Tuesday, 6 October 1998

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

PERSONAL EXPLANATIONS

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I desire to make a personal explanation. I wish to inform the house of an oversight on my part relating to the requirements set out in the Members of Parliament (Register of Interests) Act 1978.

I purchased 750 shares in Harvest Grain Australia Pty Ltd in August 1996. The purchase of these shares should have been declared by me in the 1996–97 register of interests. I, in fact, registered my interest in the 1997–98 return. I regret the oversight and lack of punctuality in declaring my interest.

Honourable members interjecting.

The SPEAKER — Order! I remind honourable members that personal explanations are serious matters during which honourable members should not interject. I would like to hear them in silence.

Dr NAPTHINE (Minister for Youth and Community Services) — I also wish to make a personal explanation. In the adjournment debate of 1 September 1998 the Deputy Leader of the Opposition said:

> 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.

The Deputy Leader of the Opposition went on to allege:

> The minister exempted St John of God from the tender process in a ministerial briefing note of March 1998.

In my reply to the house on 1 September I stated correctly that the March 1998 memo referred to by the Deputy Leader of the Opposition did not proceed beyond a draft and that the accommodation services in question, which were for clients of Kew Residential Services, were put out to tender.

I also stated that St John of God Services did not receive the $123 000 referred to by the Deputy Leader of the Opposition — that is, a payment earlier this year to house people with disabilities under the Kew redevelopment scheme. The facts are that St John of God Services Victoria did not receive a payment of $123 000 earlier this year. Nor did it receive a payment of $123 000 to house people with disabilities under the Kew redevelopment scheme.

However, since the adjournment debate I have learnt that in November 1997 an amount of $123 000 was allocated for payment to St John of God Services to provide interim accommodation for five people with disabilities who otherwise would have become homeless. This funding was short term, pending the conclusion of a tender process to determine who will provide long-term accommodation services to these individuals.

None of these five people resided at Kew Residential Services and none is part of the Kew redevelopment scheme referred to by the Deputy Leader of the Opposition. However, as the payment was made without my knowledge or approval I have instigated an inquiry into the departmental procedures governing payments for interim accommodation.

I offer this personal explanation because I am aware that my reply of 1 September may have left members unclear about the distinction between the matters dealt with in the March 1998 draft memo referred to by the Deputy Leader of the Opposition and the earlier payment to St John of God Services to provide interim accommodation for five homeless people.

MINISTER FOR POLICE AND EMERGENCY SERVICES

Mr BRUMBY (Leader of the Opposition) — I desire to move, by leave:

> That this house notes the legal advice from Mrs Felicity Hampel, QC, who, after examining the conduct of Minister McGrath in accepting a grant from the government in which he is a senior minister, advised that:
>
> > Even assuming that such a provision [section 55] should be interpreted narrowly, in my opinion it is likely in those circumstances that a court would hold that he has become concerned or interested in the receipt and application of the grant, or has become entitled to participate in the profit of the grant, or in a benefit arising from it —
>
> and that therefore he is in breach of section 55 of the Victorian constitution, and calls on the Premier to refer this serious matter pursuant to section 300 of The Constitution Act Amendment Act to the Supreme Court — sitting as the Court of Disputed Returns — so that the blatant conflict of interest and the breach of the Victorian constitution by Minister McGrath can be considered impartially and not by the Premier and the National Party.

Leave refused.

MINISTER FOR POLICE AND EMERGENCY SERVICES

Mr BRUMBY (Leader of the Opposition) — I desire to move, by leave:

That this house condemns the Premier for not taking action to uphold the basic standards required by Parliament and the doctrine of ministerial responsibility by failing to take action over the outrageous and improper conduct of the Minister for Police and Emergency Services, who has:

1. acted in contempt of the Parliament pursuant to section 9 of the Members of Parliament (Register of Interests) Act 1978 (the act) in that he has breached sections 6(2)(a) and 6(2)(b) of the act;

2. failed to declare his interest in Harvest Grain Australia to the Department of State Development when it awarded a grant to that company;

3. failed to declare his interest in Harvest Grain Australia to the Victorian cabinet in March 1998 when the minister voted to approve an extension to the existing barley marketing arrangements for a further season through the Agricultural Acts (Amendment) Bill;

4. failed to declare his interest in Harvest Grain Australia to the Victorian Parliament on 1 May 1998, when the minister spoke in favour of extending the Australian Barley Board's single-desk export marketing of grain, despite the calls by his competitors that competition should be widened; and

5. failed to declare his interest in Harvest Grain Australia to the Victorian people when he publicly gave two pursuit of excellence awards to his own company on 29 May 1998 —

and calls on the Premier to immediately take action to stand down Minister McGrath so as to salvage any remnants of respect for the Victorian Parliament, the doctrine of ministerial responsibility and basic ministerial standards.

Leave refused.

MEMBERS: CONFLICT OF INTEREST

Mr BRUMBY (Leader of the Opposition) — I desire to move, by leave:

That this house notes the judgment by Mr Justice Vincent of the Supreme Court in the case of *Ellis v. Atkinson*, who, when ruling on the application of section 55 of the constitution, found that the Supreme Court did not have the jurisdiction to determine whether the former Parliamentary Secretary for Planning and Local Government, the Honourable Bruce Atkinson, had breached section 55 of the constitution, stated:

> It is, to put it mildly, unfortunate that the entitlement of a member of the legislature of this state to sit and vote on matters of great public importance cannot be determined through some independent and impartial process and may ultimately depend upon the balance of political power within the house itself —

and notes the response to the judgment by the Premier when he replied to a question on whether he would take advice in relation to those comments, when he stated:

> I certainly will. He's a judge that I have a high regard for —

and, further noting the failure of the Premier to take any action whatsoever, condemns the Premier for failing to act to provide for an independent determination of whether a member is entitled to sit in the Victorian Parliament and to continue to allow ministers and backbenchers to openly and blatantly flout the Victorian constitution.

Leave refused.

MINISTER FOR YOUTH AND COMMUNITY SERVICES

Mr THWAITES (Albert Park) — I desire to move, by leave:

That this house condemns the Minister for Youth and Community Services for misleading the house over the payment of $123 000 made to St John of God Services Victoria for disability accommodation services and in particular for his attempt to cover up the real facts, including his denial both in this house and in the press that the payment was made when it was in fact made, and accordingly calls for a full probity investigation to investigate the tender process and determine whether it has been improperly influenced by a personal relationship between a Department of Human Services manager and a manager in St John of God Services.

Leave refused.

QUESTIONS WITHOUT NOTICE

Minister for Police and Emergency Services: pecuniary interests

Mr BRUMBY (Leader of the Opposition) — I refer the Minister for Police and Emergency Services to his statement to the house on 3 September this year, when he admitted holding shares in Harvest Grain Australia, a company that received a government grant, and to the fact that independent legal advice from Felicity Hampel, QC, shows that the grant constituted a bargain or a contract with the Crown within the purposes of section 55 of the Victorian constitution. Given this advice, will the minister now abide by the Victorian constitution, will he resign from the ministry — —

A government member interjected.

Mr BRUMBY — You can laugh at the state constitution. You flout it every day, don't you?

The SPEAKER — Order!

Mr BRUMBY — Will the minister now abide by the Victorian constitution, will he resign from the ministry and will he vacate his seat of Wimmera, or will he continue to arrogantly flout and breach the Victorian constitution on an almost daily basis?

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I did not wilfully not declare the interest in Harvest Grain, and I have already given that explanation today. It was a genuine oversight on my part, and I have therefore corrected that situation. I will continue to be a minister in this government so long as the Premier and the Deputy Premier want me to be.

Gas: Longford explosion

Mr LEAN (Carrum) — Will the Premier advise the house on the progress of restoring the gas supply from Esso's Longford plant?

Mr KENNETT (Premier) — I thank the honourable member for his question.

Honourable members interjecting.

Mr KENNETT — That is a very good example of how members of the Victorian Labor Party are totally out of touch with the electorate they seek to serve.

Honourable members interjecting.

Mr KENNETT — On behalf of the government and the vast majority of members, I extend my sympathy to the families of Mr Peter Wilson and Mr John Lowery, who lost their lives in the tragic incident at Esso's Longford facility on Friday, 25 September. Secondly, I extend our best wishes to those who sustained injuries and to their families. Thirdly, on behalf of all of us I thank all those involved in responding to the Longford incident, particularly the Longford employees, many of whom were physically injured and emotionally shattered by the incident, the loss of life and the damage done to their colleagues but who returned to work very quickly. Through their efforts they have to date secured the restoration of power for industry — and, we hope, gas for the community by Thursday.

I also wish to thank the volunteer organisations — the Country Fire Authority, the State Emergency Service, the police, the ambulance and a whole range of other community groups — who, together with the communities of Sale and Longford, have shown incredible spirit in dealing with this incident, particularly given that down in the Gippsland area generally they have been very severely tested with fire, drought, flood and now this incident.

Yesterday I had the opportunity of visiting Esso's Longford facility. It is not the first time I have been there. I have visited it on several occasions during my parliamentary career, and I attended — —

Mr Thwaites interjected.

Mr KENNETT — What did you just say?

Mr Thwaites — Why don't you make a ministerial statement?

Mr KENNETT — I won't repeat what the Deputy Leader of the Opposition has just said under his breath, but it is the most callous comment I have ever, ever heard from a member of Parliament in this place — and he ought to be absolutely ashamed of himself!

Mr Thwaites — You're lying again!

The SPEAKER — Order! The Deputy Leader of the Opposition will withdraw that unparliamentary comment.

Honourable members interjecting.

Mr KENNETT — I attended Longford yesterday with the chairman of Esso, Mr Robert Olsen. I inspected the damage at gas plant no. 1 and also watched the procedures required to re-fire plants nos 2 and 3. Gas plants 2 and 3 are now capable of producing gas. Gas plant no. 1 will be out of service for some months, maybe longer. It has suffered significant damage, and it will take the engineers, who have been called together from not only around Australia but around the world, a great deal of time to work out whether they will be able to have that plant operating before the next winter season is upon us.

I thank the Victorian community for the way it has cooperated throughout this dispute. We have consistently tried to keep people informed on a regular basis, and without the assistance of the community the orderly return of gas supply would not have been achieved.

We are finalising the terms of reference for the board of inquiry. I hope that matter will be approved by cabinet next week and the board established as a matter of urgency. It should be said that a number of inquiries are currently going on, including one by the coroner, with whom my office is in contact to make sure there is no duplication or overlapping.

The inquiry will obviously be wide ranging. As is usual with boards of inquiry, the board will have the powers of a royal commission. It is in the interests of the Victorian community not only that the board should be assisted, including being given the financial support it requires, in every way possible by the government and obviously by Esso but also that it report back fairly quickly. I am hopeful that the board of inquiry will report by the end of this year.

This incident has severely disrupted Victoria's production. It has been very costly; but whatever the financial cost, it does not in any way compare with the physical loss of the lives of two citizens and the suffering of those injured, one of whom remains in a serious but stable condition in the Alfred hospital as a result of burns. To all in Longford and Sale, to the employees of Esso and to the volunteers, we extend our sincere thanks for the work they have done.

Mr Baker — A totally inappropriate use of question time!

The SPEAKER — Order! Interjections of that kind are also inappropriate in question time.

Minister for Police and Emergency Services: pecuniary interests

Mr BRUMBY (Leader of the Opposition) — Apparently it is not important enough for a ministerial statement!

The SPEAKER — Order! The Leader of the Opposition should ask his question.

Mr BRUMBY — I refer the Premier to the comments of Mr Justice Vincent of the Supreme Court in the Atkinson case, when he said:

> It is, to put it mildly, unfortunate that the entitlement of a member of the legislature of this state to sit and vote on matters of great public importance may ultimately depend upon the balance of political power within the house itself —

and to the Premier's own subsequent statement that Mr Justice Vincent was a judge for whom he had a high regard.

Given the independent legal opinion of Mrs Felicity Hampel, QC, that the Minister for Police and Emergency Services has breached section 55 of the Victorian constitution, will the Premier now take immediate steps to refer the minister's actions to the Supreme Court or will the Premier continue to use his numbers in this house to arrogantly cover up the incompetence of one of his senior ministers?

Mr KENNETT (Premier) — I thank the honourable member for his question, and I should not be surprised that in this line of questioning he continues to display to this house the irrelevance that he and his party display to the electorate as a whole.

On a number of occasions in this place governments of both political persuasions have found themselves with an individual who has inadvertently said something to the house that needs correction. The house has the means of correcting that situation at the first available opportunity, and the minister has done that today. The minister continues to enjoy my total support and confidence, and it is my wish that the minister will continue to serve as a minister until the completion of our term, which I suspect will be approximately two years from now.

GST: benefits

Mrs PEULICH (Bentleigh) — Will the Premier inform the house of the government's assessment of the likely benefits to Victoria from the introduction of general tax reforms and the impact on Victoria's reputation of One Nation's showing at the federal election?

The SPEAKER — Order! The honourable member may ask only one question. Which of the two would she like to ask?

Mrs PEULICH — Although I believe the two questions can be related, Mr Speaker, I will adhere to the first part of the question, asking the Premier to inform the house of the government's assessment of the likely benefits to Victoria from the introduction of general taxation reform.

Mr KENNETT (Premier) — The election result on Saturday both within Victoria and throughout Australia is perhaps the most historic since the Second World War. In Victoria the swing against the federal government was, with the exception of the Northern Territory, the smallest recorded in any state or territory.

Honourable members interjecting.

Mr KENNETT — We have a number of people to thank for that and therefore for the introduction of the federal government's new taxation, and no-one more so than the honourable member for Yan Yean, who personally ran Mr McEwen's campaign out of his office, which saw Ms Fran Bailey returned with a wonderful result on Saturday night. Without the honourable member for Yan Yean, we may have lost that seat.

Another ingredient in the introduction of this taxation plan was the incredible amount of work done by the Leader of the Opposition — the Brumby factor. Let me tell you about the Brumby factor: he was not even asked to attend any candidate meeting for the ALP in Victoria, let alone in any other state, except when Mr Beazley was there, because he wanted to shine in Mr Beazley's ample light.

Because of the failure of the ALP in Victoria, Victoria now has for the fourth election in a row — —

Honourable members interjecting.

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

Mr KENNETT — Because of the failures of the Victorian ALP at two federal and two state elections, a taxation plan is now in place that offers income earners in Victoria and the rest of the commonwealth a wonderful opportunity to gain substantial relief through new taxation scales and introduces new arrangements for commonwealth–state financial relations.

Mr Batchelor interjected.

The SPEAKER — Order! The honourable member for Thomastown will cease interjecting.

Mr KENNETT — The group of honourable members who sit opposite, who have promised the people great outcomes at every election, have once again failed miserably. One of the reasons for their failure is that their federal colleagues, like their state colleagues, have never offered a comprehensive plan to the people of the state or the country. I trust that the taxation plan the Prime Minister articulated going into the recent federal election will substantially benefit Victorian industry by enabling it to share in the removal of approximately $10.5 billion in costs from Australian industry.

Mr Thwaites interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition will cease interjecting.

Mr KENNETT — I don't think Andrew said a thing. You are wrong again!

Mr Thwaites interjected.

The SPEAKER — Order! I have already warned the Deputy Leader of the Opposition. I cannot make it much clearer: if he abuses his relationship with the Chair, he will be named forthwith.

Mr KENNETT — Of most importance to Victoria is the rearrangement in commonwealth–state financial relations. The Prime Minister contacted my office this morning. There will be a Premiers meeting in November at which all state premiers, together with the federal government, will commence discussing the arrangements that will put in place a new and secure financial base for the state. I hope it will put an end to the types of conferences that premiers, whether Labor or Liberal, had to attend year after year to argue around the commonwealth begging bowl for sufficient funds to provide the services for which they had responsibility.

The tax plan is very important. Australia cannot afford to go through two or three years debating how the plan, either in part or in full, will be consummated through legislation. There has never been an election campaign during which a financial package has been so widely debated and in which the differences between the two major parties have been so great. Only through the plan will we as a state and a nation be able to maximise the opportunities that now exist for employment, personal security and growth. The tax package is without a doubt the most exciting that Australians have been offered by a political party since the Second World War. I trust that as a result of the election the — —

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition will cease interjecting.

Mr KENNETT — It is a tragedy that the Leader of the Opposition — —

Mr Brumby interjected.

The SPEAKER — Order! If the Leader of the Opposition does not cease interjecting across the table I will name him.

Mr KENNETT — I would have thought that the Leader of the Opposition, having failed so dismally and so often, would take stock of his own performance and start giving some impetus to the Labor Party by developing ideas and policies rather than offering abuse and worrying more about percentages than seats. I would always rather have seats: the Leader of the Opposition can have the percentages and we will have the seats, time and time again. One of the fundamentals of politics that he has not yet grasped is that if you do not have the numbers you will continue to sit in opposition until you rot.

The financial package is very important, and the government looks forward to working hard with the commonwealth government to implement it. The

package will provide real benefits for the entire Victorian population, including those on low incomes and, particularly, on middle incomes.

Gas: Longford ice blockage

Mr BRUMBY (Leader of the Opposition) — Given that the only investigation into the ice blockage at Esso's Longford plant in June this year was conducted by Esso itself, and given the serious concerns that have been expressed in today's media that the incident may be related to the recent tragic explosion at Longford, will the Premier now make the report public or will he continue to hide the facts from the Victorian people?

Government members interjecting.

Mr KENNETT (Premier) — The report the Leader of the Opposition is referring to is a report by a union official.

Mr Brumby — I am referring to the report done by Esso.

Mr KENNETT — No, the report saying that the two events may have been connected — that is, the ice in the pipes and the recent event — was made by a union official. That is again the basis of your hard-work research: you have read a newspaper! The government has received a report from Esso on the ice blockage. I have not read it at this stage because of other — —

Opposition members interjecting.

Mr KENNETT — I have not read it at this stage, to be honest — —

Mr Batchelor interjected.

The SPEAKER — Order! The honourable member for Thomastown will cease interjecting.

Mr KENNETT — To be honest, we have been more concerned about restoring gas supplies to Victorians in a safe manner. The report will be part of the investigation conducted by the board of inquiry that I set up. There will be investigations into both the recent incident and the ice plugs, as they are referred to. The report will not be released until the board of inquiry has completed its task.

Gas: Longford explosion

Mr KILGOUR (Shepparton) — Will the Treasurer inform the house of what steps domestic consumers of gas should take to ensure the safe resumption of gas supply?

Mr STOCKDALE (Treasurer) — I thank the honourable member for his question, which is about something of critical importance to the people of Victoria. The government has properly decided that in restoring the gas supply, which needs to be phased in over several days, priority is to be given to getting people back to work. Accordingly, the restoration of gas supply has commenced with industry. However, from 6.00 a.m. tomorrow gas restrictions on all small businesses, home businesses, cottage industries, light industry and commercial operations will start to be lifted. Domestic consumers have been advised that gas restrictions will be lifted from Thursday at the earliest. However, a number of steps need to be taken to ensure the safety of individuals and the gas supply system as a whole as people reconnect to the gas system.

Importantly, to protect the security of the system following domestic consumers being given the all-clear to switch on their gas, houses with even street numbers will be able to turn on their gas from 6.00 a.m. on Thursday and houses with odd street numbers will be able to turn on their gas from 3.00 p.m. on Thursday. That is being done to minimise the risk of any damage to the system and, in particular, to minimise the risk of a large number of people all switching on the gas at the same time, causing a reduction in pressure that would threaten the continuity of supply and put at risk the security of the system.

It is essential that people read the announcements about the reconnection arrangements and follow the instructions for the staggered lifting of restrictions to ensure that risk is minimised and the safety of the system is maximised.

On the day restrictions are lifted households should use gas only for cooking and for hot water. The next day, Friday, gas can be turned on for other purposes, such as central heating and the heating of pools and spas. Again, that is designed to phase in the demand on the system to ensure continuity of supply, the safety of the system and the maintenance of adequate pressure in the pipeline system.

Citizens should be aware that the government has engaged in a wide-ranging public education program to ensure that domestic gas consumers understand how to turn on their gas safely. It is worth reiterating the very important point that consumers should wait for the all clear from Vencorp and the government before switching on the gas. It is expected now that supply will resume in accordance with those arrangements on Thursday. However, people should check to make sure that the restrictions have actually been lifted. I again reiterate that failure to comply with the progressive

lifting of restrictions could jeopardise the safety of individuals and the gas network as a whole.

Brochures detailing the procedure for switching on the gas will be distributed to 1.6 million households — it is expected the distribution will be completed by late tomorrow — and it is absolutely vital that people read and carefully follow the instructions in them. The brochures will also be available from a number of other places: post offices, Gasmart and Gaslink stores, local councils, Shell service stations, all supermarkets, gas appliance manufacturers and the offices of state members of Parliament. A brochure containing the instructions in 18 languages will be available from post offices, local councils and the offices of state members of Parliament.

Honourable members will have noted that television advertising advising gas consumers to wait until the brochure is delivered and an official announcement is made before turning on their gas began on Monday night. The TV and radio announcements will point consumers to instructions contained in the brochures for the safe switching on of gas. Instructions will also be published in the *Age* and the *Herald Sun*, and in regional and ethnic newspapers. The key message in the pamphlets and all the advertisements is for Victorians to relight safely and to call 13 20 81 if they encounter any difficulties.

An Honourable Member — What is the number again?

Mr STOCKDALE — It is in the pamphlet. It is 13 20 81. For those who are unable to restart the gas the government is in the process of assembling 1400 plumbers and gasfitters from Victoria, New South Wales, South Australia and New Zealand. People will have to contact 13 20 81 to register for free assistance, which will be delivered over the next few days. Customers will not be billed for that assistance. However, if as is expected some customers engage private plumbers rather than access the government's free service they will have to pay for it themselves and there will be no reimbursement.

Customers who have any queries or who are uncertain about the procedure they should follow should ring 13 20 81. On Wednesday 500 call centre operators will be available to answer the telephone, and the number will build to 700 on Thursday. Clearly there will be a large volume of calls to the inquiry number and regrettably there could be significant delays. However, it is important that people avail themselves of the service and are patient in seeking assistance. Assistance will be offered at the first available opportunity.

I congratulate the vast majority of people who have cooperated during these difficult times by observing the restrictions and making every effort to ensure the continuity of supply to hospitals, emergency services and other people in severe need. In doing so they have also protected the security of the system. We again ask that people read and follow the instructions very carefully.

Gas: Longford safety inspections

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the closure of the Victorian Workcover Authority's Sale office on 26 July of this year and the departure of the inspector responsible for undertaking regular safety inspections at Longford. How many plant and safety inspections were undertaken at the Longford plant between the closure of the office on 26 July and 25 September, when tragically the Longford gas plant exploded?

Mr KENNETT (Premier) — I thank the honourable member for his question and for notifying me earlier today that he was going to ask the question. Perhaps it was a slip of the tongue at the time. The information I have is that the Victorian Workcover Authority last conducted a full physical examination of the Longford plant in June and July of 1998, prior to reissuing Esso's licence under the Dangerous Goods Act. No equipment or plant deficiencies were identified. The inspections were similar to those conducted in 1997, 1996 and 1995.

The capacity and expertise of the Victorian Workcover Authority to undertake its regulatory role has been questioned by a few. This is incorrect, and I make the following points. The hours spent in the field are up, from 66 000 in 1995–96 to 100 000 in 1997–98, and the target for 2001 is 200 000 hours. The number of field officers is currently being increased by 15 to 223. It should be noted that at the time of the amalgamation of the Victorian Workcover Authority with the Health and Safety Organisation there were 170 inspectors.

The Victorian Workcover Authority has invested heavily in its field staff, including an equal investment in general inspectorial and advisory services, and in additional specialist officers to focus on hazardous installations such as Longford, Coode Island, and so on. The basic premise has been to move away from prescriptive to outcome-based legislation, thereby placing more responsibility on industry to achieve outcomes — that is, safer workplaces — rather than simply fulfil technical requirements that could often be made obsolete by improvements in technology before legislation could be proclaimed. This approach is based

on the fact that employers, designers, manufacturers and suppliers are best placed to ensure the physical safety of plant and equipment.

It should be noted that injuries are down from 6822 in 1991–92 to 2991 in 1997–98 — a 44 per cent reduction in traumatic injuries. The Workcover Authority is to be congratulated on playing a major role in improving safety and thereby subsequently reducing workplace injuries in Victoria. I again thank the Leader of the Opposition for the question.

Mr Brumby — Will the Premier make the document available to the house?

Mr KENNETT — With great pleasure. The only thing I have left out is the indication that the Leader of the Opposition was going to ask me the question.

Gas: Longford explosion

Mr PHILLIPS (Eltham) — Will the Minister for Police and Emergency Services outline to the house the emergency service agencies' participation in the recent gas crisis?

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I know all honourable members are interested in the contribution made by emergency services following the difficult situation with the gas explosion at Longford.

Since the explosion the Emergency Management Council, which I chair, has met on three occasions. All government agencies and volunteer groups such as the Salvation Army and Red Cross meet to consider various strategies and recovery principles. I pay an enormous tribute to the emergency services. The Chief Commissioner of Police, Mr Neil Comrie, who is also deputy chairman of the Emergency Management Council, played an important initial role. The Country Fire Authority, SES, Metropolitan Fire and Emergency Services Brigade (MFESB) and volunteer groups became involved. More than 1000 firefighters from the Country Fire Authority participated for nine days at Longford immediately after the explosion. Two CFA crews remain on site and will remain there for a further two weeks to ensure that every precaution is followed through.

Approximately 3200 CFA volunteers were involved in the gas switch off around the wider community on the first day and several hundred more were involved on the following two days. The CFA has continued to cooperate with Esso on site through the rebuilding process to ensure that satisfactory safety standards such as pressurisation and recovery phases are met.

The SES provided 1000 volunteers on the Sunday and continued to assist in the shutdown of gas. That organisation also helped with catering activities by providing between 500 and 3500 meals a day for the 10 days following the event.

The MFESB provided firefighting equipment requested by the CFA to support its operations and maintained other equipment on stand-by. The MFESB also provided assistance to the public to turn off the gas when required. Some people were probably difficult to deal with and I endorse the comments of both the Premier and Treasurer, who thanked the public for its participation and support in that difficult situation.

Most Victorians would agree that they are fortunate to have their emergency services. Regardless of whether the state experiences flood, explosion or fire Victorians can rest assured that the CFA, MFESB, SES, Victorian Ambulance Service, Red Cross and the Salvation Army will play an important part in coming to terms with the difficulties faced from time to time. The reason recovery from those situations is so good is through the enormous contribution of the volunteer organisations along with the professional support received from emergency services agencies and wider government agencies.

Workcover: safety inspectors

Mr BRACKS (Williamstown) — I refer the Premier to the process that began in July where the Victorian Workcover Authority sacked 165 specialist crane and lift, boiler and pressure vessel safety inspectors and then readvertised the positions as Workcover field officers, seeking staff with less specialist knowledge of plant and equipment safety. Is the Premier aware that the process has had a massive impact on the morale of the Workcover field services division and will he immediately halt the process and reinstate the specialist inspectors and not pursue the generalist field officers as he indicated in his previous answer to a question?

Mr KENNETT (Premier) — I have fairly succinctly outlined the success story of the Victorian Workcover Authority.

An honourable member interjected.

Mr KENNETT — If incidents can be reduced by 44 per cent it is a great success story. If the honourable member on the other side does not agree, I do not know the outcome by which he would assess not only the Victorian Workcover Authority but also the performance of his own organisation!

The reality is that Workcover has served the community well and continues to do so. I do not intend to interfere with its management techniques when its outcomes are so positive for all Victorians. If the honourable member opposite tries to draw any connection between that and what happened at Longford — I am not suggesting he is — that is in bad taste. The government will wait until the board of inquiry is conducted.

Changes in staffing always cause short-term morale problems among staff members, which is understandable. However, the reality is, as happened with the public service, that the end result is a more vital, clearly focused and loyal service that delivers specific and positive outcomes for the people they are employed to serve — the people of Victoria.

I do not intend to interfere in the Workcover Authority's work. Workcover is in the area of administration of one of my line ministers, not in mine. If the honourable member for Williamstown thinks this is the best way to behave on his first day back after a break, I suggest that the Labor Party will continue to remain totally out of its depth in public administration.

Dairy industry: gas crisis

Mr A. F. PLOWMAN (Benambra) — Will the Minister for Agriculture and Resources advise the house how the dairy industry has survived the gas situation?

Mr McNAMARA (Minister for Agriculture and Resources) — The question is significant because the dairy industry is very important to this state. Dairy products are still our largest agricultural export, making up about 40 per cent of all Victorian food exports. It is also vital to continue reliable supplies of fresh milk to the Victorian community. At times we take that for granted.

Victoria has some 8000 licensed dairy farmers. About 50 per cent of the milk processing capacity in the state was affected by the lack of gas. The problem was mainly in the northern irrigation areas and in Gippsland. Fortunately gas supplies to many of the processing plants in the Western District remained intact. At this time of year there is a large amount of milk to deal with. We are coming into the peak production season when approximately 28 million litres of milk are produced each day — a very large amount of milk. More than half of it is destined for export markets and, as with any perishable product, it has to be processed promptly. The dairy industry acted quickly to address the situation, to the extent that about 90 per cent of all processing plants are now operating normally. That is a great achievement given that half our plants were relying totally on gas before the problem arose.

One problem that persisted was the disposal of surplus milk that could not be taken up by processing plants. As more plants were brought on line, however, the problem diminished. Earlier we had to move a lot of milk around the state to areas such as the Western District where processing plants were still operating. Nonetheless, a large amount of milk, totalling more than 40 million litres, had to be disposed of.

The easiest type of disposal was to the effluent ponds sited on dairy farms, but disposal of milk in that manner creates some problems. The department has been working closely with the Environment Protection Authority to find ways of handling excess milk without causing environmental problems. We have had tremendous cooperation from the EPA, from the Minister for Conservation and Land Management and from our own people in the Department of Natural Resources and Environment. We have been putting out regular bulletins to dairy farmers explaining the problems and — —

The SPEAKER — Order! The minister has now been speaking for 3½ minutes. I ask him to wind up his answer.

Mr McNAMARA — I am coming to the end of my presentation, Mr Speaker.

The SPEAKER — Order! It is not supposed to be a presentation; it is supposed to be the provision of some facts to the house.

Mr McNAMARA — The Environment Protection Authority, the Department of Natural Resources and Environment, various dairy companies and the farmers across Victoria worked together incredibly well during this crisis. The way they responded to a difficult situation has been a credit to them. The industry dealt with a crisis in which the major plants at Tatura and Darnum were out of operation. I am pleased to say that those plants are now operating and we hope to see a return to normality soon.

NOTICES OF MOTION

The SPEAKER — Order! Are there any notices of motion?

Notices of motion given.

ALP: federal candidate for Dickson

Mr LEIGH (Mordialloc) — I desire to give notice that tomorrow I will move:

That this house calls on the Victorian administrative committee of the Victorian Labor Party to oppose any attempt by the federal parliamentary Labor Party to impose Mrs Cheryl Kernot, a Queensland resident, on the people of Holt.

Honourable members interjecting.

The SPEAKER — Order! I remind honourable members that it is a member's right to give notice of a motion, even though other members may not agree with it.

Further notices of motion given.

ALP: federal candidate for Dickson

Mr FINN (Tullamarine) — I desire to give notice that tomorrow I will move:

That this house condemns the ALP candidate for the federal seat of Dickson, Mrs Cheryl Kernot, for her petulant attack on the honourable member for Northcote, and further calls on Mrs Kernot to apologise for any damage caused to the reputation of the honourable member for Northcote.

The SPEAKER — Order! That notice of motion is purely frivolous and, as such, I rule it out of order.

Further notices of motion given.

PETITIONS

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

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 COLEMAN (Bennettswood) (40 signatures)

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 ANDRIGHETTO (Narracan) (141 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 1992–93 Victoria Police annual report and 1996 Auditor-General's report, your petitioners therefore pray the government immediately enact the following key recommendations from the 1995 parliamentary report on combating child sexual assault, being

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

2. A proactive services coordinator be established within HSV (#17) and the proactive 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).

3. 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).

4. 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).

5. 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).

6. 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).

7. 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).

8. 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).

9. 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).

10. 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 inquiries (#130).

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

By Ms CAMPBELL (Pascoe Vale) (8998 signatures)

Preschools: funding

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

The humble petition of certain citizens in the state of Victoria showeth concerns over government mismanagement of the introduction of children's services regulations, the unreasonable expectations of time and personal level of responsibility demanded of voluntary committees of management, and of parents to fundraise.

Your petitioners therefore pray that the state government accepts responsibility for providing more support to preschools so as to lessen the enormous strain currently on volunteer committees to fundraise for basic necessities, which are required to provide a proper preschool education for all Victorian children.

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

By Ms CAMPBELL (Pascoe Vale) (64 signatures)

Laid on table.

Ordered that petitions presented by honourable member for Pascoe Vale be considered next day on motion of Ms CAMPBELL (Pascoe Vale).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Mr RYAN (Gippsland South) presented *Alert Digest* No. 6 of 1998 on:

Arts Acts (Amendment) Bill
Conservation, Forests and Lands (Miscellaneous Amendments) Bill
Consumer Credit (Finance Brokers) Bill
Health Services (Further Amendment) Bill
Land (Further Revocation of Reservations) Bill
Legal Practice (Amendment) Bill
Mutual Recognition (Victoria) Bill
Petroleum Bill
Planning and Environment (Amendment) Bill
Victorian College of the Arts (Amendment) Bill
Victorian Institute of Marine Sciences (Repeal) Bill

together with appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Anderson's Creek Cemetery Trust — Report for the year 1997

Audit Act 1994 — Report on the Performance Audit of the Victorian Auditor-General's Office, September 1998 — Ordered to be printed

Ballaarat General Cemeteries Trust — Report for the year 1997

Bendigo Cemeteries Trust — Report for the year 1997

Building Act 1993 —

Building Code of Australia — Amendment No. 3

Minister's exemption certificate under section 9(1) of the *Subordinate Legislation Act* 1994 and notice of the making of the Amendment *(Government Gazette S94,* 9 September 1998*)*

Cheltenham and Regional Cemeteries Trust — Report for the year 1997

Constitution Act Amendment Act 1958 — Report on the Mitcham District By-election, 13 December 1997

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

Amendment No. 4 to the Standard for the Uniform Scheduling of Drugs and Poisons No. 12

Amendment No. 1, Part A and Part B to the Standard for the Uniform Scheduling of Drugs and Poisons No. 13, and notice regarding the amendments, commencement and availability of the Poisons Code

Environment Protection Act 1970 — Order declaring Industrial Waste Management Policy (Waste Acid Sulfate Soils) *(Government Gazette No. S86,* 27 August 1998*)*

Fawkner Crematorium and Memorial Park — Report for the year 1997

Geelong Cemeteries Trust — Report for the year 1997

Lilydale Memorial Park and Cemetery Trust — Report for the year 1997

Memorial Park Altona Cemetery Trust — Report for the year 1997

Necropolis Springvale — Report for the year 1997

Parliamentary Officers Act 1975 —

Statement of Appointments and Alterations of Classifications during the year 1997–98 in the —

Department of the Legislative Council

Department of the Legislative Assembly

Department of the Parliament Library

Department of the Parliamentary Services

Department of the Reporting Staff of the Victorian Parliamentary Debates

Statement of Persons Temporarily Employed during the year 1997–98 in the —

Department of the Legislative Council

Department of the Legislative Assembly

Department of the Parliament Library

Department of the Parliamentary Services

Department of the Reporting Staff of the Victorian Parliamentary Debates

Planning and Environment Act 1987 —

Notice of approval of the Campaspe Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

All Metropolitan Planning Schemes — Nos. L82, RL179

All Planning Schemes — No. S77

Berwick Planning Scheme — Nos. L140, RL185

Boroondara Planning Scheme — No. L55

Cranbourne Planning Scheme — Nos. L186, RL185

Delatite Planning Scheme — No. L16

Flinders Planning Scheme — Nos. 176, L179

Frankston Planning Scheme — No. L108

Greater Bendigo Planning Scheme — No. L79

Greater Geelong Planning Scheme — Nos. R199, R212

Hastings Planning Scheme — No. L130

Kingston Planning Scheme — No. L39

Knox Planning Scheme — Nos. L173, RL185

Maribyrnong Planning Scheme — Nos. L34, L36

Maroondah Planning Scheme — No. L20

Melbourne Planning Scheme — Nos. L301, L322, RL179

Melton Planning Scheme — Nos. L81, L96

Monash Planning Scheme — Nos. L41, L46A, L47

Pakenham Planning Scheme — Nos. L151, L157

Stonnington Planning Scheme — No. L16

Traralgon (City) Planning Scheme — No. L76

Victoria Planning Provisions — No. VC3

Warrnambool Planning Scheme — No. L30

Warrnambool (Shire) Planning Scheme — No. L17

Whitehorse Planning Scheme — No. L21 Part 1

Whittlesea Planning Scheme — No. L167

Yarra Planning Scheme — No. RL179

Yarra Ranges Planning Scheme — Nos. L88, L89, L98

Preston General Cemetery Trust — Report for the period 1 July 1995 to 31 December 1996

Public Sector Asset Investment Program (Budget Information Paper No. 1) — Report for the year 1998–99

Statutory Rules under the following Acts:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — S.R. No. 111

Firearms Act 1996 — S.R. No. 112

Gaming Machine Control Act 1991 — S.R. No. 108, 109

Magistrates' Court Act 1989 — S.R. Nos. 106, 107

Melbourne and Metropolitan Board of Works Act 1958 — S.R. No. 113

Mental Health Act 1986 — S.R. No. 120

Motor Car Traders Act 1986 — S.R. No. 114

Planning and Environment Act 1987 — S.R. No. 115

Road Safety Act 1986 — S.R. No. 116

Supreme Court Act 1986 — S.R. Nos. 110, 121

Tobacco Act 1987 — S. R. No. 119

Transport Superannuation Act 1988 — S.R. No. 118

Victorian Plantations Corporation Act 1993 — S.R. No. 117

Subordinate Legislation Act 1994 —

Minister's exception certificates in relation to Statutory Rule Nos. 107, 110, 121

Ministers' exemption certificates in relation to Statutory Rule Nos. 109, 111, 114, 115, 117, 118, 119

Templestowe Cemetery Trust — Financial Statements for the year 1997

Werribee Cemetery Trust — Report for the period 1 July 1995 to 31 December 1996

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:

Agriculture Acts (Amendment) Act 1998 — Section 6 on 1 October 1998 *(Gazette No. G38,* 24 September 1998*)*

Firearms (Amendment) Act 1998 — Paragraphs (c), (e) and (g) of section 40 on 7 September 1998 *(Gazette No. G35,* 3 September 1998*)*.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Arts Acts (Amendment) Bill
Conservation, Forests and Lands (Miscellaneous Amendments) Bill
Land (Further Revocation of Reservations) Bill
Petroleum Bill
Victorian College of the Arts (Amendment) Bill
Victorian Institute of Marine Sciences (Repeal) Bill

NOTICE OF MOTION

Gas: Longford explosion

Mr LONEY (Geelong North) — I desire to move, by leave:

That this house calls on the Premier to make a full ministerial statement on the explosions at the Esso plant at Longford, and the consequent loss of Victoria's gas supply, forthwith.

Leave refused.

Mr LONEY (Geelong North) — I desire to give notice that on the next day of sitting I will move:

That this house calls on the Premier to make a full ministerial statement on the explosions at the Esso plant at Longford, and the consequent loss of Victoria's gas supply, forthwith.

BUSINESS OF THE HOUSE

Grievances

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

That for the purposes of sessional order no. 4(1), Wednesday, 21 October 1998, be appointed a day upon which the question 'That grievances be noted' may be put.

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 4.30 p.m. on Thursday, 8 October 1998:

Arts Acts (Amendment) Bill
Mutual Recognition (Victoria) Bill
Petroleum Bill
Victorian Institute of Marine Sciences (Repeal) Bill
Planning and Environment (Amendment) Bill
Consumer Credit (Finance Brokers) Bill
Legal Practice (Amendment) Bill
Land (Further Revocation of Reservations) Bill

Conservation, Forests and Lands (Miscellaneous Amendments) Bill
Health Services (Further Amendment) Bill

Mr BATCHELOR (Thomastown) — The opposition opposes the government business program because it fails to provide an opportunity for the effective and proper scrutiny of bills. It also fails to allow enough debating time to discuss the crisis following the gas explosion at Longford. Implicit in the motion is a process to have Parliament consider and pass 10 pieces of legislation by the end of the parliamentary week — that is, by 4.30 p.m. on Thursday. It is unreasonable for the government to be asking Parliament to deal with so many bills when we should be dealing with other important issues. In that context it is inappropriate to bring on so many pieces of legislation without allowing sufficient time to adequately deal with them.

Excuse me, Mr Speaker, my beeper seems to be blowing up!

An honourable member interjected.

Mr BATCHELOR — It needs a new power supply, not unlike Victoria, which is in need of extra gas supplies.

The SPEAKER — Order! I suggest the honourable member remove the battery while he is in the chamber.

Mr BATCHELOR — It is in non-audio mode, but when the battery runs out it is a bit like the gas supply, which the government should be trying to do something about.

Opposition members thought sufficient parliamentary time would be made available today to discuss the gas crisis. We have made numerous attempts to bring on such a debate, but on each and every occasion the government has refused us leave. The government is using the motion to put in place a crammed legislative program that will make it impossible for the house to discuss important issues. We will be lucky to get through the 10 bills on the program by 4.30 p.m. on Thursday. There will be no time for adequate debate and certainly no time to discuss the implications of the gas crisis.

Instead of trying to force through 10 pieces of legislation, the government should be allowing sufficient time for a ministerial statement to be made on the gas crisis. It is interesting to note that the government prefers to use parliamentary debating time to force through legislation rather than availing itself of the opportunity to make a ministerial statement. Many members will have forgotten what a ministerial statement is, because the government has made very few. Since the coalition was elected in 1992, only one ministerial statement has been made in the chamber, and that was by the then Minister for Community Services on child protection. The then Minister for Finance made an abortive attempt to deliver a ministerial statement on superannuation.

During the last four years of the former Labor government between 1988 and 1992, 13 ministerial statements were debated in this chamber. During the first term of the Labor government between 1982 and 1985, 39 ministerial statements were made covering topics such as the Ash Wednesday bushfires, industrial relations, an inquiry into the SEC, the Victorian economy, agriculture in Victoria, parliamentary reform and industry assistance policy.

The opposition maintains that time should be set aside in this week's program to allow the Premier to make a ministerial statement so that all members of Parliament can discuss the implications of the gas crisis.

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

Mr E. R. SMITH (Glen Waverley) — As usual, we are having the same old boring debate from the Labor Party on time that we have whenever this subject of the business of the house is moved by the Leader of the House.

If the honourable member for Thomastown is serious, he should look at a thing called efficiency. We know that between now and Thursday afternoon at 4 o'clock some speeches by the lead speakers will go on and on, taking up their full time ad nauseam. Those speakers with points to bring up and issues to raise on debates should be counselled beforehand and proper time should be allocated. If proper time were allocated by the member for Thomastown to his members, I am sure every member who has anything new to say on any bill would be heard adequately.

Instead we hear speaker after speaker from the opposition flouting a standing order with tedious repetition all the way through every debate in this place. Some speakers, such as the honourable member for Niddrie, will go on and on. We will make agreements in advance, but those agreements will be broken. Half-hour speeches will be extended to a full hour, and there will be tedious repetition throughout that hour.

If the honourable member for Thomastown is serious he will ensure that in the forums that are available in the house between now and Thursday afternoon at

4 o'clock the opportunities for all members to speak on the subjects they wish to speak on are taken. We have all of tomorrow morning to bring up opposition business, and we also have the adjournment debate, during which erring ministers — the Minister for Local Government could well listen to this — could use the opportunity to discuss the gas crisis.

What has to be discussed in the gas crisis? Firstly, the fact that there must be an inquiry, as indicated by the Premier today. The reasons for the crisis will come out in the inquiry and also in the coroner's inquest. We also need to discuss safety measures to be taken by the community.

The first matter we cannot talk about because it has not yet been realised. However, the second matter is awfully important, and I should have thought the Premier, during question time today, had given members the impetus to go back to their electorates and start talking about the need for safety during the turn-on period between now and 3 o'clock on Thursday afternoon when the last of the residents of unevenly numbered households will conclude turning the gas back on.

These are the issues that the community wants to hear about; it does not want to give Labor Party members the opportunity to do what they were trying to do today — to denigrate what has been a very good response to a tragic situation. We need to look seriously at the matters before the house and adequately allocate time for debate so that we do not have the tedious repetition that seems to be the order of the day among speakers of the opposition.

Mr THWAITES (Albert Park) — The opposition opposes the government's business program, but not because it wants to have a boring debate on the question of time, as the honourable member for Glen Waverley indicates, because it has nothing to do with time and everything to do with what this house does and what role it plays. The role of the house is not simply to pass 10, 15 or 20 bills that the executive desires to pass in a particular week; it is to keep the executive accountable, to question the executive and ensure that the public is satisfied that the government is taking all appropriate steps. For example, in relation to the gas crisis that has been referred to, the honourable member for Glen Waverley has tried to narrow the issues that the Parliament would want to discuss, but they are much broader than the honourable member for Glen Waverley has indicated.

Those issues centre on why this terrible event occurred, how a similar event can be prevented from occurring in the future, how we can ensure that people who have been tragically affected by the crisis are properly compensated and that the hundreds or thousands of workers who have lost employment as a result can get through this difficult period. These are the sorts of issues about which Parliament ought to be quizzing the executive, and a proper government would be communicating to the Parliament.

A decent government would have issued a ministerial statement setting out all of these issues, including the response of the government, what actions are being taken, and giving the opposition the opportunity of making a proper contribution to the debate in the house.

The honourable member for Glen Waverley said we can discuss it all tomorrow morning. Of course that is not true. This place is conducted in such a way that if the matter is able to be made the subject of an adjournment debate, that will be for only 2 hours, after which we will then move onto the notice of motion on the notice paper, which in this case happens to be a notice by the member for Ballarat East in relation to sport. I should have thought that the gas crisis was so serious that this house ought to at least have the opportunity of debating it all tomorrow morning, and the member for Glen Waverley canvassed that fact in his speech. He said we would have all tomorrow morning. Across the table, though, the Leader of the House indicated that the opposition would not be granted leave to discuss or debate the issue for the whole morning, and I should have thought that was the very minimum to which the government ought to agree.

It is not possible for members in this place to consider and debate the ramifications of the gas crisis in 2 hours. It is not possible for all of those on this side to make contributions, let alone the members on the other side, in 2 hours, and the problem is that this government has contempt not only for the opposition but for its own backbenchers. It is not even prepared to give the backbenchers who might wish to speak on this very important subject an opportunity of doing so.

Of course the same contempt that the government has for the opposition and its own backbench is displayed in relation to the bills that will be rammed through this week. According to the business program, 10 bills will be canvassed to be debated. There are 15 hours at a maximum to debate those bills. That means an hour and a half per bill which, at best, gives an opportunity for one or two members of the government and one or two members of the opposition to have a say.

The practice that the government is adopting now is to adjourn the debate as soon as the lead speaker from the

opposition side has finished speaking. It is no wonder that some of those contributions are lengthier than they would otherwise be because it is the only opportunity that members on this side of the house have to speak on a bill.

This week we will be debating extremely important legislation — the Petroleum Bill, the Planning and Environment (Amendment) Bill and the Health Services (Further Amendment) Bill — to which many members of both sides of the house want to make contributions.

Mr RYAN (Gippsland South) — I support the government's business program. The contribution made by the honourable member for Albert Park demonstrates the complete hypocrisy of the Labor Party's position on the matter. The honourable member argued that the house should be debating issues concerning the recent gas crisis. I point out to the house that I live 20 kilometres from the plant, and I was working in Sale on the afternoon of 25 September when the explosion occurred. When I saw the smoke on the horizon I made the first telephone calls to establish the origin of the problem. I also travelled out to the plant in an endeavour to assist from a government perspective.

The honourable member for Albert Park argued that the house should busy itself over the next few days with a discussion of those issues, yet he well knows that the house is utterly ill-equipped to undertake any such discussion at this time. Given his legal background, he also knows that appropriate discussions are presently occurring in the forums in which they should occur, principally at the office of the State Coroner.

It is the coroner who will inquire in the first instance into how, when and where Peter Wilson and John Lowery died. It is the coroner who will make public his findings on the events leading to the terrible tragedy that resulted in the deaths of those two gentlemen and the injuries to the eight workers who had to be hospitalised immediately afterwards, and it is the coroner who will be able to tell the public at large about the origins of the dreadful incident. In addition, a Workcover inquiry is investigating the issues. During question time today the Premier outlined the process the government is undertaking in initiating its own inquiry. In the fullness of time, when the appropriate inquiries on those important issues have been undertaken, the public will be informed of the reasons why the events occurred, and the house will then be in a position to debate those issues.

I am not for one moment negating the significance of the gas crisis and the dreadful impact it has had on the community in which I live. As members of a house that when all is said and done is an adversarial forum, we would be ill-advised to be debating issues that are of interest and concern to the people of Victoria and, more particularly, to the families of those who lost their lives or were injured, when we simply do not know the facts about what led to the dreadful tragedy.

I support the motion because it will enable the house to deal with the legislation on the notice paper in the usual appropriate and orderly fashion to produce an outcome in the best interests of the people of Victoria. To be talking about the house discussing the recent tragedy arising from the explosion at Longford is appalling. The Labor Party knows full well that to do so would be playing politics with a tragedy of the most awful proportions.

Mr LONEY (Geelong North) — I oppose the government business program, and I do so with some disregard for the concluding remarks of the honourable member for Gippsland South, which were totally unwarranted and unworthy of him. The government is missing the point, not just of what Parliament is about but of what has occurred in the state over the past week or so.

Although I agree with the honourable member for Gippsland South that proper sensitivity should be shown to the families of the workers at Sale and to the community at large, there are other issues arising from the tragedy that it is proper for Parliament to examine in an appropriate manner with appropriate debate — and that should take place forthwith. The explosion at the Longford plant was unique and catastrophic. We have not seen the like of it before, and I hope will not see its like again. It is not good enough to treat the issue as the honourable member for Gippsland South does, suggesting to the house that the Sir Humphrey approach is the most appropriate and using phrases such as 'in the fullness of time'. That approach is not appropriate.

In his brief contribution, the honourable member for Gippsland South gave the house more information about the issue than the government has. The nub of what we are talking about is informing the public. There are times when Parliament lets down the people who elect it and contributes to the scepticism and cynicism with which the public regards it. I would suggest that today is one of those occasions.

The very first item of business today following Parliament's resumption after the break should have been a ministerial statement by the Premier on what has happened in Victoria over the past week or 10 days. Instead, he has avoided it. The opposition has tried a

number of ways to get the Premier to make a ministerial statement. It has moved to give him leave to do so, but each time the government has refused. The motion is now on the notice paper, and the opposition knows that it will probably be 15 years before it comes on for debate. It simply will not happen, and the government knows it.

A ministerial statement should be made when an event of this magnitude occurs, which has major consequences for the economy and affects the health and wellbeing of Victorians. All those matters could rightly be talked about at the moment, and the Premier should give a statement on them to the house. It would be entirely appropriate, because in the context of an event of this magnitude the house is not simply a house of Parliament, it is a house of the people, and the Premier should make a statement about it to the people of Victoria.

Those members speaking against the opposition's proposal demonstrate the government's mind-set. They talk about it being opposition business, but nothing could be further from the truth. This situation is the business of all Victorians. The Premier should address the house, not because the opposition is asking him to do so but because the people of Victoria are asking for a statement from their leader. The Premier is demonstrating a fundamental lack of leadership in not coming into the house and making a statement that could then be the subject of questions and debate. The government should change its view: the issue is not about the number of speakers on bills.

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

Mr COLEMAN (Bennettswood) — It is intriguing to listen to the debate. Although there have been plenty of instances of the Chair ruling that the motion is very narrow, an opportunity has been presented to widen the debate given that this is the first sitting day and that Victorians have been exposed to a certain amount of pressure in the past 10 days or so because of the situation at the Longford plant. A substantial program of government legislation has been prepared. Under normal circumstances, on almost a weekly basis honourable members engage in a debate about time and whether or not the government should have the capacity to run its program in a way that leads to orderly conduct of this house. As the honourable member for Glen Waverley said, the performance of the house would be improved if honourable members did substantial research and were succinct. That is important in the context of the contribution of the honourable member for Gippsland South.

At this point it would be completely inappropriate to run a debate without having some facts. We know people have been subjected to a lot of distress, but without knowing the facts debate is irrelevant — we would be trying to argue that the government program should be suspended to allow a general discussion on what might have occurred at Longford without proper consideration of what in fact occurred. Clearly the interruption of the Parliamentary sitting because of the federal election placed an additional onus on this house to come to terms with what contributions should be made in the coming weeks. The opposition must recognise that research needs to be done, rather than debates being run on hyperbole or gut feelings, or just being padded out with contributions from honourable members.

It is evident from the program that many of the bills that were laid over from the last sessional period could be passed without interference.

An Honourable Member — Interference?

Mr COLEMAN — Yes, interference, in the sense that the legislation to be dealt with this week in most instances has been on the notice paper since the previous session and has received no public comment. A wide range of speakers will be put up simply to pad out the debate so that members of the opposition can say they have spoken on 25 bills, irrespective of the content. The fact is that if one wants to lift the standing of the Parliament contributions have to be made that will help people understand what is proposed. We have had a demonstration again today of why the public perception of Parliament has reached the point where it is simply considered a centre or a forum for people to screech at each other.

House divided on motion:

Ayes, 53

Andrighetto, Mr	McGrath, Mr W. D.
Ashley, Mr	Maclellan, Mr
Burke, Ms (Teller)	McNamara, Mr
Clark, Mr	Maughan, Mr
Coleman, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perrin, Mr
Dixon, Mr	Perton, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A. F.
Finn, Mr	Reynolds, Mr
Gude, Mr	Richardson, Mr
Henderson, Mrs	Rowe, Mr
Honeywood, Mr	Ryan, Mr
Jasper, Mr	Shardey, Mrs
Jenkins, Mr	Smith, Mr E. R. (Teller)
John, Mr	Smith, Mr I. W.

Kennett, Mr
Kilgour, Mr (Teller)
Lean, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McGill, Mrs
McGrath, Mr J. F.
Spry, Mr
Steggall, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wade, Mrs
Wells, Mr

Noes, 31

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Cameron, Mr (*Teller*)
Campbell, Ms
Carli, 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*)
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Robinson, Mr
Savage, Mr
Seitz, Mr
Thwaites, Mr
Wilson, Mrs

Motion agreed to.

ARTS ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 3 September; motion of Mr KENNETT (Minister for the Arts).

Mr BRUMBY (Leader of the Opposition) — This small bill expands the membership of the council of the National Gallery of Victoria from 9 to 11. In his second-reading speech the Premier says the expansion is justified because of the increase in the workload of council members resulting from the renovations to the gallery and the movement of some parts of the collection to the State Library or into storage. The opposition has major concerns about the broad direction of the bill and the management of National Gallery staff while the renovations are taking place.

I welcome the appointment of Mr Steve Vizard as the chairman of the council of trustees. In January this year I attended the Constitutional Convention in Canberra, to which Steve Vizard was a delegate. I welcome his appointment, firstly because he is a good republican, secondly because he is a great artist and a great comedian, and thirdly because he is a philanthropist of some note. The fourth remark to be made about Steve Vizard is that he is reported to be politically conservative, so I give him only three ticks out of four!

The original National Gallery of Victoria was established in 1861. The gallery is primarily responsible for the maintenance and development of the state's collection of works of arts and the interpretation and promotion of that collection through a wide range of programs. Most honourable members and the general community have enjoyed viewing the distinctive architecture of Sir Roy Grounds, the magnificent National Gallery collection and the various exhibitions that have been held from time to time.

I spoke at some length on these matters during debate on the Arts Institutions Bill in December 1996 and I expressed some concern about the Premier's direct involvement in the appointment of council members. *Hansard* of that time shows that I had concerns about a number of matters including the higher number of direct ministerial appointments on the council, cronyism, appointments that were to become paid appointments and direct ministerial interference.

I refer the house to an article by Susan McCullough in the *Australian* of 3 December 1996 headed 'Board reshuffle gives Kennett greater control', which states:

> Sweeping changes to the staffing and board structures of Victoria's major cultural institutions — the State Library, the National Gallery of Victoria and the Museum of Victoria — will corporatise the institutions and lead to greater direct control by the Minister for the Arts, Victoria's Premier Jeff Kennett.

Concern was expressed throughout the arts pages and by arts commentators at that time about the increased ministerial involvement and the greater control by the Premier. This legislation will allow the Premier to appoint directly 7 of the 11 members of the council. We do not oppose the legislation because of the mere increase from 9 to 11 in the number of trustees — that is a matter for the government to make judgments about as it sees fit — but we express concern about the matters I raised in this place two years ago regarding the potential for cronyism and direct ministerial control.

I wish to raise a larger matter — the timing of this bill. At the same time that the gallery is looking for ways to make 105 staff redundant, the number of trustees is to be increased by 2. The visitor services officers of the gallery were effectively made redundant in August because they 'would not be required after the relocation to the State Library on 1 July 1999'. That is more than an irony, it is an acute contradiction. On the one hand the government is increasing the number of trustees of the gallery, and on the other hand it is busy hacking into the gallery's work force. The decision of the government and the gallery to sack more than 100 staff is an unforgivable act of cost cutting with no regard for

the rights of workers. I can only hope that continuing negotiations will find a way to redeploy the 105 officers to other arts functions and institutions across Melbourne or that they can be guaranteed re-employment when the renovations are complete and the gallery reopens in a couple of years time. I say that because I believe those members of staff have served the gallery very well.

It is true that the National Gallery of Victoria is a great asset to our state. It is a state icon. Its distinctive architecture and magnificent collections are wonderful assets for Victoria, as is the excellent, friendly and professional service that has been provided by the visitor services officers. When people who come to Victoria from interstate or overseas visit the gallery or come in to look at a collection, they make comments about what was good or bad about the experience. Over my years in this house I have heard nothing but praise and compliments of the highest order for the professionalism, friendliness and dignity of the staff at the gallery.

The bill increases the number of trustees from 9 to 11 to help raise $15 million for the refurbishment. However, at the same time as funds are being raised for the refurbishment staff are being retrenched.

The ACTING SPEAKER (Mr Richardson) — Order! The Leader of the Opposition has made his point on that issue. I remind him that it is a narrow bill, and I do not wish to rebuke him for continuing to stray.

Mr BRUMBY — Thank you for your guidance, Mr Acting Speaker. I reiterate that the relevance of my remarks is that the bill proposes to increase the number of trustees from 9 to 11 and the reason for increasing the number of trustees given by the Minister for the Arts in his second-reading speech was so that those trustees will be able to help raise $15 million for the gallery's renovations, but those renovations are closing the gallery and forcing the dismissal of 105 workers. However, I take your advice and guidance on the matter, Mr Acting Speaker. I hope — and I see the parliamentary secretary is in the house today — that arrangements can be made for those staff members who have served Victoria loyally to be re-employed or given the first right of employment when the gallery reopens at the completion of renovations.

Given the gallery's history and the reason for the increase in the number of trustees, it is remarkable that the costs of the renovations have blown out massively since the project was first announced. When the Premier announced the renovations in 1996 he said $80 million would be spent on improvements to the gallery. The latest estimates are more than twice that amount. There have been a massive number of media articles on the subject — for example, an article in the *Herald Sun* of 27 January 1997 by Robin Usher, arts editor, entitled 'Gallery update costs double'. Another newspaper article in December 1996 is headed 'Kennett warning of gallery costs overrun'. There has been a huge increase from the original $80 million announced by the Premier.

I was briefed on the original plans by the former chairman of the council of trustees some 12 months ago, but I am yet to be offered a briefing on the final plans. I hope the funds are wisely spent on the renovations and the essential appeal of Sir Roy Grounds architecture, the water wall and sufficient space for storage and exhibitions are maintained.

The opposition will not be dividing on the bill because the increase in the number of trustees from 9 to 11 is straightforward. However, we have the same concern as we raised previously about the potential for political appointments, cronyism and increased ministerial control of the gallery. I hope the gallery can make its decisions independently from the ministry and is given the best opportunity to manage its collections as it sees fit. The opposition is also concerned about the treatment of the gallery's visitor service officers. In late 1996 when the proposal to renovate the gallery was first announced, Dr Timothy Potts, the then director of the gallery, said no redundancies would be considered.

Many staff believed redundancies were not on the table and that they would keep their jobs. I appeal to the minister — the Premier — and the parliamentary secretary to look after the staff who have served the state both loyally and well. I have heard nothing but positive feedback about the gallery staff. I hope the gallery and the government can make an investment in those staff, which I am sure will be returned in years to come.

The third point to which I referred was the reason for increasing the number of trustees from 9 to 11 so that the gallery is better able to raise something like $15 million. There has been a sizeable increase in the cost of the renovations. When the Premier first announced the redevelopment, it was costed at $80 million. It is now in excess of $160 million. It is for that reason that two additional trustees are necessary.

With those caveats, the opposition will not oppose the legislation. However, I hope the characteristics of the gallery, its water wall and its staff, who have been loyal and professional and are the gallery's greatest asset, can

be retained. I also hope that at the completion of the project the gallery will go from strength to strength.

Mrs ELLIOTT (Mooroolbark) — It gives me great pleasure to make a contribution to the Arts Acts (Amendment) Bill and to hear that the opposition will not oppose it. The Leader of the Opposition, who is also the shadow Minister for the Arts, has some concerns about cronyism in the appointment of two additional directors to the council of trustees. However, he praised the appointment of Mr Steve Vizard as the chairman of the council of trustees. Given the responsibilities of people who take on honorary positions, the question is not one of cronyism but of finding people of the calibre necessary to serve on the boards of government-owned arts institutions.

As the Leader of the Opposition so rightly pointed out, Steve Vizard is an excellent appointee. Given his family and professional commitments, only the Minister for the Arts — the Premier — could have persuaded Mr Vizard to take on the job. He has a profound interest in visual art and has a significant personal collection. He has been extremely generous to other arts institutions, particularly the new Potter Gallery at the University of Melbourne. He is well known in various fields, and I cannot think of a better appointee to replace the retiring chairman of the council of trustees, Mr John Gough, who has served the gallery exceptionally well.

I repeat: there is no question of cronyism; it is a question of finding people with the talents necessary to serve the gallery as it undergoes a period of massive redevelopment. Increasing the number of trustees from 9 to 11 reflects the enormity of the task facing those trustees.

We all share the concern when people find that their jobs no longer exist. However, the reality of the situation is that the St Kilda Road campus of the gallery is closing in June next year for redevelopment. It is not possible to undertake that program in stages and to keep the gallery open. The jobs simply will not be there, and that is an internal matter for the gallery and its director, Dr Timothy Potts, who will remain in that position until the end of this month. Both he and other senior staff must manage the situation as humanely and compassionately as possible, and I am sure that will be done.

The cost of the redevelopment is $136 million. It is a reality of life that one imagines that the original estimate will cover costs, but circumstances often overtake that. The government is contributing $96 million towards the redevelopment of the gallery and the rest, as the Leader of the Opposition pointed out, will be found through fundraising. Research conducted by the Australia Council shows that the community supports public galleries, libraries and arts institutions, and the redevelopment gives the community an opportunity to contribute to the National Gallery of Victoria.

The NGV is the oldest publicly owned gallery in the country, having commenced its operations in the early 19th century. Its original home was at the State Library of Victoria in the space where the Museum of Victoria is vacating, and in a twist of fate the gallery will return to its former home during the period of redevelopment. The iconic paintings of the gallery will still be on display there. Many people will look forward to seeing those paintings in the McCoy and Swinburne galleries at the State Library where they originally had their home. Other parts of the collection will travel to the galleries in Victoria's provincial cities and some of the collection will travel overseas. People will still have the opportunity of seeing the wonderful collection of the National Gallery of Victoria.

It is interesting to record that before the National Gallery in St Kilda Road was built there were suggestions that the original gallery at the library was no longer serving the needs of the people of Victoria or displaying collections in the way they deserved. Talk of a new gallery occurred as early as 1943, during the Second World War, but nothing was done about it. The site of Wirth's Circus in St Kilda Road was identified as an early site, and fortuitously perhaps for the arts world but not for the circus, the buildings on that site were burnt down.

Under the government of John Cain Snr, proposals were put to build a new gallery on that site. There was a suggestion that it be called the Elizabeth and Philip Gallery to honour Queen Elizabeth II and her consort, but that came to nothing. It was only with the appointment of Dr Eric Westbrook as the director of the gallery in the early 1960s and under the premiership of Sir Henry Bolte, the Liberal Premier of Victoria, that plans for the National Gallery finally came to fruition. Although Sir Henry was perhaps not known for his expertise in the arts, he did want Victoria to be pre-eminent in the arts. He knew that Sydney was contemplating an opera house and wanted Victoria to be the centre of the arts and the cultural life of Australia, as does the current Premier and Minister for the Arts.

Sir Henry asked Sir Roy Grounds to design a new gallery for Victoria which is the gallery that we have today. I know the shadow Minister for the Arts agrees

with me that it is a wonderful building with great presence. It is a fine bluestone building, with its moat, its water wall and the Deborah Halpern sculpture, *Angel*. However, it is no longer big enough to display the permanent collection of the gallery and the range of temporary exhibitions.

The original gallery at the library had only three exhibitions a year. The gallery currently has about 40 exhibitions a year. Some members may recall the Turner or Rembrandt exhibitions, the wonderful exhibition of Amish quilts, Lit from Within, or the religious exhibition, Beyond Belief — Modern Art and the Religious Imagination. It had some thought-provoking exhibitions in it.

Mr Baker — What about the Serrano exhibition.

Mrs ELLIOTT — I was going to refer to the Serrano exhibition. There were two works of art in Beyond Belief. One was made from the leather benches used in a New York gymnasium that was mostly used by gay men. Many of them have since died of AIDS. The artist had framed the leather benches with the imprint of their bodies and it looked rather like the Shroud of Turin — it was very thought provoking. Another was an indigenous Madonna — the Madonna of the River — although I may not have the title right. It had enormous presence and was one of those things you looked at, turned away and felt compelled to look at again. The Turner and Rembrandt exhibitions were both wonderful, but that particular exhibition was one that excited my imagination more than any other that I have seen at the gallery.

I use those as examples of what the gallery can do. Of course, there was some controversy about the Serrano exhibition. The exhibition had been shown in other countries and had never been forced to close. Contemporary art is not to everyone's taste. People have moral views about that exhibition, but no-one forces them to go to see it. The content of the exhibition was well publicised and people had a choice about whether they would go.

The ACTING SPEAKER (Mr Richardson) — Order! I brought the Leader of the Opposition back to the debate on this narrow bill and I urge the honourable member for Mooroolbark to return to the bill.

Mrs ELLIOTT — I regret that exhibition was closed for the safety of the public, the staff and the adjoining Rembrandt exhibition.

As was the case with the former Bolte government, the government has committed itself wholeheartedly to the arts, and that has been recognised by the arts community. The government has contributed not only money but also expertise to transform our arts institutions as they move into the third millennium so that all Victorians will be proud of them. Every survey has indicated that is what the community wants. People are visiting art galleries and libraries and attending live performances in ever increasing numbers.

As the gallery closes for three years for redevelopment, as it moves paintings into storage at the archive centre in North Melbourne, and as the most important of those go to the State Library — paintings such as *Shearing the Rams* by Tom Roberts and *Collins Street, 5 p.m.* by John Brack — and as other works go on tour, the trustees will be required to raise funds and supervise this massive redevelopment. It is entirely appropriate that the number of trustees should be raised from 9 to 11 to share the workload.

Even when the National Gallery of Victoria is fully operational, one trustee will be on duty at every exhibition and all trustees will attend council and committee meetings. It is a lot to ask people who have professional lives, family obligations and other commitments to serve on the council of trustees of the National Gallery of Victoria. There is nothing sinister about this. It is a recognition of the increased workload of the trustees, led ably by the new director of the gallery, whoever he or she may be, and Steve Vizard, chairman of the council of trustees, as they undertake the huge task of redeveloping the National Gallery of Victoria.

I am pleased the opposition does not oppose the bill and I am sure honourable members wish the trustees all the best as they move into this period of redeveloping the National Gallery of Victoria.

Mrs MADDIGAN (Essendon) — I am also pleased to contribute to the debate on the Arts Acts (Amendment) Bill, which is fairly limited in its scope. However, I was concerned that the honourable member for Mooroolbark, in referring to the management of the gallery and the changes required for its development, did not refer to the visitor services officers.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member for Essendon is being very naughty. She knows I rebuked the Leader of the Opposition on the same matter. The proposed legislation has nothing to do with those members of staff. It is a narrow bill.

Mrs MADDIGAN — I have made a passing reference to those officers and shall now refer to the number of trustees on the council. Considerable

concern has been expressed about the reasons given in the second-reading speech for increasing the number of members of the council of the National Gallery of Victoria. I suppose one should support anything done to assist those people because the government has given them a fairly hard row to hoe. Shortly after it came to office, the government introduced a universally popular measure by removing the gallery entrance fee. If that has made the exhibits in the gallery more accessible to the Victorian people, it should be loudly applauded. Unfortunately, after taking away a source of revenue from them, the government told the trustees they had to raise $15 million for the first stage and $25 million for the second stage of the redevelopment.

The members of the council have known about that for two years, and it has been in the public arena for the whole debate, which has included the reactions to the many redevelopment plans. The public sector asset investment program, which was released today, indicates that when the gallery closes at the end of June 1999 — that is, before any building has been undertaken — $13 million will have been spent on the plans. For many months council members have been discussing the development of the new gallery. One would think that the logical time to increase the number of council members would be before they have to undertake that work.

Honourable members will remember that the policy of the former Labor government was that any board of management should include a union or staff representative to look after the interests of the staff and ensure they were represented in any discussions on major changes to facilities that could have an impact on them. One wonders whether a number of the staff would have lost their jobs if the government had been quicker to increase the number of council members and had included a staff representative on the new council. When it is deciding on appointments to the council, I encourage the government to recognise the real need to consider the role of the gallery staff. The gallery will be closed for a long time, and the council will need to deal with not only the visitor services officers but also the curatorial and administrative staff.

As the parliamentary secretary to the Premier for the arts said, some of the gallery staff and some of the collection will be going to the archives office in North Melbourne, at a temporary location cost of $8.5 million. Some of the art works will be returning to the State Library. That further and substantial cost is part of the redevelopment of the State Library, from which it will benefit.

Already a gigantic sum — significantly more than the $15 million that the council has to find in the future — has been spent on the process. The work of the trustees is not honorary; they are paid in accordance with the government's sitting fee arrangements. I am surprised that the amount to be paid to the trustees will be increased at such a sensitive time — that is, at the same time as staff are being sacked.

The members of the current council have the necessary expertise and business knowledge to enable the gallery to seek sponsors, which we have been hearing about for some time. The *National Gallery of Victoria Redevelopment Update* of November 1997 points out that the gallery has secured commitments from two significant private contributors. We have heard a lot about those contributions, and at various times we have been promised that the names of benefactors will be made public. No names have been forthcoming since before November 1997.

Apart from Mr Steve Vizard, the members of the council are Mr Darvell Hutchinson, Mr Jim Cousins, Mr Peter Clemenger, Mr Michael Darling, Ms Alison Inglis, Mr Rupert Myer, Mr Ron Walker — now there is a man who I would have thought members opposite would view as a person with a considerable financial brain — and Professor Jenny Zimmer. That is why the shadow minister expressed reasonable concern about cronyism, asking why the government wants to appoint another two people. Is it because membership of the council of the National Gallery of Victoria is a status symbol and therefore something to be bestowed on members of the Liberal Party, or is it because of the suggestion that the two new members will each provide $7.5 million on their appointment?

The members of the council are not the only people who can support the gallery's fundraising activities. The members of its extensive business council, who also advise and assist on financial matters, include Marcus Besen from the Sussan Corporation — I am sure all honourable members have heard of him; David Jones from the George Adams estate; Hugh Morgan from Western Mining; and a number of others who are well known in financial and business circles. Therefore members of the gallery council are not poor innocent souls who do not know how to raise money or run organisations or know what steps to take to generate extra funding for the gallery.

The Premier's desire as Minister for the Arts to appoint two more members to the council causes a little concern, given that the development process is halfway through. In his second-reading speech he referred to the refurbishment of the St Kilda Road premises, saying

that the administration and management of the proposed museum of Australian art would be located on Federation Square. Most of the planning for that has been done. If it is of significant concern to the Premier, one would think he would have made the new arrangements when the idea of a gallery on Federation Square was first mooted — which, it was initially suggested, would be a museum of contemporary art, not Australian art. That would seem to have been the appropriate time to consider an increase in the number of National Gallery trustees.

The second-reading speech contains little substantive information to support a need for two more council members. The parliamentary secretary to the Premier for the arts suggests that we need more trustees because every time there is an exhibition a trustee has to be in attendance. I agree that that is a lot to ask of people, but I would have thought it was a lot to ask the visitor services officers to take on security duties — for example, at the Serrano exhibition, to which the parliamentary secretary referred — without any training in security measures. Some of those people have been employed by the National Gallery for 20 years, yet some of them got home from work to find that they had received letters in the mail telling them that their jobs had been abolished.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member is straying from the bill, as well she knows.

Mrs MADDIGAN — The members of the council have acted in a way that is detrimental to the staff. That is one of the reasons why one of the members of the council should be a staff representative. Already the council's membership must include people from special categories — for example, people who have skills in business administration, people who represent the visual arts, and others who represent country galleries. Why is there not somebody to represent the interests of the staff? If there had been such a representative, the current concern in the community would not have arisen. The people of Victoria have a great love for their National Gallery. It is a shame that the whole project, which should have given the community significant enjoyment, has been dogged by controversy, distress and the eventual sacking of 105 people.

Members of the community are constantly telling me that they are concerned that under the administration of the council the gallery will be closed for two years. The parliamentary secretary to the Premier for the arts said it had to be closed for two years and that it could not be done in stages. I do not believe that to be the case. Unfortunately the parliamentary secretary did not give any reason for making that statement, but from the information I have it appears that the only reason for the decision was that the airconditioning has to be closed down all at once. In fact, that is untrue; it can be isolated. With proper planning through the management process, the trustees maintaining oversight of the transition and the addition of a staff representative on the council we may have been able to keep the gallery open, keep the staff in their jobs and make the redevelopment much more satisfactory for the people of Victoria.

If the gallery redevelopment had been done over a short time frame perhaps one could have said that the staff losses were consequential and there was not time to go through a process to ensure that everyone connected with the gallery was considered, but that has not been the case, and we all know about — even the parliamentary secretary referred to it — the many changes that have been made to plans for the National Gallery of Victoria.

At one stage, with the Premier's blessing of course, they were keen to move the water wall. I am glad to hear that the parliamentary secretary supports the water wall — I had not heard her views on it before — and I am sure that, like other people, she would have had many people telling her how fond of it they are.

The parliamentary secretary also referred to the earlier suggested changes, one of which was to have the Leonard French ceiling relocated and put at a right angle to its present position. Apart from being physically impossible, that would destroy the whole artistic and lighting intention of the ceiling, which is one of the most famous works of art in Victoria.

Sir Roy Grounds's family is distressed about the changes to the front of the gallery, and it certainly appears that those changes are not sympathetic to the building's original design concepts. I trust government members have read the words of Sir Eric Westbrook and Sir Roy Grounds displayed at the front of the gallery. They make it clear that the National Gallery building is designed to be, if you like, a cave of jewels in St Kilda Road. The idea is that you go through a small, dark entrance and have all the glories of the art world revealed to you.

It is unfortunate that the new design plans seem to have a stronger emphasis on increased catering facilities than on storage space in the gallery. If an off-site store were built into the current plan and curatorial staff were accommodated off site, the corridors could be opened up, restoring the original concept. It would also increase the hanging space to almost the 5 per cent of the current

collection the redevelopment is planned to achieve — at a much smaller cost. And it would at the same time remove the need to close the gallery and sack 105 staff.

It is incorrect to suggest that the redevelopment could not have been done another way, and if the council had included a staff representative as a trustee from the beginning the scenario would be quite different from what it is today.

I hope that when it acknowledges the support and work of the trustees the government takes into account the hard work and great support those officers have given the gallery. It seems strange that the government is not prepared to give them any preferential treatment in relation to jobs at the new gallery. One wonders whether this is another step towards privatisation, with 105 staff members being sacked and a private security firm being employed to take over when the gallery reopens.

No reason has been given for the changes, which makes me wonder, as the shadow minister does, about the point of having two new trustees. It is a sad reflection on the staff whose employment has been terminated that while they are being sacked because there is not enough money to keep them on and jobs cannot be found to redeploy them the gallery has found enough money to pay sitting fees and remuneration for two extra trustees. It is not fair, and I do not think the staff at the National Gallery see it as fair.

As this matter proceeds I hope the government and the trustees of the gallery will be more conciliatory in their dealings with the staff. Governments have a responsibility to prevent further unemployment in the arts area, especially when it results in policies they endorse.

