between the Eastern Freeway and the Tullamarine Freeway.

ANSWER:

1. As the Minister for Roads and Ports I regularly have discussions with private sector interests regarding infrastructure projects.

2. & 3. VicRoads has no plans for a link between the Eastern Freeway and Tullamarine Freeway.

Police and Emergency Services: police costs of waterfront dispute

428. MR ROBINSON — To ask the Honourable the Minister for Police and Emergency Services.

1. Whether he has had any discussions, either directly or through officers of his Department or members of his staff, with the Federal Government concerning the overtime payments to members of the Victoria Police engaged in activity on the Melbourne waterfront.

2. Whether any agreement or understanding has been reached between the Victorian Government and the Federal Government concerning reimbursement of any costs borne by the Victorian Government in the current waterfront dispute.

3. What is the estimated cost of overtime and associated police force expended as a result of the current waterfront dispute.

ANSWER:

1. No.

2. No.

3. Victoria Police are required to manage and coordinate an effective response to incidents, emergencies, major public events and demonstrations. The costs and resources in policing the waterfront dispute were incurred by Victoria Police in fulfilling that operational responsibility.

Fair Trading: monitoring of fuel prices

431. MR ROBINSON — To ask the Honourable the Minister for Fair Trading: further to the Treasurer's commitment in April 1997 that the Office of Fair Trading would monitor fuel prices, what specific monitoring has been undertaken by the Office since that commitment.

ANSWER:

The Treasurer, the Hon Alan Stockdale MP, announced in his Treasurer's Budget Speech on 29 April 1997, reductions in the former franchise fees for petrol and diesel to apply from 1 June 1997. In relation to price monitoring, the Treasurer stated that, to ensure that the full benefits of lower wholesale franchise fees then flow to both country and city motorists, the Australian Competition and Consumer Commission (ACCC) had agreed to closely monitor movements in pump prices and to report to the Victorian Government as a matter of priority.

He added that the Office of Fair Trading would also monitor fuel prices, particularly in regional areas where competition is weakest.

The context of the Treasurer's commitment to monitor petrol prices therefore relates specifically to the Government's concerns to ensure that cuts in the former State Franchise fees that were announced in the 1997 State Budget were passed on in full to motorists.

The Office subsequently monitored prices in a sample of smaller regional centres over the period May - July 1997, to supplement the information gathered by the ACCC. The Office's price surveys were conducted by representatives of funded community groups and officers travelling to regional centres on Office business. The

ACCC has access to daily RACV surveys of petrol and diesel prices at 13 major regional centres, as well as daily price data from service stations in metropolitan Melbourne provided by a private consultant.

The ACCC has since presented its report to the Victorian Government on the results of both its price monitoring and the Office of Fair Trading surveys.

Roads and Ports: Victorian Taxi Directorate

433. MS DAVIES — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports with regard to the Victorian Taxi Directorate.

1. How many staff are employed in each category of position.

2. How many women were employed in each of these categories as at 1 April 1998.

3. What were the respective figures at 30 June 1997, 1996 and 1995.

ANSWER:

	Management	**Administration**	**Enforcement**
1997-98 at 1 April 1998			
Total Staff	7	20	12
Women	2	10	1
1996-97 at 30 June 1997			
Total Staff	5	17	9
Women	1	11	1
1995-96 at 30 June 1996			
Total Staff	5	17	9
Women	Nil	12	1
1994-95 at 30 June 1995			
Total Staff	5	14	9
Women	Nil	8	Nil

Agriculture and Resources: Regulator-General compliance

437. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. On how many occasions since its establishment has the Office of Regulator-General penalised companies for non-compliance with its orders.

2. On how many occasions since its establishment has the Office of Regulator-General issued compliance notices, and what are the details of each compliance notice issued.

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Minister for Agriculture and Resources.

Transport: Mitcham automatic ticketing

445. MR ROBINSON — To ask the Honourable the Minister for Transport:

1. How many scratch type tickets have been sold from retail outlets in the Mitcham electorate since 1 January 1998 and what has been the value of tickets sold.

2. What has been the value of tickets sold at new automatic ticket machines located in the Mitcham electorate since 1 January 1998 and how many tickets have been sold through automatic ticket machines located in the electorate since that date.

3. What is the range of tickets, and their type, sold at retail outlets in the Mitcham electorate.

ANSWER:

There are 15 outlets (12 retail and 3 railway stations) in the Mitcham electorate which can supply the complete range of Met Cards and scratch tickets. There are also two other railway stations which sell a wide range of tickets.

I am unable to provide any further response because the resources required to assemble and verify the information cannot be justified. Also, information relating to part of the question is held by OneLink Transit Pty Ltd and is not required to be made publicly available.

Transport: Anzac Day train services

446. MR ROBINSON — To ask the Honourable the Minister for Transport:

1. What promotion of early morning train services organised for Anzac Day 1994 was undertaken by the Public Transport Corporation and what was the cost of this promotion.

2. What discussions have been undertaken between the Government and the Anzac Day Committee since 1994 concerning early morning train services.

ANSWER:

(1) Early morning services for Anzac Day 1994 were provided at the request of the RSL. The RSL gave an undertaking to widely publicise these services among their members and within the community generally. The PTC did not advertise the services.

(2) On Wednesday, 18 January 1995 Brigadier Phil Davies, AM, Chief Marshall for the Anzac Day March advised the PTC that it would not be a requirement of the PTC to provide early morning services for the Dawn Service in 1995.

The PTC has not been requested to provide any early morning services any year since 1994.

Roads and Ports: freeway noise

455. MR ROBINSON — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports:

1. What is the VicRoads policy for noise attenuation in areas where freeway traffic noise levels exceeded — (*a*) 63 dB(A); and (*b*) 68 dB(A).

2. What noise levels have been recorded by or on behalf of VicRoads in the vicinity of the Eastern Freeway in Kew since 1995.

3. What action, if any, has VicRoads taken in response to these findings.

4. What funding has VicRoads allocated for noise attenuation works in 1998-99 and if this funding proves inadequate, will the Government allocate additional funding during the year.

5. What has been the increase in traffic volumes on the Eastern Freeway in Kew as a result of the extension of the freeway to Springvale Road.

6. Which firm or firms has VicRoads used to conduct noise emission tests in the vicinity of freeways since 1994.

7. On how many occasions have these firms performed work for VicRoads.

ANSWER:

1. VicRoads policy for noise attenuation is:

   a) Where arterial roads and freeways are built on new alignments, or where existing arterial roads or freeways are widened by two or more lanes, and buildings previously protected from traffic noise are exposed by removal of buildings required for widening, the traffic noise level adjacent to buildings of a residential nature will be limited to **63 dB(A) L_{10}(18hr)**, measured between 6 am and midnight, or the level that would have prevailed if the road improvements had not occurred, whichever is the greater.

   b) Retrofitting of noise barriers on older freeways should occur when the noise levels exceed **68 dB(A)L_{10}(18hr)**.

2. VicRoads has taken noise measurements in the vicinity of the Eastern Freeway. The noise levels were in the range of 60 dB(A) - : 69 dB(A).

3. VicRoads is currently developing a program for noise barrier installation on older sections of the Eastern Freeway.

4. Funding for 1998/99 will be announced by the Government shortly.

5. A review of the Eastern Freeway traffic volumes in the Kew area, between June 1997 and March 1998, indicates an increase of 28,000 vpd.

6.& 7. VicRoads has not engaged any firms to conduct noise emission tests. It is the practice of VicRoads to monitor traffic noise.

Transport: rail freight and gauge

456. MR ROBINSON — To ask the Honourable the Minister for Transport:

1. Whether the Government has any plans to close freight lines servicing the Northern or North Western parts of Victoria.

2. What plans does the Government have to convert rail lines in Victoria to standard gauge.

3. Since the conversion of railway lines servicing the Port of Portland to standard gauge, what has been the change in tonnages of freight and grain conveyed to the Port by rail.

ANSWER:

1. The Government has no such plans.

2. An important issue is the effective and efficient operation of Victoria's regional rail network, both in terms of freight and passenger services. The Government will continue to consider the issue of standardisation of the Victorian rail network.

3. There has been no change in the tonnage conveyed to the Port of Portland since the rail lines were converted from broad to standard gauge.

Roads and Ports: Victorian Channels Authority

457. MR ROBINSON — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports:

1. Whether the Victorian Channels Authority (VCA) is currently carrying out any operations in or near Corio Bay; if so, what is the estimated cost and basis of this work.

2. Whether the VCA is currently carrying out any other work; if so, what are the details and estimated cost of the work.

ANSWER:

I am unable to provide a response as this does not fall within my portfolio responsibilities.

Police and Emergency Services: Mitcham railway station offences

458. MR ROBINSON — To ask the Honourable the Minister for Police and Emergency Services:

1. How many assaults or other offences were reported on the Lilydale and Belgrave rail lines in 1993, 1994, 1995, 1996 and 1997.

2. How many of these offences were reported at the Box Hill, Laburnum, Blackburn, Nunawading, Mitcham, Ringwood and Heatherdale railway stations, respectively.

ANSWER:

The following information has provided by Victoria Police:

1. Tables A and B provide the total number of assaults and other reported offences on the Lilydale and Belgrave rail lines in 1993, 1994, 1995, 1996 and 1997.

2. It is not possible to determine how many offences were reported at individual railway stations. However, Tables C to I provide the total number of assaults and other reported offences committed at the Box Hill, Laburnum, Blackburn, Nunawading, Mitcham, Ringwood and Heatherdale Railway Stations in 1993, 1994, 1995, 1996 and 1997.