Mr PERTON (Doncaster) — As I understand the position of the opposition, it supports the bill. Yet one could have been mistaken for thinking otherwise after listening to the speech of the honourable member for Essendon. With her litany of grief and misery one can certainly understand why the people of Victoria rejected the Labor Party so thoroughly last weekend.

I would have thought the honourable member for Essendon, rather than spending her time attacking the fine arts policies of the government, ought to be doing the usual Labor thing of conspiring and working her way towards the front bench by backing the next leader.

This is a small piece of legislation, the primary purpose of which is to increase the number of members of the council of the National Gallery of Victoria from 9 to 11. The members of the council are a terrific bunch of people who have achieved a great deal for Victoria over the entire history of the gallery; but in the context of the gallery moving from its permanent position to a temporary position over the next couple of years, and during the refurbishment, the position of trustee will be extremely onerous. Greater responsibility will fall on the shoulders of the trustees. The bill will facilitate the work of the council and ensure that the trustees are able to undertake their responsibilities not only to the gallery but also to their own occupations.

The chairman of the council is Steve Vizard, a great young Australian who is able to perform admirably in the world of the commercial arts at the same time as making a personal commitment to the fine arts, not only through taking up this chairmanship but also through his enormous contributions to the Melbourne University gallery. He is an admirable individual.

Other experts on the committee such as Alison Inglis, whose contributions to teaching and research are undeniable, are also doing a fantastic job for the gallery. I shall not go through all the trustees name by name, but people such as Rupert Myer and others who throw themselves into the work of the gallery are to be commended and congratulated. Their work ought not to be called into question as it was by the honourable member for Essendon. If, based on the increased work of the gallery trustees, it is their wish to have two additional members, they ought to be supported.

Melbourne is going through a renaissance at the moment. With the redevelopment of the Museum of Victoria, the State Library and the Exhibition Building, one has just to walk through the streets of Melbourne to feel the vibrancy. The Melbourne international arts festival is about to take place. The Minister for Sport, who is at the table, rightly says that not only is a festival of the arts taking place, there are also great sporting festivals, and towards the end of this month we have Interact and all the multimedia activities that are taking place.

The National Gallery of Victoria, founded in 1861, is the oldest public art gallery in Australia and is immensely popular. The average number of visitors to the gallery in 1996–97 was approximately 1.2 million. That is well in excess of the number of visitors to the art gallery of New South Wales, and more than triple the number of visitors to the National Gallery of Australia. The National Gallery of Victoria is the only Australian gallery with a collection that represents a story of world art from pre-history to the present day. It is internationally recognised as the finest gallery in the Southern Hemisphere. I am informed that in 1996 its more than 70 000 items were valued by Sotheby's for

insurance purposes at $598 million. The collection of Australian art is exceptional.

The honourable member for Werribee and others in the chamber will no doubt recall how they have enjoyed looking at paintings like Tom Roberts's *Shearing the Rams*, Frederick McCubbin's *The Pioneer*, John Brack's *Collins Street, 5 p.m.* and Peter Booth's *1977*. As well there have been controversies such as that caused by the Serrano exhibition — that ended in controversial circumstances — which throw up new challenges to the community, new ways of examining art and new challenges to us as human beings. Further, the gallery's collection of paintings by European masters is known throughout the world for its quality and the number of significant masterpieces it contains.

Those of us who have had the opportunity to travel overseas to see the great galleries such as the Hermitage and the Louvre can come back to Melbourne even more reinforced in our pride as we look in our own gallery to see examples of the works of Rembrandt, Manet, Poussin, Pissarro, Bonnard and Bacon. The gallery also has important European objects, including Greek vases, historic ceramics and glass. Given the changing nature of our society and our expectations, the Aboriginal and Torres Strait Islander collection has grown considerably.

Not only is this a gallery with fine collections, it is also one that provides fantastic educational opportunities for the community. More than 40 exhibitions are held each year, and the education program is broad and innovative, reaching more than 100 000 students each year.

Why is there a need for change? Why is the government spending $132 million on refurbishing the gallery? Because at present the exhibition area of the National Gallery allows for only 5 per cent of the collection to be on display. After the redevelopment there will be a minimum of 10 per cent capacity, which is very respectable in international terms and will ensure that the community's access to the gallery's collection at any one time will be more than doubled. More importantly, there will be improved exhibition areas for temporary exhibitions and blockbusters. I think we all remember the fantastic exhibitions that have been held there. My most recent attendance was for the collection of American and Australian colonial art. It is one of those areas where the private sector, government and the community join with sponsors like Esso and others that do a fantastic job to provide the Australian people, and Melbourne people in particular, with access to the best paintings in the world.

The honourable member for Essendon in her typical whingeing, whining way, said, 'Why does the gallery have to close?'. The government had to ask exactly the same question, and it took the best advice from engineers, both structural and safety, and from curatorial experts — Victorian, Australian and international. The gallery needs to close for public safety reasons and to ensure the collection is not put at risk. In order to facilitate continued access to the exhibition for the people of Victoria, the National Gallery will return to its original home in the Kershaw, McCoy, McArthur and Swinburne halls at the State Library of Victoria and will focus on presenting exhibitions of major works from the collection in its temporary home from mid-1999 to mid-2001. That will require a lot of work on the part of the trustees who need to be actively involved in these new exhibitions because there is a requirement — indeed it is a responsibility — for them to have at least one trustee present at exhibitions.

As I indicated earlier, the list of trustees is a list of quality people involved in the arts and in business who make their time available to the people of Victoria to act as trustees. We do not want them to be overworked and overburdened, and it is appropriate that we give them the additional support of two extra members.

The nature of Melbourne and the arts is changing, and the appointment of Steve Vizard is symbolic of two things: firstly, the fact that the government is determined to have youthful, energetic people making a contribution to the arts as well as older, wiser and more experienced trustees and individuals; and secondly, the role of new media.

Recently the government awarded a $1.5 million grant to the gallery to enable it to digitise all its exhibits. What does that mean? It means that the collections will be accessible to Victorians wherever they may be. They may be at Walwa primary school.

Mr Reynolds — Where?

Mr PERTON — You drive to Wodonga, Minister; turn right and then drive for another hour and a half. It is perhaps the most isolated place in the state. Last year the people there invited me to give a speech on multimedia and the role that e-commerce will play in their lives, and their enthusiasm for taking part in the global economy and global society was manifest.

Mr Acting Speaker, the digitisation of the National Gallery's collection will mean that the people in the most isolated township in your electorate can have access to it. People all around the world can have

access to the collection. Increasingly, the notion of the modern age is collaboration, and virtual galleries combining the best of the collections will be developed all around the world so that the works of Manet, Monet and Picasso in the National Gallery of Victoria will be part of an international collection made available to people all around the world.

One of the interesting features of that development is that evidence suggests that when people have seen these collections via the Internet and books they will generally make plans to visit centres and collections. Certainly the digitisation of the gallery, the modernisation of its management and the improvement of accessibility to its collection will mean that when people decide to come to Australia they will make the pilgrimage to Melbourne to visit the best gallery, not just in Australia but in the Southern Hemisphere.

The bill is a terrific piece of legislation that is about the future and about Melbourne as an arts capital, and I commend it to the house.

Ms GILLETT (Werribee) — I am pleased to make a very brief contribution on the Arts Acts (Amendment) Bill. I will attempt to do something reasonably novel — I will remain on the bill! My comments are reasonably narrow and I will confine myself to a couple of considerations raised by the Premier's second-reading speech and the deliberations of the Scrutiny of Acts and Regulations Committee, the parliamentary committee of which I am privileged to be a member. I note from the Premier's second-reading speech that the principal and fundamental issue in the legislation is the capacity for the minister to appoint two additional trustees. I note the reason provided by the Premier for doing so is that the National Gallery is about to undergo significant renovations and there will be an increased workload for the existing trustees.

On many occasions in this place I have heard the Premier suggest that a greater workload does not on its own justify an increase in a work force. It is inconsistent of the Premier to adopt this view about the refurbishment of what will be a monument erected in his own image when he does not adopt that view for other workplaces. I suggest that given the status and import of the National Gallery it is critical for the government to pay significant attention to its refurbishment and upkeep, and more particularly to what is done inside than outside.

The appointment of two additional trustees will provide the Premier with an excellent opportunity to appoint two people from the community. His second-reading speech states that the fundamental reason for appointing two additional trustees is that the council of trustees will have to raise almost $15 million to assist in the refurbishment of the gallery. I hope the Premier will look at as broad a field as possible in the community and will not look just at business people, because they are not the only ones who have good networks or the capacity to raise funds. I might be bold and suggest that many people in the community have demonstrated the capacity to raise huge amounts of money when facing extreme odds. There have been magnificent performances by people in Werribee, who have had to raise money for their schools because funds have not been provided by the state government.

It is critical when the Premier comes to appoint the two new trustees that he open his eyes and look in places he often does not look for the resources that exist in the community. The business community is not the font of all wisdom when it comes to raising money. I encourage the Premier to look at groups in the community that are not presently represented among the trustees of the National Gallery of Victoria. I note with pleasure that this is one of the Premier's monuments which it is hoped will not create a toxic waste problem for Victoria, unlike the acid and sulphur soil waste coming from the renovations of other monuments around Victoria.

The ACTING SPEAKER (Mr A. F. Plowman) — Order! I think the honourable member for Werribee was present when another Acting Speaker rebuked the Leader of the Opposition, who is the opposition spokesman on the arts, about the narrowness of the bill. I ask the honourable member to come back to the bill.

Ms GILLETT — I take your point, Mr Acting Speaker, and I thank you for your instruction. I note that this is one monument that will perhaps not create the problems that other monuments have created for Victoria. I hope the Premier will take a broad view and will look at groups in the community that are not currently represented as trustees.

Finally, when the Scrutiny of Acts and Regulations Committee looked at the bill yesterday it was struck by a couple of points. One was the capacity of the government to pass legislation hastily and then have to come back and amend it. Clause 2 amends the royal assent commencement time and clause 3 amends the Public Sector Reform (Miscellaneous Amendments) Act. It is done retrospectively to repeal an unintended amendment to the Libraries Act. The retrospective aspect of the bill is curative in essence — it is designed to correct an unintended legislative consequence — and is appropriate in all circumstances.

It would be remiss of me not to point out that the government continues its practice of rushing legislation through and subsequently being forced to amend it as a result of its less than cautious — some might say haphazard — approach to legislation. With those remarks I conclude my contribution.

Mr RICHARDSON (Forest Hill) — I am pleased to make a brief contribution on this important piece of legislation. It is a very small bill and, as the Chair has pointed out, it is very narrow.

The smallness of the bill in no way diminishes its important effect. As previous speakers have established, its purpose is to increase by two the number of trustees of the National Gallery of Victoria. The bill is important. The trustees are important because the National Gallery of Victoria is important. It is one of the great galleries of the world. It is the oldest gallery in Australia, with vast collections that are rarely seen by people other than specialists and scholars.

The important task for the trustees over the next few years will be to manage the transition of the existing collection to other locations so that the refurbishment and expansion are successfully completed. The number of trustees is being increased by two because their responsibilities will not simply be to act as the council controlling the affairs of the National Gallery of Victoria. They must also raise substantial funds to supplement the funds already committed by the government. The government commitment is substantial but it is not sufficient to achieve its objectives. A major task of the council of trustees is to supplement the funds so generously provided by His Excellency, the Minister for the Arts!

Honourable members interjecting.

Mr RICHARDSON — The Premier is an eminent person. I should perhaps refer to him as Your Eminence, noting that he is absorbing my comments with the grace and charm with which we have become so familiar. Were he not in the chamber I would not feel it necessary to make those remarks!

Honourable members interjecting.

Mr RICHARDSON — Do you like the tie?

The ACTING SPEAKER (Mr A. F. Plowman) — Order! The honourable member, back on the bill.

Mr RICHARDSON — Thank you for your guidance, Mr Acting Speaker; I did stray. I was remiss. I don't know what came over me! In conclusion, the government is pleased that the opposition supports the bill. I do not know why it needed such a long debate since all it does is increase the number of trustees of the National Gallery by two. I hope I shall be the final speaker on this important — —

Honourable members interjecting.

Mr RICHARDSON — No, I won't be. The debate will go on and on and on, and then the opposition will support the government. So be it. I wish the bill a speedier passage than appears likely.

Ms DELAHUNTY (Northcote) — I have a question, Mr Acting Speaker. I am puzzled that when the honourable member for Forest Hill was in the chair as the Acting Speaker he directed some of my colleagues to the relevancy of their remarks. However, on vacating the chair he was able to speak in support of the bill. I do not know whether you can enlighten me on whether that is normal procedure.

Mr Richardson — On a point of order, Mr Acting Speaker, it is inappropriate for an honourable member to direct questions of that nature to the Chair. The honourable member for Northcote should sit and observe and all will be revealed on such matters in due course. A passing reference could be made that the Chair is impersonal. The honourable member for Forest Hill does not occupy the chair nor the honourable member for Benambra; it is the Chair.

The ACTING SPEAKER (Mr A. F. Plowman) — Order! The Chair has heard enough. There is no point of order. An explanation will be available to the honourable member for Northcote if she so desires after the debate.

Ms DELAHUNTY — The bill refers to an icon in Victoria. It is not just an icon for the arts community, but an icon for Victorians generally. They know and love the National Gallery of Victoria. The gallery is visited in ever-increasing numbers and is treated as public property to be protected and shared by the entire public. It celebrates the architecture of Sir Roy Grounds. It celebrates the magnificent Leonard French ceiling and the water wall. The gallery also houses a great collection of 19th century art that is much visited and much loved by Victorians. It houses a prosperous European masters collection, much of which is shared with galleries around the world. That is evidence of the quality of the collection.

It is disappointing that only 5 per cent of the collection can be on show to the public at any time given the current space restrictions within the gallery. Many Victorians support the notion that the gallery should be expanded so that more of its magnificent collection can

be on show at any one time. The gallery will be expanded and refurbished, but it will not be expanded as much as we initially thought because the plans have been altered and diminished to save the water wall, and the Leonard French ceiling in particular.

Part of the Australian collection will go to Federation Square where it will become a part of the Museum of Australian Art. This will be welcomed by many but questioned by some. It will effectively take the Australian collection out of the National Gallery of Victoria on St Kilda Road and move it to Federation Square, where perhaps more people will visit it than would visit it at the National Gallery. However, that is in the future and is for the trustees of the National Gallery to come to terms with, and I hope decide whether it is the best way forward for the gallery. I suspect there is more thinking to be done on that matter.

The bill proposes to increase the number of trustees. As has already been said, the opposition does not oppose that. However, we do make some very important points about who those people might be and how they will be selected. I direct the attention of the house to the business plan of the National Gallery. It is highly significant that the gallery's business plan and mission statement have changed quite dramatically, and I suspect without sufficient public debate about whether this is the direction in which it should go. Everyone knows that the government will provide certain funds for the development of the National Gallery. We also know it is incumbent on the gallery trustees to raise a fair proportion of that money and that despite the best efforts of some very good marketing and business people on the council the fundraising is proving to be extremely difficult.

Given that corporate Australia is also being seduced for money to support the Sydney Olympics in the year 2000 there is great competition for the corporate dollar and that competition places great stresses on those who feel they must raise the money. I do not want to get into a debate about whether more money should come from the public purse, but we need people on the council who have great skills in many areas, not just in the raising of money and the drawing of sponsorships. Fundraising is only one role. More crucial are standards of arts scholarship and curatorial expertise. The National Gallery is the pre-eminent visual arts institution in this state. Throughout its closure, redevelopment and subsequent opening of the two new venues it must maintain the highest standards. It is my fervent hope that should this bill be passed — and undoubtedly it will be — the Minister for the Arts, who will then have the right to appoint some five to seven trustees, will include on the council people who have great experience in arts scholarship and curatorial expertise. The arts community in the broad is very concerned that the highest standards of arts scholarship be maintained during this seminal period in the history of the National Gallery.

The National Gallery must be operated in the interests of the broad Victorian community. It is not an arm of government. Although the house is considering a bill that proposes to increase the number of trustees and allow the Minister for the Arts to appoint a large percentage of those trustees, honourable members must remember that the National Gallery belongs to the people of Victoria and is neither an arm of government nor an arm of Victorian tourism. It is an icon for the Victorian community and it should remain accessible to all in the community regardless of whether they can pay. I applaud the National Gallery's dropping of the entrance fee. That action has clearly made the gallery far more accessible, and the figures show that more and more visitors — from interstate, and more particularly locals, who love the place — are turning up at the gallery to enjoy what is on show — that 5 per cent of our collection.

I alert the house to problems that can arise when a gallery is not operated as an independent arts institution. I draw the attention of honourable members to the controversy that occurred last year during the concluding stages of the announcement of the very lucrative and much talked about contemporary art prize called Contempora 5. The prize drew much interest from around the state, the country and overseas and focused attention on Victoria and the National Gallery, as it should. We welcome that interest. However, many in the arts community were quite concerned, and their concern went to the heart of the question of the independence of the National Gallery and how it is run by both its director and the council of trustees. I was particularly concerned.

On the day the winner of Contempora 5 was announced the Minister for the Arts was walking through installations by contestants who had been considered for the award by a panel of independent judges and astonished many of us with his personal choice. It was not that the choice was commented on — we welcome ministers for the arts from all over the country being personally interested in the arts; the arts are part of the prism through which we look at society — it was the fact that alarmingly and inappropriately the minister virtually directed the gallery to buy that choice of art work.

That is relevant because the appointment of the two new trustees will be made by the Minister for the Arts.

The point is that they must be able to work independent of government. They must be able to appoint a new director independent of government. The National Gallery of Victoria is not an arm of government, it is a Victorian arts institution of great historic and artistic importance. I urge those with any input into the bill, particularly the parliamentary secretary to the Premier for the arts, to appoint trustees who, like those suggested by people such as Steve Vizard, have a fundamental knowledge of visual arts and an understanding of the artistic process. Some council members are skilled in business and marketing, but as previously mentioned, there is a lack of staff who are well versed in arts scholarship and curatorial expertise. Adding that expertise to the council will remind Victorians that it is a centre of arts scholarship and arts enjoyment for all; it is not merely an arts temple run by the money men.

The opposition supports the bill and urges the government, particularly the Minister for the Arts and the parliamentary secretary to the Premier for the arts, to choose wisely the number and quality of trustees who will lead the National Gallery of Victoria into the next millennium. It is a crucial time for the National Gallery and the eyes of the public and the arts communities of the world will be upon it. The gallery represents the opposite end of the spectrum to the casino and many Australians are watching carefully.

Mr ROBINSON (Mitcham) — It has been an absorbing debate on an important bill. I am pleased the government has seen fit to give greater resources to the National Gallery of Victoria in the form of two new council members to deal with an increased workload. One of the challenges before the council of trustees of the National Gallery of Victoria is the need to raise $15 million for the stage 1 refurbishment of the gallery.

Mr Honeywood interjected.

Mr ROBINSON — I am trying to stay relevant to the bill. If the house wants me to digress, I can do so at length as I did in caucus this morning. But I will not do that. I will stay relevant to the bill.

There is a contrast between the government's attitude to the needs of the council of trustees of the National Gallery of Victoria and its attitude to the needs of other councils as part of a broad voluntary sector. For example, thousands of school councils comprise parents and other individuals who give unstintingly of their time to improve education standards. The workloads and responsibilities of those school councils have increased enormously and are relatively more than those confronting the council of trustees. However, when school councils seek extra resources to face those new challenges, they are given a different response from the government. Good luck to the council of trustees for the additional resources granted through the bill. I hope the bill represents a renaissance in the government's thinking in regard to important voluntary contributions in other sectors. I hope it is the beginning of a rethink by the government, but I will not hold my breath.

I am also curious about why the Minister for the Arts will be the person to appoint the two new members. I would like assurances from the parliamentary secretary to the Premier for the arts that they will be appointed upon the recommendations of those from the artistic and business communities who are best able to serve on the council. The bill simply refers to the fact that the minister may make appointments. That is fine if those appointed possess the necessary skills and background in the arts, but that should be clarified by the parliamentary secretary.

My other point deals with the relocation of the gallery's collections to a temporary home for a period of approximately two years. The City of Whitehorse has recently been in the news because it wanted to celebrate its connection with the Heidelberg School through the purchase of a well-known painting by McCubbin, which unfortunately fell through. The attempt by the City of Whitehorse to celebrate those links has great merit. There may be merit in allowing those components of the gallery's collection that are to be relocated to be displayed not only in country areas but also in the suburbs.

I believe the City of Whitehorse would support a public display of the Heidelberg School collection in its municipality. In recent weeks I have raised the possibility of establishing in the City of Whitehorse an artists and heritage trail that would link prominent sites and artistic histories. The city is giving serious thought to that possibility. I believe the ratepayers and councillors of Whitehorse would support an exhibition of the gallery's Heidelberg School collection in their municipality. That would occur between mid-1999 and mid-2000.

Although I support the general thrust of the bill, I have one query which I have referred to the parliamentary secretary regarding the way members will be appointed to the council of the National Gallery. I hope the government will think of other people throughout the state who give unstintingly of their time, whose workloads have increased enormously and who are in desperate need of additional resources.

Mr HONEYWOOD (Minister for Tertiary Education and Training) — It is interesting to note that often debates on bills supported by the opposition are more protracted than those opposed by the opposition. This small bill expands the expertise of the council of the National Gallery of Victoria. All the speakers in the debate, including the Leader of the Opposition and the honourable members for Mooroolbark, Essendon, Doncaster, Werribee, Northcote, Forest Hill and Mitcham, have displayed a keen knowledge of the gallery, if not some of the detail of the bill. All honourable members made some salient points and suggestions that were of value and benefit to the gallery, which is both a state and national treasure.

Having said that, it behoves me to mention some points to clarify some of the issues raised particularly by the honourable member for Northcote, who referred to the type of people the government ought to appoint as trustees on the council of the National Gallery. I challenge the honourable members for Northcote and Mitcham to name one of the current members of the trust who would not be an appropriate appointment. In response to the concerns of the honourable member for Northcote about a lack of arts expertise, I refer to Dr Alison Inglis and Professor Jenny Zimmer, who are currently on the council. One is a well-known arts critic and the other is a fine arts academic. Equally, the appointment of Steve Vizard could hardly be described as an appointment that represents an arm of government having control over this important council.

I remind honourable members, particularly in view of the concerns of the honourable members for Northcote and Mitcham about the corporate sector being required to raise so much money, that the government is contributing approximately $94 million of taxpayers' money into this venture and is not requiring a significant addition. I also point out that the gallery was built by the Bolte government, a former Liberal government, and that free entry to the gallery has been a Kennett government initiative. Free entry did not exist under previous governments.

It is all very well for honourable members to talk about lack of funding and what should happen. The former Cain and Kirner Labor governments promised year in and year out to renovate the State Library of Victoria, another national treasure, but no money was ever allocated. It reached the stage where the archivists put their jobs on the line and went to the media pointing out that a large number of our archives had deteriorated or been destroyed and that some had even floated down Bourke Street during a flood. They said that had occurred because former state governments did not live up to the rhetoric on arts and allowed a national treasure to be virtually destroyed and run down as a result of the lack of support and funding for the arts. That illustrates the difference between the Labor Party rhetoric in government and its actual contribution to the arts.

The bill expands the level of expertise of members of the council by adding two members. The government will be judged on the merits of that, as it has been judged on other issues to date. The council is effective. It recognises the competing priorities vis-a-vis corporate fundraising, the need to have genuine collectors of art represented, and the need to have art critics and fine arts academics represented on a council that should of its nature be tight in size.

In the tertiary education and training portfolio the administration of governing councils of universities has been streamlined because some universities had 44 to 46 people sitting around a table for a monthly meeting. Although it may have brought to the table a wide range of expertise, it meant that many of the governing council members, being volunteers, as are the members of the council, did not bother reading their agenda papers because they assumed someone else would do it. There are merits in having a tight council notwithstanding that the government sees merit in expanding a council that is well recognised as one of the leading arts councils in the nation. It has the runs on the board and is supported by a government that actually funds the arts rather than preaching rhetoric.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

MUTUAL RECOGNITION (VICTORIA) BILL

Second reading

Debate resumed from 3 September; motion of Mr KENNETT (Premier).

Mr BRUMBY (Leader of the Opposition) — The opposition supports the Mutual Recognition (Victoria) Bill, which extends and renews the Mutual Recognition (Victoria) Act 1993 and effectively allows for the re-adoption of the commonwealth Mutual Recognition Act 1992 with effect from 1 July 1998. The bill enables Victoria to enter a scheme for the mutual recognition of regulatory standards for goods and occupations adopted throughout Australia.

As background to the debate I refer to some issues touched on by the Premier during his second-reading speech. Mutual recognition was an initiative arising from the special premiers conferences started by a former federal Labor government in the 1980s. Honourable members may recall Prime Minister Hawke wanted to ensure there was freer trade between states and that micro-economic reform occurred across Australia and throughout the states and territories.

The concept of mutual recognition has the clear support of all governments of differing political persuasions. The heads of governments recognised that the time had come to create a truly national market and that it was time for Australia to act as one country rather than six or seven different countries.

Numerous articles were written about the difficulties of trade between states and territories. In many areas of trade and commerce it was easier to trade goods and services across the national boundaries of Europe than across the states and territories of Australia, but the actions taken by Labor governments in the late 1980s changed all that.

In the late 1980s and early 1990s Labor governments pushed through legislation to unify Australia by allowing the free movement of goods, services and energy across state borders. Those initiatives included mutual recognition and national competition policy, which was originally about freeing up the national electricity and gas markets to create more competition, alternative sources of supply and freer trade between the states. As I said, it was a matter of national shame that in many instances it was easier to trade goods across national boundaries in Europe and elsewhere in the world than across Australian state borders.

In May 1992 the heads of government endorsed the Mutual Recognition Bill, and the legislation was enacted in November of that year. The then Labor opposition supported that bill before I was a member of this place, and, consistent with our original approach, we continue to pursue the ideals of harmonious and uniform laws that we pursued when in government.

As I said, the principal aim of mutual recognition legislation is to remove needless artificial barriers to interstate trade. The bill, which simply rolls over the existing legislation, will put into place the mutual recognition principle that, firstly, goods that may be legally sold in one Australian state or territory may be legally sold in another, and, secondly, that a person registered to practise an occupation in one state or territory is entitled to practise an equivalent occupation in another.

An interesting example was given this morning during our parliamentary caucus discussion about the legislation. Many years ago when buying a holiday house interstate a member of Parliament had used the services of a lawyer in Victoria to facilitate the purchase. That lawyer was not able to sign off the contract arrangements because the house was in New South Wales. How ludicrous that before the passage of mutual recognition legislation a lawyer who had done a university course and articles and gone through all the other required processes to practise in Victoria could not sign off a contract in another state. That was just one of the practical examples that came up.

Generally, mutual recognition has led to higher levels of consistency in product standards. When I looked through my notes on the matter I found that back in the 1970s or early 1980s it was virtually impossible to market cooking margarine nationally in the one package because each state had different requirements. For example, Western Australia required that margarine be packaged in a cube; other states required that it be packaged in a round tub. The range of regulatory barriers was designed by various states to protect their dairy industries, but they made it impossible for new industries to produce new products that could be sold in the same type of packaging across Australia. Mutual recognition allowed for trade in other foodstuffs for the first time.

It also led to greater opportunity for labour mobility. I have referred to lawyers. For the first time after it was passed in the early 1990s the legislation rightly allowed other professionals, including doctors and dentists, who were registered in one state to work in others. Also, for the first time chiropractors who had studied at RMIT were able to register in other states without having to go through a separate registration process. Again, it was ludicrous that a person could do a three, four or five-year course at university, satisfy a national curriculum standard, graduate and work as a chiropractor but could not practise in another state without having to go through an enormous amount of regulatory red tape that was little more than a barrier to competition and trade across state boundaries.

Other examples include tradespeople who were qualified as plumbers and builders. Before the adoption of the legislation a plumber licensed in other states, even where the training was identical, was unable to work in Victoria, and vice versa. A range of other such issues arose. The legislation removed cross-border anomalies that many honourable members will remember, and I saw some members nodding in agreement during the debate. For example, Victorian tow-truck drivers and taxidrivers operating from

Echuca were unable to work in New South Wales. The electorate of the honourable member for Murray Valley, who is in the house, is contiguous with the state border, and I am sure many border anomaly issues would have arisen there from time to time.

It is also important to have consistent national standards applying to such things as the labelling of products, which is a major issue relevant to the bill. One of the reasons for barriers in the past was that some states were more strident than others in protecting the interests of consumers. For example, today in the canteen upstairs I was having a roll for lunch before question time. One of my colleagues, the honourable member for Williamstown, bought a Berri orange juice. It is a good product, full of vitamin C, very tasty and probably good value, but the label says it is a product of Australia, made from Australian and imported juice. The reality is that most of the product in that bottle is imported Brazilian concentrate. We have known for some time, and I have commented on it previously in Parliament, that manufacturers bring in Brazilian concentrate, mix eight parts of it with eight parts of Australian water and put 'Product of Australia' on the label. I am not attacking the Berri company, but I am pointing out that we need stronger national labelling laws.

Some 40 per cent of the hams sold in Australia are from Canada. If you ask people whether they have ever bought a Canadian ham they will say, 'Hell no, I have never bought a Canadian ham', because they have never bought a ham that has 'Product of Canada' on it. They are sold unwrapped in delis or they are reprocessed with a bit of sugar on the outside and then labelled 'Made in Australia'. It is wrong. Before the election the federal government said in a bit of a panic that it would toughen up the laws, but it has not done so.

Mr Honeywood interjected.

Mr BRUMBY — It has not done enough. The minister asked, 'What did the Hawke government do?'. In the 1980s, before the legislation was introduced, the states had different standards, some of which were stricter than others. When we moved to mutual recognition and the national competition policy we had uniform standards. My fear is that the introduction of uniform standards has in many cases been accompanied by the application of the lowest common denominator instead of the highest. So it is in labelling where, for simplicity, cost and various other reasons, labels contain minimum information and certainly not all the information that consumers should be given.

I have strong views about labelling. Orange juice and pork are examples that jump out, where the intent of the legislation and of all honourable members, I am sure, is not being met. We would all agree that if orange juice is prepared from Brazilian concentrate the label should show that. Consumers should be able to make a judgment. Similarly if you are in Coles New World buying a ham you ought to know if it is a Canadian ham so that at least you can make an intelligent judgment, which you cannot do under the present labelling laws.

The biggest threat to mutual recognition and freer trade between the states will arise if national governments do not grapple with these issues properly. If they always opt for the lowest common denominator there will be a threat to things like mutual recognition, competition policy and so on, which ought to be serving the community well but which, if not properly managed by governments, can become an albatross around the necks of state governments, which will try to move away from them.

It is important that this framework be continually reviewed to ensure that high standards are maintained in the delivery of goods and services across Australia, and it is also crucial that we assess the effectiveness of the mutual recognition framework as we determine whether it has led to desired efficiencies or whether in some instances it has led to the adoption of lowest common denominator standards across the state.

In the area of human services, for example, it is crucial that laws such as the Victorian occupational health and safety legislation or the accident compensation legislation are not undermined or weakened as a result of our adopting mutual recognition principles. In other words, it would be a mistake to adopt those principles if all that means is simply moving to the lowest common denominator.

I note that to give Victoria flexibility in terminating its involvement in the mutual recognition scheme, if necessary, the bill allows the Governor in Council to fix a date to terminate the act. That provision is also contained in the Trans-Tasman Mutual Recognition Act 1998, which was debated during the autumn sittings and which the opposition also supported.

With those caveats about lowest common denominators and labelling, particularly in relation to orange juice and pork, the opposition has no hesitation in supporting the legislation, the origins of which were with Labor governments throughout Australia in the late 1980s. Under Bob Hawke's leadership the states were brought together through the special premiers conferences — it

was one initiative among many to maximise micro-economic reform, minimise inefficiencies and duplication between the states and allow for freer trade across our borders.

The opposition supports the bill, subject to those two caveats, and endorses the fact that in the future whichever party is in power in this state, through the Governor, will be able to terminate the operation of the legislation on a day determined by the government of the day.

Mr JASPER (Murray Valley) — This is a small but important bill. Mutual recognition goes back further than the 1992 debate on the original legislation, which became law in 1993. As the Leader of the Opposition quite rightly pointed out, in my electorate of Murray Valley, with its northern boundary being the Murray River, which is also the boundary between Victoria and New South Wales, the issue of border anomalies is a huge problem that has created massive difficulties in the past.

I entered Parliament in 1976, and in the late 1970s this was a very big issue. It was interesting to listen to the Leader of the Opposition when he talked about actions taken by the Hawke government in the 1980s, but I go back further than that to the time when Rupert Hamer was the Premier of Victoria. People in metropolitan Melbourne do not have a true understanding of the problems country people face, particularly those who live along the border of Victoria and New South Wales. I give due credit to Premier Hamer, who, under pressure from many representations from members of Parliament representing the northern part of the state, said we needed to tackle these issues and do something about the major border anomalies.

In 1978 Premier Hamer established the Border Anomalies Committee, which formed part of his department. The committee operated very effectively, bringing together people from Victoria and New South Wales, through the premiers departments of both states, to address these issues. I have each of the reports prepared by the committee from 1979 until the early 1990s, and late yesterday afternoon I asked my secretary to get out my border anomalies files. She brought out two files. The first covers the period from the late 1970s into the 1980s and the second deals with the period into the 1990s.

The Border Anomalies Committee report of 1992 is the last report of that committee because of the introduction of the mutual recognition legislation. At that time I, along with many other members, was still bringing to the attention of the committee problems we were having. In its annual report the committee noted in item 3.4.6:

> Workcare rebate for apprentices.
>
> Mr Jasper, MP, (Victoria) has brought to the committee's attention the case of a Victorian plumber unable to obtain a rebate of a Workcare levy paid in respect of apprentices registered in New South Wales.

It goes on to say:

> The matter has been referred to the Victorian State Training Board and the committee has agreed to closely monitor its development.

Item 3.4.9 states:

> Over-dimension permits.
>
> Mr Jasper, MP, has brought to the committee's attention a letter from a constituent about the high cost of over-dimension permits in Victoria compared to New South Wales, which imposes no charges whatsoever. The Committee has referred the matter to the appropriate authorities.

The report lists a total of 131 border anomalies brought to its attention since September 1979 that were resolved. I will put some of them on the record. The sorts of issues we had to deal with as members living in the northern part of Victoria include recognition of New South Wales motor vehicle drivers permits and motorcycle riders permits in Victoria. If you were in New South Wales on a Victorian learners permit you were automatically eligible to be fined. In Albury, say, the motorists came across the border from Victoria on L-plates and were immediately picked up and fined, and the fine at that time was about $300. That was a big problem for people living in the northern part of the state who did not realise that if they drove into New South Wales relying on a Victorian learners permit they would be breaking the New South Wales law.

Other issues that were raised include reciprocity of licensing of auctioneers and real estate agents, reciprocal recognition of vintage car registrations, the portability of long service leave for building industry workers and the payment of pensions into bank accounts. That was an interesting one. The committee found that, for instance, a pensioner who lived at Rutherglen but who happened to bank at Corowa in New South Wales could not have his or her pension paid directly into the New South Wales account but had to bring the account back into Victoria. That situation was ridiculous, and the anomaly has been rectified.

The issue of the disparity in the daylight-saving arrangements in New South Wales and Victoria ran right through the 1980s and into the 1990s. The

committee also dealt with the reciprocal recognition of fishing licences issued in Victoria and New South Wales. We found that Victoria had decided at one stage not to charge for fishing licences at all. At the time New South Wales was charging for fishing licences, so if Victorian fishermen went into New South Wales with their Victorian licences, there was no reciprocity. New South Wales reviewed its fishing licence charges, but Victoria decided it was losing too much revenue by not charging for fishing licences in Victoria and reintroduced the charge. New South Wales fishermen coming into Victoria then faced the same difficulty caused by the lack of reciprocity between the two states over fishing licences. The problem was complicated even further: a Victorian licensed fisherman who wanted to fish in the Ovens and King rivers could do so legally, but when he came down to fish where the Ovens met the River Murray he was in New South Wales waters and was therefore unlicensed. Those are the sorts of issues that were brought to the attention of the committee.

Mr Steggall — And rectified!

Mr JASPER — As the honourable member for Swan Hill rightly interjects, they have been rectified. Many of those issues were not huge, but they needed someone to take hold of them and initiate discussions between the Victorian and New South Wales governments so that they asked, 'How can we correct this anomaly?'. Many of the anomalies were rectified by the Border Anomalies Committee to the advantage of people living along the border between Victoria and New South Wales.

Some of the other issues the committee dealt with included the reciprocal recognition of free ambulance transport for pensioners; the transporting of mobile homes, including the required number of pilots; long service leave in the construction industry; and reciprocal recognition of shooters licences, which was a big issue. The right-hand turn regulations were also an issue, because the regulations in Victoria governing right-hand turns out of intersections were different from those in New South Wales.

Mr A. F. Plowman interjected.

Mr JASPER — As the honourable member for Benambra rightly interjects, you looked to the numberplate. Because of the lack of uniformity in the road laws, New South Wales police often had sympathy for people driving cars with Victorian registration plates, and Victorian police often had sympathy for people driving cars with New South Wales registration plates.

Other situations the committee considered included the manufacturing of portable buildings, difficulties with real estate agents, and the dual payment of payroll tax. They are listed in the 1991–92 report of the Border Anomalies Committee among the issues the committee dealt with. It examined ways to achieve uniformity and assist people, particularly those living along the Victoria–New South Wales border.

I mention in particular four issues listed in a news release issued by the Border Anomalies Committee in June 1993. I said earlier that many of the issues the committee addressed involved discrepancies between the two states that often, through discussion and sometimes legislation, it was able to overcome. The four listed in the news release in 1993 were:

> Long service leave levies in the construction industry: a problem of both states requiring long service leave fund payments on homes manufactured in Victoria but installed in southern NSW has been overcome by increasing the threshold for NSW project levies to a level above the total projected cost of most transportable buildings.

That was brought to my attention by a manufacturer of transportable homes in Yarrawonga who had a contract to build and deliver a home to an address in New South Wales. When it was delivered and put on site the manufacturer found not only that he was making long service leave payments to the Victorian construction industry but also that he was making payments to the construction industry in New South Wales. Because he had to obtain a permit to deliver the house to a New South Wales site, he had to pay a levy on the cost of the building. That represented a dual payment of long service leave levies.

The second issue, which presented quite a problem, involved real estate agents:

> Real estate agents: reciprocal recognition of real estate agents' licences has been prevented because of an outstanding issue of the operation of trust funds for border area transactions. Mutual recognition legislation passed by all states and effective from 1 July 1993 will allow agents to be licensed in both states, enabling them to operate trust funds in the state where the transaction takes place.

Mutual recognition overcame that problem. The third issue was:

> Policy on NSW waterways: NSW police who have responsibility for the behaviour of boat owners on the Murray were restricted as they did not have the same power held by Victoria Police to conduct random breath tests on boat operators. Amendments to the NSW Maritime Services Act have now given them this ability.

The last issue in the news release was:

Dual payment of payroll tax: liability for employers to make payroll tax payments to both states for employees who regularly work on both sides of the border has been reviewed by the state taxation offices in both states and sensitive application of the legislative requirements has resolved the issue.

That involved apprentices in the building industry who worked in Victoria but who also undertook work in New South Wales. It was difficult for employers to receive Workcover cover in Victoria for apprentices who were working in New South Wales, and that was further complicated when builders had Victorian and New South Wales addresses.

They are the sorts of anomalies faced by people living along the border between Victoria and New South Wales that the committee addressed. Some of the problems could be effectively rectified only by mutual recognition legislation. The legislation that became operative in 1993 was important to me as the member for Murray Valley and as someone living along the border between Victoria and New South Wales, given that a large area in the north of my electorate adjoins the boundary.

Mutual recognition legislation has enabled the regulating authorities to ensure uniformity in the registration or regulation of particular organisations or professions. Some of the professionals affected include doctors, nurses, dentists, health-care workers and real estate agents, as I mentioned earlier.

Although there is no intention to scrap the scheme the sunset date for the legislation was 1 July, which created a problem and the need for Victorian legislation. I recently received representations from a lady who was registered as a real estate agent in Albury but who, because the legislation was not effective from 1 July 1998, was unable to operate in Victoria. It was suggested she could be registered in New Zealand and following a delay of only one month would be able to practise as a real estate agent in Victoria on the basis of the trans-Tasman recognition provisions. That is a ridiculous situation. Most professions have standards and the mutual recognition legislation will unify these standards.

I am concerned about the need to ensure there is no lowering of standards in particular industries. The Leader of the Opposition alluded to the issue earlier. There is a need to maintain the highest standards possible where specific training is needed. It is necessary to look not only to the lowest common denominator but to uniform standards that will maintain a high level of service, whether in a profession or an industry. Through mutual recognition we recognise registered schemes and standards that should be uniform throughout Australia. I note in respect of the intergovernmental agreement that 12 months notice is required if a state wishes to withdraw, but that states have the option of withdrawing if they believe they cannot maintain uniform standards.

The legislation is excellent. It will ensure mutual recognition of legislation within and between the states backdated to 1 July 1998. It will be of great advantage to people who live on the border of Victoria and New South Wales.

Mr BRACKS (Williamstown) — The opposition supports the bill. It was in the late 1980s that federal and state Labor governments jointly pursued mutual recognition and a breaking down of the competitive regime that then operated — almost six different countries. The opposition will support the breaking down of barriers to ensure free trade between the states and the bill's removal of needless barriers to interstate trade.

A good example of the deliberate policy of the states to set up barriers and prevent competition occurred at the turn of the century in the rail system. New South Wales and South Australia used the standard gauge rail system while Victoria used the broad gauge. It was all about reducing competition and was done to prevent proper interstate trade. The Keating federal Labor government fixed it through the One Nation program. It was funded by the federal Labor government. It extended the standard gauge rail line from North Melbourne to North Geelong so that goods sent by rail at night from Melbourne would arrive in Adelaide the next morning. The extension of the standard gauge system enabled commerce to take place between the states.

The Labor governments have been committed to these arrangements and the opposition now stands by them again. In addition to the trade and goods issue there is also the occupational issue. We have the ridiculous regime where trade licensing arrangements are protective of the trades involved — they are closed shops. If you are in the club you get work as a licensed plumber or electrician, but the licence is restricted to the state in which it is issued and is not valid in other states. That is ridiculous. The opposition will support a proposal that qualifications and licences be valid throughout Australia. Another area where mutual recognition could operate is that of driver licences. Australians should be able to obtain universal driver licences and not be required to obtain endorsements when they move interstate. Driving qualifications should be recognisable and transferable between states.

Such arrangements should be considered as we go through the reforms.

Honourable members must recognise that historically there has been a policy of states having separate regimes. They were set up before the formation of the national government as a deliberate policy to prevent trade between the states. That is the regime that has been operating. The opposition supports the bill because it attempts to break that down bit by bit. It is not easy in every case, because issues of standards and quality apply. The highest possible standard of quality needs to be achieved, not the lowest common denominator. That is the challenge, and it requires each state to ensure that the standards recognised by ministerial conferences of any portfolio are reached.

We encourage the passage of the bill, and we are thankful it has support across the parties. I am proud to say that federal and state Labor governments initiated and promoted those arrangements, providing funds for one of the biggest rail projects in the state — the standard gauge railway that now runs between Melbourne and Adelaide. That shows the Labor Party supports those arrangements not only through active policy but also by endorsing their funding in the future.

Mr STEGGALL (Swan Hill) — I appreciate the opposition's support for the legislation, which picks up the mutual recognition agreement and makes sure we can be confident about the timing of its implementation.

I reiterate some of the remarks of the honourable member for Murray Valley. For those of us living along the border the mutual recognition legislation represents the next generation in the debate about overcoming the border anomalies that have existed for many years. All honourable members representing the border regions have had to live with the committees and the arguments about resolving what are in hindsight the most ridiculous anomalies we could impose on each other. The honourable member for Murray Valley has explained some of the stupid anomalies that have been corrected as people have come to understand what mutual recognition is and where it is heading.

A previous speaker talked about interstate trade. While mutual recognition assists interstate trade, people in my electorate of Swan Hill see it as giving them an opportunity to trade as an economic region. The world has changed and the country is now part of a global market. Previously individual property owners sold to local markets and knew the people they sold to. Those days have now gone and people now produce for world markets. The world markets demand the development of production methods to enable us to supply the volume and quality of product required. Single farms cannot do that, so we are developing our communities so they can supply world markets.

To achieve that it has been necessary to run operations over the border. My electorate includes the riverland of South Australia, both the New South Wales and Victorian sides of Sunraysia, the Murray Valley down through Robinvale and Swan Hill and into the Loddon Valley, and the older areas around Shepparton and Cobram. We rely on the regulations in those areas being reasonable and proper. Mutual recognition provides the vehicle to do that without legislation or regulations needing to go through each state Parliament.

Mutual recognition has brought enormous advantages to South Australia, New South Wales and Victoria, together with Tasmania. Tasmania uses Victorian ports and airports to export much of its food product, so proper regulations need to be in place to handle that. By freeing up interstate trade we move away from the stupid anomalies that disadvantage the trades and professions along the borders and focus on the broader picture of where society is heading. Mutual recognition will play an even greater role as we tackle the future.

Mention has been made of the lowest common denominator and the danger of mutual recognition resulting in the acceptance of the lowest standard. If the lowest standard is accepted under mutual recognition the states involved will be guilty of not looking after their own operations. Mutual recognition gives the states the ability to correct any stupid situations that may arise. It will take courage to do so, and I hope they will work through their ministerial councils. If that fails the mutual recognition legislation will give the states the ability to correct problems within their own areas.

I am pleased to support the legislation. I am also pleased that it does not contain a sunset provision. Instead, a Governor in Council decision is required to terminate it, which will prevent the silly situation we found ourselves in last July. It means that as a society Australia can push ahead with the various regulations required, whether in the professions, in the trades or in the various levels of commerce. I have pleasure in supporting the legislation and wish it a speedy passage.

Ms GILLETT (Werribee) — I take pleasure in making some brief comments on the Mutual Recognition (Victoria) Bill. As speakers on this side of the chamber have already said, the opposition will not oppose the bill. However, in supporting the bill we wish to make some comments that relate directly to the structure of the bill itself.

I sit on the Scrutiny of Acts and Regulations Committee, which examines legislation that has been read a second time before Parliament resumes debate on it. Yesterday when we were considering the Mutual Recognition (Victoria) Bill committee members were mindful of the purposes of the bill as enunciated in the minister's second-reading speech. Most of the issues covered in the minister's speech are worthy and have been attained through bipartisan support. The mutual recognition principle is that goods sold in one state or territory may be sold in another state or territory and that individuals who are registered to practise an occupation in one state or territory are entitled to practise that occupation in another state or territory.

Members of the committee were, however, concerned about the provision that allows for the termination of the bill by proclamation. Termination by proclamation in legislative practice is the reverse of commencement by proclamation. In theory it can be regarded as subordinating the role of the Parliament to the executive in that an enactment can be removed from the statute book without reference to its creator — namely, this Parliament. This provision could foster considerable legislative uncertainty.

Questions need to be asked. Is the termination of a statute the exercise of a legislative power? The Scrutiny of Acts and Regulations Committee has as one of its terms of reference the capacity to examine legislation that insufficiently subjects the exercise of legislative power to parliamentary scrutiny. If legislation is able to be terminated by proclamation it avoids parliamentary scrutiny. That is a matter of concern to the committee.

The committee decided to write to the minister seeking clarification of why a termination by proclamation is to be used rather than a repealing act and asking whether it will diminish the legislative prerogative of the Parliament. It could be that the Premier might wake up one morning and simply decide that he will repeal the legislation, which he can do by proclamation. Such a proclamation cannot come before this Parliament for debate or scrutiny, so all the fine words that would have been enunciated by members on both sides of the chamber would be wholly lost.

We acknowledge the good work mutual recognition bills have done for us and the foundations they have built for a good and healthy future, removing all sorts of restrictions and limitations on goods and services — although over the weekend we have had imposed on us, despite the wishes of the majority of Australians, a greater inhibitor to the provision of goods and services, and that is the goods and services tax. This bill, which removes many limitations on the provision of goods and services, ought not, however, to be subject to removal by an action of the executive without the scrutiny of the Parliament. With that comment, Mr Acting Speaker, I conclude my remarks.

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

Mr A. F. PLOWMAN (Benambra) — Imagine being a small businessman about to go on holidays to Fiji only to find that the business licensing authority tells you that because of the lapse of the mutual recognition of the Estate Agents Act, New South Wales trained estate agents are no longer able to work in Victoria. That is exactly what happened to a constituent of mine, and it is not a singular case. The lapse of mutual recognition hits hard those people affected by it. It was not meant to stop on 30 June this year, but it did. I would not like to say who caused it to stop. It may well have been some bureaucrat who was not aware that mutual recognition is a continuum. My friend who was about to go to Fiji rang me and said, 'Tony, I cannot go on my trip to Fiji because the person who was to take my place is New South Wales trained and cannot do the job that he is trained to do'. This person was not only trained to do the job but had police checks and checks by the Office of Fair Trading and Business Affairs — all those things required by the Estate Agents Act, but which were no longer appropriate because the lapse in mutual recognition no longer allowed someone from New South Wales to take the place of a Victorian estate agent.

A similar situation occurred with a Wodonga TAFE student who had graduated from the School of Health (Nursing) in June this year and who had applied for a job in New South Wales. She was a qualified nurse and had all the qualifications required to do the job for which she had applied, but because of the lapse of mutual recognition she was not able to do it. That is an extraordinary event to occur. This happens to people who live on the border of two states, but they expect these things to be automatic. The nurse was advised that she could write to the nurses board for recognition of her qualifications, but it would mean nothing because until the Mutual Recognition (Victoria) Act was re-enacted, her qualifications would not be recognised in other states.

Another case involves a Dr Peter Stone of Wodonga, who carried out a procedure at the Albury Base Hospital in early September. Dr Stone was given the mutual recognition forms to complete but was advised by Dr John Hodge, the medical superintendent at the hospital, that because Dr Stone was trained in Victoria, the Medical Board of New South Wales could not recognise his status. This doctor had carried out a

medical procedure without legitimacy, even though it was not his fault. Parliament had failed in its job to ensure that mutual recognition was consistent. The bureaucrat whose responsibility it was had failed in his job. I am not sure who was responsible, but I am prepared to accept the blame because as a member of Parliament it is my job to ensure that we overcome all the anomalies. I sympathise with Peter Stone, a doctor who has part of his practice in Albury, the nurse and my estate agent friend.

I refer the house to three parts of the bill: retrospectivity, the termination clause and the future. The most important feature of the bill is the retrospectivity clause, which provides recognition for anyone who undertook any activity that relied on mutual recognition after 1 July 1998, when the act failed to be re-enacted. That will bring much satisfaction to people who believed that they acted legitimately, although those actions were deemed illegitimate. For example, any transaction by Trish Nesbitt, who was a qualified real estate agent in New South Wales and acted as a real estate agent in Victoria, will be legitimised by the retrospectivity clause.

The second aspect I raise is termination. It worries me that clause 6 provides that:

> The Governor in Council, by proclamation published in the *Government Gazette*, may fix a day as the day on which the adoption of the commonwealth act under section 4 of this act terminates.

That is, the mutual recognition legislation can be terminated by executive decision. As a member of the Scrutiny of Acts and Regulations Committee, I commend the honourable member for Werribee on her contribution. The committee highlighted the fact that if such a thing happens people like the three whose cases I have cited will be left in the lurch, as the same circumstances could arise.

The government must always be able to withdraw from mutual recognition because on occasion it will be in the best interests of Victorians to do so. The legislation applies ad infinitum, but the government must be able to withdraw, particularly if a move must be made quickly where a profession or trade does not reach the same standards as those required in Victoria. The Leader of the Opposition said that in some circumstances standards could fall to the lowest common denominator. That is another reason why the state must have the flexibility to withdraw.

Although it is important that sections of the legislation are able to be repealed, the act should not be. The Scrutiny of Acts and Regulations Committee believes that as an alternative the legislation can give the executive the necessary administrative flexibility to terminate or suspend the operation of a provision or provisions of the act pending its repeal during the next sitting of Parliament. Again, and now in her presence, I commend the honourable member for Werribee for directing the attention of the house to that provision. It is important to retain the capacity to repeal a section or provision of the act without repealing the entire act. The bill must be reconsidered on the basis that although it meets the objectives of Parliament the repeal of the whole act should be undertaken by Parliament, not by executive decision.

The third aspect I raise is the future of the bill and mutual recognition. We must continually review mutual recognition — along the lines that the honourable member for Werribee and I propose — and any changes to the uniform national legislation. With great aplomb the honourable member for Murray Valley referred to almost 80 border anomalies that affect everyone who lives along the state border. Given that such things happen all the time, we must continually review the future of mutual recognition, and we must be prepared to change the uniform national legislation that binds us together. Although I disagreed with some of the things the Leader of the Opposition said, I agree that the last thing we want is to have everything drop to the lowest common denominator. No good reason exists for that.

In conclusion, the bill overcomes the problems of at least three members of my community, to whom I have referred. There are probably a dozen or 15 more cases that I have not cited, and probably 100 or more people have been affected by the lapsing of the act on 30 June. That is something we should never allow to happen again.

Mr CARLI (Coburg) — As the Leader of the Opposition said, the opposition fully supports the Mutual Recognition (Victoria) Bill, which is a small but very important piece of legislation. Mutual recognition is important to the Australian market and to the movement of labour and goods in Australia. It addresses the cross-border anomalies that have grown up throughout the history of Australia involving the colonies that founded the Australian nation and later the states, with their different agendas and the rules they established in a series of areas relating to the professions, trade, transport, the regulation and packaging of goods, and so on.

The bill continues the spirit implicit in the adoption of the 1992 commonwealth Mutual Recognition Act. In part it is retrospective, because the Victorian act lapsed

on 1 July 1988. Often members will object when a bill contains any retrospective element, but in this case retrospectivity is an essential part of the bill. As the honourable member for Benambra said, it is central to it. The earlier act was allowed to lapse. That has created the potential for a series of anomalies that had seemingly been sorted out. Fortunately that is not the case in practice, and the bill will ensure that those anomalies will be resolved.

Various members have referred to cross-border anomalies, such as the taxidrivers at Echuca that could not cross the border to work in New South Wales, the problems of skilled workers in Victoria not being able to work in New South Wales or South Australia, and differences in the labelling and packaging of margarine, with some states preferring round containers and others preferring square containers. After a number of studies in the 1980s, we sought to resolve a series of problems by passing the 1990 act. We must support and recognise the importance of the bill to Australia. When discussing mutual recognition and ensuring that we have consistent regulations for labour and goods, we must realise that the same thing is happening in markets much bigger than ours. In Europe and North America common regulations are being introduced for labour and goods.

That is important for Australia because as we are seeking to become more competitive in a market where labour and goods can move effectively we are seeing the same thing happening on a much greater scale. As a major exporter, particularly of goods, Australia needs to be aware of those regulations.

If there is a fear about the lowest common denominator coming into effect through national regulation it is a fear we have to fight because if we seek to export to the markets of Europe and North America we will invariably have to import the regulations of those countries, and the level of regulation they impose can be quite high.

The Europeans have moved increasingly into requiring that environmental concerns be met and into issues of packaging and labelling, and we have to be aware of that fact. We have to totally avoid any idea of introducing the lowest common denominator because we are now in a world market that is in the process of globalisation and we are aware of what is happening in the rest of the world.

I support the view expressed by the Leader of the Opposition that we want and need consistent national regulations, and it is vitally important that they not be the lowest common denominator but rather the sorts of regulations that are effective in protecting consumers and workers in a national market while also giving us an edge and an ability to trade in an international market. At the end of the day we have to recognise that we are a market of 18 million people and Europe is a market of hundreds of millions of people that has quite demanding regulations. We have to be aware of that difference.

In other areas we still have not reached national recognition — drivers licences for example. Greater scrutiny of the problems with various licences and regulations in light of national recognition would be better for Australians and improve both trade and the movement of people, particularly in border areas.

The arguments put by honourable members representing border electorates are compelling. Yes, we need to be doing something and probably we have gone a long way towards that aim, but further anomalies come to mind and future discussions between ministers need to concentrate on those areas. Nonetheless, the movement is in the right direction. We have agreement in this house and obviously throughout Australia that this is the way to go, that the legacy of the past has created a series of impediments that we need to resolve.

Clause 6 was referred to by the honourable members for both Benambra and Werribee. As a member of the Scrutiny of Acts and Regulations Committee the wording of the termination by proclamation clause is not something I have come across before, and it concerns me because it subordinates the role of Parliament to the executive so that the executive can, almost at a whim, act to subordinate the wishes of Parliament.

In the context of this bill it is probably not a great concern because we have consensus about the importance of the bill, and even that clause seems quite sensible, but the implications of a clause such as that in other bills and the whole idea of termination by proclamation have concerned the Scrutiny of Acts and Regulations Committee and are worthy of some consideration in this house.

Are we to go down this path and see termination by proclamation clauses being introduced in a number of pieces of legislation? If so, what does that mean for the relationship between this Parliament and the executive? That is a concern about the mechanics of the bill, but in the context of what is a very important piece of legislation it is a small issue.

The bill is crucial, despite its size, because it is a major platform for both the movement of labour and goods in

this country and ultimately the competitiveness of the Australian economy.

Mr ROBINSON (Mitcham) — I doubt if there would be one member of this house who stands opposed to the underlying principles of mutual recognition as espoused by the minister in his second-reading speech. I shall start my contribution to what has been a very informative debate between members on both sides of the house by referring to the principle as enunciated by the minister. In particular I refer to his statement that the mutual recognition principle is that 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.

I can understand why we have reached the point where we want it stated that this mutual recognition principle ought to apply more widely than it currently does. Anyone with even the smallest knowledge of Australian history would understand that the progress of this nation has been hindered by the mind-set of Australians over the past 150 years in particular as separate colonies rather than as a federation.

There is no example that more succinctly highlights that problem than the colonial railways and their differing gauges. You, Mr Deputy Speaker, would be especially conscious of the fact that only in recent times has a large part of the western Victorian rail network been standardised. That network had operated for well over 100 years on a different gauge from the South Australian and New South Wales rail networks.

It makes eminent sense, therefore, that we ought to be united in this house in attempting to ensure that people who practise an occupation in one Australian state or territory are entitled, as the minister has stated, to practise an equivalent occupation in another Australian state or territory.

However, pleased as I am that honourable members have contributed to this debate a wide range of examples of the way mutual recognition can and has benefited people who practise a number of occupations in Victoria and interstate, I am concerned that with regard to one occupation in particular the bill stands more as a statement of cant and hypocrisy than it does as an expression of meaningful intention on the part of the government to reach a point where mutual recognition is evident. I refer to the profession of bookmaking. I understand from my own experience that this is something with which you are not unfamiliar, Sir. Indeed we were both present at the Warrnambool races earlier this year — a great event both culturally and socially.

A bookmaker is a bookmaker, regardless of where that bookmaker operates. There is a principle generally at work within the Australian racing industry that a bookmaker registered in states other than Victoria is recognised as a bookmaker in Victoria, although it is, in the traditional way bookmakers operate, relatively rare that an interstate bookmaker would seek to operate in Victoria. Nevertheless, we are moving rapidly into an era in which the services offered by members of that profession no longer depend on their being at the racecourse. Increasingly there is a push towards offering sports betting services by telephone.

Victoria led the way in the sports betting revolution in the late 1980s. The figures show that in 1990 the turnover on sports betting, from which the government derives a handsome dividend, had grown more quickly in Victoria than it had anywhere else, and other states around the country emulated Victoria's initiative in that regard. In Australia today, less than a decade after sports betting emerged, Victoria not only trails the rest of the country in bookmaking services but is also an embarrassment to the rest of the country. Sports betting turnover in Victoria is now far lower than the turnover in the Northern Territory, New South Wales, the ACT and, I believe, most other states.

Why is this so? The principle of mutual recognition would be fine if it were allowed to apply to bookmakers in Victoria. But bookmakers have had to endure appalling treatment from this government over the past two years in particular. In May last year the government, finally recognising that Victoria was slipping behind, established a sports betting inquiry, which was announced by the Minister for Sport. The inquiry handed down a report in October last year, but it has never seen the light of day. In a radio interview this year the minister finally confessed that he would not release the report but would establish another panel of review, this time along the lines of a national competition inquiry, which would absorb the recommendations of the unseen report.

The consequence for bookmakers in Victoria is that they are still forced to operate under relatively primitive conditions compared with their colleagues interstate. Sports betting in Victoria operates under the arrangement that only while fielding at racecourses are bookmakers permitted to accept sports bets. That is in contrast to other states that have sophisticated arrangements for sports bookmaking that allow bookmakers to take a wide variety of wagers and handle a wide variety of sporting activities offcourse. It

is therefore not surprising that the turnover of sports bookmakers in other states has galloped ahead of the turnover in Victoria by several hundred per cent.

The big winner from this absurd arrangement is Tabcorp, which, as a private monopoly, has been allowed to establish a wide range — —

Mrs Tehan — On a point of order, Mr Deputy Speaker, while having an interest in the welfare and wellbeing of bookmakers, especially in this state, I fail to see the relevance of the honourable member's comments. It is some minutes since he has referred to the bill or spoken about an interstate perspective, and I suggest that he now address his comments to the bill.

Mr ROBINSON — I am having some trouble understanding the point of order raised by the Minister for Conservation and Land Management. I commenced my contribution by pointing to the minister's own statement in the second-reading speech that the mutual recognition principle meant that a person registered to practise in one Australian state or territory was entitled to practise that same occupation in another state or territory. At numerous times during my contribution I have referred to the principle of mutual recognition not working in the field of bookmaking due to the impediments created by the Victorian government. Given the context of the debate and the wide range of references made by individual members, I submit, Mr Deputy Speaker, that my reference to bookmakers and betting is entirely relevant.

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

Mr ROBINSON — The principle of mutual recognition would be more readily realisable in the bookmaking industry if the government were to do something proactive and conclude the endless series of reviews into sports betting.

Interstate sports bookmakers are able to wager on a wide range of events. I digress briefly to mention the sorts of services which are provided in other states but which are not available in Victoria. For example, the sports betting outfit Centrebet, which is based in Alice Springs, cites as its weirdest request a gentleman who regularly rings wanting to back his own design to be the next Australian — —

The DEPUTY SPEAKER — Order! In the time I have been in the chair since dinner, honourable members have on three occasions crossed the chamber while crouching between the person on his or her feet and the Chair. I inform the house that the next time it happens I will stop the proceedings of the house and ask the honourable member to retreat to his or her seat and exit from the chamber in the correct way. Crouching between the person on his or her feet and the Chair is not acceptable, and I hope the honourable members who did so earlier but who are not now in the chamber can hear what I am saying in their offices.

Mr ROBINSON — As I was saying, Centrebet in Alice Springs cites as its strangest request for a wager a man who rings regularly wanting to back his own design as the choice for the next Australian flag at odds of $1 million to $1. The Centrebet manager is quoted as saying:

> We have seen his design and $1 million to $1 is under the odds.

National Sportsbet cites as its weirdest request a punter wanting Brownlow Medal odds for an Essendon player on the rookie list who had not played a senior game as of round eight of the 1997 season. Sportsodds cites its weirdest request for a wager a punter who asked for odds on Pope John Paul II dying by the end of October 1997. Weird as those requests may be, they constitute a service that is being provided by bookmakers in other parts of the country. Sadly, bookmakers in this state are still severely restricted in the services they can offer.

I will cite a comment in the *Sunday Age* of 24 May, in which the *Track Talk* columnist referred to the problem and is reported as suggesting that:

> Victoria's sports bookies need full-time licences to operate away from racecourses and the freedom to take bets of any amount by telephone, rather than a minimum of $200.

That has been a grievance of bookmakers in Victoria for some time. All that bookmakers are effectively asking for is some sort of mutual recognition so they are free to operate in the same manner as bookmakers in other states. If that happened, Victoria could quickly resume the mantle as the state with the most lucrative turnover in the industry. Every day that the Victorian government fails to come to grips with the contemporary marketplace in which sports betting operates in this country results in further contributions to the coffers of other state governments. That is what it boils down to. Turnover is far lower in Victoria, and as a consequence government revenue is far lower.

The other great problem that Victorian bookmakers have with mutual recognition is that they have to operate under a regime that is far less friendly to bookmakers than comparable regimes in other states. I will briefly cite a recent example when one bookmaker who offers cups doubles, as do other bookmakers in other parts of the country, was suspended for two weeks. He was suspended for reasons that are not yet

clear, but it appears that it was determined he was operating his sports service in a way that somehow breached the laws or regulations of this state.

The bizarre feature of this case is that a competing cups doubles bookmaker who was operating in exactly the same manner was not troubled by the gaming squad at all. At this time of the year cups doubles bookmakers are capable of earning the mainstay of their incomes for twelve months, and for one to be suspended for operating in exactly the same manner as another is bizarre. I will not say more about that at this stage because I suspect far more is to come out about that matter. We might direct those inquiries to the Minister for Sport.

I conclude my remarks by suggesting to the government that, although mutual recognition is a fine principle and we have heard many examples where its application benefits Victorians, the government ought to at least be sincere about it and do everything it can to ensure that the principle applies in all areas of commercial activity, including sports betting, because until we reach that point the only people who will benefit from the current impediments in the way of better commercial operating conditions for bookmakers are Mr Ross Wilson at Tabcorp and Tabcorp shareholders.

Mrs TEHAN (Minister for Conservation and Land Management) — I thank honourable members for their contributions to this debate, especially the Leader of the Opposition, who put the bill in its international context; the honourable member for Werribee, whose remarks I did not hear; the honourable member for Benambra, who similarly spoke of the benefits of the bill; the honourable member for Coburg, who again raised the globalisation argument and the context in which the house is debating the Mutual Recognition (Victoria) Bill; and finally the honourable member for Mitcham, who seemed to be making some point about the unfortunate position in which Victorian bookmakers find themselves, which seemed not to have great relevance to the bill but was obviously a hobby-horse of some sort that he was trying to whip up in this place.

The bill has the support of both the major parties in this place and I presume the Independents, although that is yet to be seen, and represents Victoria's acceptance of the work done over many years in moving what were independent states to a broader federal concept.

As we have heard from various speakers, that is part of the whole global trend, which is certainly at its pinnacle in the European Union and the North American region where many separate countries have now formed blocs through trade and other associations, both formal and informal, and are looking to their strengths to provide a better recognition of labour and services.

There is no doubt that, having made this move to mutual recognition in the context of this country, it is important that Australia press forward and similarly look to opportunities for the better recognition of our services, our standards, our labour and our professional qualifications in an even broader context.

I commend the spirit of this debate, which was very good, and the bipartisan support for the very important principles of mutual recognition in an Australian context, and I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PETROLEUM BILL

Opposition amendments circulated by Mr LONEY (Geelong North) pursuant to sessional orders.

Second reading

Debate resumed from 3 September; motion of Mr REYNOLDS (Minister for Sport).

Mr LONEY (Geelong North) — The Petroleum Bill replaces the Petroleum Act 1958. It is intended to accomplish a number of things, among which are: that it should reflect modern industry practice; that it should apply competition principles to the allocation of grants of land for exploration; that it should bring the Victorian legislation into line with legislation that is operative in other states; that it should reorganise the way the legislation is set out so that it follows a more logical process than the existing act; that it should facilitate safe exploration and production; that it should provide clarity to the compensation process for landowners whose land is used for exploration; that it should provide clarity in the process of obtaining permits; that it should establish a formal petroleum register; and that it should increase the tenure of permits. In doing those things the bill reflects a move away from wildcatting to more intensive geophysical preparation prior to exploration.

The opposition supports the aims of the legislation and is generally supportive of the thrust of the bill. It hopes it may encourage some increased exploration activity in

Victoria. However, there are some areas of concern. It has been said that the bill mirrors in some sense the provisions of the Mineral Resources Development Act. To a large extent that is so but the opposition suggests that in a couple of important aspects that is not so. The amendments I have circulated and propose to move should the house go into committee reflect the opposition's concerns.

The opposition is also concerned that adequate consultation has not taken place on environmental and planning controls. The discussion paper on the review of the Petroleum Act 1958 generated considerable consultation with industry at large and others. Given the final framing of the bill more consultation is required about some of the environmental and planning controls that may be required to bring it into line with the Mineral Resources Development Act. I move:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until adequate consultation has taken place to determine appropriate environment and planning controls which should be included in the legislation'.

Development is important for the provision of jobs and the presence of industry in regional communities. The opposition is supportive of the thrust of the bill, which tries to enhance the provision of jobs and the presence of industry throughout the regional areas of Victoria. Currently most petroleum operations in Victoria are offshore and governed by the commonwealth Petroleum (Submerged Lands) Act. Some limited success has been achieved onshore with several small commercial gas fields in the Otway basin. I hope the bill will encourage further exploration in other parts of Victoria. Petroleum includes gas. Exploration that yields a few gas fields and develops another source of supply is a priority in Victoria now. The exploration permits covered under the bill would also apply to natural gas.

Victoria has only limited onshore production that now returns approximately $600 000 to $700 000 a year to the state. That is not a huge amount of money when compared with the exploration and production activities in some other states. There is potential to increase that. Commercial production from the North Paaratte field supplies major towns in the Western District with gas. I am sure you, Mr Deputy Speaker, are aware that over the past fortnight those towns have been fortunate enough to maintain their gas supplies because their gas comes from a different source than that used by other Victorians. Victoria could reasonably expect additional onshore commercial discoveries if more exploration took place. The Otway and Murray basins extending into northern Victoria, New South Wales and South Australia might reasonably be expected to yield further supplies.

It is important that the bill supports exploration and facilitates the potential benefits that may flow to Victoria. The opposition believes offering land by competitive tender in the way it is suggested in the bill sets up a fairer regime than currently operates, provided the exercise of ministerial discretion is well used. That is always the proviso. Given the reasonable expectation that that would be the case the opposition supports that provision. It puts those who wish to explore on an even footing. With the minister choosing the land to be offered some degree of control can be exercised over the areas explored. So it serves two purposes, we suggest, and we support that feature of the bill.

In addition we support in general terms the greater security of tenure for explorers that is implicit in the bill. We believe, however, that there is a need to strike a balance between protection of the environment and legitimate and reasonable planning controls and development. Striking that balance is the intention of the reasoned amendment.

We also support public involvement in decision-making, particularly where it concerns the local community. That is an important aspect of community life throughout this state. We believe in strong environmental protection and the absolute protection of national parks. We believe in safety — and there are significant safety provisions in this bill. However, the bill is in some ways problematic because it does not protect national parks. It allows exploration and production close to settlement and with no choice for those affected. It goes almost without saying that when you are dealing with petroleum products there is a potential danger at all times. The bill is also problematic because it does not provide for public input into the decision-making process — hence the opposition's reasoned amendment.

I will now deal specifically with some of the items I have raised. Firstly, exploration and production in national parks other than wilderness areas is not prohibited. The bill totally exempts wilderness areas from exploration and a whole range of activities.

Mr A. F. Plowman interjected.

Mr LONEY — I am tempted to take up the interjection but I will take the advice of the minister and ignore it — and perhaps suggest that the honourable member may care to read his own party's legislation. The bill allows activity on all land except for wilderness land covered under proposed section 137. It allows for

exploration and production work in national, state and other parks provided the minister has given approval — that is, the minister must give written consent for any work on those lands.

Mr McArthur — Which minister?

Mr LONEY — The minister responsible for resources. It can be allowed provided the minister has given consent. That provision does not alter, whatever happens. Section 139 allows activity on restricted Crown land — mostly land set aside on the recommendation of the Land Conservation Council — with the written consent of the minister. It also provides that operations can take place on unrestricted Crown land if the responsible minister is consulted. The operative word is 'consulted'.

Despite the justification for the liberalisations contained in the bill being that they are in line with the Mineral Resources Development Act, the bill does not follow restrictions in the MRDA in respect of the protection of national and state parks. This issue has been taken up by the Victorian National Parks Association (VNPA), which states:

> It is claimed this bill is required to bring the legislation in line with changes made by the current government (without public consultation) to the Mineral Resources Development Act. However the changes are one-sided. The bill frees up exploration and extraction in many areas and yet does not at the same time offer the same protection to national and state parks as occurs within the mining and quarrying legislation.

It follows the status quo with regard to ministerial consent, but as the VNPA argues, that is:

> ... most inadequate and does not reflect the permanent protection expected by the public for high-value reserves. Under the MRDA (and also quarrying legislation) national and state parks are given absolute protection and the Petroleum Act should do likewise.

If the government changes the act to bring it in line with the MRDA, it should do so properly and it should protect national parks. The public will be justifiably angry that this government is allowing exploration and production in national and state parks.

A discussion paper dated August 1996 on the review of the Petroleum Act states at page 23:

> Petroleum exploration and production can be undertaken using modern horizontal drilling techniques without the need to have surface access to the immediate target area. Petroleum resources may underlie areas that are not usually available for surface petroleum exploration and production. In these circumstances, the minister should have the ability to grant a petroleum title with conditions that only allow subsurface access to such areas from outside the areas. These titles would not be subject to the usual prohibitions and approvals reserved for surface exploration and production for these particular areas.

The final sentence is important, so I shall repeat it:

> These titles would not be subject to the usual prohibitions and approvals reserved for surface exploration and production for these particular areas.

In this case there are no prohibitions, despite the fact that they were expected. It may be that it is intended that the minister should have the ability to grant approval that allows only subsurface access to certain areas from outside those areas. However, there are no prohibitions on surface exploration and production for the areas covered by the bill.

The opposition remains sceptical that the minister will use his or her discretion in such a limited fashion given the complete lack of legislative restriction. The opposition does not want petroleum exploration or extraction to occur in the Port Campbell, Wilson's Promontory or Grampians national parks. National parks are reserved for conservation purposes, not mining or petroleum production.

The opposition believes national parks should be adequately protected and will propose amendments accordingly. Amendment no. 4 circulated in my name would introduce into the bill a provision taken from the Mineral Resources and Development Act, the act under which the government currently operates. That amendment would ensure, as does the Mineral Resources Development Act, that land classified under the National Parks Act as a national park, wilderness park or state park would not be available for exploration and production. It is precisely the same as the provision in the MRDA, which the opposition believes is reasonable. Despite the government's claim the bill does not mirror that act, and the opposition would like to include in the bill provisions similar to those in the MRDA.

The second issue relates to the removal of planning controls on exploration activity. The bill enables exploration and production without planning approval. Furthermore, no exploration or production is prohibited by any planning scheme approved under the Planning and Environment Act. Production requires either a permit under a planning scheme, an environment effects statement (EES) or authorisation by the minister under section 120 of the Planning and Environment Act.

Those provisions were introduced so that a permit-holder was not required to obtain both a planning permit and an EES, for which there is some reasonable justification. However, the provisions do not

require a permit-holder to obtain either a planning permit or an EES because the permit-holder can simply proceed on the approval of the minister. Therefore, although three things are supposedly required, effectively the only requirement is the approval of the minister. The bill says 'or;', 'or' and 'in either case'. They are 'ors'. The opposition does not want to take a belt-and-braces approach by requiring that all three things be obtained, but it is not good legislation when nothing is required.

Another effect would be the removal of the only readily available avenue of public input into exploration proposals. That is problematic because private land-holders do not have the right to refuse operations on their land. That matter was discussed at some length during the briefing. Public input is important for those concerned about environmental effects. The Victorian National Parks Association says in its submission:

> It hardly represents 'effective consultation and dispute mechanisms for land-owners and others' — which is one of the objectives of the new legislation.

That is one of the objectives of the bill according to page 10 of the discussion paper produced by the review of the Petroleum Act. The opposition believes the bill does not facilitate that objective. The Victorian National Parks Association has said that a number of low-impact activities should be exempt from planning controls but that high-impact activities should require planning permits.

The opposition agrees that it should not require both an environment effects statement and a planning permit. However, like the Environment Protection Authority, the opposition believes it should require some assessment by either an environment effects statement or a planning permit. The opposition is entitled to treat this clause with some scepticism, hence the reason for the opposition's reasoned amendment asking that the bill be delayed until adequate consultation occurs with the appropriate environment and planning groups.

The next issue of concern is that there be no prohibition on activities near buildings and sites. This issue is clearly defined under the Mineral Resources Development Act but is not touched on in this bill. The bill does not bring the Petroleum Act 1958 into line with the Mineral Resources Development Act, which provides that no activity may occur within 100 metres of a house, a farm building, a factory, a garden, a church, a hospital, a public building, a cemetery, a range of other buildings and water supplies. These provisions are in that act for a reason. They are not there simply to be prohibitionist. I suggest if that were the reason or if it could even be remotely held to be the reason, the government would have taken those provisions out of the act. However, after six years the provisions remain, and they do so because they are sensible.

Exploration and production carry risks. It is potentially dangerous to be nearby. That was evident at Longford recently where all people within a 5 kilometre radius were evacuated after the explosion and fires. There is another reason: people do not want to be subjected to the noise of exploration or production in their backyards, in hospitals, in church, when visiting a cemetery, or in a range of other areas. They do not want to see or have the noise of exploration or production in their orchards. Yet under the proposed legislation they have no choice. Under this bill one can explore in these areas. The landowner can seek compensation and if there is a disagreement over compensation the matter goes to the Victorian Civil and Administrative Tribunal, which can mediate only on fair and reasonable compensation and not on whether access should be granted. People do not get a choice.