TABLE A: OFFENCES REPORTED ON THE LILYDALE LINE

Year	Assaults (a)	Other Reported Offences (b)
1993	69	697
1994	73	660
1995	107	764
1996	128	707
1997	88	587

TABLE B: OFFENCES REPORTED ON THE BELGRAVE LINE

Year	Assaults (a)	Other Reported Offences (b)
1993	34	384
1994	48	318
1995	43	312
1996	45	240
1997	20	189

TABLE C: OFFENCES COMMITTED AT BOX HILL RAILWAY STATION

Year	Assaults (a)		Other Reported Offences (b)
	Stations	Carparks	
1993	6	1	32
1994	5	0	31
1995	2	0	62
1996	13	0	45
1997	6	2	50

TABLE D: OFFENCES COMMITTED AT LABURNUM RAILWAY STATION

Year	Assaults (a)		Other Reported Offences (b)
	Stations	Carparks	
1993	0	0	65
1994	3	0	20
1995	2	0	28
1996	3	0	20
1997	3	0	18

TABLE E: OFFENCES COMMITTED AT BLACKBURN RAILWAY STATION

Year	Assaults (a)		Other Reported Offences (b)
	Stations	Carparks	
1993	3	0	19
1994	1	0	41
1995	2	0	26
1996	0	0	26
1997	1	0	15

TABLE F: OFFENCES COMMITTED AT NUNAWADING RAILWAY STATION

Year	Assaults (a)		Other Reported Offences (b)
	Stations	Carparks	
1993	3	0	22
1994	0	0	11
1995	4	0	15
1996	0	0	19
1997	4	0	25

TABLE G: OFFENCES COMMITTED AT MITCHAM RAILWAY STATION

Year	Assaults (a)		Other Reported Offences (b)
	Stations	Carparks	
1993	2	0	63
1994	1	0	74
1995	3	1	99
1996	1	0	84
1997	2	0	92

TABLE H: OFFENCES COMMITTED AT RINGWOOD RAILWAY STATION

Year	Assaults (a)		Other Reported Offences (b)
	Stations	Carparks	
1993	13	0	51
1994	17	1	68
1995	11	1	54
1996	17	6	62
1997	1	1	80

TABLE I: OFFENCES COMMITTED AT HEATHERDALE RAILWAY STATION

Year	Assaults (a)		Other Reported Offences (b)
	Stations	Carparks	
1993	3	0	56
1994	1	0	67
1995	0	0	77
1996	2	0	59
1997	0	0	30

(a) Includes Homicide, Sex (Non rape) and Robbery Offences.

(b) Includes Property Damage, Burglary, Theft from Motor Car, Theft of Motor Car, Theft of Bicycle and Theft (Other). Excludes Assaults, Deception, Handle Stolen Goods, Drugs, Going Equipped to Steal, Justice Procedures, Regulated Public Order, Weapons/Explosives or Other Offences.

Transport: Mitcham automatic ticketing machines

459. MR ROBINSON — To ask the Honourable the Minister for Transport:

1. How is the availability of TUM1, TUM2 and BOM automatic ticket machines, which was referred to in the Minister's response to Question on Notice No. 46, actually calculated.

2. On what basis are the figures recorded in the same answer under the title "Oper Hrs" actually calculated.

3. Given that the answer indicates that two TUM1 machines became operable at Mitcham and Heatherdale stations on 15 January 1998, why is there a difference of 600 under the title "Oper Hrs".

4. What is the repercussion of the above anomaly for the calculation of percentage availabilities.

ANSWER:

I am advised that there was a typographical error in the answer to Question 46 and the operating hours for the two TVM1 machines referred to in that Question should be 1760.

Roads and Ports: Vicroads Blackburn office

461. MR ROBINSON — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports further to the Minister's response to Question on Notice No. 79:

1. Whether VicRoads was aware in July 1996 that its Blackburn office had very poor customer facilities; if so, why did VicRoads not plan to relocate the office at that time.

2. How many customer visits were made to the Blackburn office of VicRoads in 1996-97 and how many customer visits were made to the Burwood East office in the same period.

3. Whether any customer service feedback surveys were conducted at the VicRoads' Blackburn office in the three years prior to its closure; if so, what were the details of those surveys.

4. What was the anticipated customer usage of VicRoads' East Burwood office prior to its opening and whether, if at all, this usage target was achieved.

5. Whether VicRoads owned the Blackburn office property and if it was sold following the closure, for what amount was it sold.

ANSWER:

(1) VicRoads was aware in 1996 that the Blackburn Registration and Licensing Office had difficulty meeting desired performance standards.

It was necessary to evaluate the ability of the new Burwood East facility to cope with the increasing customer demands before making a decision on the possibility of merging Blackburn with Burwood East.

(2) There were 218,500 customer visits to Blackburn office from 1 July 1996 to 30 June 1997. There were 202,000 customer visits to Burwood East office in the same period.

(3) Customer Service Satisfaction Surveys were conducted at Blackburn Registration and Licensing office in December 1994.

(4) The anticipated customer usage for the Burwood East office was 1,000 - 1,200 per day. This target has now been exceeded.

(5) The Blackburn office was located in leased premises.