I suggest it is fair and reasonable that a hospital may not want exploration to take place within its grounds, or that an orchardist may not want exploration to take place within the grounds of his or her orchard. Those are fair and reasonable concerns. However, under clause 128 a company can give notification, pay compensation and move in. The least this government or any government should do is assure people that petroleum activity will not occur near their houses or near important community services.

If the government is serious about bringing the Petroleum Act into line with the Mineral Resources Development Act, it should do it properly and protect both the buildings and sites of those who live nearby. Accordingly, the opposition will introduce amendments to bring the bill into line with the Mineral Resources Development Act. The opposition's amendment 5 would bring the bill into line with the Mineral Resources Development Act and would ensure that areas within 100 metres of a dwelling house, a substantial farm building, a factory, a windmill, a bore, a spring or a dam, a garden, an orchard or a vineyard, a reservoir of water or a lake, a church, a hospital, a public building, a cemetery and a range of other buildings and sites, including heritage sites and sites of archaeological and Aboriginal significance, are placed under the protection and security of the act.

Other issues concern security of tenure. Clause 26 will extend exploration permits from two to five years. The provision will provide explorers with the capacity to develop their work program over a longer period than is

currently permitted. At the same time it will enable them to vary their activities according to the business cycle. On balance the opposition believes the amendment is reasonable and asks honourable members to support it.

Retention leases will provide explorers with the opportunity of delaying the development of their discoveries for up to 15 years. Although it could be argued it will lead to some form of overly speculative exploration, the opposition believes the bill proposes some safeguards against unreasonable speculative delay in the development phase. Specifically, the minister may require the holder of a retention lease to re-evaluate the commercial viability of petroleum production in the lease area and report in writing to the minister on the results of the re-evaluation. That is an important provision. It will ensure that where retention leases are to be granted and upheld, they are about promoting the production of fields and not speculative exploration. The minister may require the leaseholder to apply for a production licence in respect of the area. Again that is another safeguard in the sense that it will ensure against unreasonable speculative delay.

However, the opposition suggests these requirements place undue reliance on the evaluations provided by the holder of the lease. It is essential that they be strengthened by authorising the minister to obtain independent advice about the viability of the lease. The opposition's proposed amendments will enable the minister to appoint an independent person to provide a re-evaluation of the lease and grant the person preparing the report the authority to act on that information. That is contained in proposed amendment no. 1. The opposition supports the provisions relating to retention leases but points out that if the total reliance is on the material provided by the proponent that may not always be the most satisfactory means of analysis. The minister should be able to get independent advice and analysis before taking further action.

Clause 156 enables the minister upon the application of the production licence to vary the royalty rate previously specified. The provision will enable production to take place from sources that would otherwise be uneconomic. As I understand it, clause 156 is based on similar provisions in commonwealth legislation. It is a reasonable proposal, provided that it can be objectively and independently verified. However, as the bill is slightly deficient in that regard, proposed amendment no. 3 will be moved to ensure greater transparency. As I said, the opposition supports the right of the minister to vary or impose a slightly different royalty regime. We propose that if the minister exercises the power conferred by clause 156 the minister must publish in the *Government Gazette* notice of the variation or different method to be used, along with the reasons for granting the application for variation. That is not unreasonable and will give the mechanisms greater transparency.

I comment also on part 13, the enforcement provisions of the bill, which the opposition supports. A strong enforcement regime is essential because the bill deals with volatile and potentially dangerous substances. The opposition is heartened by having been told by the minister and in the briefings that a greater emphasis will be put on inspection and enforcement. We support such enforcement regimes not only in the petroleum exploration industry but in all hazardous or dangerous industries. It is a pity that the spirit in which the provisions are being introduced did not accompany the amendments to the Occupational Health and Safety Act, which was emasculated to such an extent as to make it almost a nonsense. Perhaps that should be addressed again in the new spirit of enforcement of occupational health and safety provisions contained in the bill.

It is extremely important that steps are taken in all industries to prevent injuries being caused to people, and damage being caused to property and the environment. We are pleased to see enforcement provisions in the bill and hope they will be adhered to with some diligence.

The opposition supports the general thrust of the bill, which is to encourage petroleum exploration and activity in the state. We have outlined a number of concerns, particularly about exploration and production in national and state parks, the removal of planning controls on exploration and production, no prohibitions on activities near buildings and sites, whether independent advice is available to the minister, and the lack of transparency in the variation of royalties. The opposition will move a range of specific amendments that will strengthen and give added support to what is attempted by the bill. We hope the government will not take a niggardly and negative attitude to the opposition's attempt to make the bill better and stronger so that it is more closely reflective of other mining exploration and production activity in the state and might work well in parallel and conjunction with the industry.

The proposed amendments will not harm the thrust of the bill or the potential for development of petroleum exploration in the state, so we hope we will not get a knee-jerk reaction to the constructive proposals for its improvement. I hope the debate will be conducted with honourable members bearing in mind that we are

attempting to do something constructive through specific amendments to the bill to allow the petroleum industry to develop and grow but at the same time ensuring that protections are provided for things that Victorians consider important. Some added transparencies and safeguards are included for aspects such as decision-making by the minister which serve to provide both protection for the minister and accountability to the public.

With those comments, I commend to the government the amendments that the opposition will move and hope the government will treat them in the spirit in which they have been prepared. I look forward to hearing the rest of the debate.

Mr McARTHUR (Monbulk) — Firstly, I welcome the support for those parts of the bill for which the lead speaker for the opposition has indicated support. I urge him to reconsider some of the comments he has made, to check more closely the provisions of the legislation and to reassess his points on them. In particular I suggest that his reasoned amendment is not particularly reasoned. If he considers the provisions of the bill and the other legislation to which the bill refers and with which it requires compliance, he will realise his reasoned amendment is unnecessary. He will find that he and other members of the opposition can support the bill and ensure its speedy passage through the house.

Initially the honourable member for Geelong North said that the opposition supports the bill, in particular those parts aimed at increasing exploration for petroleum and petroleum products in Victoria. He spent the major part of his 45-minute address adding codicils to that support. He wants the bill withdrawn until adequate consultation on environmental controls has been undertaken. I assure the honourable member that a range of organisations and experts across Victoria — with Victorian and international expertise — have been consulted on the bill. It includes strong environmental safeguards, which I will address later.

The honourable member for Geelong North noted also that the bill is based significantly on the Mineral Resources Development Act which was introduced by the Honourable David White, who was the responsible minister in the former Labor government. The honourable member for Geelong North spent time highlighting the differences between the Mineral Resources Development Act and the bill but objected to only some of the differences. I wonder why he chose to object to only some of the differences.

In his address he mentioned the importance of occupational health and safety provisions and of ensuring that all petroleum sites are safe workplaces. He did not suggest that the occupational health and safety provisions in the Mineral Resources Development Act be mirrored in the bill. His comments were supportive of the bill, which requires that the provisions of the state occupational health and safety legislation operate on petroleum sites. The bill envisages — and other legislation that the house will consider later in the session will confirm — that Department of Natural Resources and Environment inspectors will be responsible for that, but nevertheless the Occupational Health and Safety Act will be the principal act governing occupational health and safety provisions on petroleum sites on Victorian land.

That is substantially different from what is contained in the Mineral Resources Development Act. I wonder why the honourable member for Geelong North did not highlight that fact and ask us to photocopy the requirements of the Mineral Resources Development Act and transfer them into this bill. He certainly sought the inclusion in this bill of a range of other MRDA provisions.

He particularly objected to the provision allowing petroleum exploration in national and state parks and said that such a provision does not appear in the Mineral Resources Development Act. The simple, practical reason for that is that there is a substantial difference between a petroleum exploration site and an open-cut mine. An open-cut mine occupies a number of hectares and takes everything off the surface of the earth. A petroleum exploration site occupies a few square metres and may, but does not always, involve the drilling of a 4 or 6-inch hole in the earth.

The honourable member asks me by interjection if I have ever seen one. I assure him that I have seen a number, and I can take him to some sites where I defy him to pick the spot that was drilled. I am prepared to wager a good bottle of Victorian red, if he can afford one, that he will fail to pick the spot where the exploration actually occurred. Petroleum exploration can be undertaken in a way that is not intrusive or damaging to the environment.

The second point is that permission to go into a national park or a state park for the purposes of exploring for petroleum is granted by the minister responsible for those national parks, the Minister for Conservation and Land Management. I assure the honourable member that that minister will not easily grant permission for anybody to explore for petroleum in a national or state park.

The present Minister for Conservation and Land Management, and indeed any Minister for Conservation and Land Management, would impose very stringent rules indeed on access by an exploration company to a national or state park for the purposes of exploring for petroleum. The honourable member's concerns are unfounded, misguided and probably just to a slight degree politically motivated. He is catering to the view of his friends in the VNPA and is hoping for a headline or two. His concerns are ill founded.

The honourable member has also highlighted his concerns about proposed sections 119 and 120 in relation to planning matters. He argued that a petroleum explorer who actually finds petroleum product and seeks to move it to a production authority does not need to either comply with a planning scheme requirement or provide an environment effects statement. The honourable member is again mistaken, but not surprisingly so. Proposed section 119 simply states that companies or persons already having production permits have no need to seek planning permission for their production programs.

Proposed section 120, on the other hand, says that if a planning permit or a permit under proposed section 119 is required but the applicant has already prepared an environment effects statement that has been assessed by the resources minister, who has agreed that it is acceptable and has issued a permit, no planning permit is required. The honourable member for Geelong North is clearly mistaken in his presumption that it is 'neither'; it is in fact 'either, or'. If you prepare the EES and if it is approved, you do not have to go through the planning process. It is not a case of 'neither'.

Let us examine what the legislation actually does and move away from the honourable member's scare campaigns. As he has already pointed out, this is a complete rewrite of the 1958 legislation, which has more than passed its use-by date — it is 40 years old. It was developed in times when petroleum exploration was nowhere near as sophisticated or effective as it is now. It is modelled substantially on the Mineral Resources Development Act but only after about two years consultation with a range of experts and authorities. An exposure draft was considered by those experts and supported by them.

The bill meets the national competition policy agreement and is consistent with the Victorian approach to native title, which is wholly consistent with the national approach to native title. It applies to onshore petroleum and gas exploration but not to offshore exploration and provides, for the first time, a practical and rational approach to the petroleum industry. This bill has been needed for some time.

One can fairly break up petroleum activities into three broad categories. First the people who are looking for petroleum — oil or gas — go out and search. Sometimes they find something, but they do not always know what can be done with that something, and sometimes they find something that is worth developing and they want to move on to production. This bill prescribes sensible steps to cover each of those possibilities, and in addition provides for special access authorisations so that people with a purely research objective can go onto land, search for petroleum and provide the information to others but not produce the petroleum themselves.

Under the exploration program the first thing is that the minister and the department will advertise areas of land as available for exploration. Companies interested will tender to explore that land, and their tenders will be judged on the merits of the works program they put up. Departmental officers will consider the works that are proposed, how effective the company has been in the past and what its record for rehabilitation has been and will then make a recommendation on the exploration permit based on their assessment of those matters.

If a company that gains an exploration permit discovers petroleum but the production of petroleum products is not yet viable, it may apply to the minister for a retention authority or retention permit. That will allow the company to hold the site for up to 15 years subject to the minister being assured that the site is not yet viable. The permit can be reviewed at any stage during the 15-year period if the minister thinks the site has become a viable production opportunity.

In the event of the discovery being viable, the applicant can move to apply for a licence to produce the petroleum product, whether it be oil or gas. If the requirements are met, the licence will be available to the producer not for a specified time but for the life of the field. That is a significant change and an important boost to industry.

The bill will require the production and approval by the minister of a petroleum development plan. That plan will be the basis on which the producer is judged on how he or she plans to go about gaining the best possible use of the resources that have been discovered. All licences, whether they be for exploration, retention or production, must have works programs. The licences will have conditions that apply to the work programs, which can be varied only by the consent of the minister.

The licences will be transferable and may be surrendered in whole or in part.

The honourable member for Geelong North expressed his fears about land access. Firstly, the bill states that any access to land requires the consent of the minister. Secondly, the bill requires the consent of the landowner or the occupier or provides for a compensation agreement. So if the landowner is reluctant, he or she may be convinced by a compensation agreement. If the landowner is still not happy with the proposal, the issue can be assessed and determined by the Victorian Civil and Administrative Tribunal. If that tribunal comes down with a compensation order, the applicant may have access to the land. If on the other hand the tribunal refuses the application, the explorer will not gain access to the land.

The bill provides for two scenarios on royalties. Firstly, a standard royalty of 10 per cent of the well-head price will be paid to the state, which is the status quo under the current legislation. Secondly, a differential rate may apply in circumstances where the remaining reserves in a discovery may not be viable if the royalty is at 10 per cent but may be viable if the royalty is slightly varied, and it is up to the minister to decide that.

The legislation requires all applicants for any work to post rehabilitation bonds to protect the environment. The amount is specified by the minister, not by the applicant, and it may be varied by the minister if he or she thinks it needs variation. If the producer or explorer does not do the rehabilitation work properly, the minister may order the work to be carried out and bill the company responsible. The minister may also return a bond if an area has been rehabilitated properly. The bill contains strong enforcement provisions to protect the environment and the resource and to ensure the safety of the people who work on the petroleum sites, and that is as it should be.

The bill contains power-of-entry provisions to ensure that applicants or licence-holders comply with the conditions of their licences. It also provides powers of entry to search for evidence of any offence, either by agreement or by obtaining search warrants. A register of petroleum sites will be established and maintained. The bill contains confidentiality provisions, as it should, and stipulates appropriate codes of practice to ensure the proper management of petroleum sites and the protection of the environment. The bill also contains the normal regulation-making powers.

Finally, the bill ensures that the existing exploration licences held by companies or individuals will be extended for a further two years. In addition, those companies or individuals will be given full five-year exploration licences, and in future the standard term of an exploration licence will be five years. The bill is practical and sensible and contains a range of safeguards which will ensure the safety of workers and the environment and the security of the resources that are discovered. It also has a substantial advantage over the old act in that it will promote and encourage petroleum exploration in Victoria. That should be welcomed by the house, because as honourable members have seen in recent times, Victoria desperately and urgently needs alternative supplies of petroleum apart from those we rely on in Bass Strait. I urge all honourable members to support the bill, because it is very much needed.

Mr DOLLIS (Richmond) — The incredible thing about the honourable member for Monbulk is that he is neither able to understand the content of the bill nor capable of listening to the advice his seniors in the house have given him. What should have taken 10 minutes has taken him twice as long, and he has still not been able to clarify matters. The arrogance he displays in not doing the things his seniors instruct him to shows why no-one has confidence in his ability to carry through any arrangements he makes. It is important to the proper management of the house that we have confidence in whatever we agree to carry through.

The planning applications referred to in the bill are interesting. Under the bill a planning permit is not required where exploration is to be carried out under a petroleum authority. In other words, the bill will enable the exploration for petroleum without the separate requirement for planning approval for that exploration. The government's drafting of the bill has removed another layer of protection.

The bill provides that exploration carried out under a petroleum authority cannot be prohibited under any planning scheme approved under the Planning and Environment Act, so basically the act will not apply when the bill is passed. The bill also exempts petroleum projects carried out under production authorities from the requirement to obtain planning permits where such projects have been the subject of environment effects statements. The Victorian planning provisions will be amended to ensure they are consistent with the bill. The Minister for Planning and Local Government told the house and the community that the Victorian planning provisions would apply right across the state. But the VPPs will now be amended to ensure that they are consistent with the bill.

It is useful to compare the model the bill introduces with the model that is already in place for mining under the Mineral Resources Development Act. For example, that act prohibits exploration for mining and extraction in national parks, which mirrors the provisions of the National Parks Act. However, the bill overrides the application of planning schemes on private land and removes the need for planning permits for the exploration for minerals where permits for extraction or environment effects statements already exist.

The Petroleum Bill follows the model created by the Mineral Resources Development Act. However, the bill allows for exploration and extraction in national parks and restricted and unrestricted Crown land. The Minister for Conservation and Land Management must, however, consent to petroleum operations being carried out in these areas. Petroleum operations are prohibited on wilderness Crown land. This is consistent with the National Parks Act. On the other hand, the bill requires that an authority holder must demonstrate that it will operate to an acceptable environmental code of practice and develop an appropriate environment plan for the area on which it wishes to operate.

There are concerns about the content of environmental codes. The question that should be asked is who will be involved in the development of these environmental codes and what must these environmental codes contain? It is well known that the Code of Forest Practices is constantly ignored and not properly enforced by the Department of Natural Resources and Environment. It becomes very difficult to have confidence that anything of an irrational nature will not take place as a result of the bill.

Given that the Code of Forest Practices is constantly ignored and not properly enforced by the department we must ask what enforcement provisions will apply in relation to the bill. What will the status of environmental codes for petroleum mining be under this new system and what resources will be made available to enforce the code, because without discussing the resource question we cannot have any confidence there will be any enforcement of any of the provisions that are described in the act.

I ask the government whether the environmental codes for petroleum exploration and mining will be regarded as a joke in the same way as a number of other codes are described as jokes around the state. An example is the Code of Forest Practices. At the moment it is a laughing matter to talk about a Code of Forest Practices because no-one applies it and there is no ability to enforce it.

Petroleum exploration can be extremely damaging to land and involves the construction of roads and test bores which obviously will have a huge impact on the existing landscape. The nature of petroleum exploration and extraction therefore requires the establishment of proper environmental guidelines. It is also crucial that such guidelines are strictly adhered to. Therefore we come back to the question that we have been asking since the bill was introduced: does the government have any ability to enforce the provisions and are the resources there to make certain that the environmental guidelines are adhered to, or is this another example of a provision having been put into the act without the ability to enforce it? The government does not want to enforce any of these guidelines.

The fact that local planning schemes will be overridden is also an issue. The government is well known for its habit of attacking the planning decision-making powers of local government. Local government has in many ways been rendered ineffective, and the bill takes away even more of its powers. It is most disconcerting that local councils will have no power over petroleum exploration and extraction in their municipality. We have another situation where a local government authority will be elected but it will not have the ability to control its own future landscape. Once again, local communities are going to be cut out of any process where important decisions will take place and the results of these decisions can potentially have very dangerous consequences that will impact enormously on the lives of the citizens of these municipalities.

It is particularly controversial that councils will not be able to prohibit petroleum exploration on private land. There will be no ability for municipal government to have any checks or balances of exploration on private land. Many people in rural areas will be extremely concerned about this. The government has continually demonstrated it is not interested in the welfare or the rights of rural Victorian communities, because if it were interested it would not have included some of the provisions of the bill. If the government wanted to protect the rural community it would ensure that the bill was redrafted. If the government understood the provisions applicable in the bill it would understand the impact it will have on the community.

The Minister for Police and Emergency Services, who is interjecting, says that is why they do EESs — that is, environmental effects statements or studies. The minister can say at the conclusion of the debate how many of these EESs have been carried out. Where have the protection mechanisms been that should be applicable to environment protection or any studies that

may take place? I can list a number of examples where EESs have not been complied with.

Furthermore, the compensation provisions in the bill do not address the issue of the potential for longstanding damage to land and the environment and how that is to be compensated for. The proposed land rehabilitation bond to be paid by a petroleum authority is inadequate and could be strengthened by imposing fines for poor land rehabilitation. After all, the minister should be supporting the proposition that land that has been damaged must be rehabilitated to provide continuous production in rural areas. There is no comment from the minister or understanding of the bill.

The bill will also require further amendments to the Victorian planning provisions. This is a major platform for the Minister for Planning and Local Government. This major amendment could affect all landowners in the state, and it is being introduced at a very late stage in the implementation of the Victorian planning provisions.

The Minister for Planning and Local Government introduced the VPPs, saying they would have effect throughout Victoria. The Petroleum Bill includes amendments which the minister did not point out and which totally contradict his Victorian planning reforms. The government has mismanaged the introduction of the Victorian planning provisions and has cost local government and the Victorian community thousands of dollars. The continual amending of the planning provisions makes a mockery of any reform of the planning system. That is not an efficient or effective way to introduce complex planning system reforms.

I hope the government addresses the concerns raised by the opposition and ensures that the implementation of the Petroleum Bill will not exclude communities from participating in important planning decisions. The government must understand that amendments in bills such as this have consequences for other legislation. Clearly, the bill contradicts several undertakings given by the Minister for Planning and Local Government.

Although the opposition supports the majority of the bill's components, it has several concerns that will be addressed through individual amendments and a reasoned amendment. It is important that the legislation pass the house with the full support of both parties. Unfortunately, unless the government indicates that it is willing to address our concerns, opposition members will be unable to support the bill in its final stages.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

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

The house stands adjourned until next day.

House adjourned 10.00 p.m.

Wednesday, 7 October 1998

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.03 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 1998 and Summary of Variations Notified between 14 May and 1 October 1998 — Ordered to be printed.

Parliamentary Committees Act 1968 — Response of the Minister for Conservation and Land Management on action taken with respect to the recommendations made by the Environment and Natural Resources Committee in its Report 'Weeds in Victoria'

Public Record Office — Report for the year 1997–98

GAS: LONGFORD EXPLOSION

Mr BRUMBY (Leader of the Opposition) — I wish to move the adjournment of the house for the purpose of discussing a matter of definite urgent public importance — namely the explosion that occurred at Esso's Longford gas plant on 25 September, which resulted in a tragic loss of life, an unprecedented interruption to supply and a massive dislocation to Victorian households and businesses. Steps need to be taken to determine the cause of the accident to ensure that an event of that nature will never happen again.

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

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

That the house do now adjourn.

At 12.30 p.m. on Friday, 25 September, an explosion and fire ripped through the gas processing plant at Esso's Longford gas facility. Two Esso employees, Peter Wilson and John Lowery, died in the explosion and a further eight people were seriously injured. Four of those eight people were very seriously injured and will take many months to recover, if at all. Other workers have suffered shock and trauma, and some will take months or even years to recover.

Yesterday I moved to extend the deepest sympathy and condolences of Parliament to those who died and to those who were injured. I express my and the Labor Party's deep condolences to the families of Peter Wilson and John Lowery. The opposition also wishes to place on record our appreciation of the heroism shown by Esso workers and CFA volunteers, who risked their lives to bring the fire under control. Both sides of the house owe them an enormous debt of gratitude.

Anyone who read the newspapers over the weekend, particularly the article in the Melbourne *Age*, was confronted with a graphic description of the extraordinarily terrifying conditions at Longford on Friday, 25 September. The tragedy has been most felt by the families and loved ones of the courageous men who were at the site and by those directly involved, such as the CFA volunteers, ambulance officers and the emergency services personnel.

The cost to the entire community has been profound. Today's newspapers say it all. Today's headline on the front page of the *Australian Financial Review* said 'Gas: Victoria faces winter of discontent'. The government has ordered an urgent examination of alternative gas supplies because Esso cannot guarantee that the gas processing plant that was damaged by the massive explosion 11 days ago will be repaired in time for the 1999 winter peak demand.

Today, the headline on page 3 of the *Herald Sun* reads, 'Never again'. The purpose of this motion is to ensure that the disaster which has hit our state over the past 10 or 11 days never occurs again. I shall deal with the impact of this tragedy, the action the government should have taken last week to minimise the impact on Victorians, the bungled response of the government to this tragedy, the terms of reference of any royal commission and the need for further investigation of certain issues.

It is extraordinary that, after the biggest single economic disaster to hit this state for decades, no ministerial statement was made to the Parliament yesterday by either the Premier or the Treasurer. Over the past 15 years some 50 or 60 ministerial statements have been made to the house on matters of major public importance. After the Ash Wednesday bushfire disaster in 1993 the then Premier, John Cain, made a full ministerial statement which was then debated by many members on both sides of the house.

Given the tragic loss of life, the number of people who have been injured, the $1 billion loss to Australian industries, the huge dislocation to households, the aged, the infirm and the terminally ill, I should have thought that out of respect for those people, the businesses that have been forced to close down and above all this Parliament, a full ministerial statement on this matter would have been made yesterday.

One must go back to the Second World War to find an incident which has so affected the economy and the social life of this state as much as this disaster has. The economic losses as a result of this disaster already exceed $1 billion, and that is putting aside what may happen later this year or next winter.

When one considers the number of workers who have been stood down and lost wages and possible experience in industry, the number of small businesses that have been closed and the extraordinary cost to the Victorian community, the editorial in the *Herald Sun* of Monday, 28 September says it all. Under the headline 'Gas answers are urgent', it says:

> The shutdown of the state's gas supplies is one of the worse crises to hit Victoria in years. It is, in a word, a disaster ... The state is supposed to be an industrial leader but these accidents — like the ice blockage that reduced supplies for two days in June — reek of disasters usually confined to the Third World.

That is absolutely right; we do not expect this in Australia. Our car industries have been closed down; companies such as Toyota are losing $8 million a day. In the newspapers today representatives of Toyota say that although the gas is back on there is a second-wave effect — that is, they have lost market share. Because they could not provide vehicles, imports have grabbed some market share and Toyota will find it extraordinarily difficult to recover its market share.

Last week I visited a company in the eastern suburbs — I have been requested not to mention the company name — which employs 200 people and makes household furniture fittings. It is a well-known trade name. On Monday the company had to put off half its work force. I was asked to visit the plant because all last week, when the company faced the prospect of having to put off workers, it received no assistance from the Victorian government through the hotline numbers. When the company contacted Centrelink to inquire about social security support it was told no support was available. As with Toyota, that company faces not just the immediate economic impact of this disaster but a second-wave effect because it has now lost its market share to imports.

Some shocking cases of personal hardship were brought to the attention of my office. My staff took call after call after call from terminally ill people living in their homes. Some calls were from paraplegics who were incontinent and who needed hot water to wash two or three times a day. They repeatedly rang my office because they got no assistance at all when they rang government assistance hotlines.

There has been a massive cost to Victoria. From the day the disaster occurred the opposition has approached the matter in a bipartisan way and has been keen to be constructive and see the gas back on as soon as possible. However, the way the government handled its response last week left much to be desired. On the Sunday, two days after the disaster, on behalf of the state opposition I released a five-point action plan of what I thought needed to happen if Victoria was to get through the crisis.

It is worth making all honourable members aware of what the opposition said just two days after the disaster occurred. Firstly, I said that a gas crisis and recovery council should be established comprising representatives from government, business, unions, church and welfare groups, the media and emergency services. Following any disaster, such as the Ash Wednesday bushfires or when the state is faced with the loss of a billion dollars or more, there is a need to bring together the parties to properly plan for the future and address the issues as they arise. Secondly, I called for the council or the state government to negotiate with the federal government to ensure that any worker stood down because of the gas crisis would receive immediate social security benefits, and for support to be provided for small businesses through concessional loans.

Thirdly. I called for vastly improved telephone information services to provide accurate and timely information to the public. Fourthly, I called for a full and public inquiry, a royal commission, into what caused the current crisis and the gas blockage that occurred three months ago. Finally, I said there needed to be state and federal government surveillance of prices through the Office of Fair Trading and Business Affairs and the Australian Competition and Consumer Commission to stop profiteering. Belatedly — unfortunately not on the Sunday when I released the plan — four of my five points have been adopted. My first point calling for the establishment of a gas crisis and recovery council has not been adopted, but I still say we need such a council.

Who is providing the social security benefits to the workers who were stood down? It is not the Premier of Victoria, who last week was adamant that no-one needed assistance. Who had to step in after he dropped the ball and after his feet were set in concrete? On Friday morning, the day before the election, the Prime Minister announced that workers would be eligible for social security assistance. What about support for small business? The banks are not normally thanked in this place, but we saw the banks help small business. The Bank of Melbourne took the lead by saying it would

help small business. But there was no assistance whatever from the Victorian government!

In relation to improved telephone services, there was television coverage last week of a small room occupied by about 20 people answering phones. I do not know how 20 people could be expected to answer calls coming in from hundreds of thousands of people. I am pleased to read in today's paper that there are now 500 people answering the phones. That is what should have happened last week — it is a bit late!

My fourth point concerned a full and public inquiry. Yesterday in question time the Premier said the board of inquiry would have the powers of a royal commission. The opposition welcomes that, but that announcement should have also been made last week. The fifth point of my plan — price surveillance through the ACCC and the Office of Fair Trading and Business Affairs to stop profiteering — was implemented on Wednesday or Thursday of last week. The Brumby plan was picked up, but it was picked up too late to help most Victorians.

Last week the Labor opposition took a constructive approach. Early in the week it was apparent the media was keen to help, but the Premier fumbled, dropped the ball, became obsessed at being in Western Australia and got carried away in a radio interview with his old army mate, Howard Sattler. It is worth recording the great Thursday interview in *Hansard* for posterity. In a radio interview in Perth on 30 September, as replayed on radio 3AW, the Premier stated:

> I mean we do take for granted so much of what we have in life today. I mean you turn on a switch you expect electricity, you push a button you expect the toilet to flush, you turn on the connectors and you expect gas to be there.
>
> It's not that many years ago that none of that was there in the form that we've had it. I mean our grandparents used to have to boil water for a bath every night. We didn't have gas, we used to have electricity, before that we cooked on the old big Arga stoves which I can still remember.
>
> So, I mean we've really become a very softened community if you know what I mean ...
>
> Now I mean what are we coming to? I mean a whole society where our underbelly is so soft.
>
> So, this is an unfortunate incident, but it does remind us all again that you actually can survive without all of these things being on tap all the time.

And here is the penultimate line:

> And I think that's probably a good thing to be reminded that as you know they're only made by human beings, they've got their own frailties etc.

I do not know how one would describe that. While the Premier was jetting over to Western Australia on his first-class air fare — he was probably in the first-class lounge enjoying all of the trappings of office — there were hundreds of thousands of Victorians out of work, tens of thousands of small businesses had closed down, and tens of thousands of frail aged people, some of whom would have been suffering from terminal illnesses, were at home without gas, — and the Premier said they have a soft underbelly. The Premier said it was a good thing we were going through the crisis.

The opposition takes a different view. It was a disaster that deserved a proper response. It deserved leadership, compassion and a Premier who could understand what it means to lose your job or your business or to be at home without hot water or heating and cooking facilities if you are frail and perhaps terminally ill. It was not about having a soft underbelly, it was about the real hardship faced by those people. Anyone who watched the news broadcasts on television the night of that interview or listened to the radio during the day knew what a political disaster the Premier had created.

It was no surprise that when the Prime Minister was asked about the gas crisis in Victoria at the National Press Club on Thursday, he said he was prepared to provide Victoria with any assistance it needed. He needed only to be asked! Was he asked? Did the Premier get on the phone and say 'We need support and assistance for businesses that have closed and workers who have been stood down, and we need help for the Salvation Army and the Brotherhood of St Laurence.'? No, he was in Western Australia supporting a failed Liberal candidate, Eoin Cameron, who lost his seat. It was an opportunity for a street walk, a first-class airfare and spending a bit of time in Western Australia. The federal government was not asked for assistance.

That night the Prime Minister received the report from his minders in Melbourne — Peter Costello, Michael Kroger and the others who had being watching the TV. Only one word — 'disaster' — can describe the Premier's 'good thing' and 'soft underbelly' comments that night. The Prime Minister had to bail out the Premier. Victorians woke up on Friday morning to hear that the Prime Minister had provided the state with a $100 million relief package. That was done because of the total lack of leadership coming out of Melbourne. His federal leader made Premier Kennett look like a man with his feet in concrete.

I turn to the establishment of a royal commission. The main role of Vencorp involves:

> Operating the Victorian gas transmission system to balance the system and maintain security of supply.

The *Age* editorial of 29 September states:

> Victorians have, in the words of the Premier, the right to answers. They also deserve practical assistance from responsible authorities which have a duty to ensure the provision of essential services.

'Hear, hear' to that. Vencorp, the Victorian government and Esso have a duty to provide essential services such as gas. Looking at the issue three things are clear: firstly, Esso has failed; secondly, Vencorp has failed; and thirdly, the government has failed. Fail, fail, fail on three counts. Victorians deserve answers. Only a royal commission will provide them.

Yesterday I sought leave to move the terms of reference for the setting up of a royal commission, which I will briefly run through. Firstly, the royal commission needs to look at the adequacy of the plant maintenance and inspection regimes undertaken by Esso. Secondly, it needs to look at the effectiveness of the oversight by the Victorian Workcover Authority in administering its responsibilities under the Occupational Health and Safety Act and the Dangerous Goods Act.

Thirdly a royal commission needs to look at the extent to which the introduction of the self-regulation of occupational health and safety has increased the risk of such an incident occurring. Fourthly, it needs to look at the extent to which specialist knowledge within government regulatory authorities has been lost as a result of the disaggregation of the Gas and Fuel Corporation.

Fifthly, a royal commission needs to look at whether the powers of the Office of the Regulator-General should be widened to include engineering audits or whether a new regulatory body should be established to supervise high-risk activities in the oil and gas sector. Finally, it needs to examine the measures that need to be taken to ensure that a disaster of this nature can never occur again. A royal commission needs to be established under the Evidence Act with the power to subpoena witnesses and take evidence under oath, and it should be a public inquiry.

The first issue that arises from the terms of reference is the adequacy of the plant maintenance and inspection regimes undertaken by Esso. I am not prejudging the inquiry. However, looking at the history of Esso one sees a series of major incidents going back decades. In 1979 there was a big gas explosion at the plant, and in 1968 an incident occurred on the Marlin A7 Bass Strait platform, which Red Adair was flown in to fix.

In 1987 there was an appalling incident on the Kingfisher platform in which an engineer tragically caught fire as a result of an explosion. Mark Crossley jumped off the rig to douse the fire on his body and drowned at sea. In 1993 a fire broke out on the Tuna platform, as a result of which Esso was prosecuted. In June this year the ice blockage incident occurred. If ever there was a clear warning of the importance of the Longford facility to Victoria's economy, it was the ice blockage — and that is a crucial point in the debate.

The blockage gave rise to fundamental questions. Victorian businesses stood down hundreds of thousands of workers, and approximately $75 million was lost. Given the significance of that event, why did the Premier not order a full investigation, and why did it take him so long to demand a full report from Esso? Further, why have Esso and the government been so coy about the gas blockage? It is extraordinary that in question time yesterday the Premier said he had received the report from Esso about the gas blockage two months ago but he had not read it. There are links between that incident and the later incident at the Longford plant.

Honourable members will recall the ice blockage which recently cut gas supply and cost the community $75 million. Many thousands of workers were stood down for the two-day period. An article in the *Herald Sun* of 22 July headed 'Esso coy over gas blockage' states:

> Esso refuses to reveal what caused an ice block that cut gas for two days to Victorian businesses last month ...
>
> The Victorian Employers Chamber of Commerce and Industry yesterday questioned why the company would not release the results of the investigations if it had 'nothing to hide'.
>
> VECCI chief executive David Edwards said there was no doubt Victorian businesses lost a lot.
>
> 'At the very least, they'd want Esso to tell them the causes and have an assurance that it won't happen again,' Mr Edwards said.
>
> 'If they're not being open and frank about it, and suggesting to be so would leave them open to litigation, then maybe there is some grounds for legal action.
>
> 'Businesses want to know the causes, even if they are complex'.
>
> Esso spokesman Ron Webb said despite 'some contact', no companies had indicated they would challenge Esso in court.
>
> He said businesses should be assured that the 'problem is covered from a future point of view'.

Two months ago the Esso spokesman said that businesses can be assured that that type of event will never happen again. A secret report was sent to the Premier, but how long did it take to happen again? Two

months — that is all, and this time it was bigger and worse.

It is extraordinary that the Premier and the government have not yet read the report. Obviously the Premier is running away from the problem. There is an old saying in politics about whether someone has anything to hide. If people have nothing to hide they produce the report and make it available publicly. The Premier will not produce the report, and the answer speaks for itself.

I have no doubt that the two incidents are linked and are related to a number of questions regarding the regulatory regime, maintenance and operation of the plant itself. How effective has the Victorian Workcover Authority been in administering the Occupational Health and Safety Act and the Dangerous Goods Act? In 1995 a fundamental shift towards self-regulation occurred with the introduction of the Health and Safety (Plant) Regulations. The role of government inspectors changed dramatically. The Victorian Workcover Authority and the Occupational Health and Safety Authority amalgamated on 2 July 1996. In June this year the last inspector located in the Sale office took a voluntary departure package and that office was closed. In August this year 160 field officer positions were made vacant and their positions readvertised.

The opposition is aware that a dangerous goods licence was issued in July this year, but it does not know what type of inspection was undertaken for the licence to be granted. The Victorian Workcover Authority confirmed in a briefing with the opposition that it did not investigate the circumstances of the ice blockage incident.

Again I make the self-evident point: this government authority charged with occupational health and safety responsibilities did not investigate a gas blockage that clearly put at risk the security of the system. It did not investigate these matters!

The opposition also wants to know whether the introduction of the self-regulation of occupational health and safety has increased the risk of such an incident occurring. As I mentioned earlier, since 1995 there has been a fundamental shift to self-regulation. Annual inspections and certification of cranes in Melbourne no longer take place. Annual lift inspections no longer occur. Periodic thorough inspections of the equipment of the type that exploded at Longford no longer take place. The Victorian public wants to know whether inspections of the heat exchanges took place at the Longford plant. That fundamental question must be answered.

The opposition believes there is a parallel with what happened at Longford to what happened in the food industry last year. Honourable members will recall the outbreak of food poisoning, the incidents of salmonella and the closing of restaurants resulting from deregulation and self-regulation of the industry. The number of food inspectors in Victoria was reduced.

Late last year the Premier was forced to come back to the house with his tail between his legs to re-regulate parts of the food industry. It is a stunning parallel with what has just happened at Longford. The market was allowed to move away from regulation, just as has occurred in the gas industry. The community deserves some answers. The opposition wants to know the extent to which specialist knowledge within government regulatory authorities has been lost as a result of the disaggregation of the former Gas and Fuel Corporation. An article in the *Age* of 31 March headed, 'Gas reforms show others the way' states:

> The reform of the Victorian gas industry has led to the development of initiatives that are leading the way for gas industries across the world, according to the energy projects division of the Victorian Department of Treasury and Finance.

It is certainly leading the way, because this has never happened anywhere else in the developed world. This is Third World stuff. The government is walking away from regulation of industry. It believes in letting the market rip, letting small businesses go to the wall and workers being laid off. The Treasurer knows only too well that the government is paying Peter Troughton $26 million to develop an industry structure that is universally ridiculed as being a theoretical abstract reflecting little or no understanding of the gas market. The publications on this process reiterate the fact that nowhere in the structure is there mention of security of supply. The government has paid $26 million of taxpayer's money to Peter Troughton to develop an industry structure, yet it does not guarantee security of supply!

The opposition and the community want a royal commission that will provide the answers and ensure that this type of incident will never happen again. The opposition holds the government to account.

Mr STOCKDALE (Treasurer) — Let me first reiterate what the government has said in numerous briefings on this matter. Firstly, it conveys its sympathy to the workers killed in this tragic incident and to the families and friends of those people. Secondly, it extends sympathy to the rest of the community at Longford, the workers who were injured, their families and friends. Indeed, our thoughts are with the whole

Longford community. It is common in these situations for people not directly involved to be severely traumatised by a tragic accident like this. I have no doubt that the whole community has suffered a great deal of stress and trauma as a result of this tragic accident. The government, on behalf of all Victorians, extends great sympathy to all those people.

The government congratulates the workers and the contractors who have worked so diligently to restore the treatment capacity providing the supply of gas through the Longford plant. It congratulates the staff of Vencorp, the public servants and other people who have worked with the government in managing the situation. Contrary to the assertions made by the Leader of the Opposition, the public reaction that I have experienced is that the whole situation has been well managed. People have remarked on one thing in particular — the decision made directly by the Premier to have daily briefings, a minimum of one but often more than one, provided publicly so that the latest information is freely available to the media and the public.

It is unusual in Victorian history that the degree of communication has given the public confidence that the situation has been well managed so that everybody understands the risks and dangers involved in, for example, not complying with the restrictions. As a result there has been a tremendous groundswell of public cooperation and support for the management of the situation.

Honourable members interjecting.

The SPEAKER — Order! This is a most serious debate. The Leader of the Opposition was heard almost without interjection, except from his own backbench. I ask that the same courtesy be extended to the Treasurer and that he be heard without interruption.

Mr STOCKDALE — Nonetheless, it is an undeniable fact that virtually every Victorian — with the possible exception of those in the western segment of the state, which has an independent source of supply — has been touched by the situation and has suffered or been inconvenienced because of it. Many people have suffered economic impact as a result of the interruption to the supply of gas.

It would be remiss of me not to comment on the fact that although the opposition is certainly entitled to raise concerns about the matter it reflects little credit on the Leader of the Opposition that he is going as far as he is in seeking to make political capital out of this tragic incident. Despite the sweeping assertions and the aspersions cast by the Leader of the Opposition, one thing remains incontrovertible — the cause of the incident at that important Victorian facility is not known, and, in particular, it is not known whether there is any connection between that incident and the previous interruptions to supply from the plant.

Mr Baker — You have a duty of care.

The SPEAKER — Order! The honourable member for Sunshine will have his opportunity after the Treasurer sits down, if he wishes to exercise it.

Mr STOCKDALE — Without any compunction I believe it is axiomatic that the incident needs to be investigated calmly and carefully, free from the immediacy of the situation. Last week the immediate task facing all the authorities involved dealing with a series of explosions and a fire that was out of control for many days. Firefighting authorities had the greatest difficulty in accessing the site, where for a considerable time there was a risk of further explosion. I make no apology for the fact that the government, the authorities and the company involved focused on making the site safe and restoring supply as expeditiously as they could. I expect that the people of Victoria wanted nothing less than that the primary focus of the government and the authorities should be, firstly, making the site safe and, secondly, restoring the supply as rapidly as they could. I will say something about the limited supply that has been available during the period and what has been achieved in that respect.

Because of the unfortunate deaths there will be a coroner's inquiry, which is proper and appropriate. However, in the normal course of events that will take some time to commence. Nonetheless, the government intimated — not, as the Leader of the Opposition suggested, yesterday, but as early as Monday after cabinet had considered the matter the previous week — that it would consider appointing a board of inquiry. Cabinet considered that on the Monday after the incident and made a prima facie decision that a board of inquiry would be appointed. Nonetheless, the primary focus throughout that first week was on making the site safe and restoring supply.

I take the opportunity to congratulate the whole Victorian community. It is clear that not only households but businesses have by and large complied with the restrictions that were necessary. Many people have been mutually supportive, helping each other through difficult situations. In the overall scheme of things, very few people have breached the restrictions. There has been strong support for the robust action taken against transgressors, which the Premier

personally insisted on. We made it clear that the government would not tolerate a small minority letting down the rest of the community. That has commanded strong support, and social disapproval has played an important part in ensuring that the restrictions have been observed.

Vencorp has done an extremely good job from the very beginning. I have been closely involved in the series of decisions Vencorp has had to make. At the top of its priority list has been protecting public safety and the security of the system and maintaining supply to those in most urgent need — that is, our hospitals and emergency services and the aged and infirm. Throughout the situation a supply of gas has been maintained to those who most desperately need it: hospitals, emergency services, the aged, the frail and the disabled have had continuous supply. When gas became available even just for testing purposes, the government had mechanisms in place to ensure that those next most urgently in need — in most cases, elderly and frail citizens — got access to it. One has to ask: if the Leader of the Opposition's extravagant hyperbole is accurate, how did that come about?

It came about because initially we were able to supply 2 per cent of normal demand and, more latterly, because that was lifted to about 10 per cent of normal demand through the interconnect to New South Wales. That interconnect was completed just six weeks ago as a direct initiative of the Victorian government.

Honourable members interjecting.

Mr STOCKDALE — It was undertaken as a direct result of the reforms introduced by the government. The interconnect has provided security of supply and enabled those in most need to continue to receive gas. In addition, other direct results of the reforms instituted when the government came to office include approval for the construction of the south-west pipeline and taking the steps necessary to facilitate the construction of an underground storage capability in western Victoria. They are not only important in themselves in giving more flexibility and security of supply but potentially improve the prospect of developing such projects as the Otway and Yolla gas fields and introducing alternative sources of supply. None of that was commenced or undertaken — or even examined, so far as I can see — during the Labor Party's 10 years in office. This is about the usual 20/20 hindsight of the Leader of the Opposition. When his party was in government it not only allowed the system to run down and failed to even put in place the initiatives the government has taken but also continued with gas as a public enterprise despite the fact that that directly contributed to the risks we face now in having a single source of supply.

I take the opportunity of congratulating the Honourable Rob Knowles, the Minister for Health in the other place, and his departmental officers. It is no exaggeration to say that he and the officers of the Department of Human Services have done a superb job in dealing with people in greatest need. They have been at the cutting edge of the human impact of this tragic incident. They have been dealing not with some abstract class of needy people but with the individuals who have suffered as a result — that human face of the situation. They have done a magnificent job in making sure that those people have as far as possible been protected.

As for his second cynical attack in two days on the Workcover Authority, the Leader of the Opposition has simply been a mouthpiece for vested interests in the union movement. I make the point, as the Premier did yesterday, that the Workcover Authority conducted a full physical examination of the Longford plant in June 1998 and July 1998 before reissuing Esso's licence under the Dangerous Goods Act. They were rigorous examinations, compatible with world best practice, establishing that there were no equipment or plant deficiencies. Of course, they followed the same pattern of rigorous inspection undertaken over the previous three years.

It is simply untrue for the Leader of the Opposition to claim that the capacity of the Victorian Workcover Authority to carry out its role is in any doubt. The hours spent in the field have increased from 66 000 in 1995–96 to 100 000 in 1997–98, and the target for 2001 is 200 000 hours. The number of field officers is currently being increased by 15 to 223. On the amalgamation of the Workcover authority and the health and safety organisation there were just 170 inspectors; so by the time those 15 field officers are in place there will have been an increase of 53 inspectors.

The Victorian Workcover Authority has invested heavily in its field staff and includes equal investment in general, inspectorial and advisory services and specialist officers dealing with situations like Longford and Coode Island. It is moving away from a highly prescriptive approach to one which emphasises the actual outcome achieved.

It should be noted that that is not without its results. In 1991–92 there were 6822 injuries. In 1997–98 there were 2991, a reduction of 44 per cent in traumatic injuries.

Mr Brumby interjected.

Mr STOCKDALE — I understand the Leader of the Opposition cannot face that fact because it does not fit the story he wants to tell, but there was a 44 per cent reduction in traumatic injuries in Victorian industry. No-one can be unmoved by the impact of this tragic incident on people, not only those killed and injured but the thousands of Victorians whose lives and jobs have been disrupted by these incidents. The initial focus had to be on making safe and restoring supply; the focus is now shifting to establishing what caused the incident and to ensure that it will never happen again.

The handling of this matter has been professional, compassionate and proficient. I congratulate everybody who has acted in the public interest to protect the interests of the Victorian community. The incident has been extremely well managed.

Mr Baker — It happened!

The SPEAKER — Order! If the honourable member for Sunshine wishes to speak he should rise to his feet and I will give him the call.

Mr LONEY (Geelong North) — At the outset it should be said that one of the reasons for the debate is that the government has refused to deal with this issue in any other way. The Premier should have come into the chamber and made a ministerial statement. He should have addressed the Parliament and explained the situation. Instead, he has chosen not to participate in the debate. Again, he runs away and fails to show the leadership that is required by Victorians at a time like this.

We know why that is the case. It was revealed yesterday in question time. There was an extraordinary outburst by the Premier during which he accused the Deputy Leader of the Opposition of saying under his breath the most callous comment he had ever heard in this house. It is time we revealed what the comment was. The remark of the Deputy Leader of the Opposition was, 'Why don't you make a ministerial statement?'. That is the most callous comment the Premier has ever heard in this place! That is all we are getting out of the government. Government members say anything at all to avoid making a statement about what their current and ongoing responsibilities should be to the Victorian community.

I support the motion moved by the Leader of the Opposition and his comments over the past week to 10 days, particularly about the need for a royal commission, are entirely appropriate. A royal commission on this subject would examine the context of the crisis, whereas the board of inquiry or other inquiry preferred by the government would be much more limited in its scope. It could absolve the government without examining the entirety of the problem. For that reason Victorians deserve to have the highest level of inquiry possible — that is, a royal commission.

But even more important are the terms of reference that are given to that royal commission or board of inquiry because, as is well-known, if you control the terms of reference you control the outcomes. It is very important that the terms of reference are wide so that Victorians receive complete answers about what occurred. The terms of reference should not be drawn up with only one criterion in mind — that is, the absolution of the government. Unfortunately, that is precisely what this government will attempt to do.

I refer particularly to the steps that should be taken to ensure that an event of this nature will not occur again. The first is one that the government will probably find the most difficult. The government must change its mind-set. The government's mind-set has been clearly demonstrated on a number of occasions. It is governed by the phrase 'it cannot happen here'. The government has resorted and retreated to that on a number of occasions. The fact is that it has happened here — in fact, on two occasions within the past four months. In order to change that mind-set the government should read the reports it is given, particularly the report on the ice blockage that occurred in the pipeline off Sale. Government members should read the reports made by the expensive consultants they hired to provide advice — organisations such as Collins Hill which undertook a major wide-ranging report before the government commenced its gas reforms — on the development of competitive markets for the distribution and marketing of natural gas in Victoria. After that very exhaustive report, Collins Hill, considering a wide range of alternatives, concluded:

> We recommend strongly against disaggregation of the existing distribution system.

It did not bother the government because off it went, down the same path as its hero, Margaret Thatcher, who had determined that that was the way to go.

The government must be persuaded to move from its pure theoretical market model to something that works. When the government came to power the gas distribution was fully integrated as a result of deliberate government strategy. It has now literally disintegrated. The sole purpose of this government's strategy is commercialisation, and its principal purpose is the achievement of high up-front prices in order to sell off

our assets and retire state debt. That objective has been pursued to the exclusion of any other priority in the gas industry, including security of supply. Anything the Treasurer said this morning to the contrary is quite wrong and misleading. In fact, the ANZ McCaughan report of December 1992 listed the government's key policy objectives as the reduction of Victorian government debt, the promotion of competition, the promotion of Victorian share ownership, the promotion of employee share ownership, and the exposure of business to the discipline's visibility impressions of the market. They represent the acolytes of Thatcherism at the highest level.

The SPEAKER — Order! The adjournment motion refers to the explosion at the Longford plant, not to the government's plans to do things with the distribution system. The honourable member has made many passing references; he should now get back to the motion before the Chair.

Mr LONEY — Yes, Mr Speaker, I accept what you say, but I am addressing the steps that need to be taken to ensure an event of this nature never occurs again, which is part of the motion.

The SPEAKER — Order! That is about the upstream industry, not the downstream industry.

Mr LONEY — I have dealt with the part you are referring to, Mr Speaker. The government must move from that approach to a strategic approach that recognises that the provision of gas in Victoria is a central infrastructure function and a public utility in the broad definition of the term, regardless of its ownership. A failure of the gas system can have devastating effects on all our citizens. The government must also recognise that and base its strategies not on its current belief that the market provides for everyone but on the reality that the market does not provide for everyone. The market provides only for the players directly involved in it, and it does not provide services equitably. The government has a duty to Victorians as citizens, not as customers, and that is the approach it must adopt.

The second issue the government needs to address is security of supply. Victoria needs connections to other sources of supply, but they must be driven by security-of-supply considerations, with competition as a consequential benefit. Regardless of what the Treasurer said this morning, that is the direct opposite of the government's approach. The government's motivations have never been about security of supply; they have been about access for competition's sake. Australia needs a national grid, or at least an eastern seaboard grid. Victoria needs to have connects to New South Wales, South Australia and Queensland, and they must be high-level connects, not the garden-hose variety that currently runs from New South Wales to Victoria.

The next thing the government needs to address is the upgrading of the Victorian system so that it can take the amount of gas from interstate that it could need. It is undeniable that at present the Victorian system could not accept gas from interstate even if it were available, and reports have been made to that effect.

Victoria needs an ongoing oversight of its gas supply system. In particular, the government needs to pick up on the prophetic statements of our current Regulator-General, Dr John Tamblyn, which he made during an address to the Committee for the Economic Development of Australia in June this year, prior to the ice blockage and the recent tragic occurrence. Dr Tamblyn floated a suggestion that Victoria's utility watchdogs should have an engineering auditor to help avoid situations such as the Auckland blackouts.

A report of his comments appeared in the *Australian Financial Review* of 29 September:

> Regulator-General, Dr John Tamblyn told a Committee for the Economic Development of Australia function that he wanted to get feedback on whether more should be done to ensure that utilities had a 'broader preparedness for the future'. Dr Tamblyn said such a move would be a departure for his office, which tended to monitor service outcomes like rate and duration of outages in electricity, rather than sending in an engineering auditor to individual businesses to check areas such as capital asset management programs.
>
> He was aware of opposing views, such as company directors and boards already having 'all sorts of obligations to run their businesses in an efficient and effective way', but queried what had been learned from 'the New Zealand experience', in dealing with utilities such as water, electricity and gas, which were fundamental to modern life ...
>
> It is up to the industry and the owners of the individual businesses — whether government or private — to respond.

The Regulator-General's suggestion of an engineering auditor must be acted on immediately, not just for the sake of the gas industry but for the sake of the range of essential infrastructure in the state. The issue has been and is being discussed worldwide, and it seems that once again the only place in the world in which it is not being considered is Victoria. Once again, we are leading from the rear.

The government's current approach is one of shutting the door after the horse has bolted. Given the specific powers in the Gas Safety Act to deal with events that affect public safety, I ask the Treasurer whether that act has yet been implemented to ensure the provision and

seizure of records concerning the gas industry, the recent incident and the state of plant and capacity prior to the incident? Has that been done? What action has been taken under the powers available in the Gas Safety Act to seize those records and ensure they are all available to the inquiry once it is set up? It should have been done by now.

One further thing that needs to be done to ensure that problems do not occur in the future — remember, we are already talking about gas restrictions in winter next year — is the proper resourcing of the Regulator-General and the Office of Gas Safety. I am not just talking about the financial resourcing of those offices — although heaven help the Regulator-General, who has inadequate resources to do his job in the best interests of the public of Victoria and who should be given more. Rather, I am talking about the legislative resourcing he needs to allow him to carry out his functions in the knowledge that he has full powers to do so. He has to have the power to demand records and to put them into the public arena for the information of all Victorians without having to have them ticked off by the companies providing them or the government. The Regulator-General has to be legislatively fully independent to act in the interests of the public, not the interests of industry or the government.

Mr RYAN (Gippsland South) — I will address the issues that have been raised during the debate on the basis of having lived and worked in Sale for approximately 25 years. I was also in Sale on that fateful day on 25 September when the explosion and fire occurred.

I echo the sentiments expressed by the Treasurer that the first thing to be said about the Sale community is that it has suffered a tragic loss in the truest sense of the word. Two of its citizens — Peter Wilson and John Lowery — died, and eight of its people were taken to hospital immediately after the event. Various other personal experiences have not yet made their way into the public eye.

Over these past few days I have had the opportunity to speak to various people who have been involved at different levels of the tragedy, including workers who were out at the plant and others who have worked at the plant over the years. They are still suffering the trauma associated with the loss of two workmates and the injuries suffered by others who were treated immediately after and who are still being treated. People are still coming to grips with the extent of the tragedy that has been wrought on their workmates. That includes those who assisted in so many ways by fighting the fire and then by accommodating the needs of Victorians by getting gas plants 2 and 3 back into action.

Some have been involved in isolating gas plant 1 from the system and ensuring that gas supply is returned to Victoria. Some Country Fire Authority personnel deserve particular mention. CFA officers to whom I have spoken have experienced not only the dreadful trauma of going out and fighting the fire but also the terrible loss of one of their own Sale brigade members, John Lowery. For them there is a particular sense of loss. Some have worked at the hospital treating those who have been injured. Police officers also have done a remarkable job coordinating events made necessary by the tragedy.

Although we have on occasion suffered some pretty traumatic events in the years I have lived in the area, the problems faced by the local community have usually had only commercial impact. In this instance, in addition to the commercial impact on our city, there has been an all-pervading sense of grief for the loss of two of our citizens, for those who were injured and for the families directly affected.

I was in the cathedral the other day to see Peter Wilson's three sons and his brother carry him from the place. It was a compelling sight. It highlights one of the issues that concern the community in which I live, to which reference is made in passing in the adjournment motion: that the relative importance of the various factors in this matter seem to us to have been put out of kilter. People in the Sale and Longford communities have a sense that the treatment of this whole issue has gone past the tragedy of the events of the day. I emphasise here that each time the Premier has spoken about this tragedy and the initiatives necessary to deal with it, to his eternal credit he has unfailingly made reference to the human aspect. For that I am sure the community is grateful.

I sense that the world has now gone past discussion of the terrible tragedy that is still being felt in the local community. Now we tend to hear about cold showers or not being able to cook with gas — matters which, in the scheme of things, really are shallow in comparison with the problems we have.

I turn now to other matters raised in the motion. It refers to steps that need to be taken to determine the cause of the accident and to ensure that an event of this nature will never happen again. It is fine to write such words and to present them in this place this morning, but the Leader of the Opposition can't help himself. In the course of his contribution he again cast aspersions on the various individuals and entities concerned. He

spoke, for example, about Esso. Esso may or may not be partially, wholly or in any way at fault for the incident at Longford, but pre-empting findings on that question reveals that the Leader of the Opposition goes about things in a terrible way.

He referred to incidents that have occurred in Bass Strait over the years. I am familiar with those incidents because in my previous life I acted for some of the people who were injured in them. In 1987 I acted on behalf of a lady who was unfortunately covered in oil and severely burnt in the fire on the oil rig from which Mr Crossley jumped. Fortunately she did not jump from the rig and was able to be treated. So, as you can see, I recognise that over the years there have been incidents where people have had the terrible misfortune of being injured out there.

The gas industry operates under high pressures and in circumstances where there is a significant degree of risk. To Esso's credit it has, so far as I have seen, maintained an exemplary safety record over the years. It may well be that in the fullness of time when determinations are made on the processes about which I will speak in a moment some shadow will be cast upon that.

To pre-empt the processes to be put in place is a poor approach for the Leader of the Opposition to take, as is the commentary about Workcover. The Premier said yesterday that the plant was certified after appropriate examinations were undertaken in June and July. To attempt to create a nexus between Workcover and the incident when we do not know the facts is inappropriate.

The adjournment motion calls for an examination of the steps needed to determine the cause of the accident. However, the processes are well-known to the house, and the only reason for those processes being referred to in the motion is to allow into the debate the sorts of scurrilous remarks that have been made by the Leader of the Opposition. The first issue to be addressed is the need for a coronial inquiry. Under the Coroners Act the Coroner has the responsibility of examining how, when and why the two poor fellows died. When I went to Longford on the day of the accident to speak to those fighting the fire, the Deputy Coroner arrived. Although I was unable to go to the site because of the seriousness of the explosions and fires, I can say that the Deputy Coroner did arrive that day.

The process prescribed by the Coroners Act requires a coronial inquiry to determine the causes of the explosions and fires. As required under the act the Coroner will comment on his findings. Under the act the Coroner is entitled to, and no doubt will, make recommendations from his findings on the future treatment of the plant and its operations. There is a well-established process whereby the Coroner, quite properly, has the primary responsibility of determining how, when and why John Lowery and Peter Wilson died and eight poor fellows were injured. That process will establish the facts of the origins of the explosions and fires on 25 September.

As has already been made public, an inquiry is to be undertaken by Workcover. The Victorian Workcover Authority will deal with similar issues to those to be dealt with by the Coroner. Esso is currently conducting an inquiry into the causes and origins of what occurred. I know that to be so because I have spoken to workers engaged at the plant. It is to Esso's credit that it has said it will cooperate with the government in an inquiry. That will ensure that any information it obtains will be made available to the public.

Fourthly, and finally, as the Treasurer has already indicated and as the Premier said yesterday, the government has advised that it will establish a board of inquiry which will have all the powers of a royal commission and which will issue its report some time before Christmas. That is as pretty tight time frame. Be that as it may, it is another example of the Premier's concern to get to the bottom of the matter, to ensure the community gets the answers it wants about what happened and, just as importantly, to ensure this disaster is not repeated in the future.

The motion refers to an examination of the steps that need to be taken to determine the cause of the accident. The patent fact of the matter is that the Labor Party knows full well what steps need to be taken and that they are already in process. The Labor Party also knows that this house has absolutely no place in involving itself in discovering the origins of this terrible event. The Labor Party is fully aware that when those processes take place we will have the answers needed to deal with this terrible tragedy.

This is another in a series of knocks which the Sale community has weathered over the years. I say 'weathered' because I want to tell the house with absolute assurance that the Sale community has copped this before in different forms and it has got up and gone on. That is exactly what is happening now.

Over the years, the people of Sale have had to face issues such as the failure of the National Safety Council. More people are now employed on the former site of the National Safety Council than was the case when it was still operating. Through the agency of a

multimillion dollar TAFE facility and various other enterprises the site is more productive than it was at the height of the NSC's operations.

It is right that Esso left Sale in 1991 and moved its administrative facilities to Melbourne, but the shire now operates from the former Esso offices. Another section of those offices was recently sold to an investor who wisely committed his money to Sale. The people of Sale, particularly the agricultural community, have suffered terribly over the past three or four years as a result of drought. Again, we weathered all of that. Fortunately, with the rains this year we will make our way into a better season.

In January this year the Sale community had to deal with fires in the Caledonian area. That was a severe blow to us, but we have made our way through that, too. More recently, floods in East Gippsland wreaked havoc. I say this to the house: just as in every other instance when the citizens of Sale, Longford and surrounds have got up and moved on with life that is exactly what they will do again. They are indicative of the spirit of country Victoria — you will never see a better example of that spirit. On this occasion we are weathering the terrible tragedies of individuals and the families affected by this disaster, but I stand here to assure the house that we will get over it.

Mr BRACKS (Williamstown) — Today, we have heard why the government is so reluctant to make a ministerial statement on this issue. It is because the Treasurer and the Premier have nothing to say — they have no answers and no solutions to offer the Victorian public on how they can assure a safe and secure gas supply in future. They have no answers to the concerns of Victorians that winter 1999 could see a repeat of gas shortages.

Did we hear the Treasurer say that his no. 1 priority is the security of supply and that he will call off the privatisation efforts he has spent almost two years undertaking? Did he indicate he will change his priorities to the basic needs of Victorian industry and domestic consumers to ensure they have a secure, safe and reliable gas supply? He did not say that, and he had his chance. This is the same Treasurer who spent about $26 million on his mates — Peter Troughton and Troughton Swier and Associates — to parcel up a corporate structure for the gas industry which will lead to privatisation. That is where he has put his efforts; they are the meetings the Treasurer has had. He has not sat around the table and talked about the security of supply or the safety or reliability of the industry. He has talked only about the sale of the industry. No wonder Victorians are angry. The Treasurer might come in here and say, 'We are handling the crisis as best we can.' That is arguable. Of course there is a crisis, and the opposition is bipartisan in its support to ensure the return of the gas supply. It is not enough to say that.

The Treasurer is also responsible for the delivery of utilities and gas in this state. The government took its eyes off the ball and the Treasurer cannot wash his hands of the issue by saying, 'I'm good at handling the crisis. We'll get gas back on', and then absolve himself from the cause of it. The Treasurer should have had his eye on the ball to ensure that these things would not happen at all. It has been a low-order issue. In his comments around the time of the 1996 election the Treasurer indicated gas would be privatised, but he did not envisage that happening in the following term because there were problems. He said there were problems with the ACCC — the competition and the regime — and with the resource rental tax that had to be resolved before any effort was taken to sell off the gas business.

How has the Treasurer spent his time since 1996? He has spent his time resolving several issues: the resource rental tax issue, which would prepare the way for privatisation of the industry; ensuring that the ACCC was satisfied that there was not a monopoly in the industry, although there is a monopoly because of the inherent nature of the industry; and the issue of the rate of return, on which he has been knocked back by the Regulator-General. The Regulator-General has said that in the interests of the public and taxpayers there should be a rate of return of about 7.75 per cent and not the 10.16 per cent sought by the Treasurer.

If the Treasurer had had his way Victorian consumers would have been sold down the drain and inherited a regime of high future prices in order to achieve an inflated price on the sale of the gas assets. That would have suited the Treasurer's very short-term, narrow and focused agenda of getting the maximum possible price for the state's assets without giving a hoot about how it would be paid for in the future. It would be paid for by the Victorian public! Luckily there is a Regulator-General who has the interest of the taxpayers and the public at heart, and who is concerned about the cost to the end consumer. At least there is some check on the Treasurer.

As suggested by the *Australian Financial Review* and most commentators, the Treasurer should abandon, cease and get rid of the useless plans to privatise the gas industry because it is not in the interests of Victorians. The interests of Victorians would be served by the government's maximum efforts at finding out how the Longford disaster occurred through a proper royal

commission — not just a board of inquiry — with wide-ranging terms of reference, and subsequently by the setting in place of a regime which will provide security in the future and which will ensure we never face a similar situation. Action taken to have a proper regime should not be just an afterthought following an incident, it should have been the first priority of the government. We should have heard statements to that effect from the Treasurer today, but he still harbours a secret desire to win in cabinet despite the public shift and the Regulator-General coming down with a sensible rate of return.

Despite all these matters the Treasurer still believes he can convince his colleagues on the coalition backbench. Those members have always been compliant but they are now nervous about the privatisation of the gas industry and what it might mean for their future electoral chances, and about the real issues involved. The Treasurer is a true believer, and despite the problems he will pursue his plan. He should show some leadership and for once in the term of this government stand up for the basic right of Victorians by calling off the privatisation of the gas industry here and now.

The $26 million that has been spent by the government on preparing for the sale of the gas business in this state is only the tip of the iceberg. It is only the direct cost that the government has contracted with Troughton Swier and Associates for the company to undertake the structuring of the industry. It is an unbelievably complicated structure! It is useless at a time of crisis because no-one seems to take overall responsibility for the supply of gas to the state. Is it Vencorp or the Office of Gas Safety? What is the responsibility of Esso and the other companies on the line? The disaggregation is proposed by Peter Troughton in the contract with the government to be implemented in a convoluted way and has meant that we were not prepared as well as we should have been for this crisis. The structure has been set up to be attractive to sell and not to benefit Victorians by making sure they have a good and reliable source of supply in the future.

One has only to look at what the Treasurer has developed. For the past 30-odd years the private sector — Esso — has been involved in both drilling in Bass Strait and running the processing plant at Longford as the immediate source of the state's gas supply. That remains unchanged. A new company, Transmission Pipelines Australia Pty Ltd, owns the pipelines that the Treasurer plans to privatise in the future. There are three distribution companies and three retailers — Kinetik Energy, Energy 21 and Ikon Energy — which the Treasurer and the Premier plan to privatise in the future. In addition Vencorp has an overarching but unclear responsibility for securing the supply of gas to Victorian consumers, and there is the Office of Gas Safety. That is a recipe for disaster and bureaucratic avoidance of the real issues because no-one is taking responsibility for the real problems!

The Treasurer should deliver a statement today explaining how the system will work — how this will fix it. He should say how the system he paid $26 million to have undertaken will ensure the state will get a better system in the future and how the privatisation system, if he really believes in it — I suspect he does — will work. This is the government that over the past six years has spent about $111 million in the Treasurer's own portfolio on privatisation of services.

Mr McArthur — On a point of order, Mr Acting Speaker, an adjournment motion was moved by the Leader of the Opposition that mentions matters of definite and urgent public importance relating to Longford and refers to ways of assessing how the incident occurred and ensuring that it does not happen again. Mr Speaker has already ruled on the narrowness of the debate and on issues that members should not spend their entire time discussing. The honourable member for Williamstown is discussing the privatisation of the gas industry and saying very little about resolving the problem at Longford. I ask that you, Mr Acting Speaker, bring him back to the issue.

The ACTING SPEAKER (Mr Richardson) — Order! The Chair will pay particular attention to the remarks of the honourable member for Williamstown.

Mr BRACKS — The government's priorities are misplaced. It should ensure that Victoria has a secure, safe and reliable source of supply rather than putting effort into privatisation and selling off assets. In accordance with the motion a better solution would be for the Treasurer and the government to develop a system and structure to fix the problem in the long term.

The $26 million directly spent by the Treasurer on the corporate model for gas disaggregation is only the tip of the iceberg. Over the past six years the Treasurer has spent $111 million a year on privatisation services within his own department. The current estimate is that he will spend prospectively $106 million on that activity. The current estimate for reform services, which are directly responsible for deciding the corporate model for delivering services such as gas, is that the Treasurer is spending $35 million a year.

If the honourable member for Monbulk wants a description of how my contribution is relevant to the motion he need look only at my argument that in the next financial year the government will be spending approximately $140 million on misplaced priorities to parcel up and sell assets when it should be regulating the industry to ensure a secure source of supply. The government is not addressing that matter. The opposition believes the Premier and Treasurer should be in the house making ministerial statements on how the problem can be fixed in the future instead of relying on the abuse of question time with dorothy dix questions. I want to reflect — —

Mr McArthur — Come back to the bill!

Mr BRACKS — If the honourable member for Monbulk ever addressed an issue it would be the first time! A feature of his contributions is that he spends half his time on points of order and almost zero on content. That is not charitable, but it is true.

A further issue concerns the severe damage to Victoria's reputation in the tourism industry and the manufacturing sector as well as the loss of jobs and growth. Reports in today's *Age* and *Australian Financial Review* estimate that the loss to Victoria due to the interruption to supply and restrictions will be in the order of $1.4 billion. Victoria has a gross domestic product of approximately $32 billion. The loss of $1.4 billion potentially means in the next quarter a loss of around 1 per cent across the country, and more than that in Victoria. The government's growth estimate in its current budget is approximately 2.75 per cent. That is not enough to eat into unemployment.

The current crisis could cut approximately half a per cent from that growth target. Victorians require a ministerial statement showing the steps to be taken to assist industry to get back onto its feet. Industries already work to tight margins. They will still have to spend money on recurrent costs even though they may not be operating. Many Auckland industries will never get back on their feet because of the interruption to power supply in New Zealand. The reality is that many industries on marginal profit-share arrangements will never return to the same production levels. We need to find answers to those problems.

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

Mr McNAMARA (Minister for Agriculture and Resources) — The issues raised by the opposition fall into several categories. The first is the call for an inquiry into the cause of the incident and to look at ways of improving security to prevent the problem recurring. At the outset I acknowledge the role played by the state's emergency services in the first tragic response. The incident caused great distress to all workers at the plant with the tragic loss of two men and the injuries sustained by eight others, including some who suffered severe burns. The feelings of all Victorians go out to the families of the deceased and injured workers. In the first weekend after the incident the SES and the CFA produced a mammoth effort assisting with turning off gas supplies to residents. It reinforces how well the structures in place work to deal with emergency responses in times of disaster. I compliment all the volunteers, particularly those in the Country Fire Authority and the Victoria State Emergency Service.

The adjournment motion refers to unprecedented disruption, and it was unprecedented. The community tends to forget that Victorians have enjoyed 30 years of uninterrupted gas supplies — an extremely cheap and reliable gas system. For that reason many industries in the manufacturing hub of Victoria have taken the opportunity of utilising our gas resources. In fact, the take-up of gas by industry as an energy source is almost at twice the rate as anywhere else in Australia.

The opposition demands a proper inquiry that will determine the cause of the disruption and the tragedy that occurred at Longford. That inquiry is under way. A coronial inquiry has already commenced. The Victorian Workcover Authority is investigating the death and injury of the workers at the plant. Police are investigating the accident to determine whether there are issues that can be addressed. The government has acted quickly. It has established a board of inquiry that will have the judicial authority and power of a royal commission. That inquiry will focus on all the issues. The Premier will shortly announce who will head the inquiry. The government has acted more promptly than the opposition's call for action. All the opposition ever does is snipe at the heels of the government, but the government is well ahead of the opposition. In fact, the opposition is calling for action after the government has acted.

Those inquiries will establish the cause of the accident and recommend how the issue should be addressed in the future. It is improper at this stage for people to make uninformed comments or suggestions on what may have been the cause of the problem and how the issue can be addressed in the future.

An equally important issue that is being addressed by government and industry is the security of future gas supplies. That has never been an issue over the past

30 years, but it needs to be addressed because the government recognises that our gas supply is dependent on the Longford plant. The government is already acting in a number of areas to ensure there is greater security of supply. A national grid comprising the eastern seaboard states and South Australia will ensure that Victoria is not dependent on one source of gas extraction and that other alternatives are available.

If the government had not put in place a framework to enable a link between Albury and Wagga Wagga that taps into the Moomba field in the far north-east of South Australia near the Queensland–New South Wales border, our hospitals, nursing homes and other emergency facilities would not have had a secure gas supply. As a result of the reforms introduced by the government in the gas industry almost 10 per cent of Victoria's gas supply is being drawn from the Moomba field and other New South Wales sources.

The government will move further to enable that facility to be upgraded so that a maximum of 15 per cent of Victoria's gas supplies will come through that plant. There is an opportunity to improve the links on the western side of the state with South Australia through Mount Gambier and Penola. A limited amount of gas currently comes from South Australia but with further investment and development that link can be extended. The dairy industry in western Victorian did not suffer the dislocation that occurred in Gippsland and in the northern irrigation districts. Further development of the Minerva field and the Otway Basin has significant potential for the future.

The government is assisting BHP to build an ammonia-urea plant in the Western District that will involve investment of approximately $600 million. That plant will benefit Victorian and Australian farmers in particular, because it will supply almost all the urea and nitrogenous fertiliser Australia requires and will ensure further import replacement for a vital source of fertiliser for Australian agriculture. The development will provide further opportunities for alternative gas fields that will improve the security of the gas supply for Victorian industry.

The other exciting option the government is trying to facilitate involves gas resources further into Bass Strait. The government is examining ways of encouraging industry to take up an ownership role in Bass Strait. The Department of Natural Resources and Environment has responsibility for the extraction of these resources and I know we have a great opportunity to reduce our dependence on gas supplies coming from one source.

The house may also be aware that the government has approved a Longford–Sydney gas pipeline that will allow Victoria to tap into surplus gas supplies within the Sydney basin. The Esso–BHP development will cost approximately $350 million to $400 million. That investment and research has been made in a climate facilitated by the government. I hope the opposition recognises the work the government has done during the past six years to enable many of those activities to occur. During the 10½ years of the Cain–Kirner governments Victoria was completely isolated, with very little interlinking with other states. Now a fair amount of movement has been made in that direction.

The export of gas and petroleum is significant Australia wide. Sometimes it is forgotten that Australia is a major supplier of both gas and petroleum, with exports totalling $4 billion. As I said, there is great potential for further development in the south-east of Australia. As a result of the push by the Premier, supported by the Premier of New South Wales and others — including the commonwealth government, I am sure — moves are afoot to facilitate major links across Australia as a matter of urgency, so that if any area has difficulties such as those experienced in the past two weeks in Victoria it will have an opportunity to tap into resources in other parts of Australia.

The agricultural community in Victoria, which relies on gas supplies, particularly those in the food processing sector, responded quickly. I mentioned earlier that the dairy industry has a high take-up rate, with about 50 per cent of its manufacturing capacity relying on gas. Of the order of 90 per cent of the industry has adjusted its plant capacity to operate with alternatives to gas, which will place those people in a good position. Other segments of the food processing sector have made similar adjustments.

No-one underestimates the difficulties that the incident has caused. However, it must be recognised that it is not a government problem but one for the private sector and that the government's introduction of competition into Victoria has helped alleviate the worst of the problem.

The review process, whether through the coroner's court, the board of inquiry or Workcover, will ensure that we can determine precisely what caused not only the tragic explosion at the Longford plant but also the major disruption to the source of gas across much of Victoria. It will also help to reinforce the various options we have to ensure that we continue to supply a low-cost product with high security to Victorian industry and consumers. While our thoughts are with those who have suffered tragic consequences and the

many workers who have been stood down, all Victorians have worked together to ensure that a state of normality is restored as soon as possible.

Ms CAMPBELL (Pascoe Vale) — The gas crisis resulting from the explosion on 25 September 1998 at the Esso Longford plant has had a dramatic and devastating effect on Victorian families, and its impact has gone far beyond our state boundaries. Two Victorian families have lost loved ones — John Lowery and Peter Wilson. Many families have lost their incomes; others have lost their jobs; and casual and part-time workers have been stood down — and many of them and some full-time workers will never get their jobs back. Eight workers were injured, one of them critically. Businesses have lost export dollars because they have been unable to fill orders — and in some cases owners will lose their businesses.

With the exception of the Premier and the Treasurer, everybody in Victoria seems to understand the gravity of every aspect of the gas crisis. The contempt with which the Premier views the Victorian community was highlighted in the media reports of his comments on Perth radio on 30 September. While our tough Premier was gallivanting around Western Australia assisting One Nation to increase its vote, he managed to offend everybody in the Victorian community when he stated, as reported in the *Age*:

> Where are we coming to? I mean, a whole society where our underbelly is so soft ...
>
> So, this is an unfortunate incident, but it does remind us all again that you actually can survive without all of these things being on tap all the time ...
>
> We are becoming a very soft-bellied community in that sense'.

How dare the Premier make such comments about the families of Victoria, some of whose members have lost their lives or who are lying critically injured in hospital while others with businesses are battling to survive and exporters are unable to fill orders! It is typical of the Premier. He is a man with no compassion or empathy for Victorian families. He got on a plane and went away and said that Victorians' only concern was that they could not have hot showers. This community has news for the Premier: everybody in Victoria knows that he is out of touch.

This morning the Treasurer talked about the gas situation. What an insult his comments were to the house and the families of the workers at the Longford plant. We have far more than a 'situation' in the state; we have a grave crisis. Who is picking up the pieces and trying to ensure that Victorian families have food on their tables and money to pay their bills while they are out of work? The answer is the Victorian welfare agencies. As soon as the gas crisis hit families, the number of people contacting emergency relief agencies for assistance increased significantly. It is not easy to go to a welfare agency and ask for help. The gas crisis was the first experience many people had had of having to ask for handouts. The Victorian welfare agencies did a wonderful job in coming to the fore and supporting people in need, and I thank them. The *Age* of 1 October reported that:

> The state government has rejected calls for emergency relief for thousands of workers and companies hit by the gas crisis.

As outlined earlier by the Leader of the Opposition, it was only when Mr Howard spoke at the National Press Club that the Premier decided that perhaps he should ask for federal funds and ensure that federal support came to Victoria. That federal support has been critical for families and welfare agencies. However, the state government has allocated the $100 million federal emergency fund so that only one two-hundredth of the money is getting through to emergency relief agencies.

The *Age* reported on 5 October that down at the Sacred Heart Mission in St Kilda where families queue up for a free lunch the increase in people seeking support was phenomenal. It had to provide food for 539 people from local hotels, hostels and rooming houses, compared with a daily average of around 400. These were people with no access whatsoever to electrical cooking facilities. The Sacred Heart Mission came to the fore and provided support, as has the Salvation Army, which estimates that the gas crisis has already cost it more than $600 000 in emergency relief.

The Brotherhood of St Laurence has supplied thousands of Victorians with blankets and electrical appliances and has pointed out that for many people on low incomes the financial pressure will be ongoing. Let us take for example those who have been laid off from Victorian industry because of the gas crisis, many of whom have taken annual leave in September–October. When the plants shut down around December and January they will not be eligible for paid annual leave and will have no income, and organisations such as the Brotherhood of St Laurence expect that their emergency relief funds will be called upon for many months after the crisis.

It was reported in the Melbourne *Age* yesterday that the St Vincent de Paul Society expected to be out of pocket. That charity experienced a 30 per cent increase in calls for help, with demand up by half in some areas.

What has the Premier done during all this time? In my view his generosity, compassion and understanding for Victorian families makes Uncle Scrooge look like Santa Claus. He has not displayed one iota of compassion and has not ensured that the emergency relief funds that are desperately needed by families and welfare agencies flow through to the people who need them.

The government set up a Department of Human Services telephone help line, and I had to laugh when I received a phone call at my office telling me that the department was ensuring that workers who manned the help line were able to take hot showers but it was only a matter of days before some wise person checked on just what was heating the showers that kept the telephone workers fresh — it was gas! The Department of Human Services then let it be known, while it was giving out advice on showers to anyone in the Victorian community who chose to ring, that its workers had to turn off the gas and shower in the cold like everybody else.

Centrelink has been hit hard with inquiries. It has been unable to meet the demand from the community. People are coming in for counter cheques or advances for electrical goods, only to be told that they cannot be given them. People have been asking for cash advances, but they are being advised that that will put them into debt in the near future and to be very careful about doing it. People have been coming in with requests for rental assistance and have been told by Centrelink that it is unable to provide any rental assistance required because of the gas crisis unless the person has a medical certificate.

The government has put a freeze on any sort of positive response. It has opened up telephone lines, but it is not providing leadership or funding, and it is certainly not meeting the needs of the Victorian community.

The government is also not preventing profiteering. I had a call in my office from a cheese exporter who was unable to fill orders because of the gas crisis. The only way he could meet the orders was to convert his gas processing plant to an oil burner, for which his company had to pay $50 000. In normal circumstances that appliance would have been available for about $2000.

No support has been organised by the Victorian government to reconnect the gas for the frail and disabled when they are allowed to reconnect. We have been told by the government that there are about 1400 helpers to deal with an estimated 300 000 households that may need assistance with the re-light. That means each worker would probably have to connect about 200 households — an almost impossible task. The government's plan for the re-light is inadequate. It demonstrates a lack of care for the welfare of the Victorian community, and the community itself should not have to bear the cost or face the risks without trained assistance.

In its response to this crisis the Kennett government has shown that its generosity makes Uncle Scrooge look like Santa Claus and that its leadership makes John Cleese look like Bill Clinton with his zipper fastened.

Motion negatived.

STATE EDUCATION SYSTEM

Mr MILDENHALL (Footscray) — I move:

> That this house condemns the government for closing over 360 schools, and removing over 9000 teachers from the Victorian education system, resulting in larger class sizes, less individual attention for struggling students, longer travelling times for young students and greater numbers of students dropping out of school before they reach year 12.

The import of the motion, of which notice was given to Parliament some time ago, has been reinforced on a number of occasions throughout this calendar year by the triple whammy of the Grants Commission report, the Productivity Commission steering committee report on government services and the report of the body of which Minister Gude is a member — the Ministerial Council on Education, Employment, Training and Youth Affairs, also known as MCEETYA.

Each of those three national bodies clearly points out that Victoria grossly underfunds its school system. According to the indicators quoted by the various committees, Victoria's school system is funded at around 12 to 15 per cent below the national average. Any reasonable government would increase expenditure in education. Every other state government in the country spends more than this miserable government! The government's justification for its misery and meanness is extraordinary: 'The reason we spend less is to produce a more efficient system. This proves we are more efficient and leaner'. That is its rationale for misery and meanness!

A recent report by the Anglican Church contains a telling analogy. The report says that if it is true that spending 12 per cent less than the national average demonstrates efficiency, why is it that Victoria's leading secondary schools — the independent schools to which we all aspire to send our kids, such as Scotch, Wesley, Geelong Grammar and the like — spend

30 per cent more than the national average. Does that make the schools that we all hold up as models grossly inefficient and overfed? I would have thought the government's rationale is shabby, to say the least.

The Anglican Church's report entitled *The State of Our State Schools*, which is to be presented this week to the Diocesan Synod, deals with these issues. The report presents a systemic analysis of the school closure issue and the effect of the removal of teachers from the Victorian education system. I would be interested to know the most recent figures. As of June last year, the number of teachers removed was 9013 — an extraordinary level of cutback — and the number of schools closed was 371. I know some more have bitten the dust since.

That represents a level of cutback unprecedented in the history of the administration of education systems in Australia. The closure of 370 schools represents something like five times the total of all other Australian states combined, and given the conservatism and meanness of other conservative regimes in Australia, that is saying something.

Only recently the extraordinarily unpopular, hated and despised government of South Australia has tried to leap onto the Kennett–Gude bandwagon of school closures, but not at anywhere near the same rate of destruction demonstrated by the Victorian government over the past six years. If it were not for the South Australian government, the ratio would be even higher. At one stage the level of government school carnage in Victoria was 10 times the level for the rest of the country. It is only as a result of the South Australian government's recent and proposed closures — corresponding not surprisingly with the disastrous falling away of its popularity — that the Victorian government's efforts appear less culpable.

The government's performance in education has raised the ire of the Anglican Church. Not since 1973 has the Anglican Church seen fit — —

Mr W. D. McGrath interjected.

Mr MILDENHALL — And so you ought, Minister. You ought to listen to your local Anglican Church!

The ACTING SPEAKER (Mr McArthur) — Order! The Minister for Police and Emergency Services would assist the Chair if he allowed the honourable member to continue uninterrupted.

Mr MILDENHALL — Repent before it is too late. So concerned is the Anglican Church at the government's performance in education that for the first time since 1973 a motion expressing serious dismay at the state of the Victorian government school system was passed at its October 1997 Diocesan Synod. That motion expressed not only dismay at but a lack of confidence in the government's stewardship of education.

The Anglican Church recommended that the archbishop set up a task force to investigate the state of government schools in Victoria. That move is not surprising, because it is clear to the Victorian community, the opposition, principals, teachers, school councils and school communities that the level of cutbacks has seriously impacted on the quality and administration of government schooling in Victoria. Such is the concern of the Anglican Church that it is seeking to investigate further. In doing so it has prepared an impressive report that examines the combined effects of the extreme resource cutbacks in Victoria and the federal coalition's brazen and pernicious favouritism in implementing funding policies that openly seek to advantage non-government schools at the expense of government schools. The report examines the combined effects of those policies and argues that the indicators outlined in the motion are symptomatic of the level of cutbacks and the reduced concern for education shown by both the federal and Victorian governments.

It is interesting to look at some of the specific indicators in the report, particularly individual attention for struggling students. That was of concern to schools recently when they received their indicative budgets for next year. I have to hand it to the Department of Education for finally getting its administrative act together and providing indicative budgets for the following year to schools at this time of year — just on the spring school holidays. That is a much better effort than the standard performance of previous years, where the budgets arrive three days before the Christmas holidays, making work force planning, program planning and strategic planning almost impossible. The department is getting better, and I compliment it on that improvement.

Indicative budgets have a nasty side, however. The parliamentary secretary now entering the chamber should note this aspect closely. There has been a further drop in funds in indicative budgets for the support of struggling students. The threshold for the SLN index has been raised again. It is now even harder for schools to get their hands on the reducing amount of support available for students who are struggling. The government claims that it provides support for struggling students through the SLN index provided to

each school that qualifies, but despite unchanging demographics that money is becoming harder to get. The government can't tell me that the demographics of my electorate are changing. My area is still one of the poorest, most disadvantaged and multicultural communities in this state. It has not changed, yet schools in my electorate are getting less funding through the SLN index than they did last year.

Why is that so? There are two reasons: one is the meanness this government expresses by making the money harder to get; and the other is the spineless approach the Minister for Education takes when dealing with his coalition colleagues in Canberra. Mr Kemp and Senator Ellison, that high-profile Minister for Schools, Vocational Education and Training in Canberra — no-one I have spoken to has ever heard of him — in a move that was not challenged by this government took $7 million out of special needs funding for this state and gave it to Queensland. What did members of the Victorian government do about it? They said 'Yeah, take it. We'll just cut back our schools. That's what we'll do'.

It is good for us that the Victorian government took that money from our schools and said it was because of the actions of the federal government. It is good because it is usually our government that is cutting back. This government makes deliberate and nasty decisions to cut back funding for much-needed programs. This time, however, a convenient excuse has been provided by its federal colleagues: they have decided to rearrange the funding formula. The federal government has the gall to say, with extraordinary use of language, that there is no such thing as socioeconomic disadvantage anymore; that socioeconomic disadvantage has no impact on education and that all we have is a literacy problem!

Apparently it is mere coincidence that poor children perform worst at school. It is just a literacy problem that has nothing to do with their parents' level of education, their poverty, their homelessness or their employment patterns! The government allows the federal coalition to get away with the simplistic explanation that it is a literacy problem and that those children are failing to apply themselves in the classroom. That leaves any informed education commentator speechless.

As part of my role as education spokesperson I am interested in how the government will stick up for Victorians and represent the poorer students. What will the Minister for Education say when he goes to Canberra? Will he say, 'We want the money back. Do not take our $7 million.'? Will he say, 'You are not entitled to take $7 million from struggling poorer students in Victoria.'? I asked for the relevant documents to enable me to ascertain what happened at the Ministerial Council on Education, Employment, Training and Youth Affairs. Can I see what happens when state ministers meet with the federal minister? Can I see whether the Victorian Minister for Education asks for the money back? No, I cannot. Can I put in a freedom of information request? No, the documents cannot be seen under FOI because the meetings of ministers are top-secret. All representations made by government ministers, who are paid by taxpayers to be our representatives, are top-secret.

Call me a cynic, but I think the Minister for Education's knees turned to jelly. I do not think he represented Victorians at all. Obviously he is not proud of what he said at MCEETYA. Obviously he is not keen to demonstrate his level of advocacy or bravery under fire when resources are unfairly ripped away from Victorian schools. Not a peep. Not a whimper. He did not exhibit the advocacy skills shown by the Premier on a few issues, particularly when he walked out of discussions about the health agreements. Does the Minister for Education do that when Victorians are blatantly ripped off by the federal government? No, he wouldn't say boo to a goose. That would be my summation of his performance.

Less individual attention is provided to struggling students as the budget is steadily ripped away. The Anglican report also deals with the availability of documents. There has been a 40 per cent cut to regional school support positions such as those of social workers, psychologists and career counsellors. The book written by the former Victorian Minister for Education, Don Hayward, and Brian Caldwell is an interesting read. Mr Hayward says that to restructure the system the government ripped into the budget and closed 50 schools at the end of 1992 as a pre-emptive strike. So everyone ran around fearing the closure of his or her school.

While everyone was rushing around defending their local schools the government took the money out of the budget and got stuck into the schools of the future. No-one would have accepted the policy had it been subject to open community debate, so a diversion was created.

The book is interesting to read; it is more like the tactics of how to mount a military campaign than how to try to reform the education system. I refer to the statement, 'We got stuck into the bureaucrats and ripped them out of their regional offices.' That is the problem with the government: it assumes that bureaucrats do not do any work. The government does not realise that social workers work with struggling students, that psychology

and guidance people have a viable role to play and that careers counselling is vital in schools, particularly for students who may be at risk.

The hundreds of millions of dollars that were ripped out of the school system saw the collapse of student welfare counselling and the student welfare coordination positions in schools. A combination of cutbacks have made it so much more difficult for students who are at risk in our schools. Funding for special learning needs has been reduced and the number of funded positions in the department's regional offices and school clusters has also been reduced.

Many communities around the state, such as Gippsland and the Latrobe Valley, are struggling and the reduction in support systems is impacting on students trying to stay at school. Students who are struggling with their studies or with problems at home need a little bit of help. They need someone to say to them, 'Come on, you can do it with a little bit of help after school and a little help with some of the personal issues you're facing. Here is a program you can attend. Here is a little bit of extra assistance you can access.'

One can see the results of the government's reduction in support services in the Latrobe Valley where the retention rates for year 12 have fallen to 55 per cent. That means only 55 per cent of our young people in that area will finish year 12. In Melbourne's eastern suburbs the retention rate is up around 80 per cent. That is the what happens when resources are ripped away from the students who need them most. In the region I represent retention rates have fallen by 15 per cent.

The Minister for Police and Emergency Services says, by interjection, that school is not suitable for some students and that they want to get jobs. In a region that has the fourth highest youth unemployment rate in Australia that is simply not a credible explanation. The minister is not only deceiving himself but the community as well by offering that explanation.

The year 12 retention rates are becoming more revealing over time because they vary not only according to the socioeconomic status of a region but also between country and city. I should have thought that as a senior member of the National Party the Minister for Police and Emergency Services would view with some alarm the fact that a number of non-metropolitan regions now have year 11 retention rates falling below the 6 in 10 mark. How will our rural industries become more competitive when fewer than 6 out of 10 young people are completing secondary school? The retention rates in the city are a different matter; they are still around 70 to 75 per cent, but in the bush fewer than 6 in 10 students complete a secondary education. Is there a government strategy to deal with it? Have any programs been put in place to address that? Does the minister acknowledge it? Not only will he not acknowledge it, he will not do anything about it.

One of the recent developments that will affect retention rates in a strange way will be the common youth allowance policy of the federal government. It will have the effect of forcing young people who might otherwise have dropped out of school or who would be unemployed will either stay at school or enrol at a school to attract some income support merely to try to stay alive. That is the irony of the situation. The government cannot provide attractive curriculum or the support services for young people to stay at school, so it will say, 'Unless you stay at school you will be eligible for no income support whatsoever — you can sleep in the gutter and starve! — but if you go back to school you can attract some income support'.

Following a lot of in-fighting between the state and federal governments some funds will be made available by the federal government to provide support programs for young people. Two months into the implementation of this policy the federal government has woken up that the large numbers of adolescents — 15 to 18-year-olds — who do not want to be at school, are demoralised, are not motivated and in some cases could be potential trouble-makers, could cause problems for schools and teachers and might need some form of support. It is symptomatic of the coalition's approach to supporting schools. Approximately $400 000 has been offered to Gippsland. When I heard about that I thought it was a surprisingly generous amount — I hope some substantial programs will be put in place to assist young people — but the sting in the tail is that after two years the support programs will be expected to be self-sufficient and self-funding.

A school at Newborough, Moe or somewhere in that region with a few of these students might consider getting some guidance officers and social workers on its staff. It could say it has a dozen of these students who might otherwise be down at the pinball parlour, lurking around the park or doing something else with which members of the lost generation — Howard's generation — of young unemployed people who are not in training and are not eligible for any form of support occupy themselves, and could seek to put some support programs in place. That might happen at Warragul Secondary College or at Lowanna, the new big centre in Moe, which is a terrific school. However, after two years the school will be expected to raise the funds necessary for those personnel and school programs.

It is bad enough that schools already have to raise the equivalent of $430 per student per year to keep existing school-funded programs going, yet the new request by the federal and state governments is that these schools will have to raise additional sums to keep usefully and productively engaged in the education challenge students who will in most cases — I do not want to characterise them all as potential troublemakers — not be there of their own free will.

Another indicator of the government's miserable performance in education is larger class sizes. Large class sizes have been an unmitigated disaster since 1992 and are bad news from the government. Class sizes have risen by 10 to 20 per cent; the number of classes with more than 30 students has increased from 1.2 per cent to around 7.58 per cent in one year — a five-fold increase — and I think the figure for this year is about 7.2 per cent; and the average size of classes has risen from 23.4 to 26 students. There is more good news from the Minister for Education. When he appeared before the Public Accounts and Estimates Committee this year, he whipped out his press releases and said that the government was winding back the average class size and had made magnificent strides and progress in reducing primary school class sizes. The government has reduced average class sizes from 26 to 25.9 kids per class!

The education journalists fell about in awe, gasping at the magnitude of the improvement. School communities around Victoria rejoiced. 'What a magnificent effort', they said. 'The government loves us after all; it has reduced it by .01 per cent'. What a great effort! The reduction fools no one. The government spends $1 million a year on advertising its education programs. Although the information cannot be obtained under FOI, the opposition's polling tells us that the programs are funded with taxpayers money. The government's polling would tell it that the community thinks its miserable education programs stink.

The government's problem is that each year every parent picks up the class photo and sees in it a few more kids than last year. The Minister for Education tells Victorians what a great job the government is doing, but how many kids are in the class photo this year? More than last year? A few were probably away that day! The crisis symptoms are due to the low priority the government gives education funding. It is about the semi-privatisation of the state school system. Their forced and increased reliance on local fundraising has seen school communities resort to desperate measures to obtain the last few dollars from parent's pockets to pay for their children's so-called free government education.

Those measures include the publication of shame lists that force schools such as Maffra Secondary College to consider calling in a debt collector to collect the voluntary fees. Is there a worse example of an extreme financial situation than one in which a school council considers calling in debt collectors? That is an appalling indictment of the stewardship of the state education system. The minister and the parliamentary secretary should hang their heads in shame.

I turn to computers, the government's great success story! Victorian schools have more computers than anyone else. We have put more computers into schools than you could poke a stick at! They blink everywhere, buttons are clicked on and off, and the Internet buzzes. Is that a result of the government's efforts? Is it a result of a determination by government to provide information technology of a contemporary standard? No, it is not. It is just another miserable attempt that involves going to schools and saying, 'If you want information technology you have to pay 75 per cent of the cost'. In 1998 computers are essential basic infrastructure; they are the blackboards of 1898.

Does the government have an obligation to provide essential infrastructure in our schools? I would have thought it would be reasonable to expect the government to provide sufficient schools, teachers and classrooms, as well as the necessary equipment. But no; instead, it is the parents who have risen to the challenge and put their hands in their pockets to make up for the government's abject failure to put its money where its mouth is and provide adequate information technology.

The number of computers in schools depends on how rich the pupils' parents are and on how many people who cannot afford to pay for that vital infrastructure are nevertheless forced to do so. The Anglicans say that the quality of our state education now depends on the socioeconomics of the communities in which schools are located. It is an absolute indictment of the government when a child is unable to gain access to quality education. The government should hang up its shingle and go home!

The opposition has finally received information on the last two rounds of computer funding. I ask honourable members to compare the funding allocations from the Department of Education for new technology for the Coburg and Forest Hill electorates. The grant for schools in the Coburg electorate for computer technology was $44 000. Most people would assume that people living in Forest Hill are more affluent than

those living in Coburg. One need only look at the Australian Bureau of Statistics data to ascertain the difference in disposable income of the two electorates. Most people may assume that the Forest Hill electorate would receive $30 000. No, it received $284 000!

Governments have a duty to provide equal access to education, but that does not happen with this government. It believes that schools in the Forest Hill electorate should get six times more than schools in the Coburg electorate. A poorer community such as that in Coburg is required to raise $240 000 to match the government's contribution to schools in the Forest Hill electorate. What abject neglect of the government's responsibility to provide essential infrastructure to Victorian students so they can access technology. What message is that sending to the Victorian community? If you are rich you get more than if you are poor! There is no equal opportunity for Victorian schoolchildren.

Children living in poorer suburbs start behind the eight ball and that is where this government wants them to stay. Later the government will say that some young kids in the Coburg electorate are getting into trouble and are showing criminal and antisocial behaviour. The government will ask, 'Why aren't they succeeding in school or learning computer programs?'. The schools in the Coburg electorate will have 15 to 20 kids crowding around one computer compared with the kids in Forest Hill schools who will have one to two kids around a computer. The government's response will be to reopen Pentridge so it can stick a few kids in there and sort them out! That is the government's response to young people who do not succeed-round them up and deal with them harshly.

The notice of motion refers to the government removing more than 9000 teachers from the Victorian education system, but there is some good news because the government has now employed a few thousand teachers on contract. Sometimes they are monthly contracts, sometimes they are six-week contracts and occasionally they are six-month contracts. Recently I visited a school in Central Gippsland situated in a truly beautiful rural setting a long way from anywhere. I asked the teachers at that school what issues we should focus on. The response was contract teachers. They were concerned about the sacking of permanent teachers and their being replaced by contract teachers. They said it was a scourge of the education system.

I was introduced to Mary, a recent graduate, who was said to be a great teacher and brilliant with kids. She would be an asset to any school in the government education system. Mary commutes every day from Hawthorn to Central Gippsland! She is desperate to retain her job; she wants to be a teacher and further her teaching career. She cannot buy a house because she does not have a permanent job. Even if she could obtain a loan, because her employment is tenuous she could not afford to invest in the local community. It is a sorry saga of running down the quality, confidence and morale of the teaching service.

Recently I have visited the electorate of Ripon. The constituents of Ripon think well of the Parliamentary Secretary, Education. They believe he should be the minister. Teachers at one of the schools I visited in Maryborough told me that teachers used to play a significant part in the local economy but because of the introduction of contract teachers many of them now drive every day to Maryborough from Ballarat and Bendigo because they cannot afford to buy a house in Maryborough. They cannot contribute to that local community or the community organisations that rely on their skills. They are unable to make the personal or financial investment or use their disposable income to benefit that community. They know the role that the local member has played as the parliamentary secretary and they will remember it. They want to say a few words to him!

I also visited a Catholic school in the region. I was told that the school had recently appointed a couple of teachers because parents were concerned about the level of support for the children and the funding of the Catholic education system. I was told the school had a few recruits from the government education system. When I asked how teachers were hired, I was told that when they hire a teacher the teacher is part of the school and the local community. They stay as long as they want to stay. They can begin their career at the school and be confident that their teaching career will continue. They are the standards applied in private schools, but in government schools a different standard is applied. It is not good enough.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.04 p.m.

QUESTIONS WITHOUT NOTICE

Minister for Police and Emergency Services: pecuniary interests

Mr BRUMBY (Leader of the Opposition) — I refer the Minister for Police and Emergency Services to his statement to the house yesterday that he had purchased 750 shares in Harvest Grain Australia in August 1996 and to his statement to the house on 3 September 1998 that he had given that company financial assistance to

ensure that it did well. Does that financial assistance extend to announcing in the *Wimmera Mail Times* a $6000 government grant to The Lentil Trading Company, a major consortium partner of the minister in Harvest Grain Australia, and does the minister recognise that that is yet a further case of blatant conflict of interest and improper behaviour by him and another clear breach of the state constitution?

Mr W. D. McGRATH (Minister for Police and Emergency Services) — It is fair to say that although the Harvest Grain company does some packaging for it, The Lentil Trading Company is an independent company in its own right and stands alone. Yes, I made the presentation of $6000 to that company. I had not lobbied for the $6000 at all. I did that specifically as a local member should in working among his community, just as I have done with Harvest Grain — that is, working with the community to ensure that there are jobs and value added to the product grown in the Wimmera.

If the Leader of the Opposition ever hopes to have any leadership role in Victoria, he should be out in the community drumming up support for local communities and explaining why members of Parliament should be supporting them, rather than knocking them down as he does.

Gas: Longford explosion

Mr SPRY (Bellarine) — Will the Premier inform the house of today's developments concerning the restoration of gas supplies to Victoria's domestic consumers?

Mr KENNETT (Premier) — I have just advised the public through the media that, barring any unforeseen circumstances, I hope Vencorp will be in a position later today to announce that gas supplies should be restored to households tomorrow via the two-stage connection system that we have previously outlined. People with even-house numbers will be able to turn on from 6.00 a.m. and people with odd-house numbers will be able to turn on from 3.00 p.m. Again we ask the public not to use their gas for heating but to allow the distribution system to stabilise before doing so. All being well they should have access to gas for heating on Friday.

I repeat that people who feel in any way uncomfortable about reconnecting gas to their units or households should contact the number we have made available: 13 20 81. I regret that there will be some delays. Today 500 people are working at the call centre, and that will build up to 700 tomorrow. But we expect that as many as 300 000 people may be making calls, so there will be some delay, just as there will be some delay in being able to physically — —

Honourable members interjecting.

Mr KENNETT — I suppose that is why the Labor Party is so absolutely irrelevant to the needs of the public, who are contributing magnificently to the restoration of supplies. The only ones who make a mockery of it are members of the Labor Party. It is important that anyone who has any doubt at all contacts the number I have given. The restoration process will lead to some delays, but in the interests of safety it is better that there be some short delays in reconnection rather than somebody attempting something that may lead to an incident.

I hope that next week I will be able to give the house details about the board of inquiry, including its terms of reference and the people selected to conduct it. We hope that that will start as soon as possible after the announcement. I also hope that we will be able to determine next week the setting up of a further inquiry to look at how Victorians may be at risk from any interference to the supply of gas, as we have just witnessed, the supply of electricity — although we believe that is minimal, given the disaggregation of the system — and, obviously, the water supply. Again we believe that, unlike New South Wales, Victoria is less at risk of that because of the spread, size and security of our catchment areas.

This incident justifies a further inquiry to protect the public in the event of a similar incident in the future involving any of the three major services upon which we have become so reliant. I hope later today the consumers of this state will be given the authority to re-connect from tomorrow morning, and obviously I thank them very much for their indulgence and forbearance over the past week and a half.

Minister for Police and Emergency Services: pecuniary interests

Mr BRUMBY (Leader of the Opposition) — I refer the Treasurer, as the representative of the Minister for Industry, Science and Technology in another place, to the fact that the Minister for Police and Emergency Services is part of a consortium involving The Lentil Trading Company that owns Harvest Grain Australia. Was the Department of State Development informed of the financial interest of the Minister for Police and Emergency Services in the Harvest Grain consortium when the department made government grants to

Harvest Grain Australia and The Lentil Trading Company in 1997 and 1998 respectively?

Mr STOCKDALE (Treasurer) — I have no idea, Mr Speaker.

Mr Hulls interjected.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Niddrie has twice now been calling members by their Christian names across the chamber. It is disorderly to interject, and he knows he should not do it in that way anyway.

Gas: Longford explosion

Mr RYAN (Gippsland South) — I ask the Minister for Youth and Community Services whether he will inform the house of the government's actions to ameliorate the impact of the gas situation on vulnerable groups in the community.

Dr NAPTHINE (Minister for Youth and Community Services) — The gas shortage has obviously affected the supply of hot water and the ability of a number of people to have cooking facilities and heating in their homes and units. It has caused particular hardship for the elderly, the frail aged, people with disabilities and those living in group situations such as nursing homes and hostels. The issue of hygiene is of particular concern to those people, especially the many older people who suffer from incontinence.

In response to this situation the Department of Human Services set up two information lines. The first was the Home Health Support line, which provided advice to individuals and community agencies throughout this period. That information service received more than 12 000 calls and was available 24 hours a day, right from the beginning.

The second information service was the Health Industry Information line, which provided direct advice to the health industry, particularly hospitals, both public and private, nursing homes and hostels so that those providers of aged care, acute health care and disability services in congregative care settings could get direct advice about how to deal with the situation and whether they were exempted from the gas restrictions.

Early attention was given to the exemption from restrictions of agencies providing services to those in most need. We were very fortunate that, even with this severe situation, we could interconnect with New South Wales to provide some gas services, and the gas obviously had to be prioritised to those in greatest need.

The first exemptions were for hospitals and nursing homes. Hostels were later exempted, as were supported residential services, disability accommodation units, including Kew Residential Service, and community residential units across the state. In addition public housing blocks were exempted where there were particularly high numbers of frail older people. I appreciated the advice of the Minister for Housing and her staff in identifying the units where we could provide special care and attention to older people and those who needed special care.

Action was taken, in conjunction with local government, to increase the capacity of Meals on Wheels so that people who would otherwise not be receiving that service could receive hot meals. Funds were provided for food vouchers and the Treasurer made half a million dollars available to non-government agencies to purchase kettles, frypans and other electrical cooking and heating devices for those in real need.

The Department of Human Services public health division very quickly provided a range of information leaflets to the community through supermarkets, local government and a range of other agencies.

Overall the actions taken by the Department of Human Services have quickly minimised the effects of the gas shortage on the most vulnerable in our community, and I particularly thank the departmental staff who worked extraordinary hours with great commitment to the task. I extend the government's thanks also to the many people in the welfare agencies. Most importantly, the government appreciates the efforts of the general public who were prepared to forgo their use of gas so that those in most need could have access to gas. It is certainly appreciated by those vulnerable people and the broader community.

Premier: conflict of interest

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the latest register of members' interests and his declaration of hospitality from CS First Boston and ask what that hospitality involved, what it was worth and when and where it occurred.

Mr KENNETT (Premier) — I am pleased that the honourable member reads the declarations of interest and that this is the substance of his question. You might remember that earlier this year I went to, I think it was America, and then to the UK. Actually I can't remember where I went.

Honourable members interjecting.

Mr KENNETT — I think I went to America. Yes, I did. I'm sorry, I went to Washington for the Australian–American Dialogue with a number of Labor politicians who were invited. I note that the Leader of the Opposition was not one of them. That was a good trip.

From there I went to London, where I did some work, met with some business people and gave some public addresses, which are on record. After that I accepted an invitation from CS First Boston to a worldwide event that it holds every year, this time in Scotland, where a number of very senior businessmen from right around the world, mainly — —

Mr Brumby — Was it on the golf course?

Mr KENNETT — Yes, it was on the golf course, in part. That happens to be the way much business is done these days, but you probably haven't been invited to them, either. I had the opportunity to meet with about 60 senior American businessmen and businesswomen over about a four-day period, as well as with a number of CS First Boston senior clients from other places around the world.

The event is held every year, and I received an invitation to it about 12 months ago. It was of great value in terms of gaining contacts for Victoria. One company, for instance, had a turnover of more than $30 billion a year. One does not normally get to see those people when travelling in the United States, or if one does, they have to be singled out. It was my assessment as part of my ongoing role in promoting Victoria and attracting investment — some of those businessmen have investments in Victoria and Australia — that it would be a worthwhile exercise. I do not regret it at all. I included it in my pecuniary interests so that the public would understand and so that when the Leader of the Opposition pursued the matter in the absence of any reasonable question to ask I would at least be able to assist him.

Flemington church demolition

Ms BURKE (Prahran) — Will the Minister for Planning and Local Government inform the house of the facts surrounding the part-demolition of the Uniting Church at 165–167 Mount Alexander Road, Flemington?

Mr MACLELLAN (Minister for Planning and Local Government) — I am indebted to the honourable member for her question. The church was once the Flemington Girls School and it is now a co-educational secondary college of the Department of Education. Next to it is what remains of a former Methodist church, now owned by the Uniting Church, which has been leased to the school for some time. However, in a moment of municipal triumph, the City of Mooney Valley announced that the education department was illegally demolishing the building.

After speaking to the former Labor staffer who drafted the documents that were released to the press — who got it so terribly wrong — and to the mayor and the chief executive officer, I was successful in extracting the following apology from the City of Mooney Valley by way of explanation:

> The City of Moonee Valley further states that:
>
> > The Department of Education does not own the site —

as it had previously alleged:

> > The Department of Education took no part in the demolition of the building —

which it had alleged:

> > and;
>
> > Any inference of illegal activity by the department or its officers is deeply regretted.

The local school has some reason to regret it, too, because I was suggesting to my ministerial colleague that he should sue the pants off Moonee Valley and donate the proceeds to the school; but unfortunately, because of the apology I do not think there will be any such proceeds as he probably will not take action.

The situation should be a warning to every municipality to check the facts and not rely on former Labor staffers. Former Labor staffers were bad when the Labor Party was in office; they are worse now. The situation is that the private building surveyor who issued the demolition permit advised the City of Moonee Valley of the fact six months ago on 8 April. The city council has done nothing about the matter since that date other than to file the notice away. It has waited for the Uniting Church to start pulling down one of its churches and — —

Mrs Peulich — The Uniting Church?

Mr MACLELLAN — Yes, the Uniting Church is pulling it down. The City of Moonee Valley waited for the Uniting Church to start pulling it down and then blamed the Department of Education and the private building surveyor. If that is not recognised as a

dishonourable thing to do, I would have difficulty recognising how low municipalities can sink.

It is a great embarrassment to the other municipalities in this state. I shall be writing to warn them against making a mistake like that. I am sure they will all appreciate the warning because it is humiliating when the chief executive officer has to return to duty to try to sort out a situation that has been cooked up between a former Labor staffer who has media responsibility for Moonee Valley City Council — —

Honourable members interjecting.

Mr MACLELLAN — All I can say is that one should remember two important things: one is innocent until proven guilty — that is a good start — and check your facts!

Gas: Longford explosion

Mr BRACKS (Williamstown) — Will the Premier confirm that the Department of Human Services has in its possession an engineering report that reveals that up to 60 000 domestic appliances such as hot water services may not reignite and will require replacement when the gas is reconnected, and will there be any compensation or assistance for those Victorians who suffer as a result?

Mr KENNETT (Premier) — I cannot confirm the honourable member's claim that a report exists and that it is with the Department of Human Resources. There may be a report, but I do not know about it. I know that when the supply of gas has been totally cut off to such a large area, some units that are 15 to 20 or more years old could be in difficulty. That is why the government is promoting as best it can the safe management of reconnections. Some people will obviously have trouble with their units, which is why we have the hotline. There may be some who, on a means-tested basis, will deserve some assistance, and there may be others who do not. It is part of the process of managing the emergency as best we can.

The government has not offered blanket compensation to industry, large or small, nor has it offered blanket compensation to consumers. The government is trying to meet the requirements of those who are most in need, and that will continue throughout the reconnection period and beyond as people establish claims. For that reason the government has tried throughout the one-and-a-half week period to keep the public fully informed, and it has put a brochure together for that purpose.

The reconnection of the gas supply to so many properties at the one time will be a difficult exercise that requires special management. That is why so many people have been imported from other states and New Zealand to assist in the process. It is also why the majority of the public accepts that all the agencies involved to date have discharged their responsibilities responsibly and calmly. Although from time to time suggestions have been made of better ways of doing things, they have not been able to be consummated. The government will look at what happens over the next couple of days and will take on board those who have difficulties beyond the reconnection period.

Water: storages

Mr ANDRIGHETTO (Narracan) — Will the Minister for Agriculture and Resources inform the house of the condition of the state's water storages and the irrigation allocations made by water authorities, as well as the projections for water availability during the forthcoming summer period?

Mr McNAMARA (Minister for Agriculture and Resources) — I thank the honourable member for Narracan for the question. The situation we faced with the drought last year — —

Mr Batchelor interjected.

Honourable members interjecting.

Mr McNAMARA — The honourable member for Narracan raised an important issue about water allocations for irrigation across the state. The drought conditions Victoria had last year certainly left most storages in a fairly depleted state. Victoria has been fortunate to have had some good rainfall in the past three or four weeks, although earlier in the season there was very little input into its storages during an unseasonally dry winter. The spring rains before that were also below average.

It is worth pointing out that even after the rainfall of the last month, as of the start of October Eildon reservoir, which is one of the largest storages in the state with a capacity of about 3.3 million megalitres, was at an historic low for that period. In the early allocations the Goulbourn irrigation system, which is very much the food bowl of Victoria, was allocated only 40 per cent.

Mr Brumby interjected.

Mr McNAMARA — The Leader of the Opposition thinks it was 65 per cent; in fact it was even better — 75 per cent! The rain we have had is good news. It reinforces the fact that we have traditionally had higher

water security in Victoria. The opening bid for a 40 per cent water allocation for the Goulbourn Valley this season was the lowest initial allocation ever; but we still hope to reach a 100 per cent water right by December. The heavy rainfall in northern New South Wales in areas such as Narrabri and others has been fortunate for us, even though it has caused a great degree of discomfort to farmers in those areas.

The water flowing from that rainfall is taking about 8 to 10 weeks to move down to the Murray system. It will enable our upstream storages, including Lake Victoria and others, to be filled by that system rather than by drawing water out of the Hume and Dartmouth reservoirs. The immediate impact of the heavy rain on the Murray system has been not only to make possible a 100 per cent water right but also — —

The SPEAKER — Order! The minister has been speaking for 3½ minutes. I ask him to complete his answer.

Mr McNAMARA — But also to allow 60 per cent sales on top of that allocation. It is most unusual that we have such a variation between the Goulbourn and the Murray systems. Normally they run pretty much in parallel.

Although we hope for a continuation of the weather conditions we have at present we have been working with the rural community to take proactive measures to ensure a state of preparedness for a low allocation of water right. Various seminars have been run for water users, and local members of Parliament such as the honourable member for Shepparton, who was involved in a meeting in Tatura recently with fruit tree irrigators, and other local members for that area have been taking part. On a positive note — —

The SPEAKER — Order! The minister has now been speaking for 4½ minutes. It is still raining. I call the next question.

Gas industry: privatisation

Mr BRACKS (Williamstown) — In light of the Regulator-General's decision yesterday to cap the rate of return for private sector investors in the gas industry at 7¾ per cent, effectively wiping at least $500 million from the potential price if valuable gas assets are sold, and of the urgent need for the government to put its efforts into securing a reliable, safe, secure gas supply, I ask the Treasurer whether he will once and for all conclusively rule out the privatisation of the state's gas industry and put his efforts into making sure we have a secure, safe supply of gas in the future.

Mr STOCKDALE (Treasurer) — That is a ridiculous question. I do not want to endorse the extravagant hyperbole and exaggerated estimates of the honourable member for Williamstown. Let me simply say that the decision of the Regulator-General is obviously a complex one with implications that need to be properly digested. The government will continue to review the decision and the overall position.

In discussing our policies on the reform of government business enterprises we have always said that the government would act in the public interest and that we would require a demonstration of net public benefit before implementing any particular proposal. That remains our policy, and we will do what is in the interests of the people of Victoria.

ACCIDENT COMPENSATION (AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) — I move:

That I have leave to bring in a bill to amend the Accident Compensation (WorkCover Insurance) Act 1993 and the Accident Compensation Act 1985 and for other purposes.

Mr MICALLEF (Springvale) — I ask the minister to provide a brief explanation of the bill.

Mr STOCKDALE (Treasurer) (*By leave*) — The bill makes a number of miscellaneous amendments, the most significant of which is to widen the class of contractors who might be engaged in claims administration beyond that of simply insurance companies.

Motion agreed to.

Read first time.

SUPERANNUATION ACTS (AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) — I move:

That I have leave to bring in a bill to amend the Emergency Services Superannuation Act 1986, the Hospitals Superannuation Act 1988, the Parliamentary Salaries and Superannuation Act 1968, the Public Sector Superannuation (Administration) Act 1993, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989 and the Transport Superannuation Act 1988 and for other purposes.

Mr BRACKS (Williamstown) — I ask the minister for a short explanation of the bill.

Mr STOCKDALE (Treasurer) (*By leave*) — The bill makes a number of amendments principally relating to recent changes at the commonwealth level to the supervision of superannuation funds and a range of other matters. As usual in bills of this kind a range of detailed issues are covered. I would be happy to arrange a briefing for the honourable member.

Motion agreed to.

Read first time.

STATE TAXATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) introduced a bill to amend the Business Franchise (Petroleum Products) Act 1979, the Financial Institutions Duty Act 1982, the Land Tax Act 1958, the Liquor Control Act 1987, the Pay-roll Tax Act 1971, the Stamps Act 1958 and the Taxation Administration Act 1997 and for other purposes.

Read first time.

LIQUOR CONTROL REFORM BILL

Introduction and first reading

Mr REYNOLDS (Minister for Sport) — I move:

That I have leave to bring in a bill to reform the law relating to the supply and consumption of liquor, to repeal the Liquor Control Act 1987, to make consequential amendments to other acts and for other purposes.

Mr HAERMEYER (Yan Yean) — I ask the minister for a brief explanation of the bill.

Mr REYNOLDS (Minister for Sport) (*By leave*) — The bill will make some changes to the availability and consumption of liquor in public places and rewrite the Liquor Control Act.

Motion agreed to.

Read first time.

MELBOURNE CRICKET GROUND (AMENDMENT) BILL

Introduction and first reading

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

That I have leave to bring in a bill to amend the Melbourne Cricket Ground Act 1933 and for other purposes.

Ms GARBUTT (Bundoora) — I ask the minister to provide a brief explanation of the bill.

Mrs TEHAN (Minister for Conservation and Land Management) (*By leave*) — The bill addresses a restructuring of the trustees of the Melbourne Cricket Ground.

Motion agreed to.

Read first time.

APPEAL COSTS BILL

Introduction and first reading

Mrs WADE (Attorney-General) — I move:

That I have leave to bring in a bill to re-enact, with amendments, the Appeal Costs Act 1964 and for other purposes.

Mr HULLS (Niddrie) — I seek from the Attorney-General a brief explanation.

Mrs WADE (Attorney-General) (*By leave*) — I will be pleased to give a short explanation of the bill. The Appeal Costs Act was introduced in 1964, and it was a great move in the interests of access to justice. It often happens in our court system that people incur additional costs that they should not have to pay because of a mistake of a judge or tribunal member or because, for example, the jury is unable to agree and there must be a retrial.

In 1964 the then government considered this matter and decided that, in the interests of justice, people should not have to pay to ensure that the justice system worked properly and that the state had an obligation to reimburse them in those circumstances. That worked quite well, but unfortunately the act was neglected during the period of the Labor government.

In certain cases a tribunal, for example, the Planning Division of the Administrative Appeals Tribunal as it then was, would determine that an application to that tribunal was successful. In many cases the other party

would be a government department with all the resources of a government department. The other party would decide to take the decision to the Supreme Court on a question of law and on some occasions the determination of the tribunal would be overturned by the Supreme Court and an order would be made for the applicant to pay the costs.

The SPEAKER — Order! This is a bit too long. A brief explanation was asked for.

Mrs WADE — I am sorry. I am overcome with enthusiasm for the bill. In those circumstances the applicant would find that not only would he or she have to pay his or her own costs but also the costs of the government department and that the amount that could be retrieved from the government was only $4000.

During the period of the Labor government I wrote to the then Attorney-General on many occasions asking for that amount to be increased from $4000 to an amount that took account of the sort of costs one incurs in the Supreme Court. When the coalition came to government the amount was increased from $4000 to $50 000. Further improvements are now being made.

The SPEAKER — Order! The request was for a brief explanation. I think we have had that.

Motion agreed to.

Read first time.

LOCAL GOVERNMENT (GOVERNANCE AND MELTON) BILL

Introduction and first reading

Mr MACLELLAN (Minister for Planning and Local Government) — I move:

That I have leave to bring in a bill to amend the Docklands Authority Act 1991, the Local Government Act 1989 and the City of Melbourne Act 1993 and other acts and for other purposes.

Mr LONEY (Geelong North) — I ask for a brief explanation of the bill.

Mr MACLELLAN (Minister for Planning and Local Government) (*By leave*) — The forms of the house require that I make a brief explanation. My brief explanation to the honourable member for Geelong North is that he should consult with his colleague, the honourable member for Richmond, who already knows all about the bill. The bill provides for municipal services and government in the Docklands area. It makes the necessary amendments to the Local Government Act and the City of Melbourne Act to accomplish that and also makes appropriate amendments to the Docklands Authority Act.

Motion agreed to.

Read first time.

TRANSPORT (AMENDMENT) BILL

Introduction and first reading

Mr COOPER (Minister for Transport) — I move:

That I have leave to bring in a bill to amend the Transport Act 1983 and for other purposes.

Mr BATCHELOR (Thomastown) — I ask the minister for a brief explanation of the purpose of the bill.

Mr COOPER (Minister for Transport) (*By leave*) — The purpose of the bill is to amend the Road Safety Act in respect of the operation of demerit point systems, the disclosure of information by the Roads Corporation, the operation of certain regulations and some miscellaneous amendments to the Road Safety Act and consequential amendments to the Transport Act.

Motion agreed to.

Read first time.

EDUCATION (AMENDMENT) BILL

Introduction and first reading

Mr GUDE (Minister for Education) — I move:

That I have leave to bring in a bill to amend the Education Act 1958 and for other purposes.

Mr MILDENHALL (Footscray) — I seek a brief explanation of the bill.

Mr GUDE (Minister for Education) (*By leave*) — The bill provides for the orderly conduct of religious pageants and the like — and honourable members will be aware of an issue that has arisen in recent months with respect to that. It also replaces some outdated terms that relate specifically to disabled students and will pave the way for the provision of a committee of review for parents of students with disabilities who seek additional support from the government. The committee will be able to advise the secretary of the department in matters, whereas previously there may have been a dispute.

Motion agreed to.

Read first time.

VICTORIAN INSTITUTE OF MARINE SCIENCES (REPEAL) BILL

Second reading

Debate resumed from 3 September; motion of Mr REYNOLDS (Minister for Sport).

Mr LONEY (Geelong North) — This small bill provides for the repeal of the current Victorian Institute of Marine Sciences Act and the abolition of associated committees and the institute that were set up under that act, including provision for the transfer of staff, assets and liabilities as a result of the repeal of the act and the new arrangements that have been put into place. The bill provides for the Marine and Freshwater Resources Institute, the successor to the Victorian Institute of Marine Sciences, which has operated reasonably autonomously since it was originally set up, to be brought back within the department.

It is a fairly simple bill with straightforward provisions, but it is worthy of comment in light of the change from VIMS, as the institute was formerly known, to MAFRI and the way the institute has operated. The institute has played a valuable role in the marine sciences, particularly in work on research projects. It has carried out its work in the interests of both the Victorian and international communities and its well-respected staff has a high reputation. It is worth speaking on the bill if for no other reason than to say that the institute has performed a major and valuable service.

This bill is the result largely of the review of MAFRI conducted in August 1997. I will refer to that review during my contribution. The major thrust of the review was that bringing MAFRI back into the Department of Natural Resources and Environment would optimise its research focus. MAFRI would be retained as a separate research institute but report to the Department of Natural Resources and Environment through the director of fisheries.

The review document is worthy of consideration. A number of appropriate comments are made about the range of activities that should be conducted by research institutes in the marine area and about what encompasses the broad range of the marine environment. The first page of the executive summary states:

> Victoria's marine and freshwater environments are valued resources that maintain a very high level of public interest and are of high economic and intrinsic value. A wide range of stakeholder groups are associated with these environments including fisheries, aquaculture, water authorities, agriculture, forestry, petroleum, local government, community groups, tourism operators and recreational groups. These groups often have divergent and polarised views on the use and maintenance of marine and freshwater habitats and resources.

That paragraph encapsulates both the need for the Marine and Freshwater Resources Institute and the complexities involved in satisfying competing demands from a range of different interest groups. The paragraph also contains some important statements including the first sentence: that the marine and freshwater environments are valued resources that maintain a high level of public interest and are of high economic and intrinsic value. It is refreshing to see a document from the government where the full stop is not placed after economic value. It acknowledges that things can have intrinsic value over and beyond economic value.

Our marine and freshwater environments receive a high level of public interest. The statement is significant as it refers to public interest from a range of perspectives including anglers, professional fishermen, recreational users of all varieties and people who enjoy the marine environment for its aesthetic or environmental qualities. All those perspectives should be encapsulated when referring to the management of research into those environments.

As I said, MAFRI will be retained as a separate research institute but report directly to the minister through the director of fisheries. The Fisheries Co-management Council will recommend the focus of research to the government. I will comment later on the role of that council because concerns were expressed by some of the major interest groups.

Although the bill arises from the review some comments and recommendations concerning the future of the educational heart of the institute as it currently exists were not followed up. Those recommendations were not commented upon to any degree in the second-reading speech and they are not in the bill. They are an important aspect of marine and freshwater research as the education of the public plays an important and significant role.

The bill provides for the transfer to the state of all the assets and liabilities of MAFRI. That is right. The opposition has no problem with that. It provides that all current employees of MAFRI should be transferred to the employment of the Department of Natural Resources and Environment with existing terms and conditions. Standard clauses in the bill are the same as those included in other bills providing for the transfer of employees from one government instrumentality to

another. Protection of employees' transfer rights should not be just about the protection of existing and current employment rights, but also about the protection of future rights they may have had in their current employment. The opposition hopes the government intends that future employment conditions are guaranteed. One feels compelled to make the opposition's expectations clear.

As I said earlier, the opposition does not oppose the bill. The Marine and Freshwater Resources Institute has acted as a corporatised authority since the enactment of the Victorian Institute of Marine Sciences Act. That role has covered a number of issues. It currently includes the estimation of fishing quotas, fish stock assessment, water management and its allocation, and the management of biodiversity. That is an extremely important part of the work of MAFRI and one of which the community is becoming far more conscious. It also has a defined role in pollution abatement measures and inland and coastal planning. Just like the provision of gas or electricity, each of those roles is a core responsibility of government. Each of them are things that government should rightly concern itself with on behalf of the citizens of the state and in the public interest.

Given that the opposition has argued for some time that the core roles of government should be governed by legislation and be answerable to the responsible minister, and that the government has rejected that argument time and again, it is pleasing that the government is introducing a bill that will reverse the process. The opposition welcomes that and looks forward to the introduction of bills that will reverse what the government has been doing across a range of areas, such as electricity and gas. The Treasurer's answer to a question at question time today may mean the government has already started that process with the gas industry, but this bill could be a model for a range of other things. Public transport is one. The bill can be used as a model for a range of other legislation.

The opposition will listen intently to the contributions of government members who will obviously say what a good thing it is to move away from the corporatised model and bring this institute under government control and the control of a minister. The government seems to have changed its mind about privatisation or corporatisation and is supporting the opposition's view. Perhaps there is a remote glimmer of hope yet for the people of Victoria. The opposition is pleased that at least in this relatively small instance the government is abandoning its corporatised and privatised models and is saying that the appropriate way to control the institute is through a departmental structure and a minister responsible to Parliament. I am pleased that the Minister for Transport is present. He may consider the example of his fellow ministers and do the same thing in his portfolio.

Some legitimate concerns have been raised about the way MAFRI will operate. MAFRI has built an excellent reputation as a research institute not only in Victoria but also internationally. It has won contracts to conduct research and provide consultancy services on a fee-for-service basis. Its scientists and employees are well credentialled and well respected. MAFRI's contracts from the commonwealth and Victorian governments for 1998–99 are estimated to supply some 83.5 per cent of its funding, of which 56.2 per cent is derived from the Victorian government — that is, contracts as distinct from grants. The review document states that:

> Research and consultancy services are provided by MAFRI under contract on a fee for service. Major state government clients include Fisheries Victoria, the Environment Protection Agency and the flora and fauna branch of DNRE while federal clients include the Fishing Industry Research and Development Corporation, the Australian Fisheries Management Authority and the Murray–Darling Basin Commission. Contracts from the commonwealth and Victorian governments are estimated to comprise 83.5 per cent of MAFRI's funding in 1997–98, of which 56.2 per cent will be derived from the Victorian government.

MAFRI services a wide group of public clients and conducts major research projects on their behalf. The review document also argues that the Department of Natural Resources and Environment purchasers currently only have access to a less than adequate resource allocation framework for their research contracts, and what appears to be poorly defined processes for determination of their scientific needs. MAFRI is working towards a model which indicates that the department should not just initiate and oversight the research but specify it, and therein lies part of the problem.

The concern is how great that specification will be, how much room MAFRI will have to conduct other research for other bodies and what type of research it will be. Scientists at MAFRI are worried that they may lose the ability to undertake broad research that has a broader focus rather than specified research that has a narrow focus, and possibly an economic focus. Broader research is essential. There is a role and a need for research on specific topics and projects, but broader research is vitally important for our marine and freshwater environment which will become even more important in the future. The scientists at MAFRI are worried that the department intends to unduly direct

and restrict research to focus almost exclusively on aquaculture.

Mr Hamilton — Why would that be?

Mr LONEY — Just hypothesising for a moment, I wonder whether it might be because it has a particular commercial potential.

Mr Spry — Of course.

Mr LONEY — I thank the honourable member for Bellarine for that confirmation. As was said in this morning's debate on gas, the government cannot see past the market or the commercial aspects of anything. Aquaculture is and will become increasingly important to the state. There is no doubt that it is an industry of the future, and we should be looking to develop it. Aquaculture has considerable potential if we can keep our Victorian waters clean, which is an important factor in its development. The aquaculture industry in other parts of the world has been limited and prevented from flourishing because disease has been allowed to get into the water. Australia generally is blessed with clean water. If broad research is not undertaken into marine and freshwater environments, the cleanliness and health of our water will not be protected. If the focus of the Marine and Freshwater Resources Institute is unnecessarily restricted to aquaculture, the future of the industry will be perversely damned.

Our real concern about the bill is that it reflects a lack of understanding about the breadth of the research that needs to be done. Aquaculture is important, but so is a broad research focus in the public interest, which is clearly missing from the proposals. The department says MAFRI will still conduct commercially driven — that is, outside — research. However, it claims that bringing MAFRI back within the department will enable the institute to be a better commercial operator than it has been. That is a somewhat strange argument. As I said, the reverse — —

Mr McArthur interjected.

Mr LONEY — We take little notice of what the honourable member for Monbulk says, because he manages to confuse every argument and spew it out as drivel. He misses the point that whereas the opposition has the public interest as its focus, the bill reflects only the commercial interest. In the arguments he puts to the house the honourable member for Monbulk demonstrates time and again his view that the public interest is always to be overridden by the commercial interest.

The government is putting a strange argument in support of the bill — that is, that to remove MAFRI from commercially driven research will make it a better commercial operator. The scientists at MAFRI are seeking a guarantee from the government that their broad research function will be taken seriously. In other words, they ask that all marine and freshwater research will be taken seriously, not just aquaculture research, important though it may be. Of course, in the normal course of events people will not speak out individually or as a group. As is the case with every government instrumentality put through the mangle by the government, staff are scared to speak out and make their views known because they are immediately attacked.

Mr Hamilton — Do you think that could apply to backbenchers as well?

Mr LONEY — I agree with the honourable member for Morwell's suggestion. If the government is to intervene through the department to direct research, it must ensure that it is in the public interest and not driven simply by the profit motive. At the heart of the debate is the argument that the public interest must be paramount in the research projects that the department specifies, initiates and directs. I take on board what the honourable member for Monbulk has said, because it reflects the mind-set of the government — as soon as the public interest is talked about in this house, the government switches off; it is not interested. That is why government members make the sorts of comments that the honourable member for Monbulk has made. 'Public interest' is not in his lexicon!

As the review points out, throughout its history MAFRI providers have been successful in obtaining research contracts from a range of purchasers. The review document states specifically:

> However DNRE purchasers currently only have access to a less than adequate resource allocation ...

As I said, that seems to be the specific driving point, but it should be different. The proposal is that the Fisheries Co-management Council will make recommendations to government on the focus of research. On the face of it, that does not seem to be a major problem. However, there is a problem with the current operation of the Fisheries Co-management Council, which, according to the Victorian Fishing Industry Federation, is both confusing and dysfunctional. It is hardly appropriate to put in charge of an important area of marine and freshwater research a body that is described by a major player in the sphere as both confusing and dysfunctional. It does not work, it tells us, and has fallen by the wayside. They are saying that informal

co-management is back, but formal co-management as provided for under the Fisheries Act — remember, this is quite a new Fisheries Act — simply did not work and has fallen apart.

The industry view of co-management is that it should be a bottom-up approach and that the people actually involved, the people who are there working with this all day every day, should be able to feed into the co-management and work the approaches from the bottom up. It is saying that the problem with the co-management council as a development is that it is entirely the opposite of that and comes from the top down, with consultation only if the department decides that there is a need for it — and you can imagine how often the department decides there is a need for consultation.

The research focus of the department will in precisely the same way be driven from the top down. Therefore you will not get the players out there who need to be involved feeding into what the research should be. That broad group to whom I referred earlier will not be among the players who have some say over where the research goes.

The Marine Discovery Centre is important. The executive summary of the report of the review states on page 4:

> The current educational activities were initiated by VIMS before the agreement to form MAFRI. The primary and secondary level education activities are extremely popular and the staff involved show a very high level of dedication and professionalism. However, it is difficult to identify any link with the other activities of the institute. They fill an important role; however, it is a role that would be better organised through the auspices of Education Victoria.

That is a very clear statement that shows a great deal of sense and logic. Certainly the facility has been extremely well used, with thousands of students going through it and acquiring an appreciation of our marine environments.

As the report says, a very high level of dedication and professionalism is shown by the staff, but it goes beyond that because Queenscliff has formed a voluntary group known as Friends of the Marine Discovery Centre, which has been supporting the centre for a number of years. Those volunteers are very worried about the future of the centre, about where it will end up in the move, whether it will be properly accommodated, whether it will go to the right place and the way it will operate. They are concerned that the Marine Discovery Centre could be moved out to the backblocks and a professional organisation could come into the harbour and open up a similar centre, thus ensuring the demise of the present centre.

These people are genuinely concerned for an organisation that does something valuable in the community. The local member has described them as a front for the ALP. Although the government is the major contributor to increased membership of the ALP in Victoria, not even we would claim that the thousands of people associated with the Marine Discovery Centre are all members of the ALP. That is a fantastic claim in the true meaning of the word, which is 'well versed in fantasy'.

Membership of that group is made up of people from all over Victoria from schoolchildren to quite aged people. The opposition would like it if all schoolchildren were members of the ALP, and the way this government is going that is not outside the realms of possibility — it is certainly a major contributor to the growth of the ALP — but despite government assurances about widespread consultation on these matters the Friends of the Marine Discovery Centre have never been consulted about the move, nor have other community groups in the area.

The design process is now picking up speed, and still there has been no community consultation. I am told by members of the Friends of the Marine Discovery Centre that they have been told that if they make a fuss there may well be no Marine Discovery Centre at all. That is a common theme of this government — make a fuss and you lose the lot.

The other point to which I referred earlier is that this is an educational facility, and it should rightly be under the auspices of Education Victoria, as the report of the review says. Nothing has been said about that. The government has no intention of putting it under Education Victoria, and if you can believe the talk at the water coolers the Minister for Education is trying to reject taking it. The minister should make a definitive statement about the future of the Marine Discovery Centre, and that statement should say that the centre goes into Education Victoria where it belongs.

The seventh point on page 7 of the report, which deals with research and educational activities, states:

> The educational goals of the VIMS act should be retained as a core business for MAFRI. However, these should be aimed at tertiary education through collaborative arrangements with the universities. The current community education centres, which target primary and secondary schools and visitors, perform valued and important community functions and discussions should be initiated between NRE, Education Victoria and the local community to maintain and if possible

> enhance this facility within the Queenscliff area but without direct MAFRI involvement and responsibility.

The opposition supports that recommendation, which is not within the current ambit of the bill. We would welcome that recommendation being taken up by the government. MAFRI provides a valuable and important service that should flow through from primary schools to secondary schools and, as is identified there, into tertiary areas as well.

As I said at the outset, the government is backing away — albeit in a small way — from its corporatisation agenda. The opposition welcomes that, and I am sure I would have the wholehearted support of my colleague the honourable member for Morwell in saying so. The opposition believes that bringing MAFRI back to the Department of Natural Resources and Environment and under government control is essentially a good thing, but the department must ensure that when it intervenes in research it does so for the public good and not purely for profit. That is at the nub of the argument, and it must be guaranteed. The scientists at MAFRI, who have built up an enviable reputation, at least deserve to know that their research will be for the public good and not simply profit-driven work that does not meet the criterion of being in the best interests of the Victorian people.

Mr SPRY (Bellarine) — I was pleased to hear the honourable member for Geelong North talk about the opposition's support for the bill. I suggest it could hardly do otherwise. I will ignore most of the red herrings he introduced, but I will make a couple of comments on some of them. The first relates to the employees of MAFRI. As a resident of Queenscliff I have spoken to many of those people, and I can assure the honourable member for Geelong North and the opposition that, without exception, they are delighted about the government's firm commitment to rebuild the institute. Far from being dissatisfied, as the honourable member for Geelong North asserts, the people who work for MAFRI are extremely pleased with the outcome.

Queenscliff has had a long and beneficial connection with the Victorian Institute of Marine Sciences, as it was known prior to 1 July 1996. The establishment of VIMS in the mid-1970s coincided with what could be described as a major renaissance in Queenscliff. Along with the military establishment at Fort Queenscliff, MAFRI is one of the greatest organisations in the borough, directly employing some 100 people.

VIMS was created back in 1974 in response to the then federal government's announced plans to establish an institute of marine sciences at Townsville, which was to concentrate on the tropical waters surrounding Queensland. At the time, the Royal Society of Victoria, one of the oldest scientific bodies in Australia, saw the need to focus on the temperate waters around Victoria. The royal society formed a committee comprising the then three Victorian universities — Melbourne, Monash and La Trobe — the Victorian Institute of Colleges, the Museum of Victoria and the then Fisheries and Wildlife Division of the Ministry for Conservation, together with legal and business people.

The committee recommended the formation of VIMS. The state coalition government of the day picked up the concept and in 1974 introduced a bill called the Victorian Institute of Marine Sciences Bill. The then Minister for Conservation, Bill Borthwick, gave his second-reading speech on 12 September 1974, and some of his comments are worth reflecting on. In his second-reading speech he said:

> In the latitude of 35^0–40^0 south, the rich waters of the cold Southern Ocean meet the Australian landmass, giving rise to a unique and valuable, but as yet little studied, community of plants and animals.

The area around the southern temperate waters, which I have had the opportunity to dive in on more than one occasion, backs up exactly what he is saying given its vast array, diversity and multitude of flora and fauna. Mr Borthwick went on to say:

> The basic exploration of this marine environment has hardly begun, yet already oil and gas reserves have been discovered.

At that time oil and gas reserves had been discovered in Bass Strait and their extent obviously needed to be better understood so they could be exploited for the betterment of the people of the state and of Australia generally. He then said:

> Science, industry and government are realising the necessity for exploring and utilising the abundant resources of the oceans of this part.

That is the background to the establishment of the Victorian Institute of Marine Sciences back in September 1974.

Another offshoot benefit of the establishment of VIMS was the need to recruit scientists, especially to study underwater marine flora and fauna to assist in oil and gas exploration and to further understand the currents and the general biodiversity of the oceans in our southern climes. At that time I had recently moved to Queenscliff, and I was heavily involved in lobbying for Queenscliff to become the site of the proposed marine research facility. I acknowledge the work done by the then committee chairman, Mr Aurel Smith, the member for South Barwon, in finally persuading his committee

to recommend to the government that VIMS be established on a site at Queenscliff.

The site at that time was not nearly as big as it is now. It is one of the few areas of Victoria that is increasing in size as time goes by. With the entrance to the harbour being extended as a result of the recent introduction of the ferry, more land has accreted to the south-west of the harbour between the harbour mouth and the old Queenscliff pier. It is a unique site that has recently been designated as being more appropriate to other developments. That has led to the recommended re-siting of MAFRI, which I will comment on later.

As the honourable member for Geelong North rightly acknowledged, in the 20 years since its establishment in Queenscliff VIMS and, subsequently, MAFRI built up a worldwide reputation for research into and the advancement of our fisheries industries, including stock assessments of commercial and recreational species. The institute has built a worldwide reputation in pollution monitoring, and it has also been acknowledged worldwide for its investigation into and assessment of the natural processes that take place around the coast of Australia.

Ms Garbutt — Mr Acting Speaker, I point out that a quorum is not present.

Quorum formed.

Mr SPRY — The honourable member for Geelong North made some assertions about the government being solely interested in issues that are strictly economic. His assertion is a reflection on the character of the Australian Labor Party, which seems to concentrate on issues that are not related to the economy, which is one of the reasons the Australian Labor Party sits on the other side of the house today. The former government was incapable of governing this state and managing its economy in a responsible manner. Accordingly, the comment made by the honourable member for Geelong North is totally inappropriate.

For some years the Victorian Institute of Marine Sciences was dependent on substantial monetary assistance from the government. The honourable member for Geelong North suggested that VIMS was 'moderately autonomous'. I remind him that if any autonomy was lost it was because VIMS was consistently dependent on government for financial support, to the extent that even the Marine Discovery Centre, which he went on to mention later and which is an adjunct of VIMS that is enjoying strong community support, was also threatened because of the failure of the Labor Party when in government to account properly to the people of Victoria for its economic responsibilities.

I hasten to add that the Marine Discovery Centre does an extremely important job: it promotes an awareness of the importance of the marine and coastal environment to Victorians. Most of us will acknowledge that the best way to make people aware of the importance of that part of the environment is through education. I am advised by the manager of the Marine Discovery Centre, Patrick O'Callaghan, that some 35 000 schoolchildren will visit the centre in Queenscliff this year. That is an indication of the importance of the centre to the community.

This new era, which gives rise to the bill, has been brought about by the report of the review of the Marine and Freshwater Resources Institute conducted last year that was presented to the minister. As a result of that review the government has announced its intention to provide an injection of $10 million for the new and permanent MAFRI premises.

The location of the new facility has been announced. It will be at the site of the transfer station in The Narrows approaching Queenscliff. The choice of location will be subject to the usual mechanisms. Local government approval is required and, contrary to what was said by the honourable member for Geelong North, there will be ample opportunity for the people of Queenscliff and beyond to contribute to an assessment of the appropriateness of the site. It is interesting that as the site is in the main corridor to the township of Queenscliff buses directly pass that location when they transport some 35 000 school children to the township from around Victoria. The site is far more appropriate for student access to the Marine Discovery Centre than a location on the harbour.

It is appropriate that the focus of the new Marine and Freshwater Resources Institute will be on fisheries and fishery-related matters. The honourable member for Geelong North's criticism of the aquaculture industry underscores a complete lack of understanding of the purposes of fish farming. Clearly he misunderstands the consequences that flow from the continual pillaging of wild stock fisheries on the coastline.

Mrs Maddigan — Mr Acting Speaker, I draw your attention to the state of the house.

The ACTING SPEAKER (Mr Cunningham) — Order! No quorum is present. I ask the Clerk to ring the bells.

Quorum formed.

Mr Leigh — On a point of order, Mr Acting Speaker, I refer to the rulings of the former Speaker, Dr Coghill, when honourable members consistently called quorums. After calling the first quorum the honourable member for Bundoora left the chamber before the bells had finished ringing. I ask whether you will abide by the rulings Speaker Coghill gave in the past.

The ACTING SPEAKER (Mr Cunningham) — Order! Honourable members are entitled to raise points of order. However, based on previous rulings, it is up to the Chair to determine whether they are frivolous. I will listen with some interest from now on.

Mr SPRY — I was reflecting on the opposition's complete lack of understanding of the principles of the introduction of aquaculture and the fact that it is a farming technique to replace wildstock fisheries. It goes to the very heart of trying to protect wildstock fisheries, which are constantly under threat, not only in this region but worldwide.

I again draw attention to the importance of aquaculture. I am delighted that MAFRI intends to apply itself with considerable vigour to the promotion of aquaculture in this state. It could be effectively argued that the last great frontier of discovery on this planet is the underwater environment. I am confident that MAFRI will continue to address the development of that environment to ensure that pollution is kept under control.

I had the privilege of visiting SCRIPPS Institution of Oceanography in California, USA, in 1994 and came to understand the importance of that institute in promoting the marine environment. With the new accountability arrangements, I am confident that MAFRI will also enhance the objective of protecting wildstock fisheries. I welcome the fact MAFRI now comes clearly under the wing of the fisheries division of the Department of Natural Resources and Environment.

My community is absolutely certain about the direction in which MAFRI will be heading. The uncertainty regarding employment opportunities within MAFRI has now been put completely to rest, to the great relief of the employees. I welcome that element of certainty, and commend the bill to the house.

Mr HAMILTON (Morwell) — I certainly would not be so petty as to refer to the honourable member for Bellarine as Two Quorum Garry. That would be most unfair! I support the bill, but I do so with a few regrets. The Victorian Institute of Marine Sciences Bill was passed by this house in 1974, and it was introduced with the most altruistic motives by one of the Premiers of this state who demonstrated a great interest in all sections of the environment. It was not a Labor government in 1974, so the repeal of the act should be taken seriously.

The motives for introducing the original act were extremely sound — that is, to address the research requirements of fisheries, and more recently of aquaculture, and to provide analytical and ecological support for the Environment Protection Authority, which was established at about the same time as both the flora and fauna and river management authorities.

It was the scope of that research that led to the establishment of what was commonly known as VIMS and which subsequently became MAFRI. The institute will now come under the secretary of the Department of Natural Resources and Environment and the return to the fold is welcomed. However, comments at page iii of a report entitled 'NRE Victoria Strategic Review, Marine and Freshwater Resources Institute — December 1997' cause one to wonder whether the review was more concerned with the issue of the control of MAFRI or with the development and progress of the department. It states:

> MAFRI providers have been successful in obtaining research contracts from a range of purchasers. However DNRE purchasers currently only have access to a less than adequate resource allocation framework for their research contracts ...

It further states:

> Decisions on projects and funding priorities are, to a large extent, determined by the providers in MAFRI and there is a varying level of acceptability within DNRE ...

The significance of that is not so much the issue of control, but that it is a very clear demonstration that in this instance corporatisation has not worked. It is living proof. I commend the government on the decision it has made.

There is no doubt that following the Treasurer's announcement in question time today, albeit ever so subtle, the corporatised former Gas and Fuel Corporation is not going to be sold off. It reinforces the view that that important core service needs to be returned to government control. The opposition welcomes that announcement by the Treasurer; I hope it gets headlines in tonight's papers. Perhaps it took the Longford disaster to convince the government and wake it up. Whatever else is demonstrated by this bill, it demonstrates that not only does corporatisation not work, but also that artificial corporatisation, such as was inflicted on the former State Electricity

Commission and the Gas and Fuel Corporation, cannot and will not work!

During this parliamentary session we are seeing — it will be seen in ever increasing numbers in the future — that the government's ideological drive of the past five years to sell, flog off and get rid of everything has not worked. More bills will come to this house seeking a reversal of stupid decisions made on ideological bases. It has been demonstrated all over the world that Margaret Thatcher is finished! Slow as it may be the Victorian government will learn and we will see many of these examples of reversals in the house.

The argument about market forces and deregulation is stupid, because there is no such thing as deregulation. Deregulation means simply that the government has opted out of its responsibilities and someone else is the regulator. Although I do not like this government, it is far better and in the interests of every Victorian to have a government that is accountable and acts responsibly than it is to have the International Monetary Fund or some overseas merchant banker running the show. That is why the opposition welcomes the return of MAFRI to the fold.

I also commend and welcome what the review says about the relationship between MAFRI and the universities. At page iv the review states:

> The universities also generally see MAFRI as an important collaborator in research as well as in tertiary training ...

That is a very welcome statement. The opposition has pointed to the madness in this state — we continue to see it every day — of promoting competition between universities. It is the aim of the Melbourne and Monash universities to wipe out their competitors. The best results would be achieved if the universities got together in some cooperative and collaborative arrangement to ensure that their research and teaching were enhanced by building on and using each other's strengths. I hope that MAFRI continues to collaborate and cooperate with the universities rather than becoming one of their competitors.

I turn to the institute's educational role. I endorse the comments of the honourable member for Bellarine about the importance of and excellent work that has been done by the Marine Discovery Centre at Queenscliff. The *Age* on 24 January published a very good brief on Queenscliff. It states in part:

> Queenscliff Marine Discovery Centre's entertaining and educational Sun, Salt and Sand program includes snorkelling with seals, guided by marine biologists.

An article that appeared in the *Herald Sun* of 12 July 1996 commends the work of a marine biologist, a woman by the name of Julie de Jong. It states:

> Julie de Jong's love of the ocean and marine life has spread to thousands of adults and children through her work at the Marine Discovery Centre in Queenscliff.

That is living proof that the centre has been an outstanding success.

The development of the Marine Discovery Centre raises an important criterion. Let's get the children interested in the marine and freshwater environment. We must ensure they are taught that the health of the oceans, waterways and rivers is critical to the health of the people. You cannot start too early in instilling that philosophy. MAFRI will maintain an educational role that is distinct from a tertiary educational role.

Given the work done by its officers in developing educational programs in environmental areas such as parks and gardens, the Department of Natural Resources and Environment should take overall responsibility for that on board and not force MAFRI to have only a commercial focus. It is important that its focus is broad.

Anyone who knows anything about the role of research scientists knows that they cannot be restricted. During the lunch hour I attended a meeting at which the guest speaker was the doctor and X-ray crystallographer who discovered the cure for the influenza virus. The relationship between X-ray crystallography and influenza is not easy to see at first, but through his intelligence and pursuit of excellence the doctor developed a cure for the virus. That demonstrates how important it is to ensure that blinkers are not put on our research scientists. They need encouragement to expand and develop. The opposition welcomes the appropriate return of that research function to a government department.

I take up the comments of the honourable member for Bellarine. No Victorian has a problem with the government putting money into research and education because they are government responsibilities. It is a false attitude to profit-making for any government to tell research and educational facilities that they have to collect their own money. That is a stupid and short-sighted way to approach the future of the country. The future of Victoria is not about what happens today; it is about what happens with future research and educational facilities, because that will determine the type of state Victorians will live in during the next 20, 30 or 50 years.

If the government is not prepared to put money into MAFRI and other research and educational institutes, it will be burying its head in the sand. The opposition encourages the government to get behind MAFRI to ensure that the DNRE budget is adequate to enable the institute to continue meeting its broad responsibilities in marine and freshwater research.

Mr CAMERON (Bendigo West) — The Victorian Institute of Marine Sciences (Repeal) Bill is designed to alter not the way the institute functions but its legislative framework. A review of MAFRI's role was recently undertaken, and when a government review involves a statutory corporation you normally know what the bottom line will be without having to look at it — that is, privatise, sell and flog it off.

It is refreshing to see the government resile, temporarily at least, from its flog-it-off policy and instead recommend that MAFRI come within the core role of government and be answerable to a minister of the Crown. That is a change the opposition hopes the government will adopt across the board rather than its previous privatisation-only policy that has already inflicted so much harm on Victoria.

The role of MAFRI is varied. Victoria is fortunate to have MAFRI and its excellent scientists and staff, whose good work the opposition wants to see continue into the future. To appreciate how important those people are you need look only at the work they do.

I suspect many people sitting at home would think it would not make much difference if the Marine and Freshwater Resources Institute was disbanded. Research is essential for all marine areas, as it is for industry. Prior to and during the last federal election campaign arguments were put for continued research and development in industry causing policy changes by the federal coalition government. The Labor Party endorses research and development in industry — a correct approach that will benefit Australian industry. Likewise, marine research and development is the correct approach in this discipline. It is commonsense. However, as with the federal coalition government, the Kennett government has not embraced commonsense and the benefits of good research.

It is pleasing that the government has changed its approach to that of its federal cousins and has accepted the Labor approach specifically aimed at bringing about good research. MAFRI has to estimate fishing quotas and fish stock. Although that is complicated and difficult, it is extremely important if we are to keep a balance in our marine environment because there will be long-term ramifications if it gets out of kilter. It could lead eventually to the loss of some aspects of the industry because the fish stock has diminished. Likewise, if we do not refresh the industry with fish stock we will not have a supply at all in the future.

Water management, pollution abatement and planning in coastal areas significantly affect the marine science area. That is the work MAFRI does and what we expect it to do in the future. That is not to say some people have not raised eyebrows at what may possibly take place in the future. Some scientists, knowing the way the government works, have been scared to talk about possible new arrangements for fear of losing their jobs. That is shameful because scientists should be able to speak their minds. We do not expect scientists to play funny games. They call it as they see it, based on their research. We want scientists to do the widest possible and best research.

The 1997 strategic review of MAFRI put the following argument:

> However, DNRE purchasers currently only have access to a less than adequate resource allocation framework for their research contracts, and what appears to be poorly defined processes for determination of their scientific needs.

Many scientists do not want to have to argue constantly about their scientific needs. They want to address the areas they see as critical. It is important that scientists who have been of benefit to the state are allowed to prevail in the future. They should not and cannot be hampered to the detriment of the state.

Clause 8 provides that the work of MAFRI as a statutory corporation would be on the same terms and conditions as other sectors of the public service. It is important that MAFRI employees not only receive their current terms and conditions but also that any future benefits should accrue to them. I urge the minister to confirm that when he concludes the debate.

One thing the government has done in embracing anti-worker laws is to ensure that when a worker moves from one place to another his or her conditions are locked into a contract. If the worker wants to improve those conditions during an annual review he or she must throw away the old conditions and embrace fully an interim employment contract arrangement. Employment contracts are much discussed in our community and cause considerable alarm among many people. The opposition does not want to see anti-worker laws applying to this or any other organisation.

The Marine Discovery Centre based at Queenscliff is enjoyed by a great many people. The Friends of the Marine Discovery Centre are worried about the future

of that centre. It is important that the government clearly spell out its intention to have a strong Marine Discovery Centre and embraces the comments of the friends of the centre and takes heed of their advice so that when the centre is moved, as appears to be the government's intention, the new centre will be at least as good as, if not better than, the present centre. The friends of the centre have taken an active interest in it and they have feedback that the government should take notice of. If we are to have a new centre, let it be a good one. By listening to the friends of the centre no doubt the government will learn a great deal. Although that is part of the consultation process, it is a hard task with this government.

Mr Hamilton interjected.

Mr CAMERON — The honourable member for Morwell is always on the ball. He clearly points out that this government likes to jump to conclusions. I wish the bill well.

Mrs MADDIGAN (Essendon) — I have pleasure in joining my colleagues in supporting the Victorian Institute of Marine Sciences (Repeal) Bill. I welcome the government's significant change in policy. It is an about-face from its previous privatisation policies. I echo the wishes and hopes of my colleague from Morwell that this policy change occurs not only in the gas industry but also in other areas.

I shall address most of my comments to the Marine Discovery Centre in Queenscliff, but I pay tribute to the Marine and Freshwater Resources Institute because some of the research it has undertaken has been of great benefit to Victorian waterways economically and in broader ecological terms. I became aware of the work of MAFRI as a member of the Environment and Natural Resources Committee when undertaking an inquiry into ballast water and hull fouling in Victoria, which was produced in October last year.

During the committee's inquiry members had considerable contact with MAFRI staff and came to understand some of the work they undertook, which was of great importance to the state. During the committee's discussions and many briefings with MAFRI it became aware of the importance of our waterways, particularly our marine environment and its commercial and recreational uses. I will refer to the report because it demonstrates the essential broad-ranging research undertaken by MAFRI and the importance of our waterways. In referring to Victoria's coastal waters as a valuable economic resource, chapter 4.1 states:

> It is estimated that when amenity and environmental values are also included, Port Phillip Bay and Western Port Bay alone contribute $7.7 billion to Victoria's economy, or 7.4 per cent of gross state product.
>
> There are 4.7 million recreational fishing trips made in Victoria's coastal and inland waters per year, with the number of trips in Port Phillip Bay estimated at 200 000 per annum.

It is a significant tourist attraction for Victoria. Some of the other figures refer to Port Phillip Bay and Western Port, which were the most overwhelmingly popular destinations for fishing:

> The worth of the commercial fishing catch in Victoria in 1995–96 was approximately $81 million, while production from aquaculture operations was worth over $15 million.

The report provides a clear snapshot of the importance of the state's waterways to Victoria's economy — and that includes not only aquaculture but also tourism, which is increasing on and around our bays. People's understanding of the importance of ecological issues and biological diversity is increasing, as is ecotourism. People are becoming aware of the Australian species in the bays and the extent to which they are under threat.

MAFRI has been to the forefront in undertaking research into those matters. In 1997 it conducted a survey of the port of Hastings, which supports 12.3 per cent of the state's coastal wading bird population and is listed under the Ramsar convention, so it is a significant ecological site. The report listed three exotic species that were intruding into the bay — that is, the European shore crab, the Asian mussel and the corbula — which is a matter of considerable concern to locals. An earlier survey of the port of Portland in 1996 identified nine exotic species. The ecological work undertaken by MAFRI is very important. The opposition would be concerned if that were restricted as a result of its being directly responsible to the Department of Natural Resources and Environment.

As I said, I am interested in the Marine Discovery Centre, which is a delight to children and adults alike, and I will refer to some of the concerns I have about its relocation. Over the years I have taken many children there. The feely tank is probably the highlight of the centre for many of them. It is often the first opportunity they have to feel crabs, seastars and other marine organisms in the water and to hear the experienced staff talk about some of the micro-organisms and explain the culture of the water in the area.

The Marine Discovery Centre is located on the foreshore at Queenscliff, just down from the pier and next to the boating area and the channel that extends into the bay. It is the hub of many tourist activities. A visit to the centre is an important part of

schoolchildren's experiences of Queenscliff. It is close to the beach, the terminals of the ferries coming from Tasmania and elsewhere and the shopping district, which includes food shops. The many visits made by schoolchildren are beneficial to local small businesses.

The concerns raised effectively by the Friends of the Marine Discovery Centre were first brought to my attention by one of my local schools, the Ascot Vale special school. The Friends of the Marine Discovery Centre undertook an extensive publicity campaign to alert people to their concerns about future funding. Children from the Ascot Vale special school go to Queenscliff for two weeks a year as part of a camp. They spend a lot of time visiting the Marine Discovery Centre and listening to the expert staff. The honourable member for Bellarine suggested that last year the centre had 35 000 visitors, but according to the Minister for Conservation and Land Management the centre had 26 000 visitors.

Following receipt of the letter from the school I raised my concerns during an adjournment debate in the autumn session. In July I finally received a reply from the Minister for Conservation and Land Management. On a number of occasions the Friends of the Marine Discovery Centre have made it clear that their main concern is that although everybody thinks the centre is a great idea, no-one is willing to pay for its retention. They believe it will not be funded to the extent necessary to enable it to continue its excellent service to schoolchildren, which is associated with the excellent research work undertaken there.

The honourable member for Bellarine suggested that the relocation of the centre to the transfer station would be beneficial because every bus to Queenscliff goes past the station. Although that is so, the transfer station is on Swan Bay, which is on the other side and a long way from the other facilities of Queenscliff. For primary school children it would be too far to walk from the main shops, and it certainly is a long way from the main beach. I am concerned that the relocation of the centre would result in a decline in the number of visitors so that children would miss out on the excellent opportunity it provides. Likewise, relocating the centre so far from the main shopping centre would have significant economic effects for small business in Queenscliff.

Valid concerns have been raised, including the fear that if the centre is moved a long way from the foreshore commercial operators will have the opportunity to develop other marine centres that will probably charge entrance fees and become the main focus for schools. When schoolchildren go to the beach they want to be able to walk along the sand and to buy something to eat. People are worried that children will be channelled into the main Queenscliff area, which will isolate the Marine Discovery Centre. More discussion is needed to assess how the site will operate. I am not convinced an effective consultation process has been undertaken.

As the honourable member for Morwell said, the government all the time says, 'We've made a decision. Now that we've made it, we're going to tell you all about it and consult as much as you like. We're more than happy to have your input on the minor details such as whether we should plant Australian native plants or some other species'. Consultation is not a process in which people have no options. In this instance the government has said, 'We're going to move the discovery centre over here, and you can chat to us as much as you like about the minor details of where the doors will be and the rest of it'. That is not an effective consultation process to enable the Borough of Queenscliffe, the Friends of the Marine Discovery Centre and other interested residents and traders to be involved in planning and locating such a centre.

Again, I am concerned that the process cuts out real community consultation. I heartily commend the staff on their excellent research and the public duties they undertake in their work with children. It is a delight for people who visit the Marine Discovery Centre with children to see the pleasure on their faces and the way they are treated by the staff. For many inner urban children it is a unique experience. Anyone living in Ascot Vale has little chance of seeing crabs and seastars. Visiting the centre is a great experience for children who do not live near the bay.

I strongly support the bill, but I join my colleagues in expressing some reservations. The Marine Discovery Centre is a great research facility and tourist attraction that helps the Queenscliff economy. I will be disappointed if the centre's move causes a fall in its popularity.

Ms GARBUTT (Bundoora) — I am delighted to join the debate on the Victorian Institute of Marine Sciences (Repeal) Bill, because it seems that the government has done a backflip over the issue of corporatisation and perhaps, one could hope, privatisation. We could perhaps call it 'uncorporatisation' or even 'deprivatisation', which is welcome because the institute is being brought back under the umbrella of the Department of Natural Resources and Environment, under fisheries, and it will be a departmental operation from now on.

I shall concentrate my remarks on the type of research undertaken by the Marine and Freshwater Resources Institute. It is vital research into marine and freshwater ecology. It is not only about fisheries but also conservation and the protection of the environment. In the past many research programs have been conducted in the public interest. They were concerned not only with commercial opportunities and developments but also with reports which indicate that scientists are being asked to redirect their research into aquaculture in particular but into commercial opportunities generally.

The public interest in water quality, marine ecology, and the quality of fresh waterways and rivers is being dropped and the focus is now on commercial opportunities, particularly aquaculture. I illustrate how important that is by referring to the report by the Natural Resources and Environment Committee into ballast water and hull fouling in Victoria — a report that we tabled last October, which brought us into contact with MAFRI and revealed in some detail the important type of research it was doing.

The issue of ballast water and hull fouling is not something that everybody understands, but ballast water and hull fouling lead to the introduction of exotic marine organisms into ports and eventually into the entire marine ecosystem, where they can do enormous damage not just to commercial activities like fishing but also to both the coastal and marine ecosystems. The committee, in its executive summary, states:

> In addition to threats to biodiversity, the presence of species such as the sabella worm and corbula could disrupt nitrogen cycling processes in the bay and lead to nutrient enrichment or eutrophication of bay waters. It is important to limit the spread of these organisms both within the bay and to other ports.

It is absolutely vital. Sabella worms are like rabbits — they can wipe out the entire natural environment. MAFRI has been heavily involved in research into the quality of water in Port Phillip Bay, which is home to our busiest port, and into the spread, distribution and amount of marine organisms in the ports. It is quoted in the committee's report as having undertaken port surveys for the Victorian Channels Authority and the ports as well as the Environment Protection Authority. MAFRI is also involved in investigation into the breeding cycle of the sabella worm, which is very important work in the public interest.

The committee also noted with some alarm the sort of shift that can be forced upon a research institute such as MAFRI when the management wants to focus on commercial interests rather than the public interest. We reported at page 246 on the experience of a shellfish biotoxin monitoring program in Victoria.

This program has been going on since 1987 and MAFRI has been funded by the fisheries branch to undertake that work. It has three aims: to monitor the quality of commercial shellfish to ensure it meets public health standards; to ensure that the viability of that industry is maintained; and to protect from shellfish poisoning those people who collect shellfish just for themselves.

The program had a commercial as well as a public interest focus. Since July 1997, under the government monitoring has been confined to commercial shellfish growing areas. In other words, only if there were a commercial interest would the department take an interest in the quality of the shellfish. If you were a member of the public collecting shellfish from other areas that were not monitored you would be left to take the risk.

The committee noted in its report that the work was funded to December 1997 and then there was to be a review. There was no indication of whether that work would be re-funded, and I still do not know whether that has taken place. Recommendation 14 was that the program should proceed because the risks to public health posed by toxic algal blooms were significant. It is easy for government to transfer the focus from the public interest to commercial interests. The information coming from scientists at MAFRI is that that is precisely what they are being ordered to do under this government.

An even greater example of this problem is mentioned extensively by the committee in the report, when it refers to the government's response to finding Japanese kelp in Port Phillip Bay. It is an interesting story, illustrating the tension that occurs between seeking commercial opportunities and commercial development, and protecting the public interest.

Although I will not go through it in detail, I point out that on 8 July 1996 scientists from the Victoria University of Technology identified Japanese kelp in Port Phillip Bay. It was the first occurrence in Victoria. One month later — that lapse is quite a disgrace — it was officially identified and confirmed as Japanese kelp. During that month, of course, it was spreading.

In November of that year MAFRI put a proposal to the department entitled *Proposal to Control the Undaria Population in Port Phillip Bay*, which recommended that we try to eradicate it before December of that year. It had to be eradicated within the month because after

that it would die off, and you could not get to it before it regrew and spread again in the following year. A whole year would be lost unless urgent action was taken.

Nothing happened, and the committee was advised in November that that was not possible. On what advice that was done one can only speculate, because at that stage it was obviously possible. It was a very small spread. We could have had divers out there hand-pulling it, and that is what happened a year later, but the harvest for that whole season was lost because of the government's failure to act.

In December 1996 the department allocated $120 000 for research on the kelp to evaluate its short-term containment, but nothing happened for the rest of the year. The opportunity is gone because the kelp has died off. However, on 5 August 1997 an order in council was proclaimed that quarantined the area off Point Wilson near Geelong. The Minister for Agriculture and Resources made the proclamation acting under the Fisheries Act. At the time, 10 months too late, 50 volunteer scuba divers were sent down to pull the kelp from the area. That was successful, but it was only a trial.

It became obvious at the time that the government could not make up its mind whether it wanted to eradicate a real threat to the ecology of the bay or whether it wanted to take the opportunity to commercially develop the kelp. Honourable members would have seen the Minister for Agriculture and Resources on television that night eating the kelp and saying, 'Well, it's actually not too bad. It tastes good!'.

The kelp is popular in Japan, where it is known as wakame, and it has the potential for commercial exploitation. Because the minister was acting under the Fisheries Act, which has as its focus a commercial industry, he did not know whether he wanted to eradicate the kelp or let it breed and derive some commercial opportunity from it. We now find it has spread well outside the quarantine zone and has kept on going.

Although it could have been nasty about the confusion and the bungled attempt at control given that the government did not know whether it wanted to commercially exploit or protect the environment, the committee kindly stated that it considered commercial initiatives should not override conservation objectives and that the first priority should be early eradication.

The situation with the kelp demonstrates what can happen when commercial considerations are put ahead of the public interest. It was obvious from the beginning that the public interest demanded that the kelp be eradicated and that any commercial opportunities should be properly investigated under controlled circumstances in which there was no risk of the kelp getting further out into the bay and destroying its entire ecology.

Victoria is at risk of having the same thing happen at MAFRI, where the focus has been shifted to commercial activities, in particular aquaculture. It is acknowledged that that is important, but it should not be the sole focus of the research done by MAFRI. Now that the institute is to return to the department, I hope it will have the broader public interest at heart and take seriously the research that is needed on water quality, effective water management, the maintenance of the biodiversity of marine ecosystems and the prevention of pollution. Those things should be viewed with a focus on the public interest rather than on commercial interests.

I support the comments of my colleagues about the Marine Discovery Centre, which I have had the pleasure of experiencing, going from there to look at the underwater treasures in the bay. It seems obvious to me that if the centre is shifted away from the bay its activities will be hampered. It currently occupies an extremely effective and efficient educational location with ready access to the beach and marine environment. Shifting it would reduce its effectiveness.

Underlying the proposed shift is the government's drive to open up the foreshore to commercial development and commercial opportunities. We once again see public interest considerations coming after opportunities for commercial development. It would be a tragedy if the Marine Discovery Centre were shifted, with the consequent loss of the educational opportunities available to primary and secondary students and the general public. The proposal is for a commercial development for private gain at the expense of the public interest. The opposition is pleased that the government has done a backflip on its corporatisation agenda and hopes that that will spread even further, leading to other bodies being decorporatised and the government resisting the temptation to go down the path it has taken with gas and public transport. I hope the government has learnt from experience that corporatisation does not always serve the public interest.

Mr LANGDON (Ivanhoe) — It is always a pleasure to follow the honourable member for Bundoora, whose electorate is right next to mine. She clearly has a great deal of knowledge about her shadow portfolio, and her elaborate contribution was a credit to

her. Together with my opposition colleagues, I am delighted with the government's backflip — it may only be the light at the end of the tunnel — in changing its mind about corporatisation or privatisation or whatever name you care to give to the things the government has been doing. It may be that the government is starting to see the error of its ways.

Although the opposition supports the bill, the shadow minister for energy and resources has outlined in detail his concerns relating to research, which is obviously a major aspect of the work of the Marine and Freshwater Resources Institute. MAFRI has done some work on a fee-for-service basis, and contracts from the commonwealth and Victorian governments represent a large percentage of its output. A less than adequate resource allocation framework for those research contracts would clearly have a deleterious effect on the institute.

An agent of MAFRI, the Arthur Rylah Institute, is located in Brown Street, Heidelberg, which is in the heart of my electorate. For many months I have heard members of that organisation and the many people associated with it express concern that it may be forced to relocate. I hope the government would not force such an institute to move. Its scientists have been doing an outstanding job studying the freshwater ecology of rivers and waterways, and any forced shift would clearly not be in the institute's best interests. I would strongly oppose any such action.

If the government is taking a more modern approach in bringing MAFRI back under departmental control, it may want to start reviewing its consultation processes. As many opposition members have said time and again, the government's idea of consultation is to make its decision, tell the public and then consult — and it does not change its mind, whatever happens. I hope this development represents the starting point for a review of its consultation processes and results in the government doing things the way they are meant to be done — that is, consulting first and then making and handing down decisions, not the other way around, something for which the government is well known.

I will keep my comments brief to allow other bills to be debated. I welcome the government's change of mind in allowing MAFRI to return to where it came from, and I also welcome the reversal of its corporatisation or privatisation policy, which still intimidates many Victorians. Many opposition speakers have highlighted concerns about education and other services being forced to move to other locations. As I said, the staff and associates of the Arthur Rylah Institute have similar reservations, which I share. I would not want to see an organisation forcibly moved without its compliance and following consultation. The government is clearly committed to the services provided by MAFRI, so it should consult with the staff. I join with other opposition members in supporting the bill, while expressing my concern about those matters.

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the many speakers on this bill from both sides of the house. All honourable members who spoke supported the bill and the good work that has been done over many years by the Victorian Institute of Marine Sciences.

Although this bill repeals the Victorian Institute of Marine Sciences Act it does not stop the good work that has been done and will continue to be done by that organisation. That work will now be done as one function of a larger organisation that has a greater range of resources to bring to bear not just on marine sciences but on a whole range of other sciences that will be of benefit to the Victorian community. With those few words I commend the bill to the house and wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PLANNING AND ENVIRONMENT (AMENDMENT) BILL

Second reading

Debate resumed from 3 September; motion of Mr REYNOLDS (Minister for Sport).

Mr DOLLIS (Richmond) — The opposition does not oppose the Planning and Environment (Amendment) Bill. However, changes proposed in the bill raise a number of important issues to do with the government's planning policies and, in particular, the way they should be administered.

The bill provides for a Melbourne Airport Environs Strategy Plan. It enables the recovery of advisory committee and planning panel costs from applicants at the minister's discretion. It amends the Environment Effects Act to enable the recovery of inquiry panel costs at the minister's discretion. It also amends the Planning and Environment (Planning Schemes) Act to make further provision for transitional arrangements arising from the introduction of a new planning scheme

under the act, and it makes other transitional changes and amendments to ensure that the Planning and Environment Act is consistent with the Subdivision Act with regard to conditions and permits.

Clause 3 enables the minister to develop a Melbourne Airport Environs Strategy Plan. Both houses of Parliament must endorse the plan, and any future changes to it must also be passed by both houses. This provision is similar to the one that creates planning controls for the Upper Yarra Valley and the Dandenong Ranges.

Honourable members will recall the important debate we had in and around 1974, including the statements made by the Premier and the minister, "about protecting the Upper Yarra Valley and the Dandenong Ranges from development in perpetuity. This amending bill attempts to do a similar thing. A Melbourne Airport Environs Strategy Plan already exists; it was developed by the Melbourne Airport, commonwealth and state governments, municipal councils and the wider community. The Melbourne Airport Environs Strategy Plan is designed to build on the existing controls around the airport and to ensure that they remain.

Melbourne Airport is an important component of Melbourne's economic life that competes with a number of other major airports around the country and plays a major part in attempts to revitalise Melbourne's economy. Because of past planning it was possible to locate Melbourne Airport in a non-residential area, but over the years continuing subdivision has caused built-up areas to intrude into flight paths. The initiative currently being debated should reduce the potential for ad hoc planning around Melbourne Airport, which is the key freight hub of south-eastern Australia through which approximately $14 billion worth of goods are exported annually. The Melbourne Airport Environs Strategy Plan will ensure a greater degree of accountability for planning decisions relating to the airport. The existing airport strategy should assist in the development of a new strategy plan. To ensure the best possible results it is important that appropriate guidelines and objectives be developed and adhered to.

The operation of Melbourne Airport has a great impact on the state's economy, but increased airport use has the potential to greatly affect residents and other land users in its vicinity. Those competing interests must be effectively and fairly balanced by the new strategy plan. The plan will both enable Melbourne Airport to grow in importance economically and give it the edge over other Australian airports to shift people and goods into and out of the country. The plan must be sufficiently flexible to cater for the airport's future needs and ensure that all interests are taken into consideration. It should include proper guidelines on when and on what basis consultation will take place. It is crucial that there be continuous consultation with the municipalities affected by the plan.

The government is introducing planning controls for Melbourne Airport that are similar to those introduced for the Upper Yarra Valley and the Dandenong Ranges. The aim of the strategy plan for that area was to provide more stringent planning controls to reduce the potential for the type of ad hoc planning we have seen around Melbourne Airport. However, the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan has not prevented ad hoc planning in the Dandenong Ranges, despite the fact that it was intended to make government more accountable by ensuring stricter planning controls.

In 1974 the government promised that the Dandenong Ranges would be locked up from development in perpetuity to ensure that future generations could enjoy that environment. Although the house strongly supported that strategy plan, what happened subsequent to that promise? The coalition broke that promise immediately after the 1995 election. The point is that no-one can have any confidence in the strategy plans, alterations to planning schemes or promises made about particular areas if the government then legislates to break its promises.

The irony is that both the Minister for Planning and Local Government and the Premier committed themselves to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, but they have broken the undertakings given. The Kennett government promised Victorians that it would keep the Dandenong Ranges free from development in perpetuity. Unfortunately, that has simply not been the case. The minister has intervened in the Dandenongs on a number of occasions and has set precedents that flout the principles of the planning controls in the region.

The question is: can the Victorian community have any confidence in the ability of the Minister for Planning and Local Government to follow the principles set out in any strategy plan? This is the same minister who gave an undertaking in 1994 that the government would adhere to the basic principles being debated today. If the community cannot have confidence in the ability of the minister to follow the principles set out in any strategy plan one must ask why we go through a process that brings the parliamentary process into disrepute. Why do we enact laws if the minister, because of his eccentric or whimsical nature, decides to change the plans he has put into effect?

Despite the rhetoric about increased accountability, I will be interested to see whether the minister ensures that the Melbourne Airport Environs Strategy Plan operates in the way it is intended to operate. The government is on notice: because it did not deliver on its promises for the Upper Yarra Valley and Dandenong Ranges it must deliver in the case of the Melbourne Airport.

The state's economy depends on a given strategy plan and on ensuring that we balance the interests of both the airport and the people who live in its environs. Although it is being done at a rather late stage, appropriate changes may be seen if the minister adheres to the plan and if the residents of the affected municipalities become part of the debate. They are the people who have a commitment to their community.

The minister has a record in the Dandenong Ranges and Upper Yarra Valley region of removing longstanding zoning restrictions and substituting a permit process. Early examples of this practice are the cases of the Koepelis and Boral resources in Lysterfield. There have been debates in this house — —

An Honourable Member — And legislation.

Mr DOLLIS — Perhaps the former minister, who just interjected, can tell us something about this matter. Before I was rather rudely interrupted, I was saying that, in both cases, since the early 1980s the subject land had been zoned to require either a lot minimum of 40 hectares under any subdivision or to prohibit subdivision. Subdivision was also strictly limited under the provisions of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan from that time.

Soon after his appointment the current planning supremo, the minister, instituted ministerial amendments to allow small lot rural subdivisions on both sites contrary to the longstanding planning provisions of both the Shire of Sherbrooke planning scheme and the regional strategy plan.

The context of the regional strategy plan's development is of development by successive Liberal and Labor governments who committed themselves to the same thing. It did not develop solely as a result of the former Labor government's 10 years in office. That bipartisan approach ensured that the regional strategy plan and the Shire of Sherbrooke planning scheme were adhered to. There was a bipartisan commitment to protect this vital piece of Victorian land. However, the current minister rezoned both areas of land and allowed permits for subdivision to be considered, giving both landowners involved an advantage over other landowners in the same and similar zones. The permits were subsequently granted.

Allegations have been made that personal contact took place between the minister and the applicants in both cases. In the case of Loepelis, the landowner purchased the land knowing the then planning restrictions, and after the minister's intervention advertised two 1-hectare lots for approximately $175 000 each. In each case the minister justified his decision by pointing out that the landowner was donating a small amount of his land for public purposes.

In the case of a five-lot subdivision at 50 Big Pats Creek Road, East Warburton, the minister went to extraordinary lengths to enable the subdivision to proceed. The subdivision proposed by the applicant — and if I remember correctly it was a Mr J. Richards — was prohibited by both the Yarra Ranges planning scheme and the regional strategy plan. On 15 May the applicant wrote to the minister requesting a five-lot subdivision. Again land was to be donated for public purposes. The minister intervened to amend clause 503 of the planning scheme to allow a four-lot subdivision.

The ACTING SPEAKER (Mr Jasper) — Order! I assume the honourable member for Richmond will be able to relate his comments to the matter before the house.

Mr DOLLIS — Absolutely, Mr Acting Speaker. I knew at some stage you would ask what it had to do with the bill. I went into considerable detail to indicate why the Melbourne Airport Environs Strategy Plan is similar to what applied in the Upper Yarra Valley and Dandenong Ranges. I am attempting to indicate what happened — that in the previous case a similar commitment to the commitment the government is giving today was also given. In 1974 both the Premier and responsible minister promised to lock up the area in question from development in perpetuity.

In order to bring the record up to date it is important to indicate what took place in the past and make certain that the government's commitment is adhered. We do not want to see a repeat of what has happened in the past. It is important to make the comparison in a detailed way. I said in opening that I would compare the two, and that is the relevance to the bill of what I am saying. I thank you, Mr Acting Speaker.

In the case to which I was referring the minister replaced a zoning prohibition under which a permit to subdivide could not be considered with a provision that allowed a permit to issue. The council's professional

planners recommended refusal of the permit application, but the commissioners who by then had replaced the elected council issued a permit to subdivide. An objector, a Mr E. Walsh, appealed against the decision to the Administrative Appeals Tribunal. Now that the minister is in the chamber the case gets even more interesting.

The AAT chairperson, Mr I. Marsden, reserved his decision and made certain directions leading to a relisting of the appeal hearing. The applicant did not comply, and on 24 July 1997 informed the tribunal that he had made a further application for, in effect, the same subdivision. The application had the result of superseding the then current appeal.

On 8 July 1997 the applicant requested that the Minister for Planning and Local Government call in — it is important to note that — the application under section 97B(1)(a) of the Planning and Environment Act. Two days later the minister called in the application and referred it to a panel, which recommended approval. By his action the minister allowed the applicant to avoid a decision by the elected local council. The local council showed its attitude to the new application by opposing it before the panel appointed by the minister to make a recommendation to him on the matter.

It is important to get the Melbourne Airport Environs Strategy Plan right, and the minister has to give a commitment that he will adhere to his undertakings to consult and listen to safeguard the future of both the airport and the residents who live nearby and have developed properties around the airport. The minister's method of operating in the case I have referred was probably unprecedented. He interfered to make irrelevant an appeal hearing on an application while that hearing was taking place by directly considering a new application that was identical with the one being appealed. The minister acted to remove the new permit application out of the hands of the responsible authority, the municipal council, and potentially to take it out of the hands of the former Administrative Appeals Tribunal if another appeal had been lodged against a council decision on the new application.

The case raises grave questions about a seemingly improper use of the planning process. In his concluding remarks the minister will have to answer how he will guarantee there will not be a future repetition. It leaves the minister open to allegations of favouritism.

An honourable member interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member will ignore the interjection.

Mr DOLLIS — The honourable member for Forest Hill is here to contribute to the debate. As he said, the minister may choose to; he does not have to. At the end of the day the minister does not have to do anything but public duty compels him to do something. The opposition hopes he will provide an explanation at the conclusion of the debate. The destruction of the planning scheme should not take place because the minister decides to intervene continuously.

So there is no misunderstanding about what has happened in the past I place on record that I said it left the minister open to allegations of favouritism. I did not say, as some people did, that it left the minister open to favouritism and collusion. The minister has ignored those accusations and has not bothered to give an explanation. The impression is that the minister was determined to ensure the granting of a permit to subdivide. When it seemed that the first application may not be successful and the second would be considered by an unsympathetic council he issued the permit himself. Isn't that a wonderful example! As a postscript to the case Mr Ian Marsden issued his findings on that appeal on 14 April 1998. His judgment states:

> It has long been held that further small lot subdivisions of land in the rural conservation area of which the appeal site forms part should be permitted only in exceptional circumstances. No such circumstances were demonstrated in the proceedings before the tribunal. On the contrary. It seems extraordinary that an application which runs counter to state, regional and local planning objectives would receive planning approval.

Mr Marsden allowed the objector's appeal and directed that no permit be issued. At some stage the minister may decide to answer the numerous allegations and accusations that have come about through his intervention.

The minister ignores legislation or its intent by making his own decisions about the planning process. The minister's use of the Planning Authorities Repeal Act provides an example of the minister's constant misuse of the act. Decisions too often are made that are contrary to the intent of the act as expressed in the Parliament.

The bill was introduced into Parliament in late 1994. It was made clear that the government's intention was to protect the Dandenong Ranges and Upper Yarra Valley region from development. It provided that any development contrary to the provisions of the regional strategy plan must receive approval by both houses of

Parliament. That is what the opposition is saying today. The legislation being debated today is identical to the legislation debated in 1994.

The government's assurances in the parliamentary debate on 30 November 1994 and its actions to require legislative changes approved by both houses of Parliament were widely accepted as an effective way to implement the promise made by the Premier on 6 March 1992 to protect the region. The 1994 promise went back to the March promise of 1992.

What happened to that legislation two years later? The minister amended the act approximately 10 times to allow development contrary to the regional strategy plan. Generally, each amendment introduces multiple development proposals or a general amendment to a policy of the regional strategy plan applying to a large number of lots. For example, amending Sites of Natural Significance Policy 7.02 was an effective way to allow permits to be considered and issued over large areas of land where development was formerly not allowed.

The case rests here. The opposition hopes the minister will give some undertakings to which he will adhere, undertakings that enable Parliament to say there is unanimity of purpose and agreement on both sides. In that way one can say with confidence that planning is approved on a bipartisan basis. Honourable members should have confidence that the minister will not in the near future amend his own planning schemes and allow those developments currently not allowed under the legislation debated today.

The minister must give a commitment and adhere to it. Unless he is prepared to do so the parliamentary process will be a mockery. It will not enable the opposition to say with confidence that the proposed legislation approved in this place is legislation that it supports, because it gives licence to the minister to break, alter and recommit to suit the purposes and interests of the people he represents. This is the minister's legislation and the minister must adhere to it. The opposition supports the legislation but expresses a lack of confidence, as does the Victorian community, in the ability of the minister to either keep his word or adhere to the promises that he, the Premier and the government have made in the past, make now and will make in the future. The minister must stop interfering, breaking and destroying the planning process that successive governments have put in place.

Clauses 6, 7 and 9 introduce a new power for the minister that enables him to require contributions from some parties to the costs of planning panels, advisory committees and inquiries into works or proposed works. The minister currently has the power to call in planning applications for permits under the Planning and Environment Act. Where an application for permit is called in and a panel is required to hear objections and submissions on the application, the bill will enable the minister to ask the applicant for the permit, or the owner of the land to which the application relates, to contribute to the costs of any panel that is appointed.

Section 151 of the Planning and Environment Act enables the minister to establish committees to advise on any matters which the minister refers to them. Where an advisory committee is established to consider a request for the preparation of an amendment to a planning scheme the bill enables the minister to ask the person who requested the amendment to contribute an amount specified by the minister to the costs of the advisory committee.

The minister may also establish a committee under section 151 of the Planning and Environment Act to consider a matter in a proceeding which has been referred to the Governor in Council for determination under clause 58 of schedule 1 to the Victorian Civil and Administrative Tribunal Act — the act that replaced the former Administrative Appeals Tribunal. That may occur when a planning decision is, in effect, called in prior to its review by the Victorian Civil and Administrative Tribunal.

The bill enables the minister to ask for contributions to the costs of an advisory committee established in those circumstances from the following persons: the applicant for the permit, if the proceeding relates to an application for a permit; and the applicant for a review, if the proceeding is for the review of particular types of decisions under section 149(1) of the Planning and Environment Act.

These amendments should ensure that the cost of a number of aspects of the planning process are shared more fairly between governments and planning applicants. However, the minister has received considerable criticism for spending taxpayers' money on advisory committees and panels, particularly given his habit of ignoring their findings.

Mr Maclellan interjected.

Mr DOLLIS — The minister is amazed at that accusation — spending taxpayers' money on advisory committees and panels and then ignoring their findings. Victoria is littered with examples of the minister ignoring the findings of committees and panels.

Mr Maclellan — Quote one.

Mr DOLLIS — I will do better than that. What is problematic about these amendments is that the amount that applicants may have to contribute is left entirely up to the minister's discretion. Furthermore, the circumstances in which the contribution is deemed to be necessary is also left to the minister's discretion.

Proper guidelines should exist for the exercise of the minister's discretion. The minister should define what his discretionary powers are so that there is no room for misunderstanding. The community is sick and tired of the way the minister intervenes in local planning matters and uses his discretionary powers. Although the amendment makes sense and provides some equity so people can recoup some money, guidelines should be produced that define the minister's discretion. The opposition has been calling for that for some time. If the minister's powers were clearly defined we would not have the numerous controversies that exist today.

Save our Suburbs, which has contributed enormously to the planning debate, believes the Planning and Environment Act should be amended to define the role of advisory committees. It also believes such committees should only be used for general policy matters and not specific planning applications. The amendment of section 151 appears to further entrench the use of section 151 of the Planning and Environment Act for the appointment of planning advisory committees on specific amendments to planning schemes. It would be beneficial if the role of advisory committees was more clearly defined. Such definition would also contribute to a more efficient planning system.

The bill also amends the Environment Effects Act to enable contributions to planning costs. Where the minister appoints persons to hold an inquiry into works or proposed works under the Environment Effects Act, this bill enables the minister to ask the proponent of those works to contribute an amount specified by the minister to the costs of the inquiry. When the contribution is deemed appropriate, the amount of the contribution is left entirely to the minister's discretion. This is unsatisfactory and proper guidelines should be developed.

Although the opposition supports the amendment it is important that the minister's discretion is defined so that the community is not confused about that discretion.

The bill finetunes the provisions of the Planning and Environment (Planning Schemes) Act to ensure that the rights to use and develop land under existing schemes will be preserved when the new format planning schemes under the Victorian planning provisions are approved. It is expected that 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 industries as quarries can cease operations for two years given the fluctuating resource prices. The bill allows the minister to grant permits with a discontinuance of greater than two years in appropriate circumstances. This appears to be a workable compromise given the introduction of the new format planning schemes.

This amendment results from previous amendments introduced by the minister. Proper guidelines should be set when a discontinuance of more than two years is deemed to be appropriate. If the community is to have confidence in ministerial discretionary powers and the minister's ability to administer the act fairly, guidelines must be developed and published.

The minister cannot continue to misuse his powers and avoid granting the request so that the community is suspicious every time he intervenes in a case. A workable compromise appears to have been arrived at. The minister must introduce proper guidelines. The bill contains a number of transitional amendments to ensure that the Planning and Environment Act is consistent with other acts and operates effectively.

As I said in my opening remarks, the opposition does not oppose the bill. However, we hope the government will take into account the comments made during the debate. It is time the minister decided to be accountable to the Victorian community. The reality is that the planning system is in crisis. Tonight during the debate on the adjournment I will ask the minister to give his explanation for the demolition of a 133-year-old church. The minister concentrated on some technicalities in referring to the accusations that flowed between him and the council on the matter, but he did not show any recognition that his policies on demolition are basically bankrupt. They leave too much room for the sort of destruction we saw the other day when an historic property that is part of Victoria's history — —

The ACTING SPEAKER (Mr Jasper) — Order! I suggest the honourable member for Richmond relate his comments to the bill.

Mr Maclellan interjected.

Mr DOLLIS — In concluding my remarks I reiterate that it is time the minister understood that he is responsible to the Victorian community. It is also time that he decided to tell the truth and provide all the

information he has. He is incredibly good at all this. The other day he spent a whole day on the telephone. He rang radio stations, reporters, the person who gave out the information, the Uniting Church and the council, threatening all sorts of things. Today he suggested that his colleague the Minister for Education should sue the people involved in the process.

The ACTING SPEAKER (Mr Jasper) — Order! If the honourable member for Richmond wishes to pursue the issue, he should do so on another occasion, perhaps during the adjournment debate this evening.

Mr DOLLIS — I am concluding by responding to the minister's interjections.

The ACTING SPEAKER (Mr Jasper) — Order! I suggest that the honourable member not respond to injections from the minister and conclude his comments on the bill.

Mr Maclellan interjected.

Mr DOLLIS — The pompous and arrogant attitude the minister displays is evident in the way the state's planning schemes have been administered, and that pomposity is what gets Victorians into trouble. The planning system is in a crisis as a result of the behaviour of an arrogant, unresponsive and undemocratic minister who does not even adhere to his own legislation. He introduces legislation and breaks its fundamental provisions — and that is what is wrong with the planning system and the minister. No Victorian can have confidence in the system so long as the minister continues to behave so arrogantly. Arrogance is not what the Victorian community needs; instead it needs certainty in planning, and it needs a minister who deals fairly and equitably with every matter that appears on his desk and who adheres to the legislation he introduces.

The Victorian community does not need the sort of minister who in 1994 promised to lock up the Dandenongs in perpetuity and then moved amendment after amendment breaking that promise. We want the government to keep its promises, and we expect the same of the minister. I suggest that before too long we will be back here dealing with amendments introduced by the minister that contradict the very legislation he has just introduced. That is the history of his behaviour, which involves arrogantly disregarding every piece of advice he receives. That is how he loses every bit of goodwill people are prepared to extend to him.

It is time the government and the minister took stock of the disastrous consequences of their decision making and in particular the uncertainty it is causing in an industry whose members rely on the minister to provide them with certainty. Before too long representatives of the building industry will be knocking at the minister's door, because he has destroyed certainty in the planning system. He should listen before it is too late. The economy of Victoria depends on it, and his arrogant style can no longer be the style adopted by the government. It is time it stopped, and the bill offers an opportunity to do so.

Mr COLEMAN (Bennettswood) — The honourable member for Richmond has used the debate to raise a number of issues, most of which are unrelated to the Planning and Environment (Amendment) Bill. Nevertheless, he finally gave us an indication that the opposition is prepared to support the bill.

As the honourable member for Richmond said in the first 3 minutes of his contribution, the important part of the proposed legislation is the establishment of a Melbourne Airport Environs Strategy Plan. To put that in context, it is important to recognise a number of crucial issues, including why Melbourne Airport is a fundamental part of the infrastructure of Melbourne and, more importantly, a driver of its economic growth.

The airport has 14 international stands; 28 domestic stands; 3 freight stands; and 6 multipurpose stands. One of its great strengths is that it operates 24 hours a day, which obviously encourages trade and passengers to Melbourne. In the year ended June 1997, 10 976 817 international passengers, 2 424 457 domestic passengers and 78 610 domestic on-carriage passengers came through the airport. The airport's revenue figures indicate just what is happening. In 1995–96 its revenue was $48 302 000, and in 1996–97 it was $58 815 000, an increase of 21 per cent. Together with the increased passenger activity that represents a growth of 8.4 per cent over the 1996–97 year.

Those of us who go out there regularly for one reason or another will recognise that there has been substantial investment over that period with the construction of a $21.9 million multipurpose car park and improvements costing $3.5 million to the international terminal. In that context one can glean an understanding of what is occurring at the airport and why it is necessary to revisit the planning process.

Melbourne Airport was constructed in the early 1960s under a master plan that obviously dealt with the issues of the day. That plan was subsequently reviewed in the early 1980s, again with much consultation between all parties affected — both the commonwealth and the state, local municipalities, the user groups and some

domestic occupants. Clearly in the 20 years from the 1960s to the 1980s there had been a substantial change in the nature of aircraft activity, which necessitated the review.

Subsequent to a long-term lease being negotiated by the Federal Airports Corporation at the end of July 1997 it is again necessary to review the strategy plan to provide some surety to the leaseholders and to the broader community that may be affected by the activities of the airport. Airports, sewage plants and a whole range of other activities have some community impact. The bill proposes that a strategy plan be put in place to provide some surety for all parties into the future.

One of the brave decisions was to select Tullamarine as the site for Melbourne's international airport and to construct the Tullamarine Freeway to provide better access. Melbourne Airport is some 21 kilometres from the city, and any improvement to access will also improve Melbourne's capacity to compete with the other capital cities.

Sydney airport produces twice the revenue of Melbourne Airport, which gives us some idea of why this strategy is imperative. It is clear that because of the way Sydney airport is operating and the debate over the construction of the third runway some additional activity will be driven to Melbourne Airport. We all hope that, come the 2000 Olympics, Melbourne will attract some additional air traffic. This strategy implements a process by which all parties, irrespective of what role they play in the community, are exposed to the strategy plan.

The process, which was spelt out by the honourable member for Richmond — notwithstanding the fact that he used the wrong example to denigrate it — offers tremendous security. It requires the approval of both houses of Parliament and must lie on the table for at least seven days, which gives adequate opportunity for public comment. It is also the responsibility of the municipalities to display the documents and provide a two-month inspection period. That is obviously an important factor in ensuring that all parties get an opportunity to comment on the strategy plan.

The plan provides some surety for people who live in the immediate area. Aircraft activity already has some impact on them, and the process takes account of changes to airport use and the size of aircraft — and therefore of noise — and also takes account of the operational hours. One would hope that the present 24-hour open-curfew arrangement will be maintained. Most importantly, it is imperative that further airport development is not constrained by the strategy plan. Decisions on future development should be based on knowledge obtained through the plan. I am sure all the people affected by the airport will have some capacity to influence the outcome in the longer term.

Transition is occurring in a whole range of areas, not the least of which is aircraft development. That has been continuous since the establishment of the airport in the 1960s, and the new plan recognises that although a master plan has always been in place some encroachment has occurred in that area. One would hope that those dealing with these planning applications, particularly on a municipal level, advise potential purchasers that the strategy plan really is in place and that the intent of creating a noise barrier around the airport is to be maintained. To that extent the house should support the bill.

The honourable member for Richmond exposed a number of other issues in the bill, and the crucial one concerns quarrying operations. The bill contains a provision to enable a two-year extraction permit to be extended, which gives some surety to operators who presently face considerable difficulties if, having not operated the quarry for two years, they wish to recommence quarrying. They then have to again go through the process of getting a permit. That can obviously be a threat to their investment, and I am sure this two-year provision will be of assistance to them.

I support the bill. What is proposed is reasonable. Notwithstanding the criticisms of the honourable member for Richmond, the process set out in the bill is quite workable and provides an opportunity for people to comment on what may affect them in the future.

Mr CARLI (Coburg) — I am pleased to speak on this series of amendments to the planning and environment scheme, the most important of which concerns the Melbourne Airport Environs Strategy Plan. The airport is fundamental to the economy of Victoria. As a representative of the northern suburbs I see it as fundamental to the economy of those areas of Melbourne where, in the past 10 to 15 years, major restructuring has led to job losses in our traditional industries.

The airport has been an important employment node in creating new jobs, not just at the airport and in airport services but in the associated industries that have grown up around them. Those jobs include everything from maintaining planes to preparing food for flights and warehousing. The importance of the airport to freight movement is what gives the northern suburbs a

comparative advantage in this globalised economy. The bill is significant because it will safeguard key features of the airport. Melbourne Airport is currently a 24-hour, curfew-free airport which has uncongested air space and which is approximately 1 hour's flying time from Sydney, Canberra, Adelaide and Hobart. That makes it incredibly important, enabling it to service Australian industry by providing a just-in-time service that allows goods to move quickly through the airport.

Victoria is also serviced by good roads, including those coming from the north and hence from Sydney. They include the Western Ring Road, which provides access to our western suburbs, and roads providing access to our port. Those access roads are critical because modern production demands a just-in-time service so goods can get to market as quickly as possible.

Melbourne Airport is critical to Victoria's efforts to become the supermarket of Asia and to be competitive both nationally and internationally. It is fundamental to Victoria's competitive edge. The government must ensure the airport is viable and sustainable, so it must revisit the planning scheme and the previous airport strategy plan. In the many years since the airport was built there have been encroachments by housing developments and changes in land use. The government must ensure that all interested parties are involved in ensuring the ongoing viability of the airport in the interests of not only its passenger services — although, as the previous speaker said, it has only half the number of passengers of Sydney airport — but Victoria's industries and the employment they offer.

The ability to get goods to market quickly is vital to the ongoing viability of Victorian industry, whether it involves the movement of freight from Sydney or the northern suburbs or other parts of Australia and overseas through our ports or into and out of the airport. In the future a freight airport will be established at Laverton, which will be linked by the Western Ring Road.

Melbourne Airport is situated at the centre of the Sydney–Adelaide–Hobart triangle, which contains 70 per cent of the population of Australia. It is the hub of Australia's economic activity, and certainly the hub of its industrial activity. Victoria has well-developed interstate and intrastate transport systems that enable things to be moved quickly. The expansion of the state's transport systems must be part of a strategy plan that ensures Victoria is internationally competitive. As we know, Melbourne is home to 6 of the 10 largest companies in Australia, and it has the largest seaport in the nation.

As we have become all too aware as a result of the current gas crisis, Victoria is Australia's manufacturing centre. Some 40 per cent of the nation's manufacturing is done in Victoria, and a large part of that is in the northern suburbs of Melbourne. Melbourne Airport is critical to our capacity to move manufactured goods as well as passengers. For that reason the government needs to revisit the previous strategy plan to ensure the airport remains a 24-hour curfew-free facility. That gives Melbourne Airport an advantage over the great Kingsford Smith Airport in Sydney, which is twice as busy, because it has been protected by strategic planning. It is an important demonstration of the ability of previous state governments to plan ahead. Victoria has other fine examples of that in its sewerage and water systems.

The development over time of the state's infrastructure has made it competitive and enabled it to become the centre of the nation's manufacturing. The government has been undermining and dismantling that infrastructure, so it is critical that it review its strategy plans for the future.

Some aspects of the area around the airport cause concern. It is ironic that while environmental plans are being put together the minister has set out a proposal to extend the waste facility at Tullamarine. That facility is a blight on Melbourne Airport. One arrives at this beautiful airport, which is situated in an area that is largely clear of housing and which has a fine freeway leading into the city, only to find what looks like a waste area, which is what it is — a waste dump or toxic dump facility, if you like — with papers and plastic bags blowing around. It is important to ensure that that urban blight does not remain. I do not see any reason why the government would want to extend it.

Honourable members interjecting.

The ACTING SPEAKER (Mr Perrin) — Order! The minister and the honourable member for Werribee are conducting a conversation across the chamber, which is disorderly. I point out to the honourable member for Coburg that although I am happy to accept a passing reference to the matter he is addressing I do not believe it is relevant to the bill. If he comes back to the bill, he may encourage the honourable member for Werribee and the minister to settle themselves down.

Mr CARLI — The point I want to make about the strategy plan for the airport is that it is supposed to take account of the needs of all the users, including the council, residents, freight companies, passengers and the people who run the airport itself. It is important that all those people cooperate, so it is concerning to see

things that do not fit well into the environment — and the dump is one of those things. It is the source of a common complaint by tourists who arrive at a beautiful, prize-winning airport only to find themselves next to a rubbish dump. There is something of the Third World about it, and it is something that, following consultation, debate and discussion, the strategy plan will need to remedy.

The airport is the key ingredient in the health of the economy of the northern suburbs. As I said, it is the employment node of the northern suburbs: nowhere else in the northern suburbs has there been the consistent employment growth we have seen around the airport over two decades. When one looks at that growth one might expect to find that most of it has occurred in airport services, but it has not. It has occurred in the industries that are associated with it, such as warehousing, manufacturing and food processing — and that can only improve.

Victoria's future lies in its ability to become an integral part of the Asian economy, and that will depend on its ability to get goods into those markets quickly. That requires good transport systems in rural Victoria and interstate, in conjunction with a competitive airport and ports. Victoria has a proven ability to provide just-in-time deliveries, and that is where the growth is. It is the economic saving grace of the northern suburbs, which is where the new and replenished jobs are. That is where people are getting back into work.

The gas supply crisis has shown Victorians what happens when a fundamental element of its infrastructure is disrupted, because it has involved billion-dollar losses, hundreds of thousands of people being put out of work and enormous inconvenience to consumers. Hundreds of thousands of people were put out of work and there was enormous inconvenience to consumers. The airport is, to an extent, exactly that: a fundamental component. We cannot afford to let anything affect its flow of traffic.

Melbourne Airport is not troubled by the problems and blights of other airports. It does not have the surrounding residential areas of Sydney's airport or the persistent fog of many international airports. It can link us with the world and with the rest of Australia. It has the ability to move goods just in time.

The strategy plan gets the parties together and allows parliamentary scrutiny, which means the Parliament can bring the plan back into the house, look through it and debate it. That feature reinforces its value. The plan has long-term vision and therefore demands the support of all political parties. It needs to be agreed to and carried forward regardless of changes in government. It is a strategy that needs to be continuous.

An honourable member interjected.

Mr CARLI — I take the minister's point that there may in the future be someone who will oppose it on all sorts of grounds. But clearly so far as the major parties are concerned this plan is absolutely vital to jobs, transport, freight movements and the amenity of the people living in the area surrounding the airport. We need to study it while it is being completed, and we should all agree to it. It is a document that will carry us forward into following years. I am pleased to support the Melbourne Airport Environs Strategy Plan provisions of the bill. I believe the plan is of crucial importance to the future of our state.

Regarding the recouping of money from panels, I believe that where there is betterment, where people gain some financial improvement from the work of a panel, the argument for this provision is strong. The idea of recouping some money in such cases is a major issue that could well be extended to cover the entire planning system. At times government policy can create fundamental advantage because it affects the value of land and the development of that land. Government decisions often give great betterment to individuals or organisations, so it is appropriate that those affected should, through the government, recoup some of that money. Panel fees and advisory committee fees need to be considered increasingly in the planning system.

An honourable member interjected.

Mr CARLI — The minister's point is valid. In many planning schemes the minister, as he says himself, has made more millionaires than Tattslotto. It is a point that has to be made. Public planning policy does change the value of land. There is money to be made from that betterment. Under other planning schemes governments take part of that betterment. In some countries governments take part of the betterment and spend it on other community activities. Under planning schemes that are very interventionist, particularly in countries with strong planning traditions, betterments are compensated when planning changes reduce the value of property. If there is going to be a betterment, there has to be compensation. I do not believe you can have betterment without some system of compensation.

Victoria has a tradition of land speculation. It is a hobby of Victorians, particularly Melburnians, to speculate about land values. There is a strong argument that when

public policy increases property values some of the betterment should be returned for the public good through a taxation system. That extends the bounds of the current debate, which is concerned only with panels and advisory boards, but the principle is the same. If someone obtains a betterment, he or she should be prepared to pay in some measure for that.

One element of that principle that could be of concern relates to the situation where the minister is asked to set up an advisory committee to consider a matter that should be considered by the Victorian Civil and Administrative Tribunal. In a case that does not concern a financial betterment but concerns a community or social betterment, if the minister is asked to intervene by setting up an advisory committee there should not be a charge. I do not believe organisations, individuals or councils should be charged where there is a social betterment, not a financial betterment. The minister should have the discretion not to charge, but that is not clear in the bill; instead, the minister is able to charge when there is not a direct financial betterment.

This matter is important in Victoria because planning is an area of conflict. Many people are resisting new planning directions in Victoria because of the overdevelopment of some areas and the government's commitment to freeway construction that leads to traffic congestion. Communities are attempting to put forward sustainable alternatives to the mass redevelopment of inner Melbourne, the construction of more freeways and other elements that make the city unsustainable, more congested and more polluted. Some of those groups represent narrow interests while others represent broad interests.

It is critical that when changes are made the minister should not be able to negate the public's right to be involved in planning, to appeal decisions or to seek the minister's direct intervention by setting up committees. That is an important element of Victoria's planning tradition and one the opposition envisages for all planning schemes.

I am concerned about the unsustainable changes introduced by the minister. I have been a strong critic of the City Link project because of the way it has been implemented and the effects it will have on my electorate. There are alternatives to those unsustainable projects. Many cities around the world do not follow the trend towards ever-increasing freeway construction. It is a dead duck in most cities of the world today. Cities are seeking more environmentally friendly and sustainable strategies, unlike the Victorian government whose urban strategies favour developments, freeways and ever more theme parks as entertainment for the masses, all of which are not about the future sustainability of our city.

There are ever more speculative housing developments, and the government is not committed to providing public and affordable housing in large parts of Melbourne.

Honourable members interjecting

The ACTING SPEAKER (Mr Perrin) — Order! The honourable member is now straying well and truly from the bill. I ask the minister to cease interjecting. The honourable member for Coburg should take no notice of interjections and should focus on the bill.

Mr CARLI — In a sense the issue becomes somewhat philosophical. The minister and I are in agreement that the people who gain some benefit from planning decisions should pay some of the costs. That principle should be broadened even further to cover those who should not pay. Third parties, community groups and people with alternative visions for the city should be provided with the option to voice their opinions, to be involved in the planning process and to utilise the advantages and rights under a planning scheme, including the establishment of panels, without having to bear those costs.

The government has moved towards a very unsustainable, highly polluting and congested city. People on low incomes are increasingly being forced out to the fringes of the city. The government is refocusing the attention of the Urban Land Corporation away from the inner city. There has been a fundamental shift of activities in our city and the way our city works. The government could do considerably more to ensure that our cities are more human and environmentally sustainable. Our cities should not be simply the playthings of speculators with big major projects or theme parks such as those built along the Yarra River and in other parts of Melbourne.

The implementation and preparation of the Melbourne Airport Environs Strategy Plan is a major part of the economy and a major generator of jobs, particularly for the northern suburbs. I support the idea that the people who benefit from the planning system should pay some of the costs. However, I am concerned that the minister increasingly wishes to remove the ability of third parties to be part of the planning system.

Ms BURKE (Prahran) — It is a delight to speak on the bill. As stated in the second-reading speech, the main purpose of the bill is to set up a strategy plan for the airport environs. This is very close to my heart. In the restructuring of local government boundaries, the

airport was the subject of a tremendous amount of debate because it was under the control of three councils. Before 1993 the airport was under the control of the councils of the cities of Keilor and Broadmeadows, and the shire of Sunbury, and a small part was in the city of Essendon. Most of those councils had to be involved in the planning process for that area.

It was clear from the submissions that came to us in that time of reform that it was appropriate to set up a municipality that took into account the importance of the airport environs, not only as an airport providing an incredible number of jobs, bringing in imports and facilitating exports, but also for the quality of life of the people that live in the surrounding area. For too long we have ignored that aspect by pretending that it would not matter just to make a change and have a little bit of discretion here and there. In the past we have suffered for that considerably. A very clear example is that of the people all over this state who have been given planning permits to build homes in flood-prone areas and are continually flooded out. No longer will that sort of situation exist if we can get people to understand the new municipal strategic statements that clearly define zoning for the best use of that land and for the people who live and work in the area.

The Melbourne Airport Environs Strategy Plan is extremely important, but the bill will not introduce the plan. The bill enables the minister, the community and the planning staff to work together to produce the plan. The consultation process has commenced with the community around the airport. It is going to be an important part of the plan because we all must own this plan. The people who live in that area must be satisfied that the investment they have put into those sites — their residences or properties — will not lose value and they must not lose the capacity to live in peace and harmony, work and use their sites for their best possible outcome. That might be a style-of-living issue or it might be an economic issue. It is necessary to weigh up all those issues.

The honourable member for Tullamarine has had many discussions with me about protecting his constituents in that area, and I am very happy to be working with them. It is important for us to work together, to prepare the plan and to ensure that it is complementary to the work being done in the commonwealth aviation department on future flight paths. The process will allow Melbourne Airport to provide goods, services and transport to the community for quite some time. People living in the built-up areas will have to have double glazing and insulate buildings so that they can live without fear of being disturbed by noise. However, people will hear the noise if they are outside their houses. There is a need to consider appropriate uses for the land surrounding the airport that will allow people to get fair and equitable returns on their properties and also allow the airport to operate 24 hours a day curfew free for years to come. That will give Melbourne an advantage over other airports.

Honourable members who have made business appointments in Sydney will know what a nightmare it is trying to arrive for a 9.00 a.m. meeting. I congratulate the shadow spokesman, the honourable member for Richmond, on his support of the airport environs strategy plan. It is important to us all. It was a delight to hear him speak as he did and join with the government in supporting the bill so that the strategy plan will be owned by us all, as at the end of the day it must.

The honourable member for Coburg mentioned part 6 of the bill, the part that deals with panel fees. While it is a very small part of the bill it is an important inclusion. In the past councils have always paid a fee for any planning amendment, as they have for certain other planning processes. It has been wrong that the minister could not ask people who were making money out of a new project to pay a fee, just like everybody else. The important thing for the honourable member for Coburg to remember is that the minister said 'may ask for a fee' — there is a discretion rather than an insistence saying that everybody must pay a fee. One would look at each case as it came to hand and consider cases involving charitable organisations or someone suffering financial hardship.

The issue of panels and review is a major part of the work of the ministry of planning. Today I received a letter from a gentleman from Monash that explains clearly the diversity of thought in planning processes. In the letter he explains the confusion in planning and how difficult it is to please everybody. Honourable members may not be aware that the City of Monash has been outstanding in preparing a *Good Design Guide* variance. That was always an option, but councils had not realised it until the City of Monash made the effort to vary the guide in accordance with the way the people of Monash see the diversity of the planning scheme working for their community.

A vital part of the planning process is that in addition to the Victorian planning scheme, which covers the whole state, each municipality prepares its own municipal strategic statement, thereby providing diversity in the planning scheme. That diversity is reflected in the differences between places such as the City of Mildura and the City of Stonnington. Each area must model its strategic statement to reflect its community's opinion.

That is what the City of Monash has done. The letter states:

> I have read a report in our local paper (*Monash Post*) on 22/9/98 that you congratulated the council of Monash on its initiative of future planning and I can say this: when I read your congratulations [to] the dictators of the council of Monash that my hair went up my blood pressure went up and everything else went up too.

That is a good example of the controversy involved in planning. Even when you think you are getting it right, that gentleman is still unhappy.

There has been much toing-and-froing on urban strategy, but there is not a great deal of difference between the opposition's planning policy and the government's. I am fascinated by urban strategy. The honourable member for Coburg is delighted by public housing with units one on top of the other. However, he is not particularly interested in medium-density housing, which is similar to much of the public housing now being built by the government. Raleigh and De Murska streets in my electorate have fine examples of how beautiful medium-density public housing can be and how it can be done in a pleasant way creating environs as good as those in any other street in Melbourne.

These days planning should not divide people but pull them together. We now have a clear vision of the number of people wanting to live closer to Melbourne, which probably started with the Melbourne 3000 policy. Southgate has had an impact on that, bringing people into Melbourne and influencing them to live where the action is. Our ageing population is a further point to consider. By 2000 one in four people will be over 65. They do not want to live in big properties with lawns to mow and gardens to care for, so they are choosing smaller homes. Since 1993 the property market has boomed and more people are requesting planning permits. In my electorate the council has had 1300 permit requests since July. The pressure is growing, and we should all work together to solve the problem.

Most of the remaining clauses are small, tidying-up provisions. Given the nature of the extraction industry issue, a two-year permit is not long enough. The industry is closed down at certain times, and when it reopens new permits must often be obtained. Several parts of the bill relate to covenants, which it is important to bring into line with the subdivision act. It is difficult for people to make decisions when controversies and differences arise.

I believe the honourable member for Essendon will be delighted with the bill. If anyone understands the problems of housing around an airport, it is the honourable member. I look forward to working with the community on the strategy plan. I believe some good answers will be achieved not only for people living in the area but for future work at the airport and in the country. I wish the bill a good passage through the house.

Sitting suspended 6.26 p.m. until 8.03 p.m.

Ms GILLETT (Werribee) — I am pleased to follow the excellent contribution of the honourable member for Prahran, who has the inestimable honour of being the Parliamentary Secretary, Planning and Local Government. It is not too far from the truth and it probably will not betray my bias too badly if I suggest that it is my most fervent hope that quite soon the honourable member for Prahran becomes the Minister for Planning and Local Government. It would be an enhancement to any ministry to have a member of that calibre make a contribution underpinning a fundamental principle of planning — that is, planning is about and for people.

That fundamental principle has not been enunciated either by word or deed by the Minister for Planning and Local Government in his actions over the past two and a half years. However, on reading the minister's second-reading speech and the bill I must state that on the face of it — this is the reason the opposition is not opposing it — the bill does a number of reasonable and positive things. It sets the foundation for the minister to begin the process of preparing a strategic plan for the Melbourne Airport and its environs. It enables the minister to make changes to the act to allow him to levy a user-pays charge for the costs that may be incurred in the establishment of panels or advisory committees.

Other parts of the act that go to minor and machinery-type aspects are also amended, but the third and most relevant change is made at clause 10, which provides for changes that will affect the extractive industries. I shall deal with each of these changes with the usual brevity that applies on this side of the house, our contributions being based on relevance rather than waffle.

The first issue is that the bill establishes the capacity for the minister to begin what would appear to be an inclusive process for the creation of a Melbourne Airport and environs strategic plan. As has been stated by members on both sides of the house, Melbourne Airport is a very important part of Melbourne's infrastructure. However, I suggest that Melbourne Airport is no more important, and certainly may be less important, than schools, hospitals, public transport and

the gas, electricity and water industries. Nonetheless, the notion that strategic planning is necessary is supported by members on this side of the house, and the creation of strategic plans should be an inclusive process involving consideration of all contributions made by those who rightly ought to have a say in the development of such a plan.

I shall be so bold as to suggest that all areas of growth and development such as the corridors around the external ring of metropolitan Melbourne — for example, Werribee, the seat I am privileged to represent — should be treated in the same way. If the government has the capacity to begin a process by which negotiations will take place in an inclusive way to establish a strategic plan for Melbourne Airport, I suggest that it take as serious a view and as positive a stance as possible on the development of such a plan for urban growth corridors.

The government plans for urban growth corridors so far, such as the proposal for a toxic waste dump in Werribee that we are constantly fighting against, offer no hope that the government will put people before assets. They are significant assets but they are capital assets. The human assets of the state ought to be given the same priority as its capital assets — not that one could argue that there has been a great deal of concern about our precious resource of gas.

I am concerned about the amendments proposed by clauses 6, 7 and 9. These clauses give the minister the discretion to ask that a proponent, or in two cases a beneficiary, make some contribution to the cost of a panel or advisory committee. The people of Werribee are familiar with the planning issues, particularly as they relate to one major issue. I will relate my experiences and those of my constituents of Werribee with the planning process as an example of how the amendments would affect the major planning issue in Werribee, the prescribed waste facility, more commonly called the toxic waste dump.

The proposal by CSR involved an environment effects statement, and the framework was produced and a statement was provided. This is part of the process which may ultimately lead to a number of circumstances that involve clauses 6, 7 and 9. I will explain the potential effects of those clauses on Victorians regardless of whether they are represented by government or opposition members. Had an environment effects statement not been provided and had CSR managed to keep the proposal quiet so that there was no public outcry because little information was provided to the community — —

Mr Jasper — On a point of order, Mr Deputy Speaker, I have listened with interest to the contribution of the honourable member for Werribee, particularly her remarks about the toxic waste landfill, which she says relate in some way to clauses 6, 7 and 9 of the bill. Those clauses provide that the minister may request cost recovery from advisory committees when undertaking planning and environment investigations. The honourable member's remarks have little relevance to the clauses, and I ask that you rule her out of order.

The DEPUTY SPEAKER — Order! The Chair has been listening intently to the remarks of the honourable member for Werribee who said at the beginning of her comments on the toxic waste dump that she intended to relate her remarks to clauses 6, 7 and 9 of the bill, which deal with costs and cost apportionment in relation to planning issues. For that reason the Chair has allowed the honourable member to continue her remarks. In drawing to a conclusion the honourable member will no doubt relate her remarks to the bill and may provide an example that will have some bearing on the clauses. I do not uphold the point of order.

Ms GILLETT — I am mindful of the need to relate my remarks to the bill. Many Victorian communities are affected by planning issues, but the Werribee community has demonstrated its capacity to fight and continue fighting this important issue. One could be forgiven for thinking that the amendments were framed with the issues involving the Werribee toxic waste dump in mind. I hope I am not suffering from paranoia or being unduly cynical, but perhaps a healthy dose of both does no-one any harm.

The people of Werribee have been through a complex planning process that involved an environment effects statement and a panel investigation that was lengthy, resourceful and time consuming for all the parties concerned, including the proponent and the community. The process involved huge costs for both parties and considerable legal advice. My concern is that the Minister for Planning and Local Government has now seen fit to amend the act so that in the future the minister will have the discretion to request payment or contributions towards costs for panel investigation. I do not assert or suggest that the minister is trying to silence his critics. Indeed, I welcome the change because if there had been a similar provision in the principal act prior to the CSR proposal at Werribee the company may have been reluctant to pursue the proposal in light of the costs that may have been imposed upon it.

I again refer to the scenario I was referring to before the point of order was raised. If a council was satisfied that there was some economic advantage in a proposal for a

toxic waste dump and the community was aware of the proposal and generally agreed with the planning scheme and amendments, yet someone objected to it and was forced to appeal to the Victorian Civil and Administrative Tribunal, under the amendments that party may face the burden of paying the costs of the appeal as the applicant. The situation now is that any citizen may appeal to the Victorian Civil and Administrative Tribunal by paying the $157 lodgment fee, but under clause 9 an issue that may have state or national significance, such as the proposal for a toxic waste dump, may involve the applicant in paying considerable costs in a way that was never intended under the VCAT legislation. Parties appearing before the VCAT are not entitled to legal representation.

The amendments may have the unintended consequence of forcing some applicants to pay costs. The minister will say that he has discretion and that he will not order costs against a community group or a resident objecting to a proposal on health and environmental grounds. Forgive the cynicism, but we must rely on the minister's discretion rather than the legislation.

The third reason for my concern and perhaps cynicism is the specific reference in clause 10 to extractive industry. My colleague the honourable member for Prahran, who is also the Parliamentary Secretary, Planning and Local Government, indicated that the provision was designed for the convenience of extractive industry. I do not know how much extractive industry work goes on in the electorate of Prahran or where the honourable member's experience comes from, but significant areas in Werribee are zoned for extractive industry. One of those areas is the land on which CSR quarries and where it wishes to fill in one of the holes created by its extractive processes.

Without going into vast detail, I point out that a case between Wyndham City Council and CSR was due to commence in the Supreme Court on Monday. It is my understanding that that case did not commence because the presiding judge, who had shares in CSR, stood down from the bench. That has led to a month's delay in commencement of the case. The essence of the dispute between the council and CSR is that an agreement between the two parties provided that if CSR were to stop its extractive industry on the site the council would have the first option to buy that land. It now appears that the changes made by clause 10, which allow an extractive industry to cease operation for two years but still retain a licence for five years, will make the situation materially more difficult for the Wyndham City Council. That is my understanding based on my reading of the minister's second-reading speech and the bill.

As I said, it is an absolute luxury to be a cynic and I do not wish to appear to be one, but we are ever cautious. In an argument, debate or fight that has gone on for two and a half years one cannot afford to ever take one's eye off the ball. When the changes to the act are taken as a whole, it appears to me that they will make much more difficult the cause of the people of Werribee in opposing the proposal for a toxic dump. Although the opposition does not oppose the bill, I raise those matters as issues of caution for all.

Mr A. F. PLOWMAN (Benambra) — After listening to the honourable member for Werribee one could be excused for wondering which bill she was debating, because any relevance to the Planning and Environment (Amendment) Bill was a bit hard to gauge.

The DEPUTY SPEAKER — Order! The honourable member for Benambra is casting an aspersion on the Chair's ruling on relevance in relation to the honourable member for Werribee. The Chair listened particularly to what the honourable member for Werribee said as an introduction and to the point of order raised by the honourable member for Murray Valley. The Chair was prepared to hear the honourable member for Werribee because she was relating her comments about planning for a toxic dump — albeit a toxic dump that is not mentioned in the bill — to clauses 6, 7 and 9. The Chair is therefore not prepared to tolerate aspersions being cast on the comments of the honourable member for Werribee when the Chair has already ruled that her comments were relevant.

Mr A. F. PLOWMAN — I was about to say that I was aware and took note of your ruling, Mr Deputy Speaker. I will go no further, but it certainly concerned me. The chief objective of the Planning and Environment (Amendment) Bill is to provide for the Melbourne Airport Environs Strategy Plan, and that is what the debate should be about. I accept your ruling that parts of the bill allow for wider debate, Mr Deputy Speaker.

The main reason for introducing the bill is to avoid the sort of ad hoc planning that has spoiled the opportunity for Sydney to have an airport such as we have the luxury of enjoying in Melbourne. It all goes back to planning. The planning undertaken in the 1960s to establish the airport was of significant benefit to this city and state. The honourable member for Bennettswood certainly established through statistics

the benefits of Melbourne Airport for the city and Victoria, so I will not go into that in any detail.

The bill also gives security to leaseholders at Melbourne Airport as well as adjoining landowners and all operators involved in the running of that airport. If one considers competitive advantage among Australian airports, one can see the benefits Melbourne Airport has with a 24-hour, curfew-free operation, unrestricted airfield capacity and virtually uncongested airspace within 21 kilometres of the city.

Like you, Mr Deputy Speaker, I come from a rural area. I emphasise that the airport is just as important to producers and industries in rural and regional centres that export goods through the airport as it is to those in the city of Melbourne. It is important that the planning that was so ably implemented in the 1960s is continued in the 1990s to provide the opportunity to go into the next millennium with an airport that is the envy of every other state in Australia.

Melbourne Airport is, after all, the airfreight hub of eastern Australia. As has been said, the value of exports that go through it is in the order of $14 billion a year, and that figure is increasing. One can say two things about that. It is increasing, firstly, because of its efficiency and, secondly, because of the relative inefficiency of the seaport. The seaport does not have the luxury enjoyed by the freight hub of the international airport of being free of union interference. That is an important reason for the high level of success of freight handling at the airport.

It is interesting to note that despite the consideration in the 1960s master plan of the airspace, the air corridors and their freedom from urban development, now, after a relatively short time the flight lanes are facing the threat of urban development that could limit the use of Melbourne Airport in the future if the bill is not passed.

Therefore I am delighted that the bill is accepted by members on both sides of the house. In the 1980s a working group reviewed the master plan developed in the 1960s. It is up to the government to ensure that that planning goes ahead in the 1990s. The overlay controls on airport noise that were introduced in 1992 provide a model that is now used Australia-wide. With that development and the introduction of the airport environs overlay in 1992, Melbourne Airport is currently in a stronger position than any other airport in Australia.

The airport has the opportunity to increase the number of runways from two to four. The difference between Melbourne and Sydney is that Sydney has two operational strips and is trying to get a third, whereas with its current airspace Melbourne has the opportunity to have four strips, which will give Victoria immense value and opportunity over the next 15 to 20 years.

Clause 10 amends the Planning and Environment (Planning Schemes) Act to provide that municipal councils can ask the minister to grant a number of extractive industries the opportunity to extend the existing two-year discontinuation provision. The second-reading speech suggests that the provision should be finetuned because of the changing monetary values of products of quarries. As the honourable member for Murray Valley knows, often a development in a country area, such as a highway, requires many extractive industry products. A cessation of that work results in the extractive industry discontinuing its operations for longer than two years, but it can be required for a further development at a later stage. It is inappropriate for an unconditional discontinuance provision to prevent the work of an extractive industry. The bill provides that, on the advice or request of a municipal council, extractive industries will be able to continue to operate, which will be to the advantage of the industries and to the development of infrastructure in country Victoria. I endorse and support that part of the legislation.

Mrs MADDIGAN (Essendon) — I am somewhat surprised that as the central provision of the bill relates to the Melbourne Airport Environs Strategy Plan we have already had three speakers from the government but we have not heard anything from the honourable member for Tullamarine.

Mr Finn — I am next.

Mrs MADDIGAN — Usually the honourable member for Tullamarine is vocal about airports, and I welcome his comments, particularly about Essendon Airport, because every time he tries to get into my local newspapers, as he does frequently, the ALP vote in Essendon soars.

The DEPUTY SPEAKER — Order! I suggest the honourable member for Essendon has had a swipe at the honourable member for Tullamarine and that she now concentrate on the bill. The honourable member for Tullamarine does not need any provocation to disrupt the house. I encourage the honourable member to concentrate on the bill.

Mrs MADDIGAN — How true that is, Mr Deputy Speaker. It was unwise of me, and I accept your rebuke. I strongly support the Melbourne Airport Environs Strategy Plan because the massive problems that can

arise at an airport when a proper planning process or scheme is not in place can be clearly seen at Essendon. I have been impressed with the process followed by Australian Pacific Airports in developing a master plan for the future development of the Melbourne Airport. Members of that organisation have been good about consulting with the local community. I appreciate the lengthy briefing they gave me on the issues some time ago, and I presume that the honourable member for Tullamarine also would have had a briefing from them.

As the honourable member for Bennettswood said, Melbourne Airport is of great economic benefit to the state of Victoria. I was in the house during the whole of his contribution, but the honourable member for Tullamarine was not. The honourable member for Bennettswood had much to say about the economic benefits of Melbourne Airport.

The residents of Essendon have a keen interest in Melbourne Airport because they were led to believe that when it opened in 1970 — with the domestic operations following in 1971 — Essendon Airport would be closed. Many of them are still lamenting that that never happened. Melbourne Airport is an essential part of the Victorian economy. The plans Australia Pacific Airports has developed are sensible and take into account the expansion of the airport for the next 20 years, as is required under the commonwealth Airports Act.

The honourable member for Bennettswood quoted a number of figures about the airport. I add a couple from the preliminary master plan prepared by Australia Pacific Airports:

> It is Australia's second ranking airport in terms of total passenger throughput. Direct on-airport employment has grown from approximately 8600 in 1986 to 10 900 in December 1997. According to a 1987 economic benefits study the airport's contribution to the state of Victoria's economy was substantial being approximately 2 per cent of the gross domestic product.

We are talking about a significant employer in Victoria that can considerably benefit Victoria in the future not only by providing jobs but by being a gateway for the tourism industry in Victoria.

Along with many others, I am disappointed that Ansett Australia has chosen not to continue flying to Tasmania but has transferred those operations to Kendell Airlines. Tasmanians are affronted that they are not considered worthy of a first-class air service by Ansett from Melbourne Airport. A couple of points need to be made about the planning strategy which must be reviewed every five years because of the changing operations at Melbourne Airport.

The changing operations at Essendon Airport have had an effect on residents. The airport was allowed to develop in the area without any formal planning process, so restrictions have been placed on not only the development of the airport but also residential amenity for residents. The residents of Essendon were led to believe that when Melbourne Airport was opened Essendon Airport would be closed. While it is true, as people often argue, that the airport was there first, the type of airport that was there before houses were built in Essendon was significantly different from the airport that is there now. One of the benefits of a flexible planning process is that decisions can be made about the changing nature, size and traffic of airports.

On a number of occasions the honourable member for Tullamarine has said that Essendon Airport must remain open because otherwise a third runway will immediately be built at Melbourne Airport, causing untold inconvenience to the residents of Gladstone Park. I shall be interested to hear the honourable member's views on what protections he considers necessary.

Mr Finn — I do not think I have ever said that.

Mrs MADDIGAN — Comments of the honourable member for Tullamarine have been reported in local newspapers. If he has some complaint about the reports of local journalists perhaps he should rebut them. I have never seen in any of the local newspapers that serve both our electorates any retraction which suggests that that is not what he said. I shall be interested to hear what he has to say.

I made a particular point of asking that question of Australian Pacific Airports when it gave me a briefing on the plan. The company said it is possible that, if in future Essendon Airport closes, there may be further traffic if and when a third airport runway is ever built.

That is substantially different from the information put around Essendon by the honourable member for Tullamarine. Frankly, none of the residents believes him anyway, so it does not matter very much, but I would like to put it on the record that that is not the view of Australian Pacific Airports. It seems to have a clear view of Essendon Airport. Its view is that it could not care less whether or not it remains. It makes no difference in terms of the company's operation.

The bill contains a sensible formal planning process. I have been impressed with the work of Australian Pacific Airports. It has undertaken an extensive environmental assessment of the effects of the future planning for Melbourne Airport. It is a welcome change

to see sufficient interest shown in what effect it will have on the local community.

The majority of people who would like to see the aviation activities relocated from Essendon Airport have no desire to transfer their problems to another section of the community, particularly those in Gladstone Park. Therefore, we are always keen to be part of any consultation processes relating to the further expansion of Melbourne Airport.

The provisions for a buffer zone and a number of other activities are essential to ensure that the airport maintains its position as an important part of Victoria's economy. At the same time we must ensure it does not end up in the same position as Essendon Airport where there is considerable conflict between residents and management.

I have some concern about the bill, which is difficult to discuss because of its numerous provisions. Although the opposition supports the Melbourne Airport Environs Strategy Plan, it has considerable reservations about other areas, particularly the operation of panels and advisory committees.

Again, because the bill contains an extensive range of different matters, we do not want to lose the good parts of the Melbourne Airport Environs Strategy Plan by opposing the other areas. I will not elaborate on that because other speakers have already done so, but I reiterate that I am glad to see that planning practices will be in place for Melbourne Airport, which will prevent the problems that my residents have faced occurring in the future.

Mr FINN (Tullamarine) — I am tempted to bore the house rigid with talk of overlays, noise contours and assorted other things; but the honourable member for Essendon has already done that with her contribution, and I will not continue down that path. I could speak about some of the matters the honourable member raised, but I will not waste the time of the house because this issue is far too important for us to be carried away by the prattle we have just heard.

This is a great day for the people of the Tullamarine electorate. We have been waiting for this day for nearly a decade. This is the longest running issue in my electorate. Every week, often on a daily basis, I have dealt with this issue for more than six years, and at long last we have the opportunity for the consultation process to begin.

As honourable members would be aware, the consultation process was postponed until we knew the future of Melbourne Airport. As a result of the fumbling of the Hawke and Keating governments we did not know the future of the airport — to privatise or not to privatise, that was the question under the federal Labor government. In 1996 we had the election of a federal government that could actually make a decision, and as a result we saw Melbourne Airport privatised.

I congratulate John Howard and his government, and in particular John Sharp, the former transport minister, on their decisiveness on this issue because they have been responsible for placing Melbourne Airport in a position where it can now grow and bloom. In the short period since privatisation we have already seen a 20 to 30 per cent increase in employment at the airport. That occurred over a little more than 12 months and the best is yet to come.

The importance of the consultation process cannot be overstressed. One of the main aims of the consultation process and of the bill must be to protect the future of Melbourne Airport. The privatisation process has already put Melbourne in a position where we can dominate the aviation industry throughout this part of the world.

The Sydney airport situation referred to by the honourable members for Essendon and Benambra and others is something from which we should all learn a strong lesson. The state of the Sydney airport is a national disgrace, and with the Olympic Games just 23 months away we are facing a disaster. If Sydney airport cannot handle its present daily traffic, how on earth will it cope with the Olympic Games? That puts Melbourne in the ideal position to take full advantage with our curfew-free airport. Year after year Melbourne Airport has been voted the best airport in Australia. Over the past few years it has been voted by international experts as being among the five best in the world. This bill and the consultation process that will follow its passage will ensure that that position is held by Melbourne Airport for many years to come.

There is no doubt that the bill will lead to Melbourne and its airport becoming at long last the gateway to Australia. I have no doubt that Terry Morgan and his team at the airport will lead this process in a very responsible and caring manner, but at the same time with their eyes on the prize — to get Melbourne Airport up as no. 1.

The future of the airport is a very important issue but another issue of importance is the rights of local land-holders and residents. The honourable member for Essendon went on at some length about Essendon Airport. She would remember only too well that last year I chaired the Keep Essendon Airport Committee.

As a result of our efforts the federal government decided that Essendon Airport would stay, and I congratulate the federal government on that decision. The big difference between Essendon Airport and Melbourne International Airport is years.

Mrs Maddigan interjected.

Mr FINN — The honourable member for Essendon continues to peddle the myth that Essendon Airport does not make money. We all know what members of the Labor Party can do with money; we all know what they can do with a balance sheet. The honourable member for Essendon can deny it all she likes, but the truth is that Essendon Airport is in the black.

Mrs Maddigan interjected.

Mr FINN — Have a look at the balance sheet. The bald fact of the matter is that it is in the black. As I said, the big difference between Essendon Airport and Melbourne International Airport is years.

Mr Cole interjected.

Mr FINN — When was the last time there was a death at Essendon Airport? It was years ago. If that were to be considered Bankstown and Sydney airports would have to be closed first. When Essendon Airport was opened almost 80 years ago there was barely a house within cooee of the site. Because of disgraceful planning by successive Labor councils around the site, whether it be the former Essendon or Keilor councils, today — —

The DEPUTY SPEAKER — Order! The Chair reminds the honourable member for Tullamarine that the house is debating the Planning and Environment (Amendment) Bill which deals with the proposed Melbourne Airport Environs Strategy Plan. I think we have heard enough about Essendon Airport. Please proceed to debate the bill.

Mr FINN — The point I am endeavouring to make, Mr Deputy Speaker, is that we cannot make the same mistakes at Melbourne International Airport and the surrounding environs that have been made over past decades at Essendon by various Labor councils. We have to be very careful. The big difference is that everybody who moved in around Essendon knew they were moving into an area around an airport. The Melbourne Airport at Tullamarine has existed for only 27 or 28 years and many people have lived in the area for far longer. There is a need to be careful to protect those people's rights. Many people have contacted me with concerns that as a result of Tullamarine airport being built near them their daily lives will be regulated from Canberra in a way they could never have possibly contemplated when they first moved to the area.

The big issue is not only to protect Melbourne Airport and ensure it remains curfew free and continues along the path of becoming the gateway to Australia, but also to ensure that the rights of the local residents and landowners are protected. There should and must be no conflict between the two issues. I have no doubt the two can and will work together. The bill will ensure that the consultation process we have all been seeking for so long will begin. It will ensure that the airport, the government and local people will be able to sit down together around a table and thrash out the various issues involved. At the end of the day I am sure we can come up with a strategy plan that will leave everyone happy.

It is my fervent hope and belief that the passage of the bill will mean local residents will no longer live in fear that Big Brother daily will be telling them what to do. People like Bill Mole, Harold Richards and Alan McKenzie have been at me for years to do something about this.

Mrs Maddigan interjected.

Mr FINN — It should be noted that the honourable member for Essendon finds all this highly amusing. Let me assure you, Mr Deputy Speaker, that the people at Melbourne International Airport, including the 12 000 to 13 000 employees, do not find it amusing. It is as important to them as it is to the people who live around the airport and are affected by the issue. As a result of the legislation people will be able to sit down, put their points of view and come to agreement about where the area around Melbourne Airport is going. Decisions will be made about who needs to be protected, who needs help and where the strategies will be laid down. This is one of the most important bills affecting my area Parliament has passed in many decades.

Even after all the gobbledegook the honourable member for Essendon went on about, I congratulate the opposition on its support of the bill. I am very pleased. I have no doubt when the people of my electorate know the bill has been passed and has received royal assent they will rejoice, because the bill is long overdue. Now that a responsible government has been returned in Canberra and we have a state government that is leading us well we can get on with the job of protecting the airport and the locals. Let the consultation begin.

Ms DELAHUNTY (Northcote) — It is a pleasure to say a few words in the debate on the Planning and Environment (Amendment) Bill. As we have heard so eloquently from many members, the bill has substantial

significance for Victoria on a number of fronts, although I do not share the animated love affair with privatisation of the honourable member for Tullamarine, nor his excited embrace of the outbreak of harmony which the passage of the bill will impose on the rest of Victoria.

The bill affects most directly the modern gateway to the state. It touches very specifically on how the business of planning is conducted in this state. It raises the spectre of the people involved in the planning inquiry process having to pay in a bid to recover inquiry panel costs. It yet again elevates the Minister for Planning and Local Government to an ill-defined but increasingly powerful and unaccountable position in urban planning. It is quite a significant bill.

In a world of rapidly escalating change, fairly and imaginatively managing that change, particularly in urban development, is one of the great challenges of modern government. It requires governments to have vision and it requires imagination. It also requires — this is what has been mostly missing in the planning processes under this government — a true belief in consultation and a sharing of information, which sometimes appears to be anathema to the government. It requires enthusiasm and fair management of competing interests. Getting to the future first is one of the great attributes of leadership. Managing the possibilities is something we admire, and that is part of the vision thing. That is only the first step. Taking people with you is the greatest challenge of government, and the bill touches on those big issues.

The bill specifically enables the minister to develop a Melbourne Airport Environs Strategy Plan. An airport strategy already exists. It has been developed by the Melbourne Airport, the commonwealth and state governments, municipal councils and the wider community. The notion of dealing with competing interests and sharing information has already been put in place. We are not reinventing the wheel. The opposition argues that the Melbourne Airport Environs Strategy Plan should be designed to build on the existing controls around the Melbourne Airport and ensure that they continue. That would clearly be beneficial. It would reduce the potential for ad hoc planning for what all speakers tonight have said is a crucial part of Melbourne's transport infrastructure.

Victorians know that Melbourne Airport is a key freight hub for south-eastern Australia. We know and celebrate the fact that it exports $14 billion worth of goods every year. Again I disagree with the honourable member for Tullamarine: the airport was part of the vision of a former federal Labor government. It should be remembered that that federal Labor government imagined Melbourne as a central transport hub, not just for air but also for road and rail. The idea has been put in place by visionary governments before this government, so there is something to build on. The opposition urges the government to do so.

Melbourne Airport is a central and growing part of Victoria's infrastructure. Therefore it is absolutely critical that the Melbourne Airport Environs Strategy Plan ensures a higher degree of accountability for planning decisions relating to the airport.

The operation of Melbourne Airport is important not only for the $14 billion worth of goods that are exported annually, the amount of freight that comes through, the numbers of passengers, and the tourism industry, but also because it is a growing part of Victoria's economy and must be managed by dealing fairly with competing interests. They include the residents and landowners around the growing, absorbing hub. Their interests, which sometimes on the surface may appear to be competing with other interests manifest at the airport, must be considered and balanced in a fair, open, accountable and transparent manner.

The bill provides that the area covered by the Melbourne Airport Environs Strategy Plan may be altered or increased, and one would assume it would be increased if the growth is to continue as expected. The bill provides that latitude so that future use needs can be catered for easily and fairly. I would argue passionately that proper public guidelines must be built into the strategy plan that will tell all Victorians on what basis any expansion is to occur, whose interests have been listened to, who will suffer and how they can be assisted. It is absolutely self-evident that continued consultation with local municipalities is crucial. It has existed in the past — we are not reinventing the wheel — and it is absolutely essential that public consultation and cooperation occurs with residents, local municipalities, and land users. Unfortunately that is not a pattern that Victorians have seen in planning processes under the current government.

Clauses 6, 7 and 9 introduce new powers for the Minister for Planning and Local Government; thus, a note of caution is required. The amendments proposed in the bill will enable the minister to require contribution from some parties in planning processes to the cost of planning panels, advisory committees and inquiries into works or proposed works. As honourable members know, currently the minister has the power under the Planning and Environment Act to call in planning applications for permits. The bill will enable

the minister to ask the applicant for a permit or the owner of land to which the application relates to contribute to the cost of any panel appointed when an application for a permit is called in and a panel is required to hear objections and submissions on the application.

As honourable members know, section 151 of the Planning and Environment Act allows the minister to establish committees to advise on any matters that the minister refers to those bodies. If such an advisory committee were established, the bill would enable the minister to ask the person who requested the amendment to contribute an amount specified by the minister. The bill also enables the minister to seek from the applicants for the permit and the review contributions to the costs of an advisory committee established in such circumstances.

The intent of the proposed amendments seems to be to ensure that the cost of a number of aspects of the planning process are shared more fairly between governments and planning applicants. However, what is rather risky in the process is that it will be at the minister's discretion how much the applicant should contribute and whether the applicant should be asked to contribute at all. The bill leaves the amount and the circumstances entirely to the minister's discretion.

Mr Hulls — Uh-oh!

Ms DELAHUNTY — The honourable member for Niddrie might well say 'Uh-oh'. While the opposition is not opposed to seeking some contribution to costs, in the interests of transparency and accountability — which is a novel concept for the current government — proper guidelines should be established so that everyone understands what he or she is up for and when, rather than leaving it to the minister's discretion. It is fair to say that the Victorian community is fatigued — no, it is more than that, it is fatigued and angry — about the avid interest of the Minister for Planning and Local Government in interfering with the planning processes of this state as though they are his personal fiefdom.

The opposition has long argued that the powers of the planning minister must be defined more clearly and that would be as much for his benefit as for ours. Residents groups are now active because of the unpredictability in the planning process. Groups like Save our Suburbs, RAID and NO — No Overdevelopment, which has been formed in my electorate of Northcote — are arguing that many of the minister's powers and the roles of the advisory committees should be defined, which seems a sensible way forward. The opposition would add that it might contribute to what developers and residents want — an efficient, comprehensible and predictable planning process, not a lucky dip. Planning is no longer a sleeper in this community.

The state's angry citizens feel they have been done over by a process they do not understand. Their anger goes to the very heart of the democratic process. Victorians will feel impotent if they consider they have no control or say over what affects their street, land or environment. The anger around the suburbs is palpable. Residents and even developers feel frustrated because of the time taken to have permits granted. Victorians feel that in the planning process their rights are being trampled on.

The opposition does not oppose the bill but I hope some important issues raised by it will lead to the government revising its planning processes. We live in hope that the bill may be visionary and even a prototype for a planning process that balances competing interests. As I said, we live in hope.

Mr JASPER (Murray Valley) — I support the Planning and Environment (Amendment) Bill. Some members may find it unusual that a member representing the northern part of the state may support legislation that relates particularly to Melbourne and Melbourne Airport. However, I remind the house that yesterday I spoke in this place in support of the mutual recognition legislation that referred to the problems faced by people living in northern Victoria and on the New South Wales–Victoria border.

At the outset I acknowledge that Melbourne is one of the great cities of the world and is an excellent capital for Victoria. I have no objection to the planning developments that are occurring in Melbourne. I have supported development action taken by the coalition government since 1992. I also support similar development that is now occurring and is planned for Melbourne's future. Victoria needs a strong hub or nucleus; Melbourne meets that criterion. My constituents recognise the importance of Melbourne as a state capital and its place in the world as one of Australia's great capitals. But that does not stop me from seeking more development in my electorate and in country areas generally. All country members work to obtain additional support for the people they represent.

I listened with interest to the contributions made by the lead opposition speaker, the honourable member for Richmond, and by the honourable members for Coburg and Northcote. The honourable member for Richmond said the legislation may have to be changed in the future. He said, 'Who knows what will be the design of

plans for our future?'. I wondered then whether he supported the legislation because he also talked about past developments in the Dandenong Ranges.

Then the honourable member for Coburg said we must have direction, planning and support development. He said he supported the legislation. Finally, the honourable member for Northcote, in a carefully prepared speech, said she supported the legislation and its passage through Parliament but expressed strong concern about clauses 6, 7 and 9, as earlier opposition speakers had done. If the opposition has strong views about those clauses as they relate to planning for Melbourne Airport it should have planned to move amendments to them in the committee stage but support the clauses it considers relevant to the planning processes. The clauses that allow the minister to impose charges could have been challenged in the committee stage. How strongly does the opposition support or oppose certain parts of the legislation?

I congratulate the Minister for Planning and Local Government. His is a difficult job; whether he is tackling planning proposals for metropolitan Melbourne or country Victoria, he must take different points of view into account. Today many developers are being discriminated against because of the processes they need to go through when they seek approval for development planning in either metropolitan Melbourne or the bush. I have spoken to many people who have had to become involved in lengthy processes.

The honourable member for Northcote spoke about fatigue and anger among the general public about the planning process. She should remember those who are willing to invest money in state developments or those who will employ and create wealth. Those aspects should be taken into account when we consider state planning. Sometimes developers become tired and angry because often they face frivolous objections to proposed developments. I know of many examples in my electorate and throughout northern Victoria of people who have become frustrated and angry with the planning process. The minister has tried to cut across that aspect and assist developments in Victoria. For example, the Rural City of Wangaratta is trying to undertake development in North Wangaratta in the face of many objections.

I strongly support the minister's vision and objectives because he is a decision-maker. This bill will become important legislation for Melbourne Airport and for Victorian planning processes generally.

During the second-reading speech the minister touched on the importance of Melbourne Airport. Government and opposition members have supported Melbourne Airport as a fundamental part of Melbourne's development. Its operations must remain viable; it is important to our economy because of freight and passenger movements through it.

Mr Finn — And employment — up 30 per cent since privatisation.

Mr JASPER — The honourable member for Tullamarine talks about freight and passenger movements as well as increased employment, as occurred at Essendon Airport, as he mentioned during his contribution to the debate. During his second-reading speech the minister said the 24-hour curfew-free provision for Melbourne Airport must be maintained and that we must examine the use of land adjoining the airport. The Melbourne Airport Environs Strategy Plan is an important part of this legislation. In any planning processes we should take account of movements into and out of the airport and of the people living in the area.

The opposition has probably not taken full account of the purposes of the bill. I again refer honourable members to the minister's second-reading speech, which states:

> 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 legislation provides for the further development and protection of Melbourne Airport. The legislation also contains a provision requiring the Melbourne Airport Environs Strategy Plan to be brought back to Parliament for consideration and approval by both houses. That is appropriate and allows consideration to be given to the interests of not only the people who are seeking the development and continued expansion of Melbourne Airport but also the people living in the surrounding areas.

I have referred to clauses 6, 7 and 9 in particular. I repeat: if the opposition feels strongly about the provisions that allow the minister to impose charges while planning process are proceeding, it should oppose them during the committee stage. Opposition members have said they support the legislation but oppose particular clauses. They should have the courage of their convictions and stand up and oppose the legislation. Then they will not be held accountable if the legislation does not work effectively. It is no good

just saying they have concerns. When the vote on the second-reading stage is taken, the opposition's support for the legislation will be recorded in *Hansard*. It is not enough just to indicate that it has concerns about those clauses.

Mr Finn — It is whingeing.

Mr JASPER — It is whingeing. Opposition members should have the courage of their convictions and in the committee stage oppose the clauses with which they disagree and support the important clauses that affect Melbourne Airport. However, every opposition speaker thus far has said the opposition will not be opposing the legislation. I would like to see the honourable member for Yan Yean stand up and put on the record the fact that the opposition opposes giving the minister the power to impose charges when planning schemes are being investigated.

There is no doubt that the legislation is important to the future of not only Melbourne Airport but the city of Melbourne. The planning process and the strategy plan will need to be flexible because the types of aircraft using the airport will change. The plan will need to be brought before Parliament for approval, and it will no doubt need to be revised. That was the criticism of the legislation made by the honourable member for Richmond. However, I accept, as does the minister, that it will need to be revised.

As a member of the coalition planning bills committee, I support the legislation because I believe it will achieve great things for the planning environment in Victoria. Importantly, it will continue the development of Melbourne Airport as an important and strategic part of the city of Melbourne.

Mr HAERMEYER (Yan Yean) — My contribution to the debate will be brief. I preface my remarks by addressing some of the points made by the honourable member for Tullamarine about Essendon Airport. He seemed to be under the illusion that somehow the planning disaster that resulted around the precincts of the airport was the creation of Labor councils. It is important to set the honourable member for Tullamarine straight. When the precincts around Essendon Airport were being developed, a state Liberal government was in power. It made most of the key planning decisions pertaining to the airport. I believe the City of Keilor did not even exist for much of the time during which the precincts around the airport were being developed. I understand that neither of these councils had what one may describe as a Labor majority until the late 1970s. During this time the Essendon council, to which he referred, was largely dominated by a party to which he used to have great affection — the Democratic Labor Party.

Mr Finn interjected.

Mr HAERMEYER — I see that he laughs, so I have obviously hit a raw nerve! The opposition is not opposing the bill. We support the notion of having a clearly defined planning regime around Melbourne Airport. Not so long ago — in fact it was during my first year as member for Yan Yean — I was approached by representatives of the then Shire of Bulla. I have nothing but praise for the shire, but at the time it attempted to do something that was grossly irresponsible — that is, to establish urban subdivisions under the flight paths approaching the airport. The honourable member for Tullamarine may set me straight, but I was advised by representatives of the shire that he supported the proposal. That is the sort of thing we must avoid at all costs.

The big strategic advantage that Melbourne Airport has over Sydney airport is that it has no curfew. The problem with Essendon is that residential developments were allowed under the flight paths. When that occurs, a few years later residents living under those flight paths end up saying, 'This is unbearable. We want a curfew on the airport, and we want a limit on flights'. That is contrary to what was envisaged when Tullamarine airport was in the planning stages. It is important to protect those flight paths from interference from any residential or other inappropriate developments.

The issue goes further than that because it is important to develop the region around Tullamarine airport in a strategic manner. Melbourne Airport is well located at the end of the Tullamarine Freeway and is close to the Western Ring Road. The ring road provides excellent access to the Hume Freeway, which is the main road artery between Melbourne and Sydney, and to the rail line that runs between the two cities. We need planning that caters for the expansion of passenger rail services to Tullamarine and back. Because of the strategic location of the airport an examination of the sorts of industrial and other developments that can take place around Tullamarine is needed. It is important that we make the most effective use of the airport to encourage distribution and freight forwarding industries to locate around the airport and other high-quality industries to locate in the surrounding area.

I am concerned about the zone around the airport that we refer to as the Cooper Street precinct, which runs off the Hume Freeway. Because of the area's proximity to the airport, the Western Ring Road and the Hume

Freeway, the Hume and Whittlesea councils developed a strategy for that precinct. The idea was to develop high-quality industries that were compatible with its critical strategic location.

This minister has intervened in the Cooper Street precinct strategy in what appears to be an attempt to approve a quarry — right in the middle of what is supposed to be a high-quality industrial precinct. That compromises the important and well considered planning of the precinct strategy by the cities of Hume and Whittlesea — all because the bloke who owns the quarry site happens to be a member of the minister's party.

Honourable members interjecting.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Yan Yean will address the Chair.

Mr HAERMEYER — As I said, the minister has intervened in the planning process for Cooper Street and taken it out of the hands of the council — which brings me to the next part.

Mr Leigh interjected.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Mordialloc is out of his place and disorderly.

Mr Leigh interjected.

Mr HAERMEYER — It just goes to show how close you are to the process — —

The ACTING SPEAKER (Mr Cunningham) — Order! the honourable member for Yan Yean will address the Chair.

Mr HAERMEYER — A person who is a key member of and actively involved in organising activities for the Liberal Party is out there seeking a permit.

Mr Finn — On a point of order, Mr Acting Speaker, the honourable member for Yan Yean began his comments by saying he would be brief. Although we appreciate that, I thought he also might like to mention the bill occasionally. He seems to be moving wide and far from the bill and from Tullamarine airport. I suggest, Mr Acting Speaker, that you ask him to bring his remarks back to the bill.

Mr HAERMEYER — On the point of order, Mr Acting Speaker, the issue I refer to is significant in relation to two aspects of the bill. Firstly, the Cooper Street precinct is quite relevant to the notion of what planning should take place for the region around an airport, and the type of industry that is established there is critical. Secondly, it goes to the issue of ministerial discretion and intervention in the planning process. I am drawing attention to a point that highlights the danger of a minister being allowed too much discretion without appropriate guidelines and principles being put in place under which the minister must operate.

Mr Langdon — On the point of order, Mr Acting Speaker, clauses 6, 7, 8 and 9 of the bill basically give unlimited powers to the minister, and I believe any aspect of planning could be raised under clauses 6, 7, 9 and 10.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Tullamarine raised a point of order that the honourable member for Yan Yean was not addressing the issue of Tullamarine airport. It seems that he was doing so. Although he may make passing reference to personalities, the honourable member for Yan Yean should get back to the bill, and I ask him to do that.

Mr HAERMEYER — As I say, Sir, the minister has referred the matter to an advisory panel, through which he ultimately has complete and unquestioned discretion on the issue. The land in question happens to be in the pathway of one of the preferred options for the proposed F2 freeway — another important strategic factor that should be taken into account in the planning of the precinct around Tullamarine airport.

If the quarry is approved, the compensation that needs to be paid by Vicroads will go through the roof. I think the process is quite corrupt and shows the potential for corruption, with unchecked discretion being given to the minister in these types of matters and a Liberal Party member being handed favours simply because of his connection to certain other Liberal Party members — —

Mr Finn — On a point of order, Mr Acting Speaker, clearly the honourable member for Yan Yean is flouting your ruling. I ask you to bring him back to debating the bill, which he is obviously refusing to do.

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

Mr HAERMEYER — Certainly, Mr Acting Speaker, I said what I wanted to say. The clauses of this bill that relate to ministerial discretion assume omniscience and omnipotence on the part of the

minister, and anybody in this place knows that he does not have those characteristics.

As the honourable member for Northcote observed, the powers and the role of the minister should be clearly defined and codified. This bill does not do that. While the opposition supports the notion that people who put forward planning applications should in certain circumstances be asked to foot some of the costs associated with dealing with the applications, it believes it is inappropriate to grant absolute discretion to the minister in these matters without some codification and guidelines being put into place about how the minister should exercise that discretion. If that is not done, how would the minister make the decisions? Who would make a contribution? Perhaps instead of making a $500 000 contribution towards the cost of handling a planning application, an applicant might make a $100 000 contribution to Liberal Party funds. This is the sort of — —

Mr Finn — On a point of order, Mr Acting Speaker, once again the honourable member has wandered far from the bill and is now casting aspersions upon the character of the minister. In my view he should not only get back to the bill but withdraw his last statement.

Mr HAERMEYER — On the point of order, Mr Acting Speaker, the comments I have made relate to the specific clause in the bill that allows the minister absolute discretion in making decisions about who should contribute to the costs of planning applications. I am dealing with just some of the shortcomings of the bill in the sense that it will allow certain matters to take place unless it contains certain qualifications.

Mr McArthur — On the point of order, Mr Acting Speaker, the honourable member for Yan Yean knows full well that it is a contravention of the standing orders to impute improper motives to any member, and in his contribution he is clearly referring to the minister — meaning this minister. I suggest that he is clearly imputing an improper motive to the minister if he is suggesting that the minister would ever consider taking a bribe.

The ACTING SPEAKER (Mr Cunningham) — Order! I have heard enough on the point of order. I believe the honourable member for Yan Yean is, by speculation, suggesting that things could happen. I would like to think he is making a passing reference and not impugning members. At this stage I do not uphold the point of order, but I ask the honourable member to get back to the bill.

Mr HAERMEYER — Yes, I referred to the minister because the bill refers to the minister. It is germane to the bill to talk about the possibilities, particularly the potential for corruption, that may arise if certain provisions are not clarified.

The honourable member for Murray Valley attempted to justify the provision for unchecked ministerial discretion by claiming that in his electorate frivolous objections obstruct the planning process. I would have thought that some of his constituents would take exception to their legitimate concerns being described in that way. What might be frivolous to the honourable member for Murray Valley might not be frivolous to a person who lives next door to a proposed quarry or a proposed development that would severely impede his or her lifestyle or property value. Individual concerns about particular planning applications are not necessarily frivolous, but that does not appear to be the view of the minister. It is somewhat offensive to suggest that while it is fine for a developer to pursue his or her economic interests it is frivolous for a resident to object to a proposal that affects the amenity of the area.

The honourable member for Murray Valley also suggested that the opposition should oppose clauses 6, 7 and 9. The opposition does not oppose those clauses because it agrees with their intention, but it does require their clarification. The point made by the honourable member for Murray Valley seems rather spurious if one considers the way the government runs the chamber and the last time the opposition had the opportunity of taking a matter through to the committee stage. The opposition does not oppose the bill but does have some concerns that require clarification.

Mr ANDRIGHETTO (Narracan) — I am pleased the Planning and Environment (Amendment) Bill has the full support of both sides of the house. It has that support because it provides for future planning, which is what good governance is about, and good governance is something all parliaments should strive for.

I refer to clause 3, which concerns the Melbourne Airport Environs Strategy Plan, and commend that provision as being fundamental to good planning practice. Melbourne Airport, as was previously mentioned in the debate, has a competitive edge. It has that edge because it evolved through proper and good planning in the 1960s and 1970s. My father-in-law, Mr Eric Canfield Brown, designed the runways at Tullamarine and the extended runway at Mascot airport in Sydney. As Tullamarine evolved and the planning was under way, he explained to me that proper planning was required for the future because he envisaged that Tullamarine would become the best airport in Australia

and one of the best in the world. The awards it has won serve as proof that that is the case.

Compare that success with what happened when the runway in Sydney was planned. My father-in-law gave similar advice to the then federal government and urged it to implement two things for Sydney airport immediately: a planning scheme that would prevent any further encroachment on the flight path and a plan to ensure that the flight path would be protected for the future use of the airport. That advice was not heeded and the fiasco happening in Sydney today is the result.

I am concerned, as is the honourable member for Tullamarine, about what will happen when the Olympic Games are upon us in some 23 months. Sydney can barely cope now with the amount of air traffic that uses the airport under normal operating conditions. It is to be hoped that during the Olympics Melbourne Airport will be able to take some of the pressure off Sydney airport. Victoria should be able to take advantage of the inadequacy of the airport that serves the city of Sydney.

The notion of proper planning extends beyond airports. Good governments should establish planning provisions that also cover rural areas. As a member representing a rural area — probably one of the most picturesque, if not the most picturesque, rural areas in the state — I can assert that proper rural planning provisions are absolutely vital and must be put in place at an early stage.

Just as there is a risk to the competitive edge enjoyed by Melbourne Airport, there is also a risk to the competitive edge enjoyed by the rural sector of this state. Victoria boasts an increasing export market for agricultural products. This expanding market is under threat from the poor planning done by previous shire and council authorities. Prime land is under threat because people want to live in nice, picturesque, lush, green areas. They do not particularly want to live where the terrain is flat, dry and desert-like. Little wonder that our pristine and highly productive areas are under threat from increasing populations.

Correct planning is necessary not only in places like airports but also in our rural environment. We must protect our increasingly important export market, and we must also maintain our ability to protect fertile and productive land from the encroachment of development. Much rural development is unnecessary and based on incorrect use of land. Rural subdivisions that create small acreages, for example, have the effect of diminishing the viability of the land for agricultural purposes and removing the potential for further employment. This should not happen in an industry that is becoming ever more important to the rural sector of the state.

I commend the bill to the house and congratulate the minister on having the foresight to introduce in the bill planning provisions that will serve us for many decades to come — and I hope well beyond that — and will establish the foundations of a system of further planning schemes.

I hope this planning scheme will be followed by many others in which the most important aspect will be the future economic prosperity of the state rather than the ad hoc developments that have been allowed to occur.

Mr LANGDON (Ivanhoe) — I am more than pleased to add my contribution to the debate on the Planning and Environment (Amendment) Bill. There are many aspects to the bill, which to a large degree deals with airports. The points I wish to make relate to the tribunal, panel fees and advisory committees.

Many previous speakers, particularly from the opposition, have said that the bill puts a lot of trust in the minister. As we all know the minister has a long reputation, on which I shall elaborate shortly as it relates to my electorate. As well as people not having a lot of confidence in the minister, the bill does not define the powers of the minister on all these matters. The minister has unlimited authority, which is probably the crux of my concern.

The people in the electorate I represent have no confidence in the Minister for Planning and Local Government or in the government. This is a minister for planning who brought in S70 to overrule S69, which will have a devastating effect on parts of my electorate because of the definitions of where gaming machines can go. In his typical style the minister has intervened and moved another amendment to look after his mates, without consultation.

The ACTING SPEAKER (Mr Cunningham) — Order! I caution the honourable member for Ivanhoe.

Mr LANGDON — The minister is looking after his mates and is doing whatever he sees fit. Clauses 6, 7, 8 and 9 of the bill put a lot of powers in the hands of the minister. They cover not just the airport but all the matters before the minister.

The minister wants to set up advisory committees, but again there is no definition in the bill setting out how they will be established or who will pay for them. As I said, in the past the minister has changed legislation and regulations as he saw fit, so how can this house or the

public have any confidence in the minister sticking to his own rules?

A number of honourable members have mentioned that the minister can spend taxpayers' money on all sorts of advisory panels. The minister has on numerous occasions set up advisory committees but he has also had the unfortunate knack of overruling his own advisory committees. If they come up with recommendations he is not keen on, he overrules them.

One of the points I wish to make relates to consultation. Any minister worth his salt will consult. This minister's version of consultation has been referred to by me and many other speakers who have described him as a minister who sets what he wants to do in train and then advises the public without any form of consultation. The minister should amend the bill by defining both the roles of the advisory committees and his powers, but this minister does not want to do that.

The fact that the minister overrules advisory committees is well documented. For consultation to be effective there has to be a true belief in it, but this government has no genuine belief in consultation. It leaves things to the discretion of the minister, who time and again has changed his mind. As I said, the people of my electorate are not very happy and have no confidence in the minister. There is a long history of this Minister for Planning and Local Government and many other ministers breaking promises and commitments. Gaming machines have been located where the government had promised to locate police headquarters. Another broken promise. The government has a long list of things it supposedly wants to do but it keeps on breaking its promises. My electorate is sick of it.

A recent public meeting of more than 350 people on the Save Our Suburbs issue discussed the minister's powers, his ability to intervene and his history of overruling councils, advisory committees and so on. The public meeting was attended by some 350 people. It took place while I was at another meeting on the gaming issue that was attended by more than 100 people. Some 450 people attended two public meetings held within 2 kilometres of each other in my electorate to discuss what the government was doing with various aspects of town planning.

The government will never learn its lesson. Town planning will be its Achilles heel in many other electorates, not just in mine. The bill highlights that time and again. The minister will set up whatever he desires and will change his mind again and again. That is the way the minister works. He believes he is a godsend to town planning and does not believe councils have any role in the process unless they agree with him.

I do not believe anybody who operates in the town planning sphere would agree the minister acts in the true spirit of town planning or has mastered the art of consultation, of bringing people in and setting up a process that gets the truth out in the open and addresses it. The minister does what he wants to do. The points I wish to make do not so much concern the airport, because those points have been well and truly covered by the honourable member for Essendon and several other speakers.

An honourable member interjected.

Mr LANGDON — Yes, the honourable member for Tullamarine also made those points. It concerns me, my constituents and the opposition generally that the minister is assuming so much power. There is merit in the bill and the opposition will not oppose it, but concerns have been raised about the fact that the minister will use his powers to achieve the effect he wants and nothing else. I have strong reservations about the powers that the minister is now assuming. However, I commend the bill to the house.

Mrs TEHAN (Minister for Conservation and Land Management) — I thank honourable members for their long, protracted and not always relevant contributions. Nonetheless we have in-principle bipartisan support for the bill. This small but important bill amends the Planning and Environment Act to provide for the preparation of a Melbourne Airport Environs Strategy Plan. On behalf of the minister I thank honourable members for their positive contributions. I commend the bill to the house and wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TRADE MEASUREMENT (ADMINISTRATION) (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr REYNOLDS (Minister for Sport).

The DEPUTY SPEAKER — Order! The time appointed under sessional orders for me to interrupt business has arrived.

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

Second reading

Mr REYNOLDS (Minister for Sport) — By leave, I move:

That this bill be now read a second time.

An anomaly in the Trade Measurement (Administration) Act 1995 has recently been discovered. Section 18(1) of the act potentially restricts the power to serve infringement notices to only those offences specified under the Trade Measurement Act 1995. This could potentially mean that the power to issue infringement notices for contravening the trade measurement regulations is not provided for. The government is acting now to ensure that the anomaly does not undermine the enforcement capability of Trade Measurement Victoria, thereby protecting the integrity of Victoria's trade measurement system.

The bill will ensure that the government's policy intentions when originally agreeing to the legislation are beyond legal doubt and that fines enforced under the regulations can be collected. To remove any uncertainty, the bill proposes to validate the handful of infringement notices for breaching the regulations that have already been issued. This course of action can be justified on the basis that those persons who have paid on notices have done so on the basis of their guilt and to avoid the matter otherwise proceeding to a court where a conviction could be imposed.

I commend the bill to the house.

Mr HAERMEYER (Yan Yean) — The opposition has no objection to the bill. Fundamentally sloppy drafting has brought the bill to the house. The problem is that under the original Trade Measurement (Administration) Act power was given to inspectors to issue notices of fines under the act but not under the regulations that pertained to the act. The failure to enable inspectors to issue such fines would create a situation where people may find themselves being short-changed and done over through quantities that were short measured. No-one would want a situation in which people could walk into a pub and be short-nipped legally.

It is potentially a serious matter that people could legally sell products or substances that are not measured according to approved guidelines. The bill enables the inspectors to issue such notices under the regulations as well as under the act. Some six notices have already been issued under the regulations and the fines have been paid. To that extent the bill is not retrospective. It is also not retrospective in the sense that it does not change the rules under which people operate, it simply changes the powers of inspectors to enforce those rules. The opposition does not oppose the bill.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CONSUMER CREDIT (FINANCE BROKERS) BILL

Government amendment circulated by Mr HONEYWOOD (Minister for Tertiary Education and Training) pursuant to sessional orders.

Second reading

Debate resumed from 3 September; motion of Mrs WADE (Minister for Fair Trading).

Mr HULLS (Niddrie) — I am pleased to advise the house at the outset that this outrageous piece of legislation has been through caucus and the Labor Party has decided to oppose it. The bill repeals the Finance Brokers Act and re-enacts provisions of both that act and the Consumer Credit (Victoria) Act. In her second-reading speech the Attorney-General made several interesting comments about the bill, which is not a fair bill. She stated that it retains and improves essential protections for clients of the industry. The opposition believes the Attorney-General is wrong when she states that the bill will assist clients who use finance brokers.

It is important for every member of the house to understand the nature of the finance broking industry. There is a definition of 'finance broker' in section 2 of the Finance Brokers Act, which is being repealed. It states:

... 'finance broker' means a person whose business (whether or not he carries on any other business) is to negotiate loans or credit for persons other than himself or his employer or principal or who advertises or announces himself —

it is interesting to note the sexist wording under the old act —

> or holds himself out in any way as carrying on any such business but does not include a person who in association with a bona fide business of supplying land or supplying goods or services negotiates loans or credits for persons who are dealing with him in the course of that bona fide business and does not otherwise negotiate loans or credits ...

It is interesting to compare that definition, which is fairly lengthy, with the definition under the new legislation, which states:

> 'finance broker' means a person who engages in finance broking —

it is no clearer than that. At least under the old act there was a more in-depth definition of 'finance broker'.

Since the deregulation of the finance industry there has been a huge increase in the number of lenders in the marketplace. An interesting article in the *Herald Sun* of 14 February 1998 discussed the finance broking industry generally. The article was written by Karen Murphy, and states:

> If you wanted to borrow money 20 years ago you basically only had one decision to make to achieve the best deal — which of the four big banks you wanted to deal with?
>
> Now, since the deregulation of the finance industry, that choice has dramatically expanded to cover up to 250 lenders from banks, to credit unions, to mortgage originators to boutique lenders.
>
> Add this to the range of finance products available at each one and it's not hard to imagine the industry as a labyrinth.
>
> In recent years a new industry has blossomed — finance brokers — to help lead customers through the lending corridors.

The article describes what finance brokers do and states that they act as middlemen between borrowers and lenders. The article continues:

> They make their money by fees to the customer, in exchange for doing all the work in finding the package which best suits your needs, and in commission from the lenders in return for finding them business.
>
> Many, however, guarantee that even with their fees clients will save money because the brokers know all packages available, can better negotiate on your behalf and avoid the entanglements of the fine print.

When one reads more of the article one finds that it is really an advertisement for a finance broking company called First Finance Solutions.

The article refers to the company being established by a Craig Walker and says that so far it has arranged up to $75 million in loans for clients. It goes on to spruik the good work the company apparently does. A Mr Bill O'Donnell, a partner in that firm, states:

> A good broker's objective is to find the most cost-effective, tax-effective and flexible solution to suit a client's individual requirements.

An article in the *Herald Sun* of 3 November 1997, again in relation to the finance broking industry, makes clear that before assessing a particular loan the person trying to access the loan should make sure a finance broker's recommendation is in that person's best interests — the interests of the person seeking to borrow the money. The article raises a number of questions, including whether the broker receives a commission if the client takes out a loan and, if so, how much, and whether the broker has a range of loan products to offer or just one or two products. The article makes clear that certain questions should be asked of a finance broker. In the past finance brokers have obviously been acting in their own best interests rather than in the best interests of their clients.

Under the current regulated scheme complaints have been received. Nonetheless, the Attorney-General proposes to deregulate the industry, to open it up to almost any person who wants to get into it. There are some exceptions, including whether the person is properly qualified to be in the industry.

Honourable members should understand the purpose of the Finance Brokers Act that this bill will repeal. The second-reading speech of Sir Arthur Rylah, the then Chief Secretary, is recorded in *Hansard* of 1 April 1969:

> The action of a finance broker is that of negotiating loans of money, including the extension of credit, between borrower and lender. By creating this liaison, the broker provides a real and useful service to a large section of the community and supplies the practical avenues for many people who are seeking finance for some basic need.

That is the important aspect of the original legislation. Often people go to finance brokers as a last resort. If they cannot get a loan from the major banks or building societies they go to a finance broker because they are desperate to get money for either a mortgage or some necessity of life. Often they are absolutely reliant upon a finance broker getting them that particular loan. That is why Sir Arthur Rylah said that many people use finance brokers to seek finance for some basic needs. Sir Arthur also said:

> As a result of numerous complaints received from the public an investigation was conducted which showed that the abuses practised by some finance brokers provided a need for general legislative control.

That was the case in 1969 and that is still the case. There are still some rip-off merchants, shonks and charlatans who prey on vulnerable members of our

community who cannot get money from major banks or building societies and who are dependent on finance brokers.

It is not good enough simply to say that things have changed significantly since 1969 and there are no shonks and charlatans in the industry, therefore we should deregulate the industry. That is not the way to go. Sir Arthur Rylah made it clear in 1969 that legislative controls must be put in place over people involved in the finance industry. He said:

> The investigation disclosed that some finance brokers, in the course of their business, employed methods which often resulted in financial loss for those persons who were simply endeavouring to obtain a loan. Such losses frequently occurred when brokers, who demanded payment of the procuration fees and charges before the loan was forthcoming, failed to refund those moneys when the loan did not materialise. Losses also occurred when people were induced, usually by some form of misrepresentation, to enter into contractual obligation involving the payment of instalments which were beyond their means. It was found that while these improper practices were confined to a minority of brokers they were, in fact, in such proportion as to amply justify the need for legislative control.

I ask the Attorney-General to reveal to Victorians what research she has undertaken to show that the situation now existing in Victoria is any different from the situation that existed in 1969 — what proof does she have that there is no longer any need for the same legislative control over the finance broking industry that there was in 1969?

Sir Arthur Rylah went on to say:

> The Australian Institute of Finance Brokers has strongly advocated the introduction of genuine legislative control over the activities of finance brokers.
>
> Control will be exercised principally in determining a broker's fitness to hold a licence, together with a fixation of his procuration fees and charges. These fees, which will be fixed by regulations, will be sufficient to cover all the costs and charges of the broker, and will be payable only when the broker has satisfactorily completed the negotiations in accordance with the written authority of his client. Books of account and records will be open for inspection by authorised persons, and some control will be exercised over advertising. The bill provides that any misrepresentation on the part of a broker for the purpose of inducing a person to enter into an agreement with respect to a loan would be an offence. It will also be an offence for a finance broker to let out, hire or lend his licence to some other person.

Obviously in 1969 it was deemed that there should be appropriate legislative controls over the finance broking industry.

The 1969 Finance Brokers Act set in place specific protection for consumers. The abolition of specific protection for consumers gravely concerns the opposition. Therefore the opposition will be opposing the proposed legislation. It must be remembered that some time ago, because pawnbrokers were breaching the law on the amount of interest they were charging their clients — and at that stage as I recall there was a cap of some 48 per cent per annum on the interest they could charge, and that was being breached on a regular basis — the Attorney-General introduced legislation to deregulate the industry. She said it was designed to protect consumers but she abolished the cap on the interest that pawnbrokers could charge. If that is protecting consumers, I will go he.

In the main, the people who use the services of pawnbrokers are extremely vulnerable members of our community. One does not protect them by allowing pawnbrokers to charge what they like by abolishing the cap on the rate they can charge. That is exactly what the Attorney-General is attempting to do with the proposed legislation. She is saying, in effect, 'There have probably been some breaches of the provisions setting the amount that finance brokers can charge. Let's get rid of the problems in the industry by deregulating it, by lifting the cap that finance brokers can charge and allowing them to charge what they like'. The more vulnerable members of our community will be adversely affected by the proposed changes and therefore the opposition will oppose the legislation outright.

Some of the protections that existed in the Finance Brokers Act were appropriate. A number of eligibility criteria had to be met before one could become a registered finance broker. Many of those criteria will be abolished by the bill. For example, Christopher Skase, who is a shonk, a charlatan and a person of bad reputation, would not qualify under the act as a financial broker, but under the deregulated scheme proposed by legislation good old Skasey, who has not been convicted of any offence because he has not had the guts to come back and face charges, could set up as a finance broker. If he returns he would be charged, but currently he has not been convicted and therefore there is nothing in the legislation to stop Skasey returning to Victoria and setting up as a finance broker. What type of regime is the Attorney-General setting up? She is claiming that the proposed legislation will protect consumers, but she is saying in effect, 'So let's bring Skasey back so he can be a finance broker'. It is a joke!

Honourable members interjecting.

The ACTING SPEAKER (Mr Richardson) — Order! The Chair is certainly appreciative of some excitement in this place, but we have had enough at the moment.

Mr HULLS — Under section 8 of the Finance Brokers Act a person who wanted to obtain a finance broker's licence had to give notice by advertisement in the prescribed form. The application to become a finance broker had to be accompanied by:

> 3(c)(i) three testimonials signed by different reputable persons as to the character of the applicant or where the applicant is on behalf of a corporation of the person responsible or proposed to be responsible for the management or conduct of finance broking on behalf of the corporation.

The application had to:

> (ii) be delivered to the Registrar at least twenty-one days before the day mentioned in the application as the day on which the application will be made.

It then states:

> (4) The Registrar shall send or cause to be sent a copy of the application to the officer in charge of the police district in which the applicant intends to carry on business and the officer shall furnish the Registrar with a report concerning any criminal record of the applicant.

The whole point of the act was to ensure that probity checks were carried out on people who wanted to set up as finance brokers because we did not want shonks, charlatans and crooks setting up as finance brokers in this state to enable them to prey on vulnerable members of our community. But the Attorney-General says, 'Competition policy dictates that we should deregulate the industry to allow any person, including Christopher Skase, to set up as a finance broker in Victoria'.

It is just not good enough. I should have expected the Minister for Fair Trading to protect the consumers of this state, but the bill certainly does not do that. Section 6 of the Finance Brokers Act, which provides a register of finance brokers, will be repealed by the proposed legislation. Section 10 of the act provides that, if any person, including a police officer, had an objection to another person setting up as a finance broker, the objection had to be lodged and heard.

Under the existing set-up a finance broker has to renew his or her licence every year. Under the new set-up if you get a licence you have it forever. How on earth does that protect consumers? There are no checks and balances to protect consumers. It is deregulation gone mad. These economic rationalists do not give a damn about vulnerable consumers in Victoria. They pretend to want to protect Victorians but they pass evil legislation that will harm vulnerable consumers.

Government members get very toey when you tell them what they really stand for. When you tell them they stand for economic rationalism and big business instead of consumers, and that they cannot get the balance right, and that they do not give a damn about consumers, as evidenced by this sort of pawnbrokers legislation, they get very toey, and so they should.

The Finance Brokers Act specifies a whole process which enables people to object, including the enforcement of a copy of a notice to be lodged with a registrar, setting out the reasons why a person objected. It also involved causing a copy of that notice to be served on the proposed finance broker; indeed, such objection under section 10 of the act could be made on the grounds that the applicant or any person responsible or proposed to be responsible for management or conduct of the finance broking business was not of good character.

The existing legislation would have precluded a shonk like Skase setting up as a finance broker. The proposed legislation does not preclude him from doing so. How can it be good legislation when it dismantles the objection process and many of the other safeguards put in place to protect consumers?

Section 13 of the act provides that the holder of a licence may, before it expires, apply for the renewal of that licence for the next year. That again was a safeguard to protect consumers and ensure that any person who was involved had to be reviewed annually. The new legislation the minister pretends will further protect consumers does the exact opposite — there are no safeguards to ensure that finance brokers have to go through the same probity and propriety checks on a yearly basis.

Under section 13 of the Finance Brokers Act, where the registrar did not grant the application for renewal of a licence he referred the application for renewal to the Magistrates Court for hearing and determination. The court's decision would be final and conclusive. It was yet another way to ensure that shonks and charlatans were driven out of the industry. The proposed legislation gets rid of many of those safeguards.

Section 16(1) of the Finance Brokers Act states:

> On the application of the Registrar or of any other person, the Magistrates Court may require a finance broker or agent to appear to show cause why his licence should not be cancelled and why he should not be disqualified either permanently or temporarily from holding a licence ...

That was yet a further appropriate safeguard to protect consumers — to ensure principally that the vulnerable members of the community were protected from shonky finance brokers. The bill repeals the Finance Brokers Act and gets rid of many of these safeguards.

As you know, Mr Acting Speaker, I am always prepared to congratulate the minister when I believe congratulations are in order. Unfortunately it happens on a far less frequent basis as she continues to muck up her portfolio area. Nonetheless, in the old legislation there is a restriction on the right of a finance broker to demand or accept an up-front fee — a commission.

Section 18 of the Finance Brokers Act has been retained, so at least one safeguard will remain. However, the retention of one safeguard to protect consumers does not mean the entire legislation is good and the opposition believes it is bad legislation. Another appropriate safeguard under the old legislation was the ability under section 19 for the registrar to inspect documents to ascertain whether the provisions of the act were being complied with.

Under the bill certain persons are prohibited from becoming finance brokers, and the minister and subsequent speakers on her side of the house will argue that these are appropriate safeguards. The sorts of people who cannot be finance brokers under the new legislation are: a person who is under 18 years of age — what a great safeguard!; a person who is an insolvent under administration — —

Mrs Wade interjected.

Mr HULLS — The minister obviously knows more about Christopher Skase than the federal Attorney-General, but I think she will find that Christopher Skase is not insolvent; he has plenty squirreled away. Under the new legislation a person who is insolvent cannot be a finance broker. The same applies to a person represented within the meaning of the Guardianship and Administration Act. If those are the safeguards the minister intends arguing will protect consumers she is really kidding herself.

To be fair, let us go further. Proposed section 37E disqualifies certain people from being finance brokers by defining a disqualified person. Another proposed section allows certain disqualified people to engage or be involved in finance broking.

Under the proposed legislation a disqualified person is a person who:

> ... in the preceding 10 years has been found guilty —
>
> (i) in Victoria or elsewhere, of an offence involving fraud, dishonesty, drug trafficking or violence.

Mr John interjected.

Mr HULLS — That was a very interesting interjection by an honourable member in the dying days of his membership of this house. He asks 'What is your problem?'. The problem is that those people will not be automatically disqualified from being finance brokers! The honourable member had an illustrious career as a minister of this house until he was dumped by the Premier after the last election. It was most unfortunate that he was shafted, as he had a very promising career as a minister, but members on this side of the house believe — —

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member might like to return to the bill.

Mr HULLS — Indeed, Mr Acting Speaker. It is a pity that he is going to give it away after the next election, because the opposition believes he has a further contribution to make to this place. But whether he likes it or not he is going to give it away, because at the next election he will be defeated. I am sure that after seeing the federal results last Saturday — —

The ACTING SPEAKER (Mr Richardson) — Order! Having got that shot in, the honourable gentleman will return to the bill.

Mr John interjected.

The ACTING SPEAKER (Mr Richardson) — Order! I think we now have a quid pro quo — both sides have had a go.

Mr HULLS — I have been hit by a feather duster. The interjection is important because the proposed legislation describes certain disqualified persons. On first reading the bill one might think that any person convicted of fraud is automatically disqualified from being a finance broker, but that is not what the bill provides. It describes disqualified persons, but proposed section 37F provides:

> Applications for permission to engage or be involved in finance broking
>
> (1) A disqualified person —

that is, a person convicted of fraud, violence, or a drug offence —

> ... may apply to the Authority at any time for permission to do any or all of the following —
>
> (a) engage in finance broking; or
>
> (b) be a director of a corporation that engages in finance broking; or
>
> (c) manage or effectively control a corporation that engages in finance broking.

It is extraordinary that someone in one of the state's private prisons can make a bona fide application to be a finance broker! The bill is supposed to protect consumers.

I am sure the honourable for Bendigo East will now read the remainder of the bill, agree that it is an abhorrent piece of legislation and support the opposition in opposing it, because he made a very appropriate interjection. He thought that a disqualified person would be automatically disqualified from being a finance broker. But that is not so.

Mr John — Very unlikely.

Mr HULLS — Very unlikely that you will support us or very unlikely that a fraudster can be a finance broker? The bill clearly states that you can be convicted of fraud; you can be a charlatan, a criminal or even a member of the Liberal Party — yet you can still apply to become a finance broker. The bill says an application has to be accompanied by a $150 fee or be in a form approved by the authority.

The bill also stipulates certain things the authority will take into account in its considerations, including the fact that the authority is not required to conduct a public hearing if objections are made to an application. Safeguards were in place under the old legislation; it was open and transparent, and people knew that if they objected to a person becoming a finance broker they would have a proper and open hearing. But that is not the case under this bill.

To be fair, and I always want to be fair to the government, proposed section 37G(2)(b) in clause 4 provides that the authority:

> ... may require the applicant to provide such further information as it considers necessary ...

Proposed section 37G(3)(b) provides that the authority may refuse an application, among other grounds, if:

> ... the applicant unreasonably delays the consideration of the application.

That is nonsense. This bill does not contain the appropriate safeguards provided for consumers in the act.

Mr Gude interjected.

Mr HULLS — The interjection by the future Leader of the Liberal Party was, 'But you support the bill'. Had he been here at the start of my contribution the Minister for Education would know the opposition does not support the bill. Were he not being continually trodden on by the Premier he, too, would not support the bill. The numbers for the Minister for Education are dwindling — perhaps there are only seven now — but I wish him luck!

I thank the Attorney-General for providing her departmental officers for an opposition briefing on the bill. During that briefing the opposition was advised that the level of community concern about finance brokers would not justify continuing a positive licensing regime. Consequently it was decided to move to a negative licensing regime. I do not quite understand the logic of the reason for the change. It appears the current system is working because only about 10 complaints are made each year against finance brokers; that is deemed to be a small number. But the government decided to deregulate the industry. What nonsense!

The current system is working well, which is why only about 10 complaints are made each year. It is working well because the finance broking industry has got rid of its charlatans and shonky operators. Why change the system? Why not keep the current regulatory regime in place? Although I again thank the Attorney-General for making her officers available, the logic behind the legislation is curious in the extreme.

Under the old legislation caps were imposed on the charges finance brokers could levy. The caps amounted to about 6 per cent of the total amount of the loan a finance broker could gain for a client and about 1.5 per cent of the valuation fee on a property. Those caps ensured that vulnerable members of the community were not ripped off. As the opposition objected to the removal of caps in recent pawnbroking legislation, it also opposes the lifting of caps for the finance broking industry.

More and more vulnerable members of our community will be taken advantage of by shonky financial practices. I do not want to cast aspersions on the industry generally. The majority of finance brokers are decent, hardworking people who provide an appropriate service for members of our community. However, simply lifting the caps will ensure that those people who did not believe they could make an appropriate profit under the current regulatory regime will get into the industry and rip off vulnerable members of our community.

It has been argued that the maximum fees that could be imposed in the past may stop competition and that the level of innovation that could come into the industry would be prohibited. The opposition rejects that. With all legislation the balance has to be right. It must ensure

that, on the one hand, there is a vibrant money lending and finance broking industry and, on the other hand, that consumers are adequately protected. We believe the old regime got the balance right. However, this bill skews the balance in favour of the industry at the expense of consumers. It is inappropriate legislation.

I will remind honourable members of the types of scams that have taken place in the past under the current regulatory regime. Any regime will never stop fraudsters and scam merchants setting up. However, it does not mean because there are fraudsters in the industry you deregulate the industry to open it up for more abuse. It means that you ensure the regulations remain in place and are policed. The specious argument that was put forward by the minister about the pawnbrokers legislation was that pawnbrokers were breaching the spirit of the act. As it was being breached regularly, the legislation was abolished, the caps were abolished and the whole show was opened up. That is not what you do. You make sure your policing regime is appropriate. Scams have taken place under the current regime, but the situation will only get worse if you simply get rid of most of the safeguards for consumers.

An article in the *Herald Sun* of 13 September 1997 about a loan scam states:

> A fraudster who brokered shonky loans that cost the OST Friendly Society more than $200 million was jailed yesterday for five years. The County Court heard that some of the more than 80 000 investors around Australia, including elderly pensioners, lost their life savings in what is believed to be the biggest fraud brought before a Victorian court.

It then goes on to talk about an old Brighton Grammar boy:

> ... Keith William Bulfin admitted to deceitfully arranging multimillion dollar loans from OTC based on wildly inflated valuations of properties like Dreamworld on the Gold Coast and Lasseter's Casino in Alice Springs. Bulfin —

and that is something government members can relate to; the honourable member for Tullamarine has been full of Bulfin for years —

> and an accomplice, accountant and church organist Arthur Charles Brown, received more than $2 million in secret commissions for organising the loans, made between 1988 and 1990. Much of it went into a caravan park venture in Queensland, and also a property development in Brighton, both of which failed ...
>
> Outside the court, one of the investors said he believed stress from what had happened might have been a factor in the deaths of about 30 of the 293 people who had invested in the mortgage company. Mrs Shirley Anderson, who lost hundreds of thousands of dollars said of Bulfin: 'He was very eager to get his hands on people's money'...
>
> Jailing Bulfin for a minimum of three years, and Brown for a minimum of one, Judge Roland Williams said both men were genuinely remorseful, and had suffered punishment from their own financial ruin and humiliation.

They are the sorts of fraudsters who have been involved in the finance broking industry in the past.

Mrs Wade interjected.

Mr HULLS — At one stage we were seriously considering appointing the Attorney-General to the Supreme Court, but now I think it will be as a tipstaff, because her inane interjections on this matter show that she has little understanding of her own legislation.

An article which appeared in the *Herald Sun* of 7 November 1997 reported the story of two pensioners who feared they would lose their home after they claimed they were duped into borrowing more money than they intended. The article states:

> Shirlie and Neil yesterday said they were convinced to borrow $20 100 by finance brokers Bailey O'Neill and Associates, $10 100 more than they needed to repay outstanding bills.

That just goes to show that there are shonks in the industry. A fairly stringent regulatory regime is in place now, but there are still shonks in the industry preying on vulnerable members of the community. We should police rather than simply deregulate the industry.

The article continues:

> They were given $10 000 and told the remaining money would be invested.
>
> 'We thought the interest from the remaining money would help pay off the loan', Shirlie said.
>
> 'We've got no way of paying off $20 000'.
>
> The Springvale couple claim they have not seen the remaining money. When their monthly interest repayment of $222 was not paid on time last month, Shirlie and Neil received a letter threatening to take possession of their home if they did not pay within seven days.

This unconscionable conduct has been entered into by some members of the finance broking industry.

An article which appeared in the *Herald Sun* of 17 July 1998 accompanied by the photo of the capped Attorney-General that we see from time to time — I cannot remember where it was taken, but the Attorney-General was out on a golf course or somewhere else wearing a cap — reports her comments about a federal court judge temporarily banning advertising of a 1900 phone service alleged to be connected to a con whereby people were being defrauded of their life savings. The article states:

> Australia's consumer watchdog sought the court order, alleging the service misled people with claims it could secure them loans.
>
> The Australian Competition and Consumer Commission said people believed they could get a loan by phoning a 1900 number.
>
> But instead of a loan, they were given advice and charged a hefty telephone fee for the service.
>
> The ACCC alleged HRJ Financial Services aimed the service, advertised in newspapers nationally, at pensioners, bankrupts and people with bad credit.
>
> The court action followed a warning last month from Victoria's Attorney-General, Jan Wade, that Victorians should be wary of telephone credit services ... Some 1900 services charge $5 a minute while hopefuls wait on hold.

If that $5 a minute is going into the hands of some financial service, why wouldn't it keep you on hold?

The article continues:

> 'Some consumers have been left with enormous telephone bills after seeking more information about this scheme and being kept on the line', Mrs Wade said.
>
> 'I am concerned that some telephone credit providers appear to be preying on the vulnerable, and I urge people to think twice before contacting this type of service'.

Being concerned about the matter is just not good enough. With the deregulation of the industry people will cross over from simply providing financial services to setting up as finance brokers. The lines will be blurred as more and more scam operations emerge. The only thing the Attorney-General says about the situation is that she is concerned. If she had real concern for vulnerable members of our community she would introduce tighter restrictions to protect consumers instead of introducing legislation that allows them to fall by the wayside.

Another example of the industry shonks and charlatans appeared in the *Herald Sun* of 8 July 1997. The article, entitled 'Loan company threats claim', states:

> A finance company allegedly used heavy-handed tactics to force defaulters to repay their loans a consumer group claimed yesterday. Consumer groups have also accused Avco Financial Services of using high pressure marketing, selling inappropriate insurance and harassing borrowers.
>
> A report by the Consumer Federation of Australia released yesterday said the company 'intimidates and embarrasses consumers by threatening jail or repossession of goods where the action is not legally possible'.

We will see more and more of those reports under the new deregulated regime established by the Attorney-General with the support of her colleagues. This is totally inappropriate because legislation should protect consumers. All this is happening at a time when more and more Australians are becoming dependent upon loans to pay for the necessities of life or to feed gambling habits, because with the proliferation of gaming throughout the state many people are becoming dependent upon financial services to assist in purchasing necessities.

There has been a huge increase in the number of people in debt. An article in the *Herald Sun* of 29 June 1997 states:

> Australians have clocked up dangerous levels of personal debt equivalent to $14 800 for every person in the country.

The private credit binge reached $237.84 billion in April, which represents a jump of almost $21 billion in a year. About $1 billion of the total was racked up on credit cards. Credit cards are an issue that has been dealt with regularly in this place, so I will not go into it now. We can save that for another day. Over the past few years individual Australians have accrued a huge increase in their personal debt.

The article went on to say that according to the latest Reserve Bank figures housing accounted for the bulk of the debt. As that is the case and as Australians have lifted their mortgage commitments by almost $15 billion in one year, the importance of the finance broking industry becomes clear. I suspect that finance brokers are, in the main, hired to get home loans for people who have been unable to get such loans from banks. In other words, the more people borrow for housing finance the more prevalent finance brokers will become and the more we will need to regulate rather than deregulate the industry.

A number of articles published some time ago during the debate on pawnbrokers made it quite clear that people throughout Victoria and Australia were becoming more and more dependent upon this kind of last-resort finance. In many cases that is exactly what finance brokers are — the financial avenue of last resort.

Of course we have to remember that the same sorts of people who have obtained finance through pawnbrokers will seek to rely on finance brokers to obtain money. It is interesting to look at the demographics of the people who rely on that type of financial service, which were set out in a report published by the Good Shepherd Youth and Family Service in conjunction with the Financial and Consumer Rights Council, entitled 'Fair Dealing? The Consumers' Experience of Pawnbroking in Victoria'. It states:

> Consumers were typically in receipt of a pension or other government allowance and appeared to have regularly used pawnbrokers in the past. Pawning goods seems to have been a 'last resort' measure, with the majority of consumers having first tried to obtain assistance elsewhere. The money was generally needed for basic living expenses (food, utility bills, rent etc). Several consumers stated that they had spent the money from pawned items on drugs, alcohol and gambling.

We are talking about extremely vulnerable members of our community. I expect the same type of demographics that apply to people who use pawnbrokers will also apply to a large degree to people who have accessed and will continue to access the services of financial brokers. The report goes on to say:

> The majority of consumers did not receive written information regarding the act, which is a direct breach of the regulations.

This is a pertinent point:

> Most were also unaware of the interest rates being charged.
>
> Where consumers provided sufficient information to calculate the nominal rate of interest per annum, it was invariably in excess of the 48 per cent maximum interest rate per annum —

that applied to pawnbrokers at the time. The same will happen with a deregulated finance broking industry. People will not have a clue about the amount of interest they are being charged. Currently there is a cap; however the new legislation does not provide a cap. The summary of the findings in relation to the pawnbroking industry concludes:

> Given that many consumers using pawnbrokers are open to exploitation because of their desperate need for money and their lack of other credit option, consumer protection must be maintained. This research does not support the proposal to deregulate.

It is the same with the finance broking industry. Vulnerable members of our community need to be protected. By deregulating the industry in the manner proposed by the bill, the Attorney-General is allowing those vulnerable members to be preyed upon. The Attorney-General is disregarding those people; she is abrogating her responsibility as Minister for Consumer Affairs and she ought rethink this legislation.

An honourable member interjected.

Mr HULLS — Fair trading? If the Minister for Fair Trading were to take her responsibilities seriously, she would not be introducing legislation that is unfair in the extreme on consumers. It is interesting to note that the same silly noddy heads, in particular the minister's parliamentary secretary, allowed that to occur with the pawnbrokers legislation. I expect when he gets his opportunity to speak, he will mutter the same platitudes and inappropriate arguments in relation to this legislation as he did in relation to the pawnbrokers legislation. The bill does not strike the right balance. It does not appropriately protect consumers. It is unfair to vulnerable members of our community. The opposition opposes the legislation and urges all fair-minded members of the government to join it.

Mr JOHN (Bendigo East) — Although I have been in this place for a number of years I have never sat through an hour-long speech that contained so much nonsense and lack of knowledge about the proposed legislation. It was boring, vitriolic and plain rude.

I do not know why the honourable member for Niddrie is so full of nonsense claims and so obsessed with Christopher Skase. I understand the federal Labor government, of which he was a member, first pursued Mr Skase with extradition proceedings. It is nonsense for the honourable member to suggest that Christopher Skase is going to get a finance broker's licence and practise. We all know that if that were the case he would be practising from gaol! It is nonsense to suggest that the legislation would permit such a thing from a person who is clearly insolvent and clearly a criminal.

The bill has four main purposes: firstly, to repeal the Finance Brokers Act; secondly, to insert a new part into the Consumer Credit (Victoria) Act to prohibit certain persons from engaging or being involved in finance broking; thirdly, to empower the Business Licensing Authority to permit certain persons to engage in finance broking who would, but for that permission, be disqualified from doing so; and finally, to make consequential amendments to the Consumer Credit (Victoria) Act and the Credit Administration Act. The bill implements the spirit and provisions of national competition policy, about which the honourable member for Niddrie was critical. The policy is about efficiency and the removal of unnecessary barriers from professions, trading and various business activities. The policy favours the removal of licensing in many areas.

The bill abolishes the requirement for finance brokers to be licensed. It should be put on the record that although national competition policy was commenced by the Hawke-Keating government, after all the work has been done and all states — Labor and Liberal — have adopted the policy, a state Labor opposition is suddenly criticising it and saying it is not the right way to go. The one matter on which I agree with the honourable member for Niddrie is that we do not want charlatans, thieves, crooks, criminals or people involved in drug trafficking and other serious offences operating in the finance broking industry. It is a matter of achieving a balance. On the one hand the system

should be freed up but on the other hand we do not want to give carte blanche to every Tom, Dick or Harry to enter the industry or profession, lower the standards and cause damage to consumers. We do not want incompetent people with criminal backgrounds handling people's financial affairs. The legislation has been carefully drafted to ensure that that will not occur.

The bill puts in place a tailored set of prohibitions to keep out unsavoury characters. It is reprehensible that the honourable member for Niddrie should misrepresent the contents of the bill and its effect, and mislead the public and consumers as to what the bill is trying to achieve. It provides protection for people from charlatans and crooks in the industry.

Mr Batchelor interjected.

Mr JOHN — I take up the interjection. The honourable member for Thomastown said that someone wrote the speech for me. I am the only person who wrote anything for me tonight. I could ask the honourable member for Thomastown if he would print it. It would be useful to have it printed and I know he is very skilled at printing.

The Business Licensing Authority has wide powers to protect consumers, and the bill will contain similar provisions to those in the Estate Agents Act and the Motor Traders Act. Statutory caps on fees charged will be abolished, which will lead to greater competition.

Honourable members interjecting.

Mr JOHN — The trouble with socialists is that they cannot stand competition.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable members for Niddrie and Morwell will contain their enthusiasm. The honourable member for Bendigo East, without assistance.

Mr JOHN — The opposition cannot stand competition, which is what the bill is about. It will lead to greater competition and ultimately lower rates for consumers. That is what the majority of the public want. There will be increased penalties for non-compliance and for offences under the legislation.

With regard to the jurisdiction of the courts, instead of relying on the more expensive standard court system people can take disputes about brokers' fees to the Victorian Civil and Administrative Tribunal, which used to be called the Administrative Appeals Tribunal. It is a low-cost alternative to the standard court system. Finally, the bill reflects the type of legislation that is being passed in every state of the commonwealth, whether governed by Labor or Liberal, and I emphasise that the policy and the process was commenced by a federal Labor government of which the honourable member for Niddrie was a member before they threw him out. I support the bill.

Ms GILLETT (Werribee) — It is with dedication, conviction and a positive attitude that I make a contribution to the debate on the bill tonight. The bill is another piece of legislation on which I suspect we will later see a further amending bill. I do not know, nor do my colleagues, how many times the government will have to be bitten before it is twice shy. Deregulation of all the industries it has tried so far has been an outstanding failure. How many more times will the government take the Victorian people through circumstances where the most vulnerable are exposed and where those least able to defend themselves are exposed to a group of people, circumstances or situations from which they cannot protect themselves? It has distressed me that previous speakers have sought to equate competition with deregulation.

Competition is a healthy and balanced interchange between those who are equally placed in society, not between those who are in a position of power, prestige and influence and those who are not or where one party is in control. Competition occurs among equals. Among those who are not equal it is a rip-off. The people who are not equal have every right to be protected by legislators. They are among the most vulnerable in the community and are entitled to expect regulations for the conduct of business affairs to be in place. It is a worry that they look to Parliament to provide protection to ensure that they will not have taken from them that which is hard earned and not likely to be earned again.

As other speakers on this side of the house have said, the proposed legislation opens up the consumer credit and lending market to what our opponents would call competition but what we describe as a blank cheque to defraud the most vulnerable Victorians.

I have no doubt that in a short period an amending consumer credit bill will be introduced because the hue and cry will be such that even government members' constituents will say to them, 'This is the situation that befell me'. Even the hardest hearted and most extreme of economic rationalists will think again about this legislation.

The driving instructors legislation is a recent example of what can happen. The opposition had the view that the national competition policy introduced by a former

federal Labor government did not have to be interpreted to mean that all the rules had to be taken away so all that was left was open slather. In case honourable members opposite misunderstood what the then federal Labor government meant I point out that it was that competition should be introduced to establish a level playing field — a favourite expression of government members.

Honourable members interjecting.

Ms GILLETT — You do! By their own admission honourable members opposite have demonstrated their understanding of a level playing field. They should go for it and acknowledge their definition. The opposition knows what the government's definition of a level playing field is: a set of circumstances that misinterpret the fine principle that there ought to be competition — not that there should be legislative rip-offs.

Mr Hamilton interjected.

Ms GILLETT — That is standard practice, putting public money into private pockets. It is a feature of the government's policy that is again demonstrated by the provisions of the bill.

The more vulnerable members of the community should be frightened by the bill. The people of Werribee have been hit hard by gambling, as have many others in the inner and outer western suburbs of Melbourne. An examination of any statistics on the number of gaming machines in the inner and outer western and northern suburbs shows clearly that the western suburbs have become prey to the insidious machines. That policy increases the financial pressures on families, as does the Robin Hood-in-reverse policies of the government that seek to take away from the poor and give to the rich.

It might sound trite but when I was sitting in my office listening to the debate I thought, perhaps ungraciously, that we politicians are becoming somewhat tedious, that we use words so much that they tend to lose their meaning. When we talk about the vulnerable in the community we all know who they are — they come into our offices every single day. We see them and know their concerns and know that most of the time members of Parliament are powerless to fix up problems or even assist them in resolving the issues that concern them. That should be a sobering thought for most of us and it should guide us in our judgments.

Today the Treasurer demonstrated that he has not forgotten at least one of the principles he established in this year's budget, that is, that all new policy considerations would be tested against his principle to make certain there was no net damage or that some community or social benefit would come from policies the government puts in place. The bill fails that test, coming so hard on the heels of failed deregulation in many other industries, the explosion of gaming machines in the inner and outer western suburbs, and a gas industry crisis that has already put many of our constituents into difficult circumstances that they may be working through with our assistance and that of the many fabulous voluntary organisations in our community. The bill, coupled with their concerns for themselves and their families, will render them vulnerable to loan sharks who say, 'Here, $500 would fix it for you. Don't worry about the interest rate; that's not a problem. What I can do is give you the money that you need now'.

Most people who have had it hard for a long time, not just because of the gas crisis — although heaven knows that makes things a million times worse — are even more vulnerable after the past two weeks than they would have been. When the gas industry crisis is over — I note the government refers to it as a 'situation', which is the greatest understatement of the century — it will leave a legacy of need in our communities and our economy that will not be met for a very long time. Those who stand to gain from the current crisis will be given carte blanche by the bill. The people we ought to care about, the most vulnerable constituents we have, will be left wide open to the operations of loan sharks.

The bill is an important measure. Unusually for the minister, it is ill-advised and not thought through. It will cause damage to people who deserve our support and our protection and who should not be the victims of the government's blind adherence to a competition policy that it neither understands nor has the wit, wisdom, compassion or capacity to implement. It is a lowly and useless measure. I look forward wholeheartedly to the introduction in future of a measure entitled the Consumer Credit (Finance Brokers)(Repeal) Bill.

Mr ROBINSON (Mitcham) — The well-known songwriter and singer Bob Seeger sang, 'I know that it's late and I know that we're all weary'. Well, I know the government's plans on this bill do not include me or my constituents, but here we are, stuck in this place debating a lousy, poorly drafted, inadequate bill that will not serve the interests of Victorians, including those in my electorate. Consequently, the bill does not deserve support.

Honourable members have been told that the bill does a number of things, but in large part the bill abolishes licensing arrangements for finance brokers. We were

informed that such abolition is acceptable in this day and age because of something called the national competition policy.

A few moments ago the honourable member for Bendigo East claimed that because the bill comes under the banner of national competition policy it should be accepted as it is presented to the house. Given that claim, the honourable member for Bendigo East might find himself looking for a different career — perhaps in the finance broking industry — because it is a claim that no Victorian in his or her right mind would swallow.

The role of members of this place is to test every piece of proposed legislation to assess whether the interests of Victorians will be well served by it. My assessment of the bill is that it is grossly inadequate. When bills dealing with financial regulation are introduced, the basic test to apply is whether the protection offered by the bill to the Victorian community — in this instance it is less than the current protection — will adequately deter undesirable persons from offering services that expose potential clients to greater risk. It is not a complex test but a simple one. Given that the wellbeing of potentially millions of Victorians as customers and clients of finance brokers and others is at risk, we should be more cautious than adventurous in responding to the test. Millions of Victorians are potentially at risk if the bill is defective in any way, shape or form.

Constant discussions take place about the shortcomings of regulatory arrangements for people in the financial sector, that is, those offering financial services as investment advisers, brokers or consultants. Each day within the finance community it seems someone else is offering a service that is somehow different. However, to a large extent they are variations on the same theme. In a field that encompasses such a wide range of activity there are regular reports of cases in which clients and customers are done over badly by unscrupulous operators. The cases in which some wrong is done to Victorians constitute part of that area of crime known as white-collar crime. It is probably the fastest growing area of crime in the country and in the Western World.

It stands to reason that crimes committed in that area are more nefarious in one sense because they are more difficult to detect. The resources needed to combat white-collar crime, which often involves financial brokers and others offering services fraudulently, are far greater than the resources required to detect crimes in other areas.

There is no shortage of information and reports about the pitfalls for people seeking financial broking advice or financial advice generally. Tonight we heard a number of good examples cited by the honourable member for Niddrie. I am drawn to a recent report in the *Sunday Age,* which cites a particular case. I shall quote from an article by Ann Lampe, who wrote of a seasoned crook, George Adler, who was recently convicted and is awaiting sentence on 21 charges of dishonesty for telling investors he was putting millions of dollars of their money into Canadian bond coupons. It involved a company which, not surprisingly, collapsed. It triggered a wave of court actions to freeze the money, ban advisers, and recover lost funds. It was a very sorry tale indeed. But that story probably involved Australians far wealthier than those who are more commonly the victims of financial broking scams within other areas of the financial sector.

Perhaps members in this place are more conscious of the scams that operate within the broad definition of financial services, as constituted under the act. It includes, for example, pyramid schemes, chain letters and so on offering people quick returns for up-front fees. They say, 'Put your money in and we promise you will get something more at the end of it all'. My attention was drawn to one such scheme, which was included in the Mega-Mailer Kit. The literature states:

> How would you like to make an extra $2000 a month?

That particular scam was peddled by a Mr Peter Ryan of Camberwell South, Victoria. I sincerely hope — I say this with the best of intentions — that it is not the same Peter Ryan who is the honourable member for Gippsland South, although until he becomes the new Deputy Leader of the National Party he may perhaps be seeking to earn a few extra dollars in remuneration. If that is so, I am sure he would not choose such a scurrilous area of business in which to make those extra dollars.

My attention was drawn to a recent press release of the Minister for Fair Trading, who warned women in business who were being targeted by a new pyramid scam called Abundance. That scam was delivering an abundant windfall to the people behind the scheme but to very few others. It promised a $500 000 reward for an investment of $150. People were encouraged to give bank details to strangers, something the minister said they should not do. And, of course, the minister was right on that one. Another such scheme is run by Edward L. Green, who thought that as a variation on the same scheme he would cloak his efforts at swindling Victorians with a little bit of religious

fervour. He ended his entreaty to them with the line, 'Good luck and God bless you'.

My attention was also drawn to a report in the *Herald Sun* of 5 June. A disabled crash victim was among the people preyed upon by a swindler. He was gaoled for his fraudulent misuse of $700 000 from a number of people, including a young woman paralysed in a car smash. For those offences he was sentenced to a number of months in gaol. Too rarely do such swindlers and crooks end up getting their just deserts — all too often because they prey on people who are vulnerable in the sense that they may be too embarrassed to report their losses. So those swindlers get away with these offences.

One of the deficiencies of the bill is that it has a very narrow definition, as I understand it, of the activity of financial broking. It suggests under part 4A that to engage in finance broking means:

> (a) to negotiate consumer credit for a fee; or
>
> (b) to hold oneself out to the public as being prepared, for a fee, to negotiate consumer credit ...

One might imagine that definition covers most aspects of the services offered and therefore affords comprehensive protection to the Victorian public. But in the same part of the bill consumer credit is defined very narrowly, which is one of the deficiencies of the bill:

> (a) a credit contract within the meaning of the Consumer Credit (Victoria) Code; or
>
> (b) a consumer lease to which Part 10 of the Consumer Credit (Victoria) Code applies ...

It therefore stands to reason that simply calling oneself a financial broker in this state does not mean that under the bill you are offering services that could have you prosecuted successfully. You could, for example, call yourself a financial broker and offer services beyond the Consumer Credit (Victoria) Code and — at least from my understanding — escape prosecution under this very narrow definition.

People offering themselves as finance brokers to millions of Victorians, but with an intent to swindle and defraud the public, could escape prosecution under the proposed legislation by simply avoiding offering credit contracts within the meaning of the Consumer Credit Code.

The weakness of the definitions in the bill will result in more and more cases of disreputable financial advisers coming to the notice of Victorians. Increasingly people will hold themselves out as finance brokers as opposed to financial advisers, simply to avail themselves of a better professional reputation and therefore lessen the likelihood of Victorians being suspicious of their intentions.

The *Yellow Pages* is a useful guide on the matter. The two neatly divided two sections — there are more than two, but two are relevant to the point I make here — are 'Finance Brokers' and 'Financial Planning'.

Mrs Maddigan — This is very exciting stuff.

Mr ROBINSON — It is very exciting stuff, and I am glad that honourable members are all still with me on this, because it is also very important. For the benefit of the Minister for Education, who was curious about it, the finance brokers component is at page 1163 of the A-K section of the *Yellow Pages*. It is not as large as the financial planning section, which appears at page 1169 of the same first volume of the *Yellow Pages*. The point to be gained from that is that more people operating in the financial community define themselves as financial advisers or financial planners than as financial brokers. Therefore, as I said, probably more cases will come to light of defrauding of the community by people who hold themselves out to be financial advisers than financial brokers. Nothing excludes people from advertising as both financial brokers and financial advisers; indeed, honourable members who examine the *Yellow Pages* will find that some individuals and companies are mentioned in both classifications.

Earlier this year the activities of financial advisers — as I said, the classification encompasses financial brokers — and the hazards they pose to many Victorians, especially older people, was made very clear to the government. On 1 April the Association of Independent Retirees (AIR) raised with the Minister for Aged Care the regulation of financial advisers. I refer very briefly to that note:

> AIR has argued for stronger regulation of financial advisers. Most act responsibly but it does appear that the requirements to set up in this capacity including qualifications require attention. People can be easily taken in by slick salespeople. Some of our members have suffered, especially women suddenly faced in widowhood by having to manage their own financial affairs.

As we debate this very important but deficient bill, all honourable members ought to bear in mind that very salient point.

The bill is inadequate because it also appears not to cater sufficiently for the right to exclude people. Proposed section 37E, which continues for three pages of the bill, deals with disqualified persons. We are

moving to a system in which anyone, except those who are disqualified, can practise as a broker.

It is best to test the adequacy of that provision by examining particular circumstances. I raise one hypothetical case that demonstrates one of the significant deficiencies in the bill. I give the example of somebody who practises as an investment adviser but on whom a life ban has been placed by the Australian Securities and Investments Commission (ASIC) for services found to be inappropriate — for example, for services resulting in Victorian small investors losing a lot of money.

It would be entirely plausible for the ASIC to take action against and impose a life ban on a person who has not disclosed interests in the investments he or she recommended and whose recommendations led to people losing a great deal of money. However, it does not necessarily stand to reason, under the provisions of the bill, that such a person would automatically be prevented from offering financial broking services to Victorians. Somebody who had provided services in a questionable manner and had incurred the wrath of the ASIC would not necessarily be prevented from offering similar services.

This example raises several questions which I hope the minister will address. Firstly, can we be sure that where the ASIC has placed a ban on somebody as a consequence of prior shortcomings in the provision of financial advice, he or she would automatically be disqualified under proposed section 37E?

The detail in that provision does not state that somebody who faced a life ban by the ASIC would automatically be disqualified, although I strongly believe that should occur. In my hypothetical example the adviser could appeal to the Victorian Civil and Administrative Tribunal (VCAT). A life ban could be imposed on an adviser for offering advice that resulted in people losing money, but the adviser could appeal against the decision to the VCAT and continue to work until the appeal was heard and decided, because the appeal could drag on as appeals often do at administrative tribunals.

In that regard I need only refer to the recent comments of the Premier as reported in the *Age* of 2 October last under the heading 'Kennett blasts tribunal delays', when he referred to the substantial delays occurring at the VCAT. Those delays are doing nothing to assist people who need a speedy resolution of their grievances. I can well understand that issues that must be resolved at an administrative tribunal can drag on for many months. The significance in such delays is that somebody on whom a life ban has been imposed could continue to provide services in Victoria without risk of being classified under this bill as a disqualified person.

Some assurances need to be given that the Victorian community will be protected from services being provided by someone who in the view of the ASIC was not an appropriate person.

Thirdly, in the example of the hypothetical adviser, if the former financial adviser lost an appeal, it seems that by virtue of proposed section 37E(3)(a) that person, who would presumably become disqualified, would still have 30 days grace in which to operate before that disqualification took effect. I have some queries about why that would apply. However, proposed section 37E(3) states:

> A person that —
>
> ... becomes a disqualified person within the meaning of sub-section (1)
>
> ... is not to be regarded as a disqualified person for the purposes of this Part until —
>
> (c) the expiry of 30 days after becoming a disqualified person.

That is a significant defect in the bill. If someone is not an acceptable person to provide financial broking services to Victorians he or she should automatically not be able to provide services after disqualification — not 30 days later, but automatically. For that reason I, together with other opposition members, strongly oppose the bill.

The honourable member for Bendigo East suggested that this was a balanced piece of legislation. If it were balanced the rights of clients and customers and potential clients and customers of financial brokers would be somehow kept in balance with the rights of financial brokers. It is not as if lots of financial brokers have complained. One would be hard pressed to find recent cases in Victoria of financial brokers complaining that there were not enough customers, that there was too much red tape, or that they were not able to earn enough through the fees and charges they impose. Financial brokers have not been so hard done by that they urgently require an administrative regime that is far slacker than the one currently operating. That is in effect what the government is giving financial brokers. I cannot see how that is in the interests of all Victorians, particularly those who live in the electorate of Mitcham.

This is not a carefully scripted, tailored or designed piece of legislation, as was suggested by the honourable member for Bendigo East. He should be the last person

in the house talking about matters of sartorial elegance. I believe at some stage during the first Kennett government the Premier sent the honourable member for Bendigo East home because he was not wearing the right suit. He should be the last honourable member to offer commentary and advice on appropriate attire or design.

The bill is poorly drafted and designed. It does not offer stronger protection for Victorians. We have not heard speakers on the other side suggest that it offers stronger protection. They have used descriptions such as efficiency, removal of barriers, and encouragement for business activity, but their speeches have been largely, if not entirely, devoid of any suggestion that the bill offers greater protection.

As I said at the start, the real test is whether the administrative arrangements put in place as a consequence of the bill will actually provide more certainty and support for Victorians who could be exposed to the risk of financial advisers offering poor service with intent to defraud. It is my strong contention that the bill significantly fails on that count. For that reason it should be strongly opposed.

Mr GUDE (Minister for Education) — I move:

That the debate be now adjourned.

Mr HULLS (Niddrie) — The opposition opposes the motion moved by the Leader of the House on a number of grounds. One is that if the debate is adjourned now this piece of legislation will not come back for discussion. The Leader of the House knows that. This is extremely important legislation that should be debated appropriately with all views being aired.

As the Leader of the House would know, the legislation will affect people in many electorates, including his own. It is extremely important that every person who wants to speak on this bill be given that opportunity. For instance, I know that the parliamentary secretary is desperate to speak on the bill, and he should be given the opportunity to air his views. I also know that the Leader of the House would want to protect his constituents in the seat of Hawthorn, and he should also be given the opportunity to speak on this legislation.

If we simply adjourn debate on this important piece of legislation now we will continue to allow the government to use this Parliament as its plaything. Victorians are sick and tired of this place being used in such an antidemocratic way. We cannot continue in this house treating Victorians with contempt.

It is interesting that last night the government again reneged on a deal. It used this place as its plaything and denied people the right to air concerns within their electorates on the adjournment debate. As you would know, Mr Deputy Speaker — —

The DEPUTY SPEAKER — Order! I take the comment made by the honourable member for Niddrie as an aspersion on the Speaker of this Parliament. I ask him to not cast aspersions. As I understand it, nobody rose to speak on the adjournment debate last night. It is the responsibility of members in this place to get to their feet to take the call. Given that nobody did so, the Speaker took the only course of action open — which I would have taken had I been given that opportunity: to carry the adjournment motion. The honourable member for Niddrie is casting aspersions on the Speaker, and I ask him to desist.

Mr HULLS — I certainly would not want to cast any aspersions on the Chair. Nonetheless, it is my understanding that certain negotiations and agreements did take place and that they were not adhered to. That is extremely disappointing. In my view that shows that members of the government are prepared not only to renege on deals, but also to use this place as their plaything. I say that without wanting to cast any aspersions on the impartiality of the Chair. However, I am sure members will agree that we sit very rarely in this place — less than any other state Parliament in Australia.

We have returned after adjourning for the federal election following a lengthy and wide-ranging debate about why Parliament should not adjourn for the federal election campaign. At that time it was made clear that because so much legislation needed to be dealt with if we adjourned and did not lengthen the session bills would be rushed through.

The opposition believes the current debate should not be adjourned because the bill requires full debate. It is all very well and good for the Leader of the House to say, 'Oh well, we will be sitting tomorrow and we can consider it then', but he knows full well that that will not happen. A whole range of legislation needs to be debated tomorrow, including amendments to the important Legal Practice (Amendment) Bill and the Livestock Disease Control (Amendment) Bill, which is vital to those living in rural Victoria.

The International Transfer of Prisoners (Victoria) Bill and the Conservation, Forests and Lands (Miscellaneous Amendments) Bill are also extremely important pieces of legislation that require full and frank debate tomorrow. In fact, the Conservation,

Forests and Lands (Miscellaneous Amendments) Bill requires full, frank and lengthy debate because it proposes to allow the government to appoint members of Parliament to particular boards.

There has been much debate in the past about conflict of interest. I expect government members would not want to find themselves further immersed in that issue, which is why it would be inappropriate to simply guillotine tonight's debate in the full knowledge and expectation that debate on this bill will not be continued.

I would have thought the Leader of the House, with his knowledge, experience and aspirations, would want to ensure that the Consumer Credit (Finance Brokers) Bill gets a full and thorough airing, particularly in view of the sharp practices that occurred in the 1980s in relation to finance, finance brokers and lenders.

The last thing honourable members want is to rush legislation of this sort through the house without considering the ramifications of each clause because to do so would be to abrogate our responsibility to the wider community and to set the scene for the shonks and charlatans of the 1980s to come back and continue the sharp practices they indulged in at that time. I know the Leader of the House does not want to be a party to that, and we on this side of the house do not want to either. That is why we believe it is inappropriate to guillotine this debate. There are at least two or three more people who want to make a contribution tonight, and I expect that should this legislation come before the house again many more will also want to do so. I have not seen the list of government speakers but I expect there are many members on the government side who do not want to be denied the opportunity to speak on this legislation.

In conclusion, I oppose the motion moved by the Leader of the House, as does the opposition. On this side of the house we believe in democracy and in full and frank debate. We do not believe in stifling debate in this place. It is totally inappropriate, particularly on such an important piece of legislation on which, apart from anything else, there is no consensus. It is not as though it is a piece of legislation on which both sides agree or an innocuous piece of legislation — it is not.

There are huge differences between the views of the government and the views of the opposition on this legislation, and that is why it needs to be debated thoroughly. Everyone needs the chance to air his or her views. The motion of the Leader of the House is inappropriate, and we oppose it.

Mr MILDENHALL (Footscray) — I also oppose the motion to adjourn this debate. The opposition objects to the way the government seeks to force so many bills through the house this week, to curtail debate, to cut consideration of these matters in the way it does and to turn the debate on and off at the whim of the Leader of the House regardless of the desires of members of either the opposition or the government to speak on the matter. At least two opposition members intended to speak on the legislation. They would have had that opportunity were it not for the government's determination to push through so much legislation and to shorten the spring sitting because of its short-term political imperatives.

The opposition wants adequate time to be provided for bills of this significance to be properly debated. Unlike the situation with the enormously significant Petroleum Bill that was debated last night, a proper opportunity for debate was not provided to honourable members representing the various affected areas of the state on the measure that will potentially allow mining and exploitation of national parks.

The DEPUTY SPEAKER — Order! I direct to the attention of the honourable member for Footscray that the motion before the Chair is for the adjournment of the Consumer Credit (Finance Brokers) Bill and has nothing to do with the Petroleum Bill of last night. I ask the honourable member to come back to the question before the house.

Mr MILDENHALL — Mr Deputy Speaker, I was merely trying to demonstrate that the time for debate has been shortened, and I was using the Petroleum Bill as an example. This bill deals with a range of significant issues, including the proper supervision, conduct and licensing of finance brokers, and the regime of misrepresentation that operates in the area. There is deep concern in the community about those issues and they are commonly debated as a matter of public importance. If this motion is carried, I will not have the opportunity to debate these matters. I would have thought that a reasonably conducted debate would have allowed that opportunity.

Tonight the opposition is objecting to and protesting about the way in which debates are shortened abruptly and arbitrarily by the government. It is not the way to conduct the business of the house. Normally that would involve a bit of give and take and a level of understanding and cooperation among honourable members on issues that need to be discussed.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The minister and the honourable member for Niddrie are making it extremely difficult speaking across the table. Will they please be silent!

Mr MILDENHALL — I was saying that the efficient and reasonable conduct of this place involves cooperation and give and take between the government and the opposition, and an understanding of each other's needs. For a balance to be achieved between the government's need to process its legislation and the opposition's need to ensure that the full range of issues has been ventilated a reasonable number of honourable members require the opportunity of debating the issues. However, the government does not handle its business that way. The only time the house goes into committee for a clause-by-clause analysis of a bill is when the government takes the opportunity. Unfortunately debate tends to focus on the broad, generalised issues and little incentive or encouragement is given to the consideration of specific implications of the legislation.

I implore the government to allow debate to continue so that at least the two opposition members who have waited patiently may be heard. It is late and it is reasonable to allow those two honourable members to make brief contributions. The opposition does not know how many government members are affected by the motion, but I am sure some would be in that position. The government's weight of numbers means its representation covers a wider geographic area and one assumes that it is subjected to more community comment and receives a greater number of representations. The process of lobbying and comment tends to focus on the governing party, and the comments received and the representations made should be ventilated in this sort of debate. It would be reasonable to allow the debate to continue at least for half an hour to enable the range of significant issues to be covered comprehensively. There may be government members who wish to speak and a reasonable opportunity should be given to them as well.

The DEPUTY SPEAKER — Order! I am advised by the kitchen staff that supper has been served. The chair will be resumed at approximately 12.50 a.m. on the ringing of the bells.

Sitting suspended 12.21 a.m. until 12.50 a.m. (Thursday).

Mr FINN (Tullamarine) — It is now a well-established fact that in the state of Victoria the opposition is pretty useless. Opposition members are good for only two things, and they are proving it again tonight. They are great at (a) wasting time and (b) carrying on like raving lunatics in the early hours of the morning. They are at it again this morning. The honourable member for Niddrie tells us that there are opposition members wanting to speak on the bill. I would like him to name them. If the honourable member for Niddrie is serious in his statement that opposition members wish to speak on the bill, why did he rabbit on for well over an hour, repeating himself on numerous occasions and not giving his colleagues a chance to make a contribution on the bill? It is hypocritical for him to now get up at 12.50 in the morning and tell us that he wants the sitting to continue right through the night.

In the six years I have been here the opposition has had a history of this sort of carry-on. Quite frankly I have had enough of it and I am sure government members join me in wishing that opposition members would come to their senses.

We heard the honourable member for Footscray — who is, no doubt, now sound asleep somewhere — talk about reasonable conduct of the house. How can anybody expect to have reasonable conduct of the house when opposition members come in here and demand that we sit through the night? It is ludicrous, it is nonsense, and it flies in the face of any reason at all. For opposition members to suggest that that is reasonable conduct of the house is ludicrous. Over the past couple of hours a number of opposition members have been sleeping peacefully. I suggest to you, Mr Deputy Speaker, that they might like to do it in their own beds.

An honourable member interjected.

Mr FINN — Yes, for a number of opposition members it may well be a change. It is time that we got on with the business of the house. The opposition should stop this arrant nonsense and let us get on and do the job we are paid to do.

Ms GILLETT (Werribee) — It is a very narrow debate on the question of whether the bill ought to be adjourned. The honourable member for Tullamarine airport — I am sorry, Tullamarine — spoke eloquently about a couple of things but he did not confine his comments to why it was important that debate on the bill not be adjourned this evening. The reasons that the debate should not be adjourned have been outlined by a number of opposition speakers this evening and I will quickly go to a couple of important areas.

Members who were in the chamber and members who were awake — or both at the same time, which would be extraordinary — would remember that in my small contribution to the debate I indicated that the bill was a

matter of concern for every member of the Parliament. Not only are opposition members unable to make the contributions we need to make, but often we are constrained, as we were this evening, in making contributions.

The two members of the opposition who represent constituents who would be severely affected by the provisions of this bill have not been given the opportunity of speaking in the debate. The government has a clear majority in both houses of Parliament. What is it so concerned about that it will not allow those two honourable members the opportunity of making brief contributions?

Mr Finn interjected.

Ms GILLETT — It is a wonder the honourable member for Tullamarine does not choke on his words. They were both on the list of opposition members wishing to speak on the bill, and the list was prepared prior to the shenanigans that took place yesterday. Opposition members are particularly aggrieved on behalf of the constituents they seek to represent.

Opposition members who have contributed to this debate have said that the bill should be considered further and amended. On odd occasions the government has been persuaded by the passionate and eloquent contributions of members on this side of the house and has amended legislation. This is a bill about which the government should take stock. Perhaps it is not yet convinced by the two or three opposition speakers who have contributed to the debate but is convinced more by quantity rather than quality. That is a problem politicians have from time to time.

The government should allow its members to contribute to the debate, because this bill affects the most vulnerable in the community — those who are least able to protect themselves. This is the place where a difference can be made, which is why further debate on this legislation is necessary.

I do not understand why the government is so frightened. During the first term of the Kennett government all-night sittings occurred regularly to enable the government to pass its legislation. The government ought to allow all honourable members to speak on legislation that has many repercussions and cannot be seen in isolation.

After a rational and measured debate the government may realise that this industry is not an industry where national competition policy ought apply and that the government's misinterpretation of national competition policy ought to be finally put to rest. National competition policy does not mean that the most vulnerable people in the community should be ripped off. It was never intended to be interpreted in that way and it should not be open to the government to interpret it in that way.

Having introduced the legislation, the government is now closing the debate without giving the representatives of the people the opportunity of discussing the bill in the detail that it deserves. They are unable to be as persuasive as they ought to be, to bring some light to bear, or to convince a government that is marked by its arrogance and is highly unlikely to attain office a third time because it will not listen.

Finally, it is more than appropriate that debate on the bill and consideration of it not take place in isolation. It must be understood that it will be the straw that breaks the camel's back. The national competition policy was never intended, designed or implemented in other places to do damage to those in the community who are most vulnerable.

This government cannot help itself — by introducing the bill it demonstrates what it is truly about. The national competition policy means open slather by rip-off merchants all over the place — and most of them are mates of the government.

Mr LUPTON (Knox) — I have listened for 8 minutes to the diatribe of the honourable member for Werribee about why we should continue the debate. It is obvious from part of what she said that something has got up her nose. Apparently yesterday two government members broke an agreement and went over time. From my understanding they spoke for a total of 20 minutes in excess of the agreed time. The honourable member for Niddrie indicated the same when he said we should not adjourn the debate.

We have extended this sitting by 3 hours. The honourable member for Niddrie spoke for 1 hour and 10 minutes and the honourable member for Werribee spoke for 1 hour — all on the same bill. Yet they are now saying insufficient time has been made available to talk about it. If my 10-year-old grandson behaved in such a selfish and irresponsible manner he would be sent to his room. We ought to do the same to members of the opposition.

Mr HAERMEYER (Yan Yean) — Tonight we see the upshot of the government effectively reducing this session to 15 sitting days. It will ram its business program through in 15 days, come hell or high water.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I was of the mistaken belief that an adjournment for supper might restore some sanity to the house. If honourable members want to keep on carrying on like that I am happy to leave the chair. It will be on your heads if you cannot conduct yourselves better. I am happy to leave the house. Members have some responsibility to behave in an appropriate manner. I acknowledge that it is late and some might want to go home but that is no excuse to treat the house with the disdain that is being accorded to it.

Mr HAERMEYER — This is about the government trying to ram through all of its legislation, having curtailed the session. Parliament sits precious few days as it is. The government considers the house to be nothing more than a rubber stamp for its legislation, not a forum for democratic debate, and not part of a process of reviewing legislation that comes before it. Government members come in here like a pack of Junkers in jackboots and try to ram through legislation with minimal debate. The government treats even its own members with contempt; they are told they are not allowed to speak in debates on bills. People on both sides of the house represent constituents. By curtailing debate on proposed legislation the government is disenfranchising constituents not just of members on this side but also on its own side of the house.

Ultimately the government is denying democracy to those constituents by preventing them from having a voice through their representatives in this chamber. This is important and controversial legislation. The provisions in the bill are not what the government purports. I should have thought that under those circumstances there would be careful consideration and extensive debate on the bill. But not with this government; it thinks it knows better. Time and again the government rams through legislation in a jackboot fashion. Yet a few months later it is returned for amendment to pick up the very points raised by the opposition. We have seen it time and again with the government's legislation. Why is there not some proper debate and accountability in this chamber instead of treating it with contempt?

Parliament is sitting for only 15 days this session. That is a pathetic record. The sittings for the sessional period were curtailed to allow the Premier to be shuttled off interstate. The Liberal Party wanted to bury him somewhere because of the federal election campaign and now the government wants to ram through all its legislation without debate. It is a sham and an abuse of the parliamentary system and of democracy. This is an extremely important matter. The government uses its numbers in this house to ram through or gag legislation. This is a place where elected members should carry out their responsibility of representing their constituents. By denying debate on important bills like this, the government is denying a voice to the constituents we all represent.

Members have obligations to represent their constituents and to articulate views about the legislation that is introduced. There have been fewer than five or six speakers out of a total of 88 members in this place. More opposition members want to speak on the bill and I should think government members would also wish to speak. It is a disenfranchisement of the electorate and of the voters in the respective constituencies of all members of this house.

Mr MAUGHAN (Rodney) — I move:

That the question be now put.

The DEPUTY SPEAKER — Order! There have been six opposition and two government speakers and debate has been taking place for 38 minutes, so the Chair is prepared to accept the motion.

House divided on Mr Maughan's motion:

Ayes, 51

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms (*Teller*)	Maughan, Mr
Clark, Mr	Paterson, Mr
Coleman, Mr	Perrin, Mr
Cooper, Mr	Perton, Mr
Davies, Ms	Peulich, Mrs
Dean, Dr	Phillips, Mr
Dixon, Mr	Plowman, Mr A. F.
Doyle, Mr	Reynolds, Mr
Elder, Mr	Richardson, Mr
Elliott, Mrs	Rowe, Mr
Finn, Mr	Ryan, Mr
Gude, Mr	Savage, 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
Lean, Mr	Stockdale, 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, 27

Andrianopoulos, Mr	Hamilton, Mr
Baker, Mr	Hulls, Mr
Batchelor, Mr	Kosky, Ms
Bracks, Mr	Langdon, Mr (*Teller*)
Brumby, Mr	Leighton, Mr

Cameron, Mr (*Teller*)
Campbell, Ms
Carli, Mr
Cunningham, Mr
Delahunty, Ms
Dollis, Mr
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs (*Teller*)
Mildenhall, Mr
Pandazopoulos, Mr
Robinson, Mr
Seitz, Mr
Thwaites, Mr

Motion agreed to.

House divided on motion:

Ayes, 51

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

Noes, 27

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Cameron, Mr (*Teller*)
Campbell, Ms
Carli, Mr
Cunningham, Mr
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*)
Mildenhall, Mr
Pandazopoulos, Mr
Robinson, Mr
Seitz, Mr
Thwaites, Mr

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

LEGAL PRACTICE (AMENDMENT) BILL

Second reading

Debate resumed from 3 September; motion of Mrs WADE (Attorney-General).

The DEPUTY SPEAKER — Order! Before calling the honourable member for Niddrie, I remind the house that the second and third readings of the bill will need to be carried by an absolute majority of the members of the Legislative Assembly.

Mr HULLS (Niddrie) — As the Attorney-General knows, this important proposed legislation requires a fair amount of scrutiny. The Legal Practice (Amendment) Bill has been introduced because of warnings given to the Attorney-General some time ago about professional indemnity insurance for legal practitioners. Members will recall that in June 1996 the Attorney-General introduced a bill to open up the insurance regime for solicitors to use insurers other than the then monopoly insurer, the Solicitors Liability Committee. In the debate on 20 June 1996 the Attorney-General said:

> A second change from the draft proposals concerns the role of the Liability Committee in insuring legal practitioners against negligence. It was initially proposed that all firms, incorporated practitioners and sole or corporate practitioners who were authorised to receive trust money would be required to insure with the Liability Committee. Under the bill, that restriction does not apply.

The Attorney-General decided to get rid of the monopoly in professional indemnity insurance. The Attorney-General was warned by me and, as I recall, by the honourable member for Gippsland South, about the matter — I will return to his comments shortly. Mr Deputy Speaker, you may recall that on 12 September I advised the Attorney-General that her plan was faulty.

During the debate in September 1996 I told the Attorney-General that an issue of grave concern for the opposition was professional indemnity insurance for the profession. I said:

> One of the main concerns of virtually every lawyer I have spoken to about this bill is the insurance question.

I am sure the honourable member for Gippsland South well remembers that statement. I further said:

> ... the Solicitors Liability Committee is the compulsory insurer of practitioners in this state. That mutual insurer is, in effect, owned by the profession; it is a monopoly insurer, as we know, and it is required to insure every solicitor in this state.

At the time I mentioned that people had expressed concerns about whether a monopoly insurer was anticompetitive. I argued that:

> ... when you look at the pluses and minuses associated with the monopoly insurer you see that in this instance it is not anticompetitive. The pluses of having the SLC far outweigh the proposals contained —

in the original legislation. I said that if you broke the monopoly situation, far too much power would be put in the hands of insurance companies. I said:

> ... without having a monopoly insurer for practitioners, insurance companies will be in a position to dictate to practitioners — to blackmail practitioners, if you like — the sort of work they will require those practitioners to undertake ... because a practitioner cannot practise without insurance, private insurance companies will be able to tell lawyers that they are more than happy to insure them but only on the basis that they refrain from doing certain types of work ...

What I said has proved to be correct. I recall that the honourable member for Berwick interjected during my contribution. His interjection was along the lines that if you cannot get insurance from one insurance company, go to another company. I said then that the interjection was foolish and that the first question that would be asked by another insurance company was whether the solicitor had been knocked back by another company. I said:

> The answer will be yes. The reply will be, 'Bad luck, keep moving'.

I made it clear that the Attorney-General's plan was faulty. In his contribution the Parliamentary Secretary, Justice, despite what the Attorney-General planned to do about insurance, maintained that the government had got it absolutely right. I will be interested to hear the contribution of the honourable member on this bill and to discover whether he has resiled from the clearly ludicrous position he then held.

To his credit, the honourable member for Gippsland South expressed the same concerns about insurance as I did. He made a worthwhile contribution — in fact, one could say a deputy leadership-type contribution — to the debate! As reported at page 205 of *Hansard* of 12 September 1996 he stated:

> One issue that needs further consideration is insurance. The bill removes the Solicitors Liability Committee (SLC) as the sole insurer which creates a risk ...

He was dead right — but if only the Attorney-General had taken his advice! He further stated:

> ... in opening practitioners to the general insurance market the industry will become the gatekeeper for who can practise and who cannot. People who are completely innocent of wrongdoing but who fall within a category determined by the size of the firm which is penalised by the insurance industry because one of its members has done the wrong thing will be forced out and will not be able to afford cover.

He went on to say:

> As a country practitioner I am worried about that. The risk may fall upon the sole practitioner and firms that have only two or three practitioners, which are common in country areas. That is an issue we will need to keep an eye on.

As best he could, he expressed his view that it was best that the monopoly insurance situation was retained. He was sensible, I was sensible, we were ad idem on this particular matter. Unfortunately, the parliamentary secretary had his barrister's wig on and he was away with the pixies. He was not being practical. He has been shown to be wrong and he should come into the chamber and apologise, or at least explain whether he has learnt finally that the right way to go was the way advocated by the honourable member for Gippsland South and me.

The bill makes some slight amendments to the fidelity fund. I expect that that was done to cover the Max Green-type defalcations whereby people who had invested large sums of money with the legal firm Aroni Colman and had had that money stolen would be entitled to make claims on the fidelity fund. I am advised that the proposed legislation is not retrospective in any way. The Aroni Colman matter will have to be dealt with in due course. I am sure honourable members are aware that if all the people who have claims on the fidelity fund as a result of what I call the Max Green rip-off are successful, the fund will be eroded totally. That will affect the legal profession generally, legal aid and a whole range of other areas.

However, this minor amendment to that aspect of the fidelity fund simply clarifies the situation. People who have invested money with solicitors for non-legal investment purposes will not be able to claim on the fund. That has always been the situation, but the wording of the legislation is changed. Under the current legislation it was made clear that people were precluded from making a claim on the fund where they had given to a solicitor money that had been invested for non-legal purposes. However, that did not stop people who had handed the money over to the solicitor for investment purposes, and where the money had yet to be invested, from claiming on the fund. The wording is changed. Proposed new section 208(3)(b) states:

> ... in respect of a defalcation of, or in relation to, any money given to a practitioner, a firm or partner of a firm for the purpose of investment or re-investment ...

It clears up the situation where the money has been handed over to a firm of solicitors. If that firm of solicitors has yet to invest the money and defalcates, it precludes people from claiming on the fund.

In the circumstances we believe the amendments to the legislation are appropriate. The opposition does not oppose the bill. I congratulate the honourable member for Gippsland South on his foresight and contribution to the legislation. However, I condemn not only the Attorney-General but also her parliamentary secretary who have not the slightest idea of what is happening out in the real world.

I hope the Premier will take on board the sensible and appropriate contributions of the honourable member for Gippsland South and give him his due — that is, a well-deserved promotion when the opportunity comes around, which I expect will be in the not-too-distant future. If I can help the honourable member for Gippsland South with such promotion in any way I would be more than happy to do so.

In conclusion I say that the opposition does not oppose the legislation and believes that in the circumstances it is appropriate. However, I will be interested to hear from the Attorney-General of her plans for the Aroni Colman matter, which will obviously devastate the fidelity fund should all the claims be successful.

Ms CAMPBELL (Pascoe Vale) — It is with pleasure that I support the comments of the shadow Attorney-General on the Legal Practice (Amendment) Bill. I read the minister's second-reading speech with interest and learned that it did not take the government long to realise that legislation introduced less than two years ago has been discovered to be inoperable.

The Legal Practice Bill was introduced into this house with indecent haste. I well remember being here the day it was debated. Just two days before the opposition was to debate the bill 158 amendments were tabled, and another two were provided just before the debate commenced. It was at that point that the opposition raised the warnings that it has taken the Attorney-General a couple of years to work out were right. To a degree the warnings of the honourable member for Gippsland South on this matter were also correct.

The Legal Practice Act was the Attorney-General's major reform of the legal profession. This bill superficially changes a number of sections in the act. I particularly want to cover the professional indemnity insurance and the fidelity fund clauses of the bill.

In 1996 the shadow Attorney-General alerted the Attorney-General to the fact that the professional indemnity insurance should remain as it was. However, the Attorney-General chose to ignore that advice, as she so often does. But because the act became inoperable and insurance could not be found by many legal practitioners, this bill is being debated at 1.40 this morning.

When the bill was first passed we raised the prospect that the government's attempt to deregulate the industry and introduce competition into the legal profession insurance scheme would fail. That has been proven to be correct. We said that no market would emerge and that it was a waste of time and money. That has also been proven to be correct. After an initial extension of the old scheme, this bill simply admits failure and legislates for the ongoing mutual fund model to continue.

I wonder how much longer it will take the Attorney-General to realise that many other provisions in the Legal Practice Act and the 185 amendments that were tabled prior to the debate are correct.

I would like to believe, as many others in the community do, that solicitors are honest, just as I believe most people are honest. However, when they deceive their clients they deserve the full force of the law. We need to consider the matters relating to the fidelity fund and whether the amendments clarify the current legislation to preclude those who have invested in solicitors' trust accounts for business purposes from making claims on the fund. The shadow Attorney-General has clearly pointed out the implications of the Max Green scam, and people in the community will now realise with alarm that the legal profession is not always honest and that those people will require protection.

I point out the importance of the fidelity fund for legal aid. Legal aid is crucial for people obtaining justice. Those who have no funds but need access to the law need the legal aid provided through the fidelity fund. Legal aid has been cut dramatically by both the federal government and the state government, and I congratulate the shadow Attorney-General on his foresight when the act was originally debated. If the Attorney-General had done her homework we would not be debating the bill tonight, although it is good that she is finally getting it right. We await the next instalment of the Legal Practice Act amendments.

The DEPUTY SPEAKER — Order! Before calling the honourable member for Bendigo West I draw the attention of the honourable member for Pascoe Vale to

the fact that the Chair erred in giving her the call because she did not rise from her seat. The Chair should recognise only people who rise from their seats.

Mr CAMERON (Bendigo West) — Thank you, Mr Deputy Speaker, for the opportunity to make a contribution to the debate on the Legal Practice (Amendment) Bill. Lo and behold, when the original legislation was debated the Attorney-General would have had us believe that deregulating professional indemnity insurance was the be-all and end-all for us as a society. The honourable member for Niddrie said at the time that there would be big problems, but that was just cast to one side. Yet here we have the Attorney-General having been forced to come into the house and introduce legislation that agrees in full with the honourable member for Niddrie.

There are also changes to the fidelity fund. The look on the face of the honourable member for Bentleigh says, 'What is a fidelity fund?'. I will tell you. What the fidelity fund does is recompense people who have effectively had their moneys held in trust flogged by a legal practitioner. The legislation makes some changes to clarify what can be obtained when a client's funds have been stolen.

The legislation makes it clear that clients are entitled to get back what was stolen, but they are not entitled to get back funds for what may have been represented by a solicitor as a wonderful investment possibility. In other words, they cannot get the amount of the wonderful investment possibility but they can get back the funds taken from them.

The legislation also brings into effect proposed section 441A and the following sections relating to the investigation of offences. It establishes what the investigation powers are and makes it clear that where the board reasonably suspects that an offence other than an offence under part 6 has been committed it may appoint a person who is an employee of the board or who in the opinion of the board is an appropriate person to conduct an investigation to investigate the offence.

Clause 31 inserts a new division 2A in part 19. Proposed section 441B sets out a regime dealing with the assistance to be given for the purposes of an investigation, which is absolutely essential if a thorough investigation is to take place.

The bill provides for a power of entry with a warrant. An inspector appointed under proposed section 441A can under proposed section 441C apply to a magistrate for the issue of a search warrant. The appointed inspector can use the warrant to obtain evidence to bring about a thorough inspection. I conclude my remarks.

Mrs WADE (Attorney-General) — I thank honourable members who contributed to this debate at such a late hour. A lot of inaccurate comments were made by honourable members opposite on the changes to the solicitors liability insurance arrangements. There has not been any attempt to go to the market on this matter. The government received a report from KPMG recommending that that should be the case. Provision was made in the bill to do that within a period of 12 months, which was subsequently extended to 2 years. On further examination the government decided it would be better to retain the existing arrangements for professional liability insurance.

The honourable member for Pascoe Vale suggested there was no market emerging. That is not the case. Some insurers were very keen to come into the market, but after consideration of a number of Victorian and overseas reports it seemed preferable from the point of view of both solicitors and their clients to remain with a system that enabled all solicitors to have cover in the state regardless of the type of practice they ran. To move to another system might have meant that some solicitors, particularly those with small practices in regional areas, might not have been able to obtain insurance. There was never a government decision to move to a market. There was a government decision to examine the possibilities of allowing more competition into the market, and that proved not to be a desirable course.

The fidelity fund provisions are not retrospective; they provide for any future claims. It is the government's view that it is not appropriate to introduce retrospective legislation in the sort of circumstances covered by the fidelity fund. It was an interesting debate, even if it got off the track on several occasions. The upshot is that all sides agree that the bill should go ahead in its present form. I thank all honourable members for their support.

The DEPUTY SPEAKER — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading of this bill is required to be passed by an absolute majority. As there are less than 45 members present in the chamber, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

LAND (FURTHER REVOCATION OF RESERVATIONS) BILL

Second reading

Debate resumed from 3 September; motion of Mrs TEHAN (Minister for Conservation and Land Management).

Ms GARBUTT (Bundoora) — This is the sort of bill that appears once or twice every session. It revokes permanent reservations on six pieces of land in Victoria. The first piece of land is at Kangaroo Flat and is reserved for water supply purposes. I am told that that land is no longer needed. It is currently used by Coliban Water but is not needed for water supply purposes. It is going to be sold to a neighbouring property owner after the revocation.

The second piece of land is in Carlton at the former Queen Elizabeth Centre site. The institution has shifted and all other occupants of the site have moved. It is surplus to requirements and is going to be sold off as well.

The third piece of land is at Allendale, which was also used as a water supply reserve in the past. It is severely degraded by weeds and is also to be sold off. The provisions will lift permanent reservations for public purposes so that three pieces of Crown land can be sold off.

Clause 6 provides for the revocation of a portion of a reservation at Fawkner Park at the rear of the South Yarra Primary School. I am told the primary school is planning a new after-school centre for the park. The old centre located in the park will be closed and that land will be returned to the park to provide a net gain of parkland. The proposal has been approved by the City of Melbourne and the Department of Education. A planning permit for the facility has been approved, and the new development will be a big advantage to the primary school.

Clause 11 provides for the revocation of a reservation over land at Bendigo that has an interesting history. In 1975 a project to build an historical village demonstrating the contributions to the Bendigo area of the Chinese community was developed. It was to occupy a large area of land known as Dai Gum San Village, but the project never went ahead. There are few outstanding issues apart from the stands of box ironbark, a remnant piece of forest still on the land, but that will be determined by two ongoing inquiries, one by the Environment Conservation Council and one being conducted under the Regional Forest Agreement process.

The final piece of land involves the former Fairfield hospital site. The closure of the Fairfield hospital in 1996 was a great shame, a bad decision and a decision the opposition opposed. It is ironic that the Minister for Conservation and Land Management, who has carriage of this bill, as the then Minister for Health was the minister who made the decision to close the hospital. The closure of the hospital resulted in a loss of institutional knowledge, the break-up of the research base and the loss of cooperation and collaboration that came from having researchers, clinicians and patients co-located. Authorities in the United States are now putting those cooperatives together. Victoria lost a world-class research institution. The closure caused trauma and anxiety for patients suffering from AIDS and polio, and the loss of specialities in AIDS that had developed world best practice and high quality care and services.

At about the same time the government announced that it would relocate and build a new forensic psychiatry service in Fairfield Park. Of course the Minister for Conservation and Land Management, as the then Minister for Health, also made that announcement.

The Rosanna Forensic Psychiatry Unit in the electorate I represent is to be closed and the people moved to the new facility in Fairfield Park, which is nearing completion. The opposition certainly supports the construction of a new facility. The existing facility is old, its buildings have had additions and alterations and its physical fabric is no longer up to standard. A new facility is certainly needed.

However the opposition opposed and still opposes the alienation for the new forensic institution of public parkland for which the government undertook to provide placement. It was perhaps the first sign of how the government would treat urban parkland — the Yarra Bend Park was simply alienated for the new project. It has become the first in a long line of government attacks on Melbourne's parklands. The

government's view is that parklands are free real estate available to be seized from the public to be used for whatever pet project the government has in mind. It is possible to list parks right around Melbourne out of which the government has chopped bits to use for something else. Yarra Bend Park is a remarkable piece of bushland close to the city centre. It was cut in half by a freeway built by a former Liberal government. This government is simply following the tradition of Liberal governments in not paying any respect to public parklands. Yarra Bend Park is to be reduced in size to provide land to accommodate the forensic hospital.

The land in question is basically the old hospital site. However, it is not to become part of the new forensic institution. It contains many of the old hospital buildings, the AIDS memorial garden and the multi-faith chapel. Those important areas are of considerable significance to people suffering from AIDS and to the relatives and friends of those who have died from AIDS. The Northern Metropolitan College of TAFE plans to amalgamate the current Collingwood and Parkville campuses and establish a new campus on the old hospital site. The college has incorporated a heritage conservation plan into its feasibility study. The AIDS garden is to be re-reserved and will be a permanent public park and memorial garden and TAFE will manage that, which is a successful outcome of the changes. Unfortunately the memorial chapel will be within the confines of other buildings and cannot be separated from the TAFE college. However, TAFE has given a commitment that the chapel will remain accessible to the public and I am assured that the sale process will include an agreement to formalise that arrangement. That is also a satisfactory outcome of the changes.

Although the situation at Fairfield shows evidence of some sensible dealings, there is evidence also of what has become typical of this government, that is, the selling off of properties and Crown land. However, the opposition will not oppose the bill.

Ms BURKE (Prahran) — I am as delighted to speak in the debate on the bill as I was to speak on the Planning and Environment (Amendment) Bill. The measure is particularly close to my heart also because in part it is about Fawkner Park, a very large park in the electorate I represent. Clause 6 provides for the revocation of the reservation and the Crown grant of land in Fawkner Park, South Yarra. The project has been under way for as long as I have been in government and I am delighted that it is finally coming to conclusion.

The Ivy Brookes Centre in Fawkner Park contained asbestos. The building was tired and old and the students at the South Yarra Primary School had to walk across the park through the child-care centre. Even the family of the late Ivy Brookes felt that the centre was inappropriately located in Fawkner Park. They wanted the centre and a multipurpose room built on the South Yarra Primary School site. Although it sounds like something that would be simple in practice, it took two and a half years to achieve. With the help of the Department of Education, residents and the City of Melbourne the child-care centre has been taken out of the park. The site has been returned to parkland and the basketball facilities have been improved. By placing the child-care centre on the South Yarra Primary School site, the community will be given not only morning and afternoon child-care facilities but also a multipurpose room during the day. For that to occur a small portion of parkland was taken, but nothing like what is being returned to the park. A beautiful old oak tree is to be retained in the park.

I congratulate the City of Melbourne on its assistance. I particularly thank Mr Rob Adams and his team because they went to no end to assist the Department of Education and me in achieving the outcome desired by the Melbourne–South Yarra residents group as well as the residents of Pasley Street North and those concerned about the future of the site.

Schedule 4 refers to the Fairfield site, an important piece of parkland, particularly to many of my constituents. I am delighted that the garden will be retained as a memorial for those families. This is the second piece of land that has been returned to parkland. One hears so much about the government taking away parkland, but it is increasingly returning to parkland land that previously had buildings on it. I am delighted that the bill is before the house and look forward to the school receiving its multipurpose room and enjoying the parkland that has been returned to the community.

Mr CAMERON (Bendigo West) — I shall speak about two areas of land in the bill. The first, which is referred to in clause 3, is situated at Crusoe Road, Kangaroo Flat. Schedule 2 shows a diagram of the particular land affected. Crown land reserve has been fenced in by the owners. It has been agreed that the land will be sold to them because it is no longer required by Coliban Water. The area of land is near Crusoe Road — it has been named after the Crusoe reservoir.

Having made those brief remarks about that piece of land, I turn to the more substantial part of the bill relating to the Bendigo district. I refer to part 4 headed 'Bendigo Land.' One would have to acknowledge that

Parliamentary Counsel knows how to put things succinctly these days! Parliamentary counsel has drafted clauses 11, 12 and 13, the effect of which is to repeal the Bendigo (Dai Gum San Village) Land Act 1975. The land's reservation has now changed.

Because it is important that honourable members understand I will take the house through a bit of history. In 1975 the Parliament of Victoria enacted the Bendigo (Dai Gum San Village) Land Act, no. 8762, which sets out its purposes as follows:

> Whereas the Bendigo Trust, a company limited by guarantee pursuant to the provisions of section 24 of the Companies Act 1961, is desirous of developing the said land for recreation of the people, and public purposes by the erection of buildings and structures thereon and the exhibition of objects therein or thereon to illustrate the substantial contribution made by the Chinese community to life in and around the Bendigo goldfields during the gold mining period in Victoria:

And so on. As an aside, one might compare that drafting style with the current style, which refers succinctly to Bendigo land. It was envisaged that the land would be used to reflect the substantial contribution that the Chinese culture has made to Bendigo. The Bendigo trust, which is very active in the Bendigo community and proudly exhibits the history of Bendigo, was one of the driving forces behind the establishment of the Bendigo Dai Gum San village.

That is how the legislation came about, but the village project never got off the ground despite there being a lot of interest for a number of years. Although there was a lease taken out and a committee of management established under the act, today the land is still vacant and in the condition it was in 1975. The committee of management was made up of Bendigo trust and municipal representatives. The municipalities have now been amalgamated in the City of Greater Bendigo, and the city sees no point in the legislation remaining on foot given that the village is not going to take place. That is why the bill is before us this evening.

For many years there were Chinese wax figures in the Temperance Hall building in View Street, Bendigo, and no doubt they would have been exhibited at the Dai Gum San Village had it been established. When it was determined the village would not be established there was a push for a Bendigo Chinese museum which eventually came to fruition in the 1980s. The Bendigo Chinese Association is very active in the Bendigo community. Its leader, Russell Jack, was one of the driving forces behind the establishment of the new museum. It is a wonderful museum where Sun Loong is housed. Sun Loong is a wonderful dragon that comes out on Easter Sunday every year. In addition, the wax pieces that were housed at the Temperance Hall are now displayed at the museum, together with other exhibits.

Russell Jack and the Chinese community have been keen to promote Chinese culture further and sought to extend the museum by having gardens built over the road. Those gardens have now been completed. In its first term the government promised to assist, but it had to be prodded on a number of occasions over a number of years until the funds finally came through. The gardens complement the museum and were opened by the Minister for Planning and Local Government about 18 months ago. Mr Jack has a new program to extend the Chinese museum even further. Bendigo is very proud of its Chinese culture.

The provisions in the 1975 act very much reflect part of the development of Bendigo's Chinese culture and its position in the community in the 1970s. Although developments proposed then did not proceed, today we have a wonderful museum in Bendigo. We must take our hats off to the many people who have brought the museum about. On that remark, I conclude my comments.

Ms DELAHUNTY (Northcote) — It is my unalloyed pleasure to be permitted to speak at nearly 2.30 a.m. on Thursday, 8 October on the Land (Further Revocation of Reservations) Bill. Given that the bill relates to many parcels of land it is a pleasure to speak about the piece of land known as the former Fairfield hospital site land. The area has been the cause of much controversy for many constituents in Northcote, who are blighted by the fact that Northcote is the only electorate in the state where two major hospitals have been closed down, PANCH and the Fairfield hospital.

Mr Bracks — What have they got against Northcote?

Ms DELAHUNTY — I do not know what they have against Northcote, but it is quite clearly a major blight on the record of the government. It is also a great burden for the constituents of Northcote to carry. There was much interest back in October 1997 when it was announced that some of the land would be returned to parkland and that the former hospital site would also include a forensic psychiatry institute.

I look at the bill to see what benefits it might provide to the people of Northcote, particularly along the Yarra Bend Road. A great asset will be the AIDS memorial garden and multifaith chapel. It is more than substantial compensation. The Northern Melbourne Institute of TAFE will establish a new campus, and amalgamate the current Collingwood and Parkville campuses. Back

in October 1997 we were promised extensive landscaping, new planting around the AIDS memorial garden and long-term management and maintenance of the site. The people of my electorate look forward to and expect those things. There will be landscaping around the forensic psychiatry institute which will provide screening and enhance the character of the surrounding parkland. We also expect, as promised, landscaping treatment along the western boundary, incorporating a series of wetlands, and the replacement of exotics with indigenous plant species.

A heritage conservation plan is incorporated into the Northern Melbourne Institute of TAFE feasibility study. The bill provides that the AIDS gardens, as I mentioned, will be permanently reserved as public park and memorial gardens, and will be managed by the institute of TAFE. The memorial chapel cannot be separated from the institute, but TAFE has given a welcome commitment that the chapel will remain accessible to the public, and an agreement will formalise that in the sale process.

The opposition does not oppose the bill, and given that I have been on my feet for at least four and a half minutes, I will retire. Thank you.

Mr BATCHELOR (Thomastown) — I support the Land (Further Revocation of Reservations) Bill in this debate because at this stage of a parliamentary session it is usual for reservations to be revoked and changed to meet changing circumstances. On this occasion it is important to comment on the demise of the Fairfield hospital site. The bill makes changes to a number of parcels of land, but for me it is important that the bill effectively marks the end of the connection of the Fairfield hospital with a particular piece of land in the Yarra Bend Park. Members will probably recall that that general area is a large expanse of open parkland. Some hope arose that through the process of the tragic closing of the hospital some land would be returned to parkland.

The current government has a sorry and tragic practice of taking parklands and using them for other purposes. On this occasion the government had the opportunity to return to open space some of the land that was used for hospital purposes. The government has decided not to do so. However, it marks the passing of a hospital that was unique in its care for those in our community who were suffering from HIV/AIDS.

Fairfield hospital was highly regarded by those in the community whose friends, partners, children and loved ones were treated there for a range of conditions, but particularly by people suffering from HIV/AIDS. The house may recall the community outrage and the subsequent sorrow at the announcement by the Kennett government that it proposed to close down Fairfield hospital.

The area also has a proud tradition and is world famous in the field of medical research. That history cannot be allowed to pass without members of Parliament making reflective comments. The new forensic hospital will be built nearby. The opposition acknowledges that the AIDS memorial garden will be well maintained and that the buildings there will be used to provide accommodation for TAFE-related activities. In that context, I suppose it is appropriate that some rebirth and passage of skills can take place at a community facility that provided such comfort and support to sufferers of AIDS and infectious diseases.

I will not comment in detail on other parts of the bill which have been dealt with by honourable members and which deal with revocations of land in other parts of the state. I am pleased to have had this opportunity to contribute to the debate and to pay tribute to those who served at the Fairfield hospital and those who received benefit from the work done there.

Mr HONEYWOOD (Minister for Tertiary Education and Training) — The bill is the standard bill that comes before the house each sessional period for land revocations. It is nothing new; previous governments have introduced similar bills. The bill contains a number of key land reservation provisions dealing with issues such as the recycling, if you like, of a hospital site into a wonderful TAFE facility at significant cost to the government. That will be an appropriate use for that parcel of land.

The other parcel of land will be well cared for under the appropriate arrangements made under the conditions provided for on those revocations. I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr HONEYWOOD (Minister for Tertiary Education and Training).

ADJOURNMENT

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

That the house do now adjourn.

City Link: international gateway

Mrs MADDIGAN (Essendon) — I direct to the attention of the Minister for Planning and Local Government the international gateway structure which is part of City Link. I ask the minister to undertake an investigation into the effects of sun on the newly constructed international gateway and associated noise walls.

The aspect I have some concern about is the entrance to the Tullamarine Freeway from Flemington Road. In this area there are 39 30-metre-high red columns, a 550-metre-long gold-orange wall and a 70-metre yellow beam that, according to the *Australian* of 14 September:

> ... looks like a massive French fry leaning over eight lanes of traffic.

I believe it has some architectural significance. The architect, Mr Bill Corker, is also quoted in the article as saying that:

> ... the gateway is a modern version of ancient city walls with a triumphant archway, all built at a scale able to be appreciated at 100 kmh.

I think it is most unlikely that he said it was a triumphant arch. He may have said it was a triumphal arch. I am not sure what a triumphant arch is.

Over the past two weeks when it has been sunny a number of residents have expressed concern to me about the effects of glare particularly on the gold 550-metre-long wall. Some attempts were made by a local person to try to find out from Transurban if it had undertaken any studies in relation to the changing position of the sun and the sunlight on the wall. Transurban's only response was it had not had a complaint. The residents in Essendon and Moreland along the Tullamarine Freeway have learnt that it is a totally futile exercise to try to complain to Transurban about anything. It is not surprising it has not had any information from people.

Transurban was not able to provide information on whether any light studies had been done or any assessments made of the effect of the glare from that wall. I have had about four complaints. Two of the residents said it was exceptionally difficult to see and the angle of the sun on the bright yellow paint momentarily blinded them as they were driving along at 100 kilometres an hour under the triumphal arch. I ask the minister to investigate this matter. If an investigation has been undertaken by Transurban, I ask the minister for information on the results.

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

Ballarat: Australian Timken

Mr JENKINS (Ballarat West) — I raise a matter for the attention of the Minister for Industry, Science and Technology in another place. It was a very sad day in Ballarat when on 15 September the following press statement headed 'Australian Timken to discontinue manufacturing in Ballarat' was released:

> The majority of our Ballarat manufacturing operations will cease during the next three months, with the balance of production ending in early 1999. Approximately 180 of our 230 ATPL employees will be directly affected ... Please understand that this decision is in no way a reflection of the quality or productivity of the Ballarat plant or our work force We have a talented group of dedicated people.

It was sad news, in fact devastating, and it happened at the end of a 40-year period for the Australian Timken company in Ballarat. The first bearings rolled off the production line in July 1958, and sadly that production will finish in 1999. An article in the *Ballarat Courier* of 16 September announcing the closure refers to Mr James Griffith, vice president of Timken for the Pacific rim, and states:

> It was pointless to blame, he explained.
>
> It was not the union. Not the government. Not the management. Most definitely not the workers. These highly skilled workers were 'heroes'.
>
> 'There is no blame in this case', Mr Griffith said.
>
> 'This is not a story about Australian industry'.
>
> 'This is not about politics. This is about economics'.

The Timken company is closing three plants around the world and unfortunately Ballarat's is one of them. I commiserate with the workers, their families, the Timken company and the community of Ballarat. I seek the full support of the minister and the government to overcome this great hurdle. I refer the house to the action the minister has already taken in this case. A media release of 18 September states:

> Mr Birrell said the state government will contract the local community business employment (CBE) provider, BRACE Employment, to extend its CBE program to provide assistance to individual Timken workers to find employment.

Ballarat is right behind Timken in this matter. It has full community support to ensure that jobs are found for its employees. Crisis meetings have been held and are continuing. The mayor, Cr Judy Verlin, and other councillors, some of my parliamentary colleagues, representatives of trade organisations, unions and the Trades Hall Council, community leaders and the media have all been involved in trying to solve the problem.

I urge the minister on behalf of the government to ensure that every possible support is given to these highly skilled workers, some of whom have worked with the company for 30 to 40 years.

LOTE awards

Mr LIM (Clayton) — The matter I raise for the attention of the Minister for Education, and in his absence the Minister for Tertiary Education and Training, who is at the table, relates to the 1998 LOTE awards. Teachers in only eight languages have been nominated for the awards, resulting in a considerable number of teachers of other languages taught at schools around Victoria missing out on the chance of being nominated.

The matter has created a lot of tension in the LOTE community. We should remember that about 40 languages are taught throughout Victoria.

Mr Honeywood — Fifty-three.

Mr LIM — Fifty-three, according to the minister. Teachers in only eight languages being nominated has created tension within the schools. The teachers of the languages who are missing out because they are not allowed to be nominated feel they are being rejected and not recognised for their contributions to the kids. So far as they are concerned the policy is divisive and discriminatory.

The criteria for being considered for the nominations are a substantial commitment to excellence in teaching one of the languages mentioned in the *1998 LOTE Awards* booklet; outstanding contribution to and/or leadership in the teaching of LOTE; and innovation and effectiveness in LOTE teaching methods. Having those criteria and suggesting that teachers of other languages do not deserve to be nominated is asking for trouble.

A significant number of the communities that speak the other languages taught are up in arms. They include the Croatian, Hindi, Macedonian, Serbian, Sinhala, Spanish, and Turkish communities — and that is without mentioning the Albanian, Bosnian, Hungarian, Cambodian, Kurdish, Polish and Portuguese communities. The number of communities and the kids who learn languages in their respective schools is substantial.

I believe there is a need for the government to address the question on an equitable basis.

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

Bairnsdale: emergency services

Mr TREASURE (Gippsland East) — The matter I raise for the attention of the Minister for Police and Emergency Services concerns the SES and CFA groups in Bairnsdale. Both groups are well known in the local area for the excellent jobs they do. Over the years they have built up a strong reputation for assisting the community in times of need.

During the recent floods the State Emergency Services crews worked continuously in ways too numerous to mention to assist the community across the length and breath of East Gippsland. I must commend them for the work they have done. At other times the CFA volunteers have worked extremely hard for the local community. However, it happens that both organisations have operated out of old rented premises in different parts of the town and both those leases have now expired. I therefore ask the minister to consider locating both services to better premises so they might continue to serve the community as well as they have for many years.

Delays may result if emergency services are not centrally located and easily found. There are occasions, particularly when traffic accidents occur, when both services are required at the same time and need to get to the scene quickly. I ask the minister to consider the relocation or co-location of those services so that the volunteers can continue their excellent work serving the Bairnsdale and East Gippsland communities.

Office of Housing: IT management

Ms KOSKY (Altona) — I raise for the attention of the Minister for Housing an issue relating to a report prepared by Systems Intellect on the IT management process in the Office of Housing. I hope she is still present in Parliament House so she can respond to my concern. Despite its being late many opposition members have stayed because they have a real concern about housing issues.

The report prepared by Systems Intellect points to some serious problems with the IT management process in the Office of Housing and recommends a major overhaul. The report is critical of both the management

process, which is currently contracted out, and the role of the Office of Housing in that process. I ask the minister to take action to ensure that the Systems Intellect recommendations are adopted immediately and that such a situation does not arise in the future — that is, to ensure that the Office of Housing stays on top of its information technology management process so that money is not wasted on contracting one organisation to review another's contract.

The Systems Intellect report reviewed the IT management that had been conducted by Andersens for the Office of Housing. I understand Andersens has a yearly contract to manage the IT systems for the Office of Housing and is also on a retainer to do extra work. It has had that contract for some four years. Systems Intellect is highly critical of the management process and the work conducted by Andersens as well as the ability of the Office of Housing to manage the contract with Andersens. I will not go through the detail, but the Office of Housing attempted to restrict my access to the information through freedom of information — even though the matter to be investigated seemed to be one that generated a cost to the taxpayer — because it was concerned that one private organisation was critical of another.

I call on the minister to come clean about how taxpayers' money is being spent on IT management in the Office of Housing and to ensure that money is not wasted on one consultancy — —

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

ALP: Cheltenham signs

Mr LEIGH (Mordialloc) — I have a serious question for the Minister for Planning and Local Government concerning the illegal placement of signs on a bridge that is under construction at Southland in Cheltenham. These official Labor Party signs — I checked that they were official — were some metres high and were illegally placed on the bridge. I was appalled and sought to have them removed. The City of Kingston wrote to Westfield on 1 October to say that the signs had been illegally erected, were unlawful and should be removed.

I have to say that the Westfield management at Southland was cooperative and tried to do what it could, but the latest bunch of thugs in the trade union movement, the CFMEU, decided the signs were going to stay on the bridge because they were Labor Party supporters. They left the signs on the bridge. I recognised that they were official Labor Party signs I had seen elsewhere.

Considering that the bridge was never supposed to have any signage — I had some involvement in ensuring that that would be so — I was somewhat astounded. Westfield was cooperative but the union members went on strike for two days over the signs. I was then absolutely staggered by the comments of a Sydney corporate affairs director of Westfield, who said, 'We're not getting too fussed about it. It's a bit of a storm in a teacup in the election campaign'. Who is the person who said that? This gentleman — —

Ms Garbutt — On a point of order, Mr Deputy Speaker, it is my understanding that matters raised on the adjournment should relate to government administration, which I do not believe this matter does.

The DEPUTY SPEAKER — Order! I understand the honourable for Mordialloc is raising an issue about signs on a bridge, and I presume he intends to relate it to government business. There is no point of order.

Mr LEIGH — I know from an investigation what happened. The person who made those comments is a gentleman by the name of Mr Mark Ryan, a former member of the Ministry of Truth of the Kirner government and a former personal assistant to Paul Keating, who went to work for Westfield. He thinks it is perfectly acceptable to put up illegal signs in our neck of the woods. I think it is a scandal that Westfield in Sydney allowed this man to make those sorts of comments.

I might also say that the Labor Party is opposed to signs of this type on roads. None other than its own transport spokesman was against it. It is ridiculous to fine these characters $100 when the corporate affairs director of a giant company like Westfield, who is nothing more than a Labor plant in the company from what I can see, can make comments like that. I think it is an outrage that Paul Keating's personal buddy could do that.

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

Greensborough–Lower Plenty–Rosanna roads: noise levels

Ms GARBUTT (Bundoora) — I raise for the attention of the Minister for Roads and Ports in another place a matter concerning traffic noise levels at the intersection of Rosanna, Greensborough and Lower Plenty roads. I ask the minister to undertake further monitoring of the noise and to recalculate the future levels to make some assessments of what they will be.

Two major intersections are involved in the reconstruction of the three roads. Noise levels were measured at eight sites and they were extremely high. If the sites were on a new freeway six would qualify for noise barriers and if they were on an old freeway five would qualify for retro-fitting of noise barriers. The minister has indicated that under the current policy only one property will have noise barriers fitted. It defies belief that noise barriers can be fitted for one property and the others left exposed. However, that is the policy and that is what the minister has announced to the community.

There needs to be a new assessment of the noise levels to take into account that when the Western Ring Road is completed next year right around to Greensborough there will be an increase in traffic. An enormous amount of traffic is expected to pour off it, and that traffic will find its way down to those intersections. The noise levels must be calculated on the basis of what traffic can be expected following completion of the ring road. It is too late to come back after the traffic has increased and noise levels have risen to unacceptable levels.

The narrow, nitpicking, callous and bureaucratic definition that the minister is hiding behind is unacceptable. He is creating intolerable situations in which people will then find it impossible to sell their homes or to survive with the excessive noise. The minister should ask Vicroads to calculate what is realistically expected, to plan ahead and to put up noise barriers during the project, not afterwards when it is too late and people have already been driven to a demented state.

Buses: Rowville–Glen Waverley

Mr WELLS (Wantirna) — I raise for the Minister for Transport a matter I raised during the last sessional period regarding public transport in the Rowville area, which is in the southern part of the Wantirna electorate. People in the Rowville area who wish to catch a train need to travel back to Ferntree Gully, Boronia or Dandenong. The Rowville area is one of those areas that was forgotten by the ALP for the dreadful 10 years it was in power. Until the current government came to power there was a shortage of schools in the area, roads had only one lane each way and public transport did not exist. Residents of Rowville need a link to the Glen Waverley railway station so they can at least travel in a westerly direction towards the city.

The issue of a railway line from Glen Waverley to Rowville was raised in the context of the Scoresby corridor, which is now being finalised. Unfortunately the cost of that project would be $326 million and it would cut through Jells Park. Although that option was not ruled out, the cost makes it a distant possibility. Ventura, the local bus company, letterboxed 7000 houses in the Wheelers Hill–Rowville area and received 1800 responses suggesting a bus service was needed between Rowville and Glen Waverley. The current Minister for Transport was good enough to provide a bus link between Rowville and the Glen Waverley station, but the service is poorly patronised. After consultation with the local community it is believed an express bus service on the route would be more popular.

Although Rowville has probably the highest number of two-car families in the state, I ask the Minister for Transport to reconsider the possibility of providing an express bus service between Rowville and Glen Waverley so that people can leave one of their cars at home and use an efficient public transport service to get to Glen Waverley.

Werribee: toxic waste dump

Ms GILLETT (Werribee) — I raise a matter for the attention of the Minister for Planning and Local Government. I ask the minister to advise the house with some urgency about the decision he needs to make regarding an application by CSR to overrule the decision of the Wyndham City Council to refuse a planning permit for the company to develop a prescribed waste landfill or a toxic waste dump in Werribee.

The minister has had the application before him for some seven weeks and is aware that the Wyndham City Council and CSR commenced litigation in the Supreme Court last Monday. The fact that that litigation was adjourned for some period is important because it gives the minister an opportunity to make a decision that could avoid the need for both the litigation and the unnecessary expenditure of ratepayers' funds to resolve a matter that is within his purview alone to resolve.

In the past week Werribee Residents Against the Toxic Dump sent a letter to all government members not only to indicate their continued opposition to such a useless and inappropriate proposal but to suggest three alternative remedies to the predicament that the government may find itself in should it refuse to support CSR's proposal yet support the almost unanimous decision of the community in Werribee. It would serve the minister and the government well if they could demonstrate the capacity to listen to and then act on the views of the community with regard to its alternative proposals.

It is important that if the minister finds himself unable to give an answer tonight about what he will do about that request from CSR to override the council he at least advise me and my community when he will make such a decision.

Moonee Valley: Ascot Vale easement

Mr FINN (Tullamarine) — I raise for the attention of the Minister for Planning and Local Government a matter that I have taken some interest in over recent months concerning Mr Alan Whitfield of 79 Doncaster Street, Ascot Vale. I shall read to the house — I am happy to make a copy available if necessary — the letter I received this week from Mr Whitfield. The correspondence states:

> Over the past two years I have endeavoured to purchase the easement at the rear of my property, 79 Doncaster Street, with negative results.
>
> However, the owner of the property next door, 81 Doncaster Street, was able to purchase his easement land after illegally incorporating it into his property and developing it. I quote from the Corporate Services Agenda page 10 ... has been illegally occupied and developed by the owners.
>
> A copy of the agenda report is attached.
>
> I have been informed verbally that council has sold the easement at the rear of my property, 79 Doncaster Street, to the owner of the property next door, 81 Doncaster Street. This decision is completely outrageous.
>
> Because of my limitations due to physical disabilities, your assistance is sincerely appreciated.

Last week I visited Mr Whitfield at his home in Ascot Vale and viewed the area to which he refers. As Mr Whitfield pointed out, for the Moonee Valley council to have made a decision, as it appears to have done, to sell the easement at the rear of the property is absolutely outrageous. For any council to treat its ratepayers in the manner in which the Moonee Valley council has treated Mr Whitfield over a considerable period of time is a disgrace.

I ask the minister to investigate exactly what has happened in the case of Mr Whitfield and his property, and also that of his next-door neighbour, to see if some justice can be obtained for him. Clearly the Moonee Valley council is unable to provide a fair go for Mr Whitfield — an aged, frail pensioner who has lived in the area for over 40 years. Surely he deserves a fairer go than the Moonee Valley council is offering him at this stage.

Responses

Mr W. D. McGRATH (Minister for Police and Emergency Services) — The honourable member for Gippsland East raised the co-location of the State Emergency Service and the Country Fire Authority in Bairnsdale. I thank him for sussing out the political sensitivities of the co-location, because sometimes such suggestions are well received while at others they are not.

The Bairnsdale facilities that house the SES and the CFA have outlived their useful lives. Both emergency services and their volunteers have been extensively involved in developing the proposal and there are synergies relating to amenities and the public benefit to be derived from having two emergency service providers adjacent to one another.

A brief for a joint facility was prepared with the assistance of the Country Fire Authority and issued to the private sector by public advertisement. Submissions have been received and assessed, and the preferred option is for a purpose-built facility at 130 MacLeod Street, Bairnsdale. The net rental of the property is $70 000 per annum, of which the SES's proportion is approximately $32 000.

The rental has been determined as acceptable by the Office of the Valuer-General and recurrent costs have already been allocated within the department's rental budget. Each agency would need to provide its own loose furniture and relocation costs for information technology and radio equipment. Approximately $20 000 has been allocated by my department, and the directorate for the State Emergency Services has estimated costs.

The co-location is a positive move by both emergency services, and the combined facilities will benefit the community, as the honourable member said. They are excellent voluntary community organisations that provide outstanding service not just in Bairnsdale but across the state.

Mr COOPER (Minister for Transport) — The honourable member for Bundoora, who has not waited for my response, raised for the attention of the Minister for Roads and Ports in another place a matter concerning traffic noise at the intersection of Rosanna, Greensborough and Lower Plenty roads. The honourable member wants an assessment of the noise. I will pass on that request to the minister and ask him for a response.

The honourable member for Wantirna raised the issue of bus services between Rowville and Glen Waverley

railway station. As the honourable member said, the bus service was instituted not long ago but it has not been patronised as well as expected. The honourable member believes that if the community can get an express bus service from Rowville to Glen Waverley railway station it could attract the kind of patronage we all think is desirable. I will take that matter on board and ask local bus operators to develop some cost-efficient proposals for the provision of an express bus service. I hope I will have some proposals from bus operators in the near future and will be able to advise the honourable member further on the issue.

I compliment the honourable member on being so active in ensuring his constituents are well served by public transport. If all honourable members in this place, particularly those on the opposition benches, were as active as the honourable member for Wantirna we would have much better bus services. The Department of Infrastructure responds to issues raised by honourable members, who should be in a position to provide their views, but I rarely receive letters or inquiries from members of the opposition. I often read in local papers that they have been complaining to me about various services, but those letters have never been received in my office.

Mr MACLELLAN (Minister for Planning and Local Government) — At 10 minutes past 3 in the morning I am delighted to have the opportunity to respond to the informed views of the honourable member for Essendon with regard to the public artwork at the gateway of the City Link project. I am sure everybody will be transfixed by her views on the shades of colour used in the project and the resulting effect it has on her constituents. I shall pass on her views to the appropriate quarters and make sure that her particularly sensitive views regarding the quality of the artwork are given the widest possible circulation.

The honourable member for Mordialloc referred to the two-faced response of the opposition and the ALP to signage in public places. Apparently it is acceptable to drape signs relating to the federal election and the goods and services tax over bridges across major highways, but commercial signs are unacceptable. That is represented in the views of the honourable member for Thomastown, who supported Bill Nixon, the mayor. He was outraged at the possibility that such a sign — indeed a commercial sign — might appear on a railway bridge. However, apparently he had no great problem about the fact that a sign might appear on the Westfield bridge over the Nepean Highway. It just shows that an ALP sign is okay but somebody else's sign is no good. That is the standard by which these matters are judged by the opposition.

The honourable member is correct in pointing out that the council, somewhat late and after some prodding, eventually asked Westfield to remove the sign. However, Westfield said it was in the unhappy position that if the sign were removed the work force would go on strike. That is an alternative to paying for putting up a sign. The ALP does not pay to put up signs; it uses standover tactics and says, 'We put up the sign. If you take it down we go on strike. We do not pay'. I suppose that will probably be a more expensive policy in the unlikely event that the opposition is elected to government. I assume it will put up signs and then say, 'If you attempt to take down our signs we will simply arrange for some industrial thugs to deal with you and ensure that the work on all your projects stops or your life is made uncomfortable'.

That is the approach of the democrats with a small d in the opposition. They believe in democracy for themselves but not for any other person. Of course the Democrats with a capital D were notable. I acknowledge that Senator Lyn Allison has a sensitive view regarding external outdoor advertising. She is very conservative about it. However, I noticed that during the election campaign the launch of the Democrat campaign in Victoria was complete with outdoor advertising signs. There was a very large Cody sign on the South Eastern Freeway. It has now been replaced by a Shooters Rights sign, which I thought was interesting. It shows the proprietors are willing to take their money from anywhere. Having accepted money from the Democrats during the election campaign they are now getting their money from the Shooters Rights people as a follow-up.

Apparently the Democrats with a capital D believe in outdoor advertising for their notices but not for anybody else's. So it is a great sharing of view between the Labor Party and the Democrats. It is not unexpected. They both believe their messages have some sort of inalienable right to be put up but other people's messages do not. We expect that sort of two-faced response from the Labor Party, but we find it a little hard to take when it comes from the honourable member for Thomastown.

The honourable member for Werribee asked when I will be making a decision about an application by CSR for planning permission in respect of a prescribed waste facility in the Wyndham municipality. That decision will be made after I have concluded my examination of the matters that have to be taken into account.

The honourable member for Tullamarine asked me to take some action in regard to the Moonee Valley council. I assure the honourable member that his raising

the matter tonight is timely because I would be anxious to take up any matters in regard to the Moonee Valley council. I am conscious of the council and its ability to handle matters fairly and to be careful in its judgments.

If, as the honourable member suggests, it has flogged off some land at the back of Mr Whitfield's place without giving him a fair opportunity to express a view or possibly purchase the land to add to his property, I will certainly try to obtain some comment from the council. As the private building surveyor gave notice in April and it took until this week to receive a response from the council, one could expect that if I raise the matter with the council it will probably be about six months before I hear from it. That would be the normal business pattern, but maybe in the circumstances the council may have excited itself to the point that if I raise the matter with them on behalf of the honourable member for Tullamarine we may receive a quicker response.

I will see what I can do to help Mr Whitfield. I have some sympathy for him if his neighbour has achieved the access of easement by adverse possession only to find that the land behind Mr Whitfield's place has been sold by the council without Mr Whitfield being given a fair hearing or the opportunity to purchase.

Mr HONEYWOOD (Minister for Tertiary Education and Training) — The honourable member for Ballarat West, a compassionate local member, said that on 15 September this year Australian Timken Bearings indicated the future cessation of its manufacture of bearings in Ballarat. Members are well aware of the enormous difficulties that manufacturers are experiencing in the global economy, and particularly with the Asian economic crisis, with a lot of cheaply made products being dumped around the world.

Notwithstanding that, the government has worked hard for the future to attract manufacturing industries to regional Victoria. We have had some major successes in the food industry with a number of new factories being established in regional Victoria. The honourable member's electorate has had a major success in new technology with some good operations being relocated and established in the city of Ballarat.

It is unfortunate that in the particular case a manufacturing concern that was able to employ more than 100 people has been affected by the worldwide crisis because cheaper bearings are being manufactured elsewhere. In a whole-of-government approach to the issue, the Minister for Industry, Science and Technology in the other place is aware of what is happening in the Ballarat community and of its need for support at this time. In cooperation with the honourable member for Ballarat West the minister will be working hard to ensure that the Ballarat community will be looked after following the demise of that manufacturing concern.

The honourable member for Altona raised a matter for the attention of Minister for Housing. She made some allegations about a company called Systems Intellect, which has obviously decided to make a report to justify its existence and charging high fees for a consultancy. The report alleges that there are some flaws with a process that may be followed in the Department of Human Services. The minister, who is on top of her portfolio, will address the matter.

The honourable member for Clayton raised the 1998 LOTE awards. When Labor was in government there was no such thing as a LOTE award. Ironically, the reason for having eight awards is because the former Keating Labor government required each state government to nominate eight key languages — otherwise they would not receive federal government LOTE funding.

In that regard eight key languages were nominated by Victoria. Obviously the honourable member for Clayton is not aware of the wonderful awards night put on by the Victorian School of Languages. I attended this year and was pleased to hand out awards in respect of more than 40 different languages to not one but three or four young people. That was just one of a number of awards for LOTE in this state. It builds on the fact that Victoria is the first state in Australia to establish satellite education systems for remote and rural communities. Until the government established that system many young people in rural communities did not have access to foreign language training.

In addition, Victoria is the first state to establish bilingual schools in the government school system. It has 14 bilingual schools, and Camberwell Primary School is a good example. The school has an enormous waiting list for training in French as well as a number of other subjects.

Victoria spends more money than any other state on language teaching in government schools. It is the only state that provides bonus marks for university or TAFE matriculation to students who finish years 11 and 12 LOTE. It is the first state government to require all students to study a second language. It has the runs on the board.

Labor had 10 years to do something about LOTE and it did nothing. The LOTE awards, the first ever by a government in Victoria, will be expanded, and I hope the honourable member for Clayton will be more conscientious in his attendance at graduation award nights such as the one organised by the Victorian School of Languages this year, which I attended. I was proud to see so many young people receive awards in respect of more than 40 different languages and being sponsored and supported by the Victorian government.

Motion agreed to.

House adjourned 3.22 a.m. (Thursday).

Thursday, 8 October 1998

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.03 a.m. and read the prayer.

PETITIONS

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

Point King Beach, Portsea

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 a public nuisance is being committed on Point King Beach, Portsea, by certain adjoining landowners erecting fencing designed and intended to enclose a substantial, previously unenclosed area of the beach near its western end (the area in question) and to exclude or obstruct members of the public from freely exercising their rights to walk through and use and enjoy the area in question, being rights which members of the public have acquired at common law (by virtue of public exercise without let or hindrance over a period of more than 60 years) and which have been confirmed by statute (section 15(d) and (e) of the Validation of Titles Act 1994).

Your petitioners therefore pray that you will take all necessary and appropriate steps to ensure the removal of the said public nuisance, and to preserve and protect the public's rights to walk through and use and enjoy the area in question without let or hindrance.

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

By Mr DIXON (Dromana) (745 signatures)

Strzelecki State Forest

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

We, the undersigned citizens, have great concerns about the corporatisation and pending privatisation of the native forests of the Strzelecki State Forest. This last large public tract of the great forest of Gippsland deserves a high degree of protection. Your petitioners therefore pray that the state government implement the establishment of a 30 000 hectare national park in the Strzelecki State Forest, as outlined in the proposal produced by Devenish, Constable and Standering.

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

By Ms DAVIES (Gippsland West) (5401 signatures)

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 SAVAGE (Mildura) (93 signatures)

Laid on table.

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 Mildura be considered next day on motion of Mr SAVAGE (Mildura).

PAPER

Laid on table by Clerk:

Statutory Rule under the Marine Act 1988 — S.R. No. 122.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourn until Tuesday, 20 October.

Motion agreed to.

CONSERVATION, FORESTS AND LANDS (MISCELLANEOUS AMENDMENTS) BILL

Opposition amendments circulated by Ms GARBUTT (Bundoora) pursuant to sessional orders.

Second reading

Debate resumed from 3 September; motion of Mrs TEHAN (Minister for Conservation and Land Management).

Ms GARBUTT (Bundoora) — The opposition has mixed feelings about the bill because it has two separate sections with quite different and unrelated purposes. The first section amends a total of 29 acts to

ensure that they are up to date in correctly referring to the Secretary to the Department of Natural Resources and Environment. It also brings the Public Sector Management and Employment Act in line with those references.

When reading the references contained in the bill it is interesting to note the various acts it amends, because it lists a full range of the acts for which the Minister for Conservation and Land Management is responsible and about which she has made bungles and mistakes. On many such occasions the minister has not taken the advice of her department but has made controversial decisions which threaten the environment.

Clause 10 amends sections of the Forests Act and inserts a new section. One of the amended sections is the very section under which the minister recently issued regulations relating to forests. In June when she published the regulations in the *Government Gazette* she exempted herself from seeking a regulatory impact statement and had to issue a separate certificate of exemption. The bill amends the very section under which the secretive regulations were rushed through. Those regulations are causing controversy and confrontation in our forests to the extent that this weekend a demonstration is being held against them.

I have an invitation that just arrived on my desk from the Otway Ranges Environment Network. It states about the regulations under the Forests Act:

> Big brother DNRE forestry will now dictate who can and cannot have permits to enter state forest and scrutinise clear-fell logging operations.

The regulations that the minister issued under the Forests Act that the bill amends require people to get a permit to enter state forests — that is, public land! The invitation from the network states further:

> The public liberty to freely enter state forests and protest against destructive clear-fell logging of native forests has been removed.

The minister now introduces a jackboot regulation without paying any regard to civil liberties. Not only has the minister bungled and failed but she takes no notice of advice offered. The community now recognises her attacks on people's civil liberties. The opposition has moved in this house to repeal those regulations.

Clause 14 amends the National Parks Act. What a miserable record the minister has with national parks! Her record of destruction shows that she has put commercial interests ahead of conservation. The minister's record will haunt her. As the minister responsible for conservation in Victoria she will be recorded in history as the minister responsible for commercialisation! An appropriate description of the Minister for Conservation and Land Management was contained in the letters column in the *Age* when the question was asked about the minister, 'She is called what?'. The answer was, 'She is the minister for conservation'. The readers would have fallen about laughing. A few pithy sentences summarised the minister well: a conservation minister who does not conserve.

What has she done to national parks recently? She extended cattle grazing licences in the Alpine National Park. Earlier she had undertaken a process of sorts when she asked for a report on the effects of grazing in national parks during the past seven years. The independent report by the CSIRO said that an enormous amount of damage had been done and that grazing should be stopped — that grazing went against the values of national parks and was harming conservation efforts. The report from the CSIRO could not have been much clearer.

Did the minister take that CSIRO advice? No! While the researchers were out in the national parks conducting research, the Premier was telling the cattlemen's representatives that everything would be all right; that the association members should have confidence. As reported in the *Alpine Observer*, he said, 'One of your members is a member of Parliament; we will look after you'. The process was never intended to produce any other outcome than what has now occurred. An independent report to the government reported that the price of grazing licences should be increased to $23 per head. But what happened? The licence cost stayed at less than $10 — nowhere near the amount recommended. The minister did not take the advice.

The second decision taken by the Minister for Conservation and Land Management for the Alpine National Park was to excise Mount McKay. The minister was advised by her departmental officers that the land should not be excised.

Mrs Tehan interjected.

Ms GARBUTT — If the minister looks at the second-reading speech she will see that that had all been SEC land. The minister forgot to mention that the area has been a national park since 1983.

Mrs Tehan interjected.

Ms GARBUTT — It had been national park. The minister seems to forget crucial facts at crucial times;

she forgets many things. Mount McKay has been excised from the national park and handed to a ski resort company which has announced plans to build accommodation and ski runs on the mountain. I am sure the company that runs that resort would operate the facilities properly, but the government should not have taken that action. It has literally wiped out a piece of national park.

Mrs Tehan interjected.

Ms GARBUTT — The National Parks Act says they should be reserved in perpetuity for conservation, yet the minister has taken a slice out and given it away.

Mrs Tehan interjected.

Ms GARBUTT — Yes, I wish I was the minister because I would do a better job than this minister has.

The SPEAKER — Order! The minister will have her opportunity to reply.

Ms GARBUTT — The next step will be out the door! The revelation in a newspaper recently that the minister will not stand for re-election is the best news I have heard. Then perhaps we will have no more attacks on our national parks or a bungling of the conservation portfolio.

The report to the minister on the Flora and Fauna Guarantee Act has been ignored. For many months the department's scientific advisory committee had no chairperson or director; the minister failed to appoint anybody for 10 or 12 months. The minister allowed the committee's operations to wind down. The committee's action statements or recommendations for protection of endangered species mounted into a pile of reports. The minister was presented with clear-cut evidence of the possible extinction of a rare species, the golden moths orchid, but she simply entered into a private and confidential agreement with the owner of the land. She did nothing. Nobody has seen the agreement; we do not know what it contains. We know that subsequent work on the land eliminated the chances of the rare orchid surviving.

Then the minister blithely announced that the orchid had become extinct — even though the legislation provides that the minister should wait 25 years for such an announcement in the hope that the species would turn up again. What a record for the minister — the first conservation minister to extinguish a species! Is that a black mark against her record?

Mr Robinson — Another black mark.

Ms GARBUTT — Another black mark among many! The provision in the bill that changes the Crown Land (Reserves) Act refers to committees of management of Crown land. I will leave it to other opposition members to talk about the appalling uses of Crown land for the proposed Werribee toxic dump, for example. That is but one part of an appalling history of supposedly implemented conservation measures that one could not put on one's record as a conservation minister.

The Environment Protection Authority had a policy on prescribed waste: it adopted a direct and responsible approach. One morning it published its report, but by that afternoon the government had announced an extension of quarry works. The minister ignored the report. The government does exactly what it wants about waste management. It looks after commercial interests and forgets about the environment. I am sure other honourable members will say more about that aspect.

The second part of the bill is different from the first in that it simply effects a number of name changes, but apparently the minister did not consult anyone about that. Clause 33 changes the name of the Victorian Coastal and Bay Management Council to the Victorian Coastal Council. That is fair enough because the council has never been commonly called anything other than the Victorian Coastal Council. But the council was unaware of the minister's proposal. That lack of consultation is typical of the minister's approach.

However, the proposed new subsection does more than that. It alters the membership of the council. It wipes out the representative nature of the existing council where people represent various constituencies, including the community. The community has a clear voice on the council and the boards through the existing acts. The bill abolishes that right. Clause 37 adds a new subsection (2) to section 7:

> In recommending persons for appointment as members of the Council, the Minister must have regard to the need for the members to have between them experience and knowledge of conservation, tourism, business, recreation, commerce, issues relating to indigenous peoples, community affairs, town planning, local government and coastal engineering.

There is no longer a requirement that members represent the views of any of those areas or that they report back to those constituencies for ideas on how to respond to proposals. For example, local government is a key player around our coast. Many bayside councils are extremely concerned about issues ranging from the funding of beach cleaning to planning controls. Local government is crucial to Victorian coastal activities.

However, there will not be direct representation on the boards. Great concern has been expressed to me about the issue. Both the Municipal Association of Victoria (MAV) and the association of bayside municipalities are concerned that the bill's proposals do not give them a clear enough voice to be confident that notice will be taken of their issues. The bill provides for the appointment of somebody who has experience and knowledge of local government, but that is not the same as actually representing local government, seeking ideas and responses and reporting back about decisions and outcomes.

The same could be said about community affairs. Anyone who lives in a community can claim to have experience and knowledge of community affairs, so the minister there has carte blanche. That community person does not have to represent anybody. He or she does not have to report back on what is being considered, or even on what is being decided. The opposition vigorously opposes this change. It believes the existing act, which has that representative nature, is much more preferable. In the committee stage I will move amendments to delete that provision so that membership of the council remains representative.

Clause 39 inserts a new section which is extremely interesting and highly unusual. It allows a sitting member of the Legislative Council or Legislative Assembly to be appointed to one of the boards and it will not compromise his or her position in the Parliament. The existing law states that if a sitting member is appointed to an office or place of profit under the Crown, he or she would lose his or her seat. However, that is overcome by this change.

Last night honourable members debated changes to the composition of university councils. Sitting members of Parliament have all been removed as representatives on those councils. In the past the house has debated the controversial practice of honourable members holding office or places of profit under the Crown and the threat of forfeiting their seats. So that those members could be exonerated, the issue had to come back to Parliament. The issue of members of Parliament not holding other offices is fundamental to our system. It has been built into our democracy. On this occasion it is being wiped out with the stroke of a pen. The opposition will vigorously oppose the provision and, in committee, will move to delete it.

One could speculate on which members of Parliament the Premier or the minister may have in mind to appoint to one of these boards. Who wants to do this? The proposals do not come out of thin air. Even the Minister for Conservation and Land Management has some ideas that drive her, although we do not agree with most of them. Which MPs are the minister or the Premier wanting to do a favour? Whose vote is needed? This minister is in deep trouble and needs a lot of votes. She needs to create more boards and councils so that she can appoint people to them and get their vote. The Premier has similar problems fighting off the leadership ambitions of the Minister for Education. Perhaps this is a way of rewarding the occasional MP who may need a bit of something to be made secure. The rumours are all around the place. The honourable member for Bellarine is one who is constantly being mentioned.

Mr McArthur interjected.

Ms GARBUTT — Of course, I would not be spreading rumours. Opposition members will not be taking it on. We know our job in this place is to represent our constituents and the community of Victoria. It is not about taking other offices which would normally see us relinquish our places in Parliament. It is extraordinary to find this clause in the bill. I wonder whether it will set a pattern. Will the rules governing the membership of other boards and councils change so that MPs can sit on them? Will the large and restless government back bench be bought off with other appointments to their pet projects? This is enormous hypocrisy from the government. It has been the opposite of what we have seen in Parliament concerning university councils.

Ms Davies — Teachers who are parents are disallowed from being on school councils.

Ms GARBUTT — Precisely. There is a whole range of examples where the government's philosophy has been to remove MPs from boards. There is the example given by my colleague of teachers being disallowed from sitting as representatives on school councils even though they have children attending the same school. That was claimed to be a conflict of interest. What about the conflict of interest of a member of the government sitting on a board that is supposed to be deciding issues on coastal policies and making recommendations to the minister? Not that the minister takes much notice of what she is told; we have seen that she goes against advice. However, it is a conflict of interest when an MP is supposed to be there as a community representative.

The situation could arise where the MP is chosen by the minister as a person with experience and knowledge of community affairs. There is no doubt that members of Parliament would certainly qualify as having experience and knowledge about community affairs. The minister could happily appoint a colleague to a

board; perhaps it is someone whose vote she needs to shore up support at some time. The board is trying to decide difficult issues. Whose community interests will the member of Parliament represent, the minister or the community? It does not take much to guess exactly whose interests the member will be representing. The community will be the loser.

That is the sort of scenario we can expect from these two amendments which change the way of appointing members, take away the representative nature of membership, and allow the minister to select who she will appoint. It makes it easy for the minister to appoint whoever she likes, someone whose vote she needs or someone who has been a bit of a problem and she needs to patch up some relationship, or perhaps the Premier needs to shore up support again.

Mrs Tehan interjected.

Ms GARBUTT — The opposition is not introducing these changes. It opposes the clause. The minister has condemned herself by the bill. The government's proposals are all contained in the bill. Government members will all stand in their places and support the bill. It is as obvious as the nose on your face!

The amendments I have circulated seek to omit the new changes and leave in place the correct position, which is that members of Parliament should not sit on such boards so they will be representative bodies rather than having on them friends and cronies of the minister.

The Victorian coastline is severely affected. In many places the coastline and marine environment are degraded, and nothing in the bill or that the minister has done during the past three years or her government has done during the past six years has improved that situation.

Two years ago a comprehensive survey of beaches around Australia was undertaken by Surfrider Foundation Australia. In Victoria 227 survey responses were returned, and the effort across Australia was enormous. It involved hundreds of volunteers surveying and returning information about stretches of coastline in which they were interested. I found the experience, skills and expertise of the community members and volunteer groups actively working in conservation areas outstanding. That is probably what is holding the Victorian environment together, because this minister is not protecting the environment — in fact, she is one of the causes of its destruction.

I will run through a few of the findings of the survey of Victorian coastal areas. Although interesting, they are very depressing because they identify extensive degradation and major problems that the Victorian Coastal Council needs to address.

The survey found from data collected on the condition of dunes that 38 per cent of beach areas had no dunes and that 16 beaches had lost their dunal system altogether. That is a major problem, because it totally alters the ecology of the coast. At just over one-third of the beaches exotic and other pest plants were identified, and these tend to take over. They were the usual ones such as blackberries, marram grass, Wandering Jew, milkweed, caprosma and so on. These are major issues concerning our beaches. Thirty two per cent of the beach areas surveyed were located in urban areas and 80 per cent had property and infrastructure development within 250 metres of the high-tide mark, which totally alters and threatens beach ecology.

The survey identified stormwater outlet pipes at 26 per cent of the beach areas surveyed and found that at 45 of them litter was evident in the vicinity of the pipe discharge. That alters not just the beach ecology but also the marine ecology.

The survey also identified 16 public sewage outfalls. That is no news; we know they are around Victorian beaches. The comment in the survey's analysis was that all but one of the outfalls discharge directly to the ocean and that treatment standards vary: nine discharge secondary-treated effluent; three discharge primary-treated effluent; four discharge screened effluent; effluent re-use occurs from only one of the systems, and that outfalls have a combined discharge exceeding 600 million litres per day. Because this government ignored the opportunity to make the outfall at Lorne a land-based one and is upgrading it instead, the outfall still discharges to the ocean.

Surfrider Foundation Australia also identified problems with watercourses. The survey identified 49 of them as sources of beach pollution. The watercourses bring down pollution from further up in a catchment and empty it right onto beaches. The main one would be the Yarra River, which was also identified by the CSIRO bay study, a highly scientific study that confirms that the Yarra is an important source of sedimentation, nutrients and pollution going into Port Phillip Bay. According to the survey, pollution sources include agricultural and urban-run off, litter and debris. Litter was evident at approximately 80 per cent of the beach areas surveyed.

A whole range of issues were identified. The survey also found that development proposals affect 19 per cent of the beach areas surveyed, including

15 containing housing developments. There are no surprises there. We know that our beaches have a huge range of problems. Without going back too far into my files I was able to find a whole range of issues raised with me by many friends groups and local associations. I will run through them briefly.

Recently I received a letter from the Kananook Creek Association Inc., a community organisation aiming to clean, restore and preserve Kananook Creek, which flows into Port Phillip Bay, and to protect the remaining communities of coastal banksia that occupy the sterile sand dune.

The association has a proud record of activity. Within the past five years it has planted more than 30 000 plants and applied 11 000 person-hours of work within the reserve, amounting to a total value of more than $250 000. That shows the sorts of skills, experience and dedication that these sorts of groups bring to such areas — the area with which this group is involved being a small one.

The association is concerned also about the bay bike trail which is proposed to go through the reserve. It believes that once it — —

Mr McArthur — On a point of order, Mr Speaker, I seek your clarification on the breadth of this debate. This is a very narrow and technical bill which, by and large, simply changes the names of various office positions within a range of acts and makes some minor changes to representation on the coastal management boards but in no way alters the functions or powers of any of the bodies within any of the acts it refers to.

I seek your advice, Sir, on whether in their contributions members are allowed or entitled to go into the management or the policy relevant to the various acts, or whether they should simply confine themselves to the technical aspects of the bill.

The SPEAKER — Order! I have listened fairly carefully to the opposition spokesperson. What the honourable member for Monbulk says is correct in terms of the content of the bill. But it is not unreasonable, when discussing changing office-holders and so on, for the responsibilities of people in various positions like those in coastal management and some of the associated problems to be touched on by the honourable member.

I think the honourable member's comments have been within reasonable bounds for a second-reading debate. I do not uphold the point of order.

Ms GARBUTT — Thank you, Mr Speaker. I was referring to the correspondence from the Kananook Creek Association and outlining some of the issues it has involved itself in, the most recent being the proposed bike path. I will not go through all its concerns, because many associations have concerns about the Victorian coast, but I will place on record some of the principal concerns it outlined to me.

No environment effects statement has been prepared on the impact the path will have on the reserve. The fact that there is no EES on an important environmental reserve such as Kananook Creek reserve is absolutely outrageous. The letter states:

> Whilst we fully support the provision of bike paths, this reserve, because of its linear nature and comparatively sterile soil, cannot support the designed path without severe degradation.
>
> It seems completely incongruous that, after supporting a successful application for a $15 000 grant to restore the flood plain section of the reserve, the council would plan the construction of a sealed asphalt road of between 2 and 3 metres wide and of almost 200 metres in length through the flood plain in the vicinity of Overton Road.

It is concerned about the compaction of the path causing root damage and resultant loss of vegetation. It claims that the water run-off from the compacted path will create a microclimate in the vicinity of the path. Many other issues are of concern to the association and although the construction of the path may, in the larger scheme of things, be a minor issue, it is important to maintain remnant vegetation in an essentially urban area.

There are also concerns about proposals for a safe boat harbour and dolphin research centre to be located in the Kananook Creek and Frankston foreshore region. The research centre will not go ahead but the harbour has been the subject of an EES. There is also concern about a proposed jet ski area at Seaford. In relation to an issue concerning the Lorne ocean outfall which I raised previously in the house, no action has been taken by the minister despite the presentation of evidence that the licence condition has been breached by the disposal of effluents into the ocean. Huge controversy has also surrounded the proposed marina at Rosebud and there is great concern about beach erosion at north Aspendale and other beaches.

I also refer to a letter from the Port Phillip Conservation Council that expresses grave concern about the chopping down of mature banksias at Rosebud and the dumping of tonnes of granite rock. The committee has taken up those issues with both the minister and the Mornington Peninsula Shire Council.

Those examples show that our bayside areas are protected by the action, foresight, dedication and continuous alertness of those sorts of organisations rather than by anything done by the minister.

There has been a move by the Surf Coast Shire to take over the Torquay Public Reserves Foreshore. I have received correspondence from Mr Fred Eickemeyer and others from the Torquay public reserves committee arguing that that it is in the best position to manage that foreshore because it has done so for years and doubts that the shire could manage it better. An article in the *Geelong Advertiser* of 4 August states:

> It stems from concern that the government-appointed Victorian Coastal Council (VCC) wants all foreshore areas controlled by the relevant local municipality.

The proposal is to take the responsibility for local foreshores away from elected management committees and place it with the local government despite the fact that those organisations have performed an excellent job for many years. I draw the minister's attention to a petition signed by more than 280 Torquay residents that opposes that move. It is addressed to the people of Torquay, and it reads in part:

> Did you know that Torquay Public Reserves develops and maintains all of the public facilities on the 11.4 kilometres of foreshore from Point Impossible to the Wave at Bells Beach?
>
> Do you know that the rates you pay the Surf Coast Shire do not go towards the development and maintenance of your foreshore?
>
> Did you know that the funds generated from the Torquay Public Reserves Caravan Park are directly put back into the development and maintenance of the foreshore? Much of this funding will be lost to Torquay and distributed to other areas of foreshore under the control of the Surf Coast Shire.
>
> If you answered no to the above, then we need your assistance to persuade the minister for natural resources and environment not to proceed with the proposed changes to management which would see the Surf Coast Shire taking control.

The letter asks people to sign the attached petition, which bears 280 signatures. The letter and petition are evidence that another initiative of the Victorian Coastal Council is doing nothing to assist the environment and is simply annoying people who have put many years into protecting their local environment.

I will comment briefly on a report on the Shallow Inlet Marine and Coastal Park prepared for me by a resident of Sandy Bay. You could not get a more comprehensive list of problems, issues and examples of neglect than appears in that report. I visited Sandy Point and walked around the marine and coastal park. It is a beautiful part of Victoria, with stunning stretches of sand — an ideal place for a summer holiday, and interesting in winter too. Its significance as a nationally and internationally recognised wading bird habitat and the importance of its bird life have been acknowledged by its being made a marine and coastal park.

A draft management plan for the park was published in January 1990, and nothing has been done since. The draft plan was written nearly nine years ago and has only ever been in draft form. Since then there has been no management plan and no management.

I will not go through every word of the report prepared by the Sandy Point resident because it is extensive. It shows that its author walks the area every day and knows every inch of it. It clearly points out, however, that the range of problems being faced by the community there, and the degradation being witnessed, are increasing rapidly. This is an appalling state of affairs. You could not get a more horrifying case study of what is happening around our coastline than is presented in this report.

In the first place, visitation levels have increased dramatically; it is a popular place. One of the main reasons for its increasing popularity is that it is the best place in Victoria to windsurf. It is Victoria's no. 1 windsurfing venue and is no. 2 in Australia. The windsurfers drive their cars along the beach and launch their craft straight from the beach. As there is no designated permanent launching ramp boats are also launched in that way, so heavy boats are driven along the beach. Jet ski use has also increased. All of this means that moving vehicles, windsurfers, people using boats, fishermen and jet skiers all use the same confined area. Both professional netting fishermen and recreational fishers use the beach. The report states that there is no evidence at all of fisheries officers checking bag and size limits on fish caught from boats.

The author of the report points out that there is conflict between the windsurfers, the jet skiers, the boaters and the fishers, all of whom are in the same area using the same fragile beach and wetland, and there are often disputes among them. Abalone boats are also launched from the beach.

Despite its popularity the area has no recognised camping sites. That does not, however, stop people from camping there, and camping activity is increasing. The author of the report comments further that the toilet blocks are inadequate and that people do the obvious thing and use the bush. People also light fires, some of which get out of control and burn the bush.

Bushfire problems are very real. One sign designates the boat launching area but there are hardly any other signs telling people what to do and what not to do. Four-wheel-drive vehicles, off-road motorcycles and even go-karts drive around the dunes, so the beach is a heavily used area.

The car park is under water at high tide and is so full of potholes that it is hardly useable, but it is heavily used and an overflow of cars park alongside the access road, which is narrow, with bends and minimal visibility, and people doing wheelies and doughnuts add to the confusion. So in addition to all the water recreational problems we have road problems.

There are no showers or rubbish bins. The one picnic area is unkempt, with significant numbers of weeds and vermin, including rabbits, foxes and feral cats. Because calicivirus did not work the rabbit population has increased enormously.

What has happened? There is no management plan and minimal management by Parks Victoria. In fact the report says Parks Victoria has pushed off some of the area management to voluntary committees such as the Sandy Point foreshore committee, which is made up of unpaid volunteers. Absolutely no works have been undertaken. The adjoining Sandy Point foreshore area is under a separate committee of management. In fact, one of the problems along that stretch of coast is that there are so many different managements — Parks Victoria, the foreshore committee, the local council and DNRE, and then it goes back to Parks Victoria at Cape Liptrap.

The proposal the author puts forward — he is a member of the Coast Action group, the local CFA and every other committee in Sandy Point — is that there should be common management. He says there is no management by Parks Victoria. The local committees struggle on and do what they can, but they do not have any money to do much and they do not have the statutory authority to stop people from lighting fires, for example. They attend as CFA members putting them out but they do not possess any statutory powers. They cannot enforce dog or camping regulations.

Here we have a huge range of issues, poor to non-existent management and a long-awaited but still invisible management plan that has been in the wings since 1990. This case probably exemplifies the situation around our coast and demonstrates the extent of the problems and the government's lack of interest in coastal management and resourcing.

The constant comment has been that the problems have got worse and worse. With the latest round of budget cuts more departmental officers left the local office at Foster so when calls are put through nobody is there to answer. The officer who remains is hardworking and sympathetic but has to cover a huge area of Gippsland and is often simply unable to respond, so the latest round of departmental cuts is having a huge impact, as we knew they would. You cannot take 300 people and $20 million worth of resourcing out of the department and expect it not to have an impact on the ground.

The Victorian Coastal Council launched its coastal strategy some time back. The strategy was heavily criticised because it focused clearly on development opportunities, commercial opportunities, identifying nodes of activity and talking about fast-tracking planning. The Victorian National Parks Association summed it up by calling it:

> ... a 'grab bag' of concepts that tried to be all things to all people ... while there were encouraging elements to the document such as trying to contain coastal development to specific areas, it was disappointing the document was not clear on how the conflicts between developing and protecting our sensitive coastline would be resolved.
>
> Actions speak louder than words and people should not be lured into a false sense of security that this will protect the coast ... it was alarming the strategy was largely silent on the level of environmental assessment required for development proposals in sensitive areas ... It risks becoming another bit of policy flotsam and jetsam and will only be as good as the political will to implement it.

It depends on the political will of the minister and the government, but their political will is a will to commercially develop our environment so that large amounts of money can be made out of it and to seize opportunities to take public assets and turn them into private profits. They have no will at all to protect our environment.

The Victorian National Parks Association was not alone in its condemnation of the policy. The National Trust also outlined its concerns. I will quote the first two:

> The strategy is weak on environmental and heritage protection and has a pro-development aspect, focusing on the promotion of the coast as an economic resource for tourism, development and commercial ventures, which is of concern to the trust.
>
> The draft strategy fails to delineate 'no go' areas such as national parks, coastal and regional parks or marine reserves and ... is not clear as to the exact locations of areas in which development may occur ('footprints' and 'designated activity nodes').

The Victorian Coastal Council has not seized the confidence of the members of the Victorian community, who are still protecting and conserving their own local environments, which is just as well, because the department is certainly not protecting them. The government does not have a record it can boast about anywhere for the conservation of Victoria. Here we have the major conservation groups expressing a lack of confidence in the Victorian Coastal Council, and the changes the government is introducing today will not assist.

The test of the success of this strategy will be how well the environment is protected under it. The strategy will not provide any extra protection, it will continue the minister's concentration on commercial opportunities in environmental areas and further allow developers to make money out of community assets. It will not assist in protecting any parts of Victoria's environment.

Mr LEAN (Carrum) — It gives me great pleasure to make a short contribution to the debate on the Conservation, Forests and Lands (Miscellaneous Amendments) Bill. The area I will specifically address is the coastal and bay management provisions of the bill.

I shall refer to a couple of points made by the honourable member for Bundoora, who referred to correspondence she received from the Kananook Creek Association. I agree with one part of what she said, that the Kananook association is a fine organisation that is dedicated to looking after the Kananook Creek Reserve. It has done so for years. I have known many of the people involved for quite some time.

The honourable member for Bundoora seemed to indicate that the proposed bike path through the reserve will be the direct responsibility of the Minister for Conservation and Land Management. I point out that the decision on the proposed bike path was not a decision of the minister or her department; it was a decision made by the Frankston council. As we know, the democratically elected Frankston council — the representatives elected by the people of the area — have made a conscious decision that it wants the bike path to go through that reserve.

The council surveyed a vast number of residents in the City of Frankston. There is some controversy about whether the survey was flawed. I will make no point about that because it is up to the residents and the people of Frankston to decide whether the survey was flawed. Following a survey of the residents, the council decided that was where the bike path would go. As the honourable member for Bundoora is leaving the chamber, I suggest that the location of the bike path has absolutely nothing to do with the department.

The honourable member for Bundoora also raised the issue of urban run-off. There have been problems with urban run-off around the bay area, especially in my electorate of Carrum, on the east side of Port Phillip Bay. The honourable member is a great one to talk about these situations in Parliament and has belted the government around the ears about the Mordialloc Creek. Funding of $7.3 million has now been allocated to treat the upstream urban run-off problems in the creek. It is envisaged that urban run-off will be controlled upstream through the what was formerly known as the Mordialloc Main Drain and what has been renamed the Mordialloc Creek.

An honourable member interjected.

Mr LEAN — Yes, it was renamed only recently. The honourable member for Mordialloc and I worked together successfully to achieve that result.

That section of the creek is a straight run that picks up a lot of litter upstream and it is intended to turn it into a chain of wetlands. It will be good to see the creation of a meandering waterway through the area, a concept that has been proposed for many years. The changes will slow down the flow of water from the upstream areas, which in turn will cause litter and other residue to be dropped. As a result the water entering the lower part of the Mordialloc Creek, and eventually Port Phillip Bay, will be far superior in quality.

The allocation of funding of $7.3 million for the project seemed to have escaped the memory of the honourable member for Bundoora. She likes to belt the government around the ears but does not like to pass on compliments when that is appropriate.

For a number of years difficulties have been experienced with North Aspendale beach. Last year funding to rectify the problem was provided and the City of Kingston, the management agency, took on the project of establishing a source of sand to renourish the beach. Following the government's recent Bringing the Bays to Life initiative the North Aspendale–Mordialloc area has been identified as a major tourism destination for Port Phillip Bay. The future of the whole area will be addressed under the Bringing the Bays to Life scheme.

Mr HULLS (Niddrie) — I am astounded at the minister's attempt to have passed the type of legislation we are debating today. I am surprised that the government continually fails to learn the lessons of the

past and to understand the concept of conflict of interest.

The second-reading speech states in part:

> The opportunity has been taken to alter the criteria for membership of the council and the regional coastal boards from representative to skills based.

It further states:

> The changes will ensure the balance of skills and expertise can be brought together to achieve the objectives of these 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.

Clause 37 provides for members of Parliament to become members of the relevant council. It states:

> In recommending persons for appointment as members of the Council, the Minister must have regard to the need for the members to have between them experience and knowledge of conservation, tourism, business, recreation, commerce, issues relating to indigenous peoples, community affairs, town planning, local government and coastal engineering.

I do not have a problem with that provision. However, clause 39 states:

> A member of a Board shall not be taken to hold an office or place of profit under the Crown which would —
>
> (a) prevent the member sitting or voting as a member of the Legislative Council or Legislative; or
>
> (b) make void the member's election to the Legislative Council or Legislative Assembly; or
>
> (c) prevent the member continuing to be a member of the Legislative Council or Legislative Assembly; or
>
> (d) subject the member to liability to pay a penalty under the Constitution Act 1975.

That is absurd. For the past few years the opposition has been attempting to ram home to the government the concept of conflict of interest, including potential conflicts of interest, for members of Parliament between their public roles and their private duties.

The minister has demonstrated she has not learnt anything from the adverse publicity and the continual debates about parliamentarians using their public offices for private gain. Instead the minister has decided to slap the concept of conflict of interest in the face and allow members of Parliament to be appointed to the council in question.

The proposal is absurd because it breaches the most basic elements of ministerial responsibility and conflict of interest — the key elements. One has only to look at the Prime Minister's code of conduct for members of Parliament. The code was published in 1996 and refers to the public and private roles of federal members of Parliament. In relation to ministers, it states:

> Although their public lives encroach upon their private lives, it is important that ministers and parliamentary secretaries avoid giving any appearance of using public office for private purposes.

The code further states:

> Ministers are required to divest themselves of all shares and similar interests in any company or business involved in the area of their portfolio responsibilities ...
>
> Ministers should not accept any benefit where acceptance might give an appearance —

not just the outright conflict of interest, but might give even an appearance —

> that they may be subject to improper influence (e.g. because the giver has or seeks to have a contractual relationship with government or has any other special interest in government decisions) ...
>
> Ministers should not exercise the influence obtained from their public office, or use official information, to obtain any improper benefit for themselves or another.

The Prime Minister purports to understand the concept of conflict of interest and makes it quite clear that members of Parliament cannot have even the appearance of a conflict of interest. The bill creates at least the appearance of a conflict of interest by allowing members of Parliament to be appointed to the council in question.

The South Australian ministerial code of conduct is clear on the subject. it states:

> ... Ministers must accept standards of conduct which are higher than those applying to others having office in the Parliament or the wider community.

It further states:

> A minister will seek to avoid all situations in which his or her private interests, whether pecuniary or otherwise, conflict or have the potential to conflict with his or her public duty.

The South Australian code of conduct goes on to say:

> A minister shall be taken to have an interest in any matter on which a decision is to be made or other action taken by the minister in the exercise of his or her responsibilities of office, if the possible decision or action could reasonably be capable of conferring a pecuniary or other personal advantage on the minister or his or her spouse or children.

It is clear that in South Australia a minister cannot have even the appearance of a conflict of interest. I do not understand why the minister has decided to fly in the

face of growing public concern about government members using public office for private gain and proposes to legislate to allow that to happen.

The Members of Parliament (Register of Interests) Act also makes it clear there cannot be any conflict of interest or the appearance of a conflict of interest. Section 3(1)(e) of the act states:

> A Member who is a Minister shall ensure that no conflict exists, or appears to exist, between his public duty and his private interests.

Currently in Victoria a member of Parliament cannot have a conflict of interest between his or her public and private duties. The bill will change that situation and allow a conflict of interest to exist, or at least an appearance of a conflict of interest. It is abhorrent legislation. The minister has been embroiled in conflicts of interest in the past so it is no wonder she has introduced this type of legislation. Honourable members will remember the scandal in relation to her purchase of ERG shares.

Mr McArthur — On a point of order, Mr Acting Speaker, I draw your attention to the ruling made by Mr Speaker earlier when I asked for clarification about the breadth of the debate. In that ruling Mr Speaker pointed out that although honourable members were entitled to discuss the roles and functions of members of the coastal management boards or the coastal council, that was as far as they could go in the debate and they should thereafter confine their remarks to the technical aspects of the legislation.

The honourable member for Niddrie is straying way beyond that ruling. He is giving his usual performance and is slinging a little bit of mud at anybody he happens to see opposite him, and hoping that some of it will stick. If he is allowed to continue in that way I imagine he will also try to include some people outside the house in his mud-slinging activities. I ask you to bring him back to the bill.

The ACTING SPEAKER (Mr Maughan) — Order! I have been listening carefully to the honourable member for Niddrie and I think he is talking about the general principles relating to clause 37 and the following clauses, which deal with members of Parliament being appointed to various boards and commissions. The honourable member is still within the guidelines. I am cognisant of the earlier ruling given by Mr Speaker, and I believe the honourable member for Niddrie would also be aware of it. I find the honourable member is in order and I do not uphold the point of order.

Mr HULLS — Thank you, Mr Acting Speaker. The opposition does not want to make light of this important issue because conflict of interest goes to the heart of a true democratic society. The opposition will vehemently oppose legislation that enshrines potential conflicts of interest, and opposition members will voice their concerns as loudly and clearly as possible. All honourable members should know that allowing conflicts of interest to become endemic in a society is opening the floodgates of corruption. The opposition has said that many times in this place.

I am startled that the minister has the gall to legislate to legalise the perception of and potential for a conflict of interest. It is an extraordinary situation, but it is not surprising when one considers the conflicts of interest in which the minister has been involved. That is why I pointed to the ERG share debacle. The minister also owned Boral shares, the price of which had at least the potential to be influenced by her ministerial responsibilities.

An examination of the latest pecuniary register reveals at least the potential of a further conflict of interest because the minister holds United Energy and Southcorp shares.

The ACTING SPEAKER (Mr Maughan) — Order! The honourable member is straying widely from the bill. I remind him that his remarks should relate to the bill. I am having difficulty in seeing the relationship between his most recent remarks and the bill.

Mr HULLS — Thank you, Mr Acting Speaker. The opposition opposes the part of the legislation that allows for a conflict of interest. In her contribution the shadow minister raised the question of who the minister had in mind to be appointed to the council. The minister interjected and said that the opposition did not have to worry because no member from this side of the house would be appointed. That comment again shows the absolute disdain the minister has for proper process.

The minister has introduced legislation to allow the appointment of members of Parliament — obviously only coalition members — to particular councils. It is obviously only coalition members because only coalition members get themselves embroiled in conflicts of interest.

It is of interest to consider who the minister has in mind. The opposition has compiled a list of what it describes as Kennett's Deadwood Dozen. It comprises government members who are not only on the way out and looking for board or council appointments, but who between them have served some 271 years in this place.

Talk about deadwood! The members of this dozen are prime candidates for appointment to the council in question. I will not run through all the names.

The ACTING SPEAKER (Mr Maughan) — Order! That is a very good decision and very wise of the honourable member.

Mr HULLS — I will not run through all the names, but they do include people who we all know will not be around after the next election because they have already announced their intention to retire. The list includes the honourable member for Polwarth, Ian Smith, who has been in this place for 29 years.

The ACTING SPEAKER (Mr Maughan) — Order! The honourable member said he would not run through the names. He is straying widely and I direct him to return to the bill before the Chair.

Mr HULLS — Certainly, Mr Acting Speaker. I am more than happy to table the list. It includes the Premier himself, who has been in this place for 22 years. The people on that list of Kennett's Deadwood Dozen are prime suspects for appointment to the type of council established in the bill. In the past the government has appointed its mates to boards. Don Hayward, a former Minister for Education, heads up the zoo. It is appropriate that a bloke who treated the education system and people involved in it as monkeys should be heading up the zoo council.

Mr McArthur — On a point of order, Mr Acting Speaker, you have already ruled on the matter of the honourable member for Niddrie defaming people. He is now attempting to defame the Honourable Don Hayward, who is a former member of this house but whose position on the zoo board is irrelevant to the legislation. I ask you, Sir, to bring the honourable member back to the bill.

The ACTING SPEAKER (Mr Maughan) — Order! I do not uphold the point of order. The Honourable Don Hayward is not a current member of Parliament and therefore does not fit into that category. Nonetheless, I remind the honourable member for Niddrie that he is sailing very close to the wind and I ask him to come back to the bill. I ask the honourable member to make the list available to the house, as he said he would.

Mr HULLS — I am happy to make available to the house the list of members who among them have served 271 years in this place.

It is totally inappropriate in Victoria to legalise the potential for a conflict of interest. The opposition does not want these councils to be used as a retirement village for village idiots; it is as simple as that. That is why the opposition is opposing the legislation.

Mr McARTHUR (Monbulk) — I wish to discuss a number of matters, but firstly I shall deal with the absurdly inaccurate and, I believe, consciously misleading statements made by the honourable member for Niddrie in relation to the bill.

Ms Gillett — Mr Acting Speaker, I direct your attention to the state of the house.

Bells rung.

Mr McARTHUR — Mr Acting Speaker, you have just ordered that the bells be rung in order to attract a quorum to the house. While the bells were ringing two opposition members deliberately walked out of the chamber. Previous Speakers have made rulings in relation to this behaviour, and I seek your guidance on the matter.

The ACTING SPEAKER (Mr Maughan) — Order! I have indicated that there is not a quorum present and asked that the bells be rung. The member who called the quorum is still present in the chamber and it is up to other members to move out if they so desire. There is no point of order.

Quorum formed.

Mr McARTHUR — I shall deal with the inaccurate and consciously misleading statements made by the honourable member for Niddrie in relation to the provisions of the bill that would allow a member of either the Legislative Assembly or the Legislative Council to sit as a member of the Coastal Management Board, not, as the honourable member for Niddrie mistakenly said, the Coastal Management Council.

The honourable member for Niddrie went at some length into the issue of conflict of interest and made great play of the Prime Minister's statements and some guidelines in the South Australian Parliament on ministerial responsibilities. I draw the distinction between the guidelines relating to ministerial responsibility and conflict of interest for members of Parliament.

Secondly, he referred to the register of pecuniary interests for the Victorian Parliament. I see him scuttling out of the house now in his usual cowardly manner, skulking out because he knows he is wrong and he has been caught out in a lie. He knows he has been caught out deceiving the house and attempting to deceive the Victorian public. For once in his life he has

the decency to show a little embarrassment and even a skerrick of remorse and shame for his actions. He has much to be ashamed about, and it is unusual to see a sense of shame in him.

I turn to the clauses in the bill about which the honourable member for Niddrie complains. Clause 39 provides that membership of a coastal management board shall not be an office of profit under the Crown. That is to allow a member of either house of Parliament to sit on a coastal management board and not be disqualified under the Constitution Act from sitting as a member of Parliament. Members on both sides of the house know that in the past courts have held that certain positions are deemed to be an office of profit under the Crown, regardless of whether the member was paid for that office or received any direct personal benefit from the position.

The honourable member for Niddrie made great play of distinguishing between public office and private gain. I shall quote him because I took a careful note of what he said. He said: 'Members of Parliament should not use public office for private gain' and 'Members of Parliament and ministers should avoid all appearance of conflict of interest.'

He went on to argue that appointment to these boards would clearly be a conflict of interest or would clearly lead to the appearance of a conflict of interest. He stated that this was so because under the bill and the principal act membership of these boards attracts sitting fees. What he failed to do was read a little further into the bill. If he had taken the trouble to turn the page and go to clause 41(3) he would have read:

> At the end of clause 3 of the Schedule to the Coastal Management Act 1995 insert —
>
> "(2) Despite sub-clause (1), a member of a Board who is also a member of the Legislative Council or a member of the Legislative Assembly is not entitled to receive fees and travelling and other allowances as a member of the Board".

Subclause (4) states:

> After clause 9(3) of the Schedule to the Coastal Management Act 1995 insert —
>
> "(4) A member of a sub-committee is entitled to receive the fees and travelling and other allowances from time to time fixed by the Minister.".

These subclauses make it unquestionably clear that if a member of Parliament from either the Council or the Assembly is in the future appointed to a coastal management board, that member of Parliament will receive no fees, no private benefit, no personal gain, no direct benefit at all. There is no conflict of interest; there is no office of profit under the Crown. Clearly not only is it not a conflict of interest, it cannot be deemed or seen or thought to be a conflict of interest because the bill specifically forbids that member from ever gaining from his or her position on the Board.

The honourable member for Niddrie knows this is the case; he is not silly enough not to have read the full bill. He has a legal background and he is well aware of the meaning of the bill, yet he sets out deliberately to besmirch the names of people who may in the future be appointed to these boards — people who may have very good qualifications and relevant expertise.

I turn to the provisions in the bill. When raising a point of order earlier today, I said that the bill is a technical and precise piece of legislation that makes miscellaneous amendments to legislation to reflect the current administrative arrangements order and the Public Sector Management and Employment Act. Some of the amendments change the titles by which certain officers in the Department of Natural Resources and Environment are known. The bill clarifies the different roles of the Secretary to the Department of Natural Resources and Environment.

Under the Public Sector Management and Employment Act the Secretary to the Department of Natural Resources and Environment has administrative and executive roles. Under the Conservation, Forests and Lands Act and other legislation, the secretary to the department acts as the body corporate. No distinction is drawn between those actions that the secretary may undertake as the body corporate and as secretary to the department. The bill clarifies those dual roles by describing the secretary to the department as the departmental head wherever he or she is referred to as the chief executive officer under the purposes of the Public Sector Management and Employment Act. Where the secretary acts as the body corporate of the department the secretary will be referred to as the secretary. Those provisions clarify the role of the secretary in so far as possible legal responsibility is concerned and where he or she is subject to the requirements of the Public Sector Management and Employment Act.

The secretary acts as the chief executive officer of the department whenever he or she deals with staff and administrative matters, but is more likely to act as the body corporate when dealing with matters relating to the enforcement provisions of the Conservation, Forests and Lands Act, the Fisheries Act, the Flora and Fauna Guarantee Act and other related acts.

Part 3 of the bill amends the Coastal Management Act to improve its operation. The honourable member for Bundoora spent some time discussing the proposed amendments to that act, which basically changed the make-up of the proposed Victorian Coastal Council and regional coastal boards so that instead of members of the council and boards being chosen because of their representation of certain organisations, they will be selected because of their relevant skills and experience. I shall refer the house to those relevant skills and experience. In relation to membership of the Victorian Coastal Council, clause 37 will substitute new section 7(2):

> In recommending persons for appointment as members of the Council, the Minister must have regard to the need for the members to have between them experience and knowledge of conservation, tourism, business, recreation, commerce, issues relating to indigenous peoples, community affairs, town planning, local government and coastal engineering.

In relation to membership of the regional coastal boards, clause 38 will substitute new section 11(2):

> In appointing persons as members of a Board, the Minister must have regard to the need for members to have between them experience and knowledge of conservation, tourism, business, recreation, commerce, issues relating to indigenous peoples, community affairs, town planning, local government and coastal engineering.

The same qualifications and experience apply to membership of the council as applies to membership of the boards.

The honourable member for Bundoora indicated that she will move an amendment that removes those clauses. I wonder which of those skills and experiences the honourable member finds offensive. Is it community affairs, town planning, local government or coastal engineering? Does the honourable member object to the fact that the government is looking for people with experience with issues relating to indigenous peoples? Does she object to people having a knowledge of conservation and tourism?

Ms Garbutt — Mr Acting Speaker, I direct your attention to the state of the house.

Quorum formed.

Mr McARTHUR — Again I ask what skills and experience are offensive to the opposition and the honourable member for Bundoora. Although the criteria for membership of the council and boards are changing, the personnel may not necessarily change. It may be that current members of the council and boards have the relevant experience and expertise and the minister may reappoint them when their terms are completed.

The provisions make clear that members of the council and boards will be appointed because of their skills and experience and not because they represent organisations or lobby groups, are supporters of the coalition government or are members of a green group. I do not think anyone believes they are unreasonable provisions.

Part 5 of the bill clarifies the original intent of the Parks Victoria Act.

Mr Hamilton — Mr Acting Speaker, I direct your attention to the state of the house.

Quorum formed.

Mr McARTHUR — As I was saying, the final minor amendment allows Parks Victoria to take land on lease and grant subleases of leased land. The amendment is required because of a prohibition in the Parks Victoria Act on Parks Victoria holding real property. It was initially intended that Parks Victoria should not become a landowner but over time courts have increasingly widened the definition of real property and now they are holding that leasehold property can be deemed to be real property. It is necessary for the operation of Parks Victoria that it be allowed to rent offices, depots for its vehicles and other appropriate land and buildings. The minor amendment allows that. It does not change in any way the original intent of preventing Parks Victoria becoming a major property owner but it caters for the recent change in definitions of real property by courts. It is a sensible provision and deserves the support of honourable members. When the opposition finally makes up its mind on whether it opposes the bill or simply seeks to amend parts of it, I hope this bill has a speedy passage with the support of all honourable members.

Ms GILLETT (Werribee) — It is with pleasure that I make a brief contribution to the debate on the Conservation, Forests and Lands (Miscellaneous Amendments) Bill. In doing so I oppose the bill and support the very reasonable amendments circulated by the honourable member for Bundoora.

The amendments clearly address the aspects of the bill with which the opposition has the greatest difficulty. They commence with clause 37, which deals with membership of the council established under the Coastal Management Act. As speakers have said in the past, clause 37, parts of clause 38, clause 39, parts of clause 40, and clause 41 contribute or conspire to allow something extraordinarily unusual and most unhealthy to be established in the state of Victoria.

Members of the house know that I consider it a privilege to serve on the Scrutiny of Acts and Regulations Committee. During its deliberations on Monday of this week, the committee considered the bill. To assist members in understanding the concerns of the opposition about clauses 37, 38, 39, 40 and 41, I will refer to some of the comments in *Alert Digest* No. 6 of 1998 about the Conservation, Forests and Lands (Miscellaneous Amendments) Bill.

When the committee began its deliberations on Monday it was ably assisted by the services of the committee's executive officer, Mr Andrew Homer, who prepares notes and researches legislation for all members of the committee. Mr Homer summarises the bill, paying particular attention to the terms of reference of the Scrutiny of Acts and Regulations Committee. One issue that rated a mention was that clauses 19 and 26(2) contained retrospective elements.

It is fair enough to say that retrospectivity might ring some alarm bells but it was recognised by the committee, based on the good advice it gets, that the nature of the retrospectivity was curative to the extent that once again the proposed legislation was designed to correct unintended legislative consequences. The government appears to have recidivist tendencies in that respect. It continually amends legislation to resolve unintended consequences of earlier legislative action. On the whole, the committee considered that the retrospectivity elements of clauses 19 and 26(2) was curative and therefore justified.

Clauses 3 to 32 are machinery-of-government nomenclature amendments. They are necessary as a direct result of the changes made to the Public Service Act: they substitute 'secretary' for 'Director-General' and repeal definitions occurring in the various acts.

Clause 33 amends the Coastal Management Act by renaming the 'Victorian Coastal and Bay Management Council' the 'Victorian Coastal Council'. With that, something unusual begins to take place.

Clause 39 inserts new section 11A, which provides that:

> A member of a board [or council] shall not be taken to hold an office or place of profit under the Crown which would —
>
> (a) prevent the member sitting or voting as a member of the Legislative Council or Legislative Assembly; or
>
> (b) make void the member's election to the Legislative Council or Legislative Assembly; or
>
> (c) prevent the member continuing to be a member of the Legislative Council or Legislative Assembly; or
>
> (d) subject the member to liability to pay a penalty under the Constitution Act 1975.

An amendment to the Constitution Act is something that the Scrutiny of Acts and Regulation Committee takes very seriously, as it is obliged to by its legislative foundation. On the face of it, clause 39 appears to make it appropriate or acceptable for a member of Parliament to have a part-time job. As a relatively new member of this chamber I find that absolutely unbelievable. Some members of this or the other chamber either have far greater reserves of stamina than I have or perhaps they are coming to the end of their time in this place and are looking to move to other areas. It is absolutely impossible to understand how any member of Parliament who is doing his or her job of representing the members of his or her constituency can have the time or energy — even if he or she has the inclination — to serve in other capacities. It would be entirely improper to do so and, I suggest, a physical impossibility to do the job that members are paid to do — that is, to look after their constituents.

The committee noted that section 49 of the Constitution Act provides in part:

> Except where express provision is made to the contrary by an act or enactment no person who holds any [public] office ... shall sit or vote in the ... [Parliament]; and the election of any such person ... shall be null and void.

The intention of the bill is to make it appropriate for members of Parliament to have part-time jobs. One is compelled to ask why.

Mrs Tehan — A job is a paid position.

Ms GILLETT — The minister has just said that a job is a paid position. What do mothers and fathers do? What do all volunteers do?

Mrs Tehan interjected.

The ACTING SPEAKER (Mr Cunningham) — Order! The minister will shortly have an opportunity to contribute.

Ms GILLETT — Mothers, fathers and volunteers do more than two jobs. In the past I have never found being a mother is a part-time job. Anyone who asserts that has never undertaken the task. Under this government more and more people are being asked to work in a voluntary capacity. Their paid or unpaid work is meaningful. Payment of a wage is absolutely no determinant of the value of work done. It would be outrageous for the minister to suggest anything else, particularly given her gender.

I return to the consideration by the Scrutiny of Acts and Regulations Committee of the proposal to amend section 49 of the Constitution Act. As I said, one is compelled — and entitled, I suggest — to ask why the bill extends the membership of a council or board to allow the inclusion of members of Parliament. It could be argued that in the death throes of a government everybody scrambles to find a place — any appropriate place. I do not believe there would be a huge scramble for what the minister says is not really a job, because it is not paid.

We have been told that no opposition member will be considered for such appointment, so only members of the coalition need line up for membership places! That is nothing new, but the opposition is concerned about yet another expression of the government's capacity to break rules — even those most fundamental to the maintenance of democracy that is fair and balanced and provides some absolute certainties for people.

One of the certainties should be that when people elect a member of Parliament they know that that member will represent them and only them for the entire time of the member's term, and that he or she will not be distracted by other duties and will not be seeking to supplement income in inappropriate places. That can lead to difficult circumstances arising, as happened to a member in the other place. It would not be drawing too long a bow to suggest that the bill does not add to the credibility of Parliamentarians but confirms some of the disquiet in the community about the quality of representation offered to Victorians and Australians. This bill further diminishes the standing of politicians in the eyes of the community. Not only do people consider us to be slightly skew-whiff but now they can see that we are creating legislative opportunities for members who are on the way out of government to find places for themselves elsewhere. That is entirely inappropriate.

However, it is appropriate to make changes to the selection criteria for members of a board based on their skills and qualifications. Over the past 12 or 15 years, from the mid-1980s, the Australian trade union movement has sought to move away from the old task-based classification structures into skills and education-based classification structures. I am pleased that the government has emulated the fine example of the trade union movement.

Selection for the membership of boards and councils based on skill and education has been adopted by both state and federal governments. One would hope that embedded in that is the principle of merit. However, after having been told by the minister that no opposition member would be considered for appointment to a particular board or council, one could be forgiven for doubting that merit would be a consideration in the selection process adopted by the government. It is a sad indictment of the government when one considers how well the all-party parliamentary committees, including the one of which I am a member, function.

If the government adopted a bipartisan approach more often it might be convinced that it does not have to be arrogant, and that it can listen to and accept different advice. Members of the government might start to work with people instead of bossing, bullying, threatening, harassing and making people terrified to speak out. The minister may receive a letter from the Scrutiny of Acts and Regulations Committee on this matter. It would be a good thing if she took on board the bipartisan comments of the committee. I look forward to hearing her response.

In the meantime I ask her to pay particular attention to the amendments circulated by the honourable member for Bundoora before it is too late and the minister does more damage to the reputation of her colleagues on both sides of the house by indicating to the wider Victorian community that we are only part-timers. The minister should accept the circulated amendments before she does more damage than she already has.

Mrs TEHAN (Minister for Conservation and Land Management) — The first of a series of contributors to the debate on the Conservation, Forests and Lands (Miscellaneous Amendments) Bill was the honourable member for Bundoora in her capacity as shadow spokesperson. She ranged widely by taking advantage of the technical aspects of the bill which, in essence, seek only to adjust or amend definitions by substituting 'secretary' for previous references to 'director-general' in a range of bodies for which I and the Minister for Agriculture have portfolio responsibility and for which the Secretary to the Department of Natural Resources and Environment has responsibility.

By referring to the large number of acts in part 1, the honourable member took the opportunity, as she usually does, to give a long, tedious and repetitious tirade of small points of concern. That she did that without any accuracy or fairness or in context was demonstrated by her reference to regulations under the Forests Act, which she said will preclude people from entering forests without a permit. What appalling misinformation about regulations that currently require people to have permits only when they are entering nominated areas — which constitute 0.1 per cent of Victorian forests — where there are ongoing forest

works and where permits are necessary to protect the safety of the people operating in those zones.

That indicates the calibre of the intellectual effort the honourable member for Bundoora brings to debates in the house. The consequent examples she gave of problems along the coast absolutely refuse to take into account the myriad volunteer members of coast action groups, friends of our beaches and friends of our coasts who are working so well and positively in this area.

If there is one claim to conservation improvement this government can make — and there are many — it is a focus on our coasts. In the past six years the government has set up the Victorian Coastal Council and the three Victorian coastal boards, which comprise people of skill, expertise and experience who are focusing on the improvement of our coastal areas. In the previous 10 years of Labor government nothing was done about programs or structures or a focus on our coasts. By saying the coast has been neglected the honourable member for Bundoora reveals that she knows nothing of history or current activities.

It would be remiss of me not to take this opportunity to mention the coastal council members and boards and the work that went into the coastal strategy. A huge amount of consultation was involved in the development of the first coastal strategy this state has ever had, and the bringing together of a range of interests and expertise in developing the Victorian coastal strategy has been strongly supported and highly commended. All the people who have been involved, both directly and indirectly, in working for our coasts and developing and implementing the strategy certainly have my commendation and my recognition of the work they do. The fact that the honourable member for Bundoora would not even give that recognition demonstrates what a negative and miserable effort she has made. She has abused the opportunity this house afforded her to talk positively on a number of policy issues. She has again failed to take that opportunity and has just given a negative tirade about the broad and individual issues that she raised.

I was pleased that the honourable member for Carrum, in his contribution, mentioned the Kananook area, to which the honourable member for Bundoora also referred. The honourable member for Carrum reminded the house that three weeks ago, during the federal election campaign, $7.3 million was allocated for the development of improvements to the Mordialloc Creek through the Kananook area and into Port Phillip Bay. That is a remarkable investment in the development of wetlands and an opportunity for improvement in that specific area of the coast.

Not only are coast action people, local government and the Victorian coastal boards involved and not only do we have a coastal strategy, but the federal government is also interested in improvements to the coast — of course that did not rate a single mention in any of the contributions to the debate made by opposition members.

I am not sure what the honourable member for Niddrie had in mind when he spoke in the debate. He referred to a potential conflict of interest. As the honourable member for Monbulk showed only too clearly, there is no potential conflict of interest in the amending bill, in that any member of Parliament who takes a role on the central council or any of the boards will not be paid and will not receive any fees. It is analogous to the position of members of Parliament who are on school councils. No conflict of interest is suggested and it offers an opportunity for input by members of Parliament with an interest or expertise in a particular area to be members of school councils. There may equally be opportunity for members of Parliament to make a contribution of skills and expertise that we need on those boards. The amending legislation enables them to take on that additional role.

I acknowledge the contribution to the debate of the honourable member for Monbulk. His positive contribution, based on the legislation and not using the debate for a wide-ranging attack on anything and anybody that came to mind — as the opposition did — is well worth contemplating and certainly puts in context and provides an explanation for the worthwhile provisions in the amending bill.

The honourable member for Werribee suggested we had come to the end of democracy, and she tied the end of democracy in with the death throes of the government. Her contribution was extremely irrelevant and hardly likely to shed any light on the interpretation of the bill. As I said, the bill is primarily an opportunity to amend a series of acts to ensure the correct use of the term 'secretary'. It will ensure the correct term is used across a number of pieces of legislation within the portfolio and responsibility of the Department of Natural Resources and Environment.

The bill contains an amendment to the Coastal Management Act which enables board members to be appointed on the basis of skills, experience, merit and expertise. This is consistent with the whole-of-government approach to board appointments, which ensures they are representative and that members bring a range of skills and experience to enable the best possible consideration of issues by those boards. The opportunity for community consultation comes in the

process that is developed by the members of those boards. In this instance, it was considered there may be opportunities and real advantages in having members of Parliament serving on the coastal management boards. The amending provisions were inserted to clarify the office-for-profit problem when we seek to put a member onto one of those boards.

Finally, there was a small amendment, as the honourable member for Monbulk explained to the house, arising from the Parks Victoria Act 1998. It was thought necessary to clarify that the taking of land on lease and the granting of subleases by Parks Victoria is not inconsistent with the Parks Victoria Act. That is the reason for the amendment.

I thank honourable members for their positive contributions to the debate, where applicable. The bill is not changing to any great extent the substance of the work being done by the Department of Natural Resources and Environment and the excellent secretary, Mr Michael Taylor, who heads that department. However, it is certainly important to clarify the matter and ensure the legislation is consistent with the whole-of-government approach under the public sector management legislation. I commend the bill to the house.

House divided on motion:

Ayes, 51

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
Elder, Mr	Plowman, Mr A. F.
Elliott, Mrs	Richardson, Mr
Finn, Mr	Rowe, Mr
Gude, Mr	Ryan, Mr
Henderson, Mrs	Shardey, Mrs
Honeywood, Mr	Smith, Mr E. R. (*Teller*)
Jasper, Mr	Smith, Mr I. W.
Jenkins, Mr	Spry, Mr
Kennett, Mr	Steggall, Mr
Kilgour, Mr (*Teller*)	Stockdale, Mr
Lean, Mr	Tehan, Mrs
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, 32

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*)
Cole, Mr	Micallef, Mr
Cunningham, Mr	Mildenhall, Mr
Davies, Ms	Pandazopoulos, Mr
Delahunty, Ms	Robinson, Mr
Dollis, Mr	Savage, Mr
Garbutt, Ms	Seitz, Mr
Gillett, Ms	Thwaites, Mr
Haermeyer, Mr	Wilson, Mrs

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 36 agreed to.

Clause 37

The ACTING CHAIRMAN (Mr Richardson) — Order! I point out that the fate of amendments 2 and 4 depends on the successful carriage of amendment 1.

Ms GARBUTT (Bundoora) — Thank you for that guidance, Mr Acting Chairman. I move:

1. Clause 37, omit this clause.

Amendment 1 standing in my name proposes to omit clause 37. The clause I seek to omit changes the membership of the body to be known as Victorian Coastal Council and takes away the representative nature of its membership. Currently the Coastal Management Act specifies that representation on the council shall include community representatives. If those representatives are doing their jobs properly they will canvass the opinions of their constituents, represent those views on the council and seek feedback.

I will outline the differences between what is proposed in the bill and the current situation. Currently council members are appointed to represent a constituency. Whether the constituency be community members, local government or business the representatives engage in dialogue with their constituents, discuss issues, talk to them about what is happening, inform them of decisions and represent their views. What is being proposed will remove the representative nature of council membership and substitute a skills base, with members being appointed solely by the minister.

Under the proposal members of the council will be required to have experience and skills in particular

areas. There is no requirement for them to talk to anybody else, discuss issues or inform others. It is a backward move, particularly because it does away with the community interest representation. Anyone can be appointed to represent the community, and there is no requirement for the appointee to report back, or to discuss issues with or confer with others. The opposition is opposed to this backward move.

Mrs TEHAN (Minister for Conservation and Land Management) — The government opposes the amendment for the reasons I gave in the second-reading debate.

Committee divided on amendment:

Ayes, 32

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*)
Cole, Mr	Micallef, Mr
Cunningham, Mr	Mildenhall, Mr
Davies, Ms	Pandazopoulos, Mr
Delahunty, Ms	Robinson, Mr
Dollis, Mr	Savage, Mr
Garbutt, Ms	Seitz, Mr
Gillett, Ms	Thwaites, Mr
Haermeyer, Mr	Wilson, Mrs

Noes, 49

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
Elder, Mr	Plowman, Mr A. F.
Elliott, Mrs	Rowe, Mr
Finn, Mr	Ryan, Mr
Gude, Mr	Shardey, Mrs
Henderson, Mrs	Smith, Mr E. R. (*Teller*)
Honeywood, Mr	Smith, Mr I. W.
Jasper, Mr	Spry, Mr
Jenkins, Mr	Steggall, Mr
Kilgour, Mr (*Teller*)	Stockdale, Mr
Lean, Mr	Tehan, Mrs
Leigh, Mr	Thompson, Mr
Lupton, Mr	Traynor, Mr
McArthur, Mr	Treasure, Mr
McCall, Ms	Wade, Mrs
McGill, Mrs	Wells, Mr
McGrath, Mr W. D.	

Amendment negatived.

Clause agreed to; clause 38 agreed to.

Clause 39

The ACTING CHAIRMAN (Mr Richardson) — Order! I point out again that if amendment 3 fails, amendment 5 fails also.

Ms GARBUTT (Bundoora) — I move:

3. Clause 39, omit this clause.

The proposal is to omit the clause that will allow the government to appoint sitting members of Parliament to boards. The opposition canvassed the issue extensively in the second-reading debate, pointing out that it is a self-serving provision so that the government can create jobs for the boys. It has the potential to create and certainly the appearance of creating a conflict of interest. The opposition maintains that it is bad policy and opposes it strenuously.

Mr HULLS (Niddrie) — Briefly, Mr Acting Chairman, members of the committee must understand fully what they are voting for in agreeing to this clause. The amendment moved by the honourable member for Bundoora should be supported by all members opposed to conflict of interest, because the bill enables the minister to appoint members of Parliament to boards. It flies in the face of appropriate standards of propriety and the Members of Parliament (Register of Interests) Act, and gives the minister an opportunity to appoint cronies and mates to boards. The clause is inappropriate, and I hope that all members who oppose conflict of interest and the use by members of Parliament of their public office for private gain will oppose it.

As was said in the second-reading debate, the minister has in mind a number of obvious candidates for appointment to the boards, including members of the Kennett Deadwood Dozen, who have served some 271 years in the house — which is far too long. Those members are looking for board appointments to put on their CVs. The opposition objects to the clause, and it hopes that all fair-minded members of the house will support the amendment moved by the honourable member for Bundoora.

Mrs TEHAN (Minister for Conservation and Land Management) — The government opposes the amendment. During contributions to the second-reading debate the point was made by government members that the honourable member for Niddrie has taken this provision totally out of context and read into the clause innuendos that are not intended. There is no valid reason for supporting the amendment.

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

Ayes, 48

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms (*Teller*)	Maughan, Mr
Clark, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perrin, Mr
Dixon, Mr	Perton, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A. F.
Finn, Mr	Rowe, Mr
Gude, Mr	Ryan, Mr
Henderson, Mrs	Shardey, Mrs
Honeywood, Mr	Smith, Mr E. R. (*Teller*)
Jasper, Mr	Smith, Mr I. W.
Jenkins, 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

Noes, 31

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*)
Cole, Mr	Mildenhall, Mr
Cunningham, Mr	Pandazopoulos, Mr
Davies, Ms	Robinson, Mr
Delahunty, Ms	Savage, Mr
Dollis, Mr	Seitz, Mr
Garbutt, Ms	Thwaites, Mr
Gillett, Ms	Wilson, Mrs
Haermeyer, Mr	

Amendment negatived

Clause agreed to; clauses 40 to 44 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

HEALTH SERVICES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 3 September; motion of Dr NAPTHINE (Minister for Youth and Community Services).

The DEPUTY SPEAKER — Order! I am of the opinion that the Health Services (Further Amendment) Bill is required to be carried by an absolute majority.

Mr THWAITES (Albert Park) — The bill has a number of purposes. The first is to enable the Minister for Health to sack the directors of Melbourne's public hospital networks. The second purpose is to remove the right of local communities to claim compensation for moneys donated to public hospitals that are subsequently closed or amalgamated. The third purpose is to abolish a key Medicare principle — that is, that all Australians are entitled to free access to hospital care on the basis of their clinical needs rather than according to how much money they may have. The fourth purpose of the bill is to repeal the sunset provisions relating to multipurpose services.

The opposition opposes the bill principally for the attack that it makes on Medicare. The Victorian opposition, as does the federal opposition, believes Medicare ought to be the fundamental basis of our health system. We believe in the right of all Australians to free health care regardless of their wealth and whether they can afford private health insurance. The bill attacks that fundamental right. It allows a public hospital to discriminate in favour of a patient on the basis that he or she has private health insurance. The bill allows a public hospital to discriminate in favour of a patient who is prepared to pay an up-front fee for medical treatment. If two patients came into a hospital, one with the money in his or her pocket to pay for the service and the other without the money, for the first time the public hospital can choose to treat the patient with the money. This will lead to the queue jumping that has been threatened on a number of occasions and to people without funds missing out on health treatment.

I turn first to the issue of the sacking of hospital directors. When there is criticism of our hospital system how many times have we heard Mr Knowles, the Minister for Health, say that it is a matter for the networks. He says, 'Do not come to me. Do not hold me responsible for the problems in the health system. Go to the hospital networks'. The bill makes it clear how misleading that is. It makes it clear that the

minister must be absolutely responsible for all the problems in our health system.

The provisions of the bill will allow the minister to sack on a whim any of the 43 directors of our hospital networks. Until the legislation is passed the minister has to have a good reason for sacking a director, whether it is for incompetence, bankruptcy, or the fact the director has in some way breached his or her duties — and that is reasonable. We already have a climate of fear in our health system. Doctors, nurses and health workers are afraid to speak out and tell the truth about what is happening in our public hospitals. Any doctor or nurse who speaks out is threatened with the sack, loss of funding and loss of position. Under the proposed legislation the same threat will be applied to directors. Previously directors at least had a level of independence that allowed them to criticise or to tell the truth about what is happening in our public hospital system. As a result of the proposed legislation, all network directors will know that if they raise a problem they are out the door.

When the Minister for Youth and Community Services introduced the bill he said that such a power could apply to directors who did not perform their duties satisfactorily. It is reasonable for a director to be sacked if he or she does not perform his or her duties reasonably. However, the legislation goes further than that. It allows a board or a director to be sacked for no reason at all. For that reason the opposition does not support the provision. Indeed, the legislation could be used to force hospital boards simply to toe the political line, rather than providing the best service for patients, which is what their jobs are meant to be. It is clear that if board members criticise government health policies or the minister, under the proposed legislation the minister will have the power to immediately sack them.

I turn to the provision dealing with gifts and wills to hospitals. The legislation will effectively remove the right of local communities to claim compensation for moneys donated to hospitals that are closed or amalgamated. I have no doubt that the bill is aimed at stopping the Moonee Valley City Council, the Essendon hospital futures committee and local residents from receiving compensation for money they donated to set up the Essendon hospital. It is nothing more than a blatant grab for cash. The Essendon hospital was funded by the local community, which donated almost $700 000 to build the hospital in 1978. The local council also funded $50 000. The government is now closing the hospital and taking away all the money and contributions that the Essendon community put in over the years.

The government has also recently closed PANCH, which the honourable member for Northcote mentioned in an earlier contribution, the Fairfield hospital, 12 hospitals in country Victoria and 7 other hospitals in metropolitan Melbourne. It is a pretty sorry record. It is no wonder that the government is introducing legislation to enable it to grab the cash when the hospitals are closed or amalgamated: it wants to take the money that has been donated to our public hospitals. There will be a reckoning as a result: how many communities will donate money in the future when they know the government, at a whim, can close the hospital and then allocate the money elsewhere?

What ability does a hospital board have in country Victoria when it goes out to the local community and asks for donations? It might be the hospital in Korumburra. The local people know they could well lose the money. The hospital in Korumburra has been under threat, make no mistake. I attended a meeting with at least 1000 local people where it was made clear that the government had an agenda to strangle and downgrade the hospital so that it would not have inpatient services. The local member — the honourable member for Gippsland West — is extremely active on this issue. One of the reasons the honourable member was elected in a stunning by-election blow to the government was her preparedness to stand up for the hospital. The local people who had put a lot of money into that hospital did not want to see their money used elsewhere.

That is what the legislation is about. The government claims the legislation is aimed simply at enabling a gift to the Maffra hospital to be honoured. The government spokesperson was quoted in the *Moonee Valley Gazette* as saying that the legislation has nothing to do with the Essendon hospital. Why then is the legislation framed in such broad terms? Why is the legislation framed in such a way that the money in Essendon, or the money in any other hospital — it could be the money in Central Wellington — could be taken from the hospital and put somewhere else? If the honourable member for Gippsland South is concerned about the Maffra hospital, let the legislation identify that hospital and make a specific provision for it.

The legislation goes much further. The opposition has obtained legal advice to that effect, which states:

> ... the proposed act creates a legislative scheme which is clearly designed to prevent members or bodies within the community who have made donations to a charitable trust set up ... to fund the operation of public hospital services, from seeking any relief or remedy in the courts to recover in respect of their funds following the closure, amalgamation or aggregation of the former body to which the trust applied.

In other words, people lose their legal rights. This government has taken away the rights of people to complain to the Supreme Court in some 150 pieces of legislation. The government is now removing the rights of the citizens of Essendon and of other communities who have had their hospitals closed. The legal advice continues:

> In other words, communities and persons who have made donations so as to be of benefit, for example, to a particular hospital, may no longer be able to apply to the court to recover donations irrespective of the fact ...

The provisions of the bill will take away people's rights.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.05 p.m.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that the Minister for Sport will be absent from question time today. I understand his questions will be answered by the Minister for Police and Emergency Services.

QUESTIONS WITHOUT NOTICE

Minister for Police and Emergency Services: pecuniary interests

Mr BRUMBY (Leader of the Opposition) — I refer the Minister for Police and Emergency Services to his personal explanation in this house on Tuesday, 6 October when he informed the house of 'an oversight' on his part in relation to his failure to declare his interest in Harvest Grain Australia Pty Ltd. I refer also to the updated summary of returns tabled in this house yesterday. Was the minister's failure to declare his financial interest in yet another company, Horsham Property Pty Ltd, a similar 'oversight', or is the minister again desperately trying to cover up another blatant conflict of interest? How many breaches of ministerial responsibility will it take before this minister does the right thing and resigns?

Mr W. D. McGRATH (Minister for Police and Emergency Services) — My understanding — —

Mr Phillips — On a point of order, Mr Speaker, I refer you to standing orders nos 124 and 127. Standing order no. 124 specifically relates to a member's right to ask an oral question — that is, one question. Standing order no. 127 indicates that a member should not offer an opinion when asking a question, although he is able to offer information to substantiate the question. Clearly the Leader of the Opposition was expressing an opinion about the Minister for Police and Emergency Services and he asked more than one question.

The SPEAKER — Order! The question asked might have had a number of elements to it, but it all related to the same question. In relation to the opinion, I do not uphold the point of order.

Mr W. D. McGRATH — The Horsham property unit I think the member referred to is actually the land on which the company, Harvest Grain, stands on. For all intents and purposes it is the one company.

Employment: government policies

Mr PATERSON (South Barwon) — Will the Premier advise the house of the effect of Victorian government policies on the employment rate in this state?

Mr KENNETT (Premier) — I am pleased to report to the house that over the past six years there has been a clear resurgence in employment growth in Victoria. Creating jobs has always been a major priority of this government. Honourable members will remember that when the coalition came to government in 1992 it inherited not only a state in economic ruin but an unemployment rate of 11.6 per cent. The labour market was very weak, and the challenge was to rebuild community confidence, attract investment and, of course, reduce unemployment. Since 1992 there have been significant improvements in the employment rate and a reduction in the number of people who are unable to find work.

The latest employment figures released by the Australian Bureau of Statistics today show that Victoria has posted an unemployment rate of 8.1 per cent for September — down 0.1 per cent on last month's figures. That is important because it sets a new all-time record for employment in Victoria at 2.169 million jobs. It is even more encouraging that Victoria now has the highest rate of annual growth in full-time employment of all the states — that is, 45 400 full-time jobs have been created over the past 12 months. Since October 1992 more than 237 000 — —

Mr Baker interjected.

Mr KENNETT — We do know that unemployment is about to rise by one in the not-too-distant future, but not as a result of the government's strategies. It will result from the continuing lack of support the honourable member for Sunshine has received from within his own ranks. That

is why the honourable member for Sunshine will leave the chamber shortly, and his absence will be felt more by our side than his. The honourable member for Sunshine will leave despite the obvious warmth the government feels for him as a result of his erratic career and the lack of support from his own side.

The increase in the number of new jobs and the trend towards lower unemployment are clear evidence that the government's activities, particularly its pro-business activities, are creating an environment in which business can flourish and generate long-term jobs. The government has forged a real working partnership between business and the community that is paying dividends by ensuring that Victorians share in the benefits of a revitalised and confident state. When one considers that the coalition was elected some six years ago and that those conditions continue to strengthen as a reflection of growing community confidence in the government, the future for Victoria looks bright.

Minister for Police and Emergency Services: pecuniary interests

Mr BRUMBY (Leader of the Opposition) — I refer the Minister for Police and Emergency Services to his previous answer and ask whether he is not aware that Horsham Property Pty Ltd is a separate company to Harvest Grain Australia Pty Ltd and as such is required to file a separate Australian companies return. It has its own Australian company number and is required to file a separate tax return. Accordingly, under the Members of Parliament (Register of Interests) Act, the minister is required to specify his interests in his annual tax return

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I repeat that Harvest Grain Australia Pty Ltd is a company that has facilities on that area of land referred to by the honourable member. I understand that Harvest Grain is the company in which I have an investment of 750 shares and, therefore, my shareholding is in Harvest Grain.

Police: Wonthaggi complex

Ms DAVIES (Gippsland West) — I refer the minister to his public commitment in the *Sentinel Times* of 2 June that Wonthaggi will get a new $4 million police centre 'even as soon as within 12 months', when in reality there has been no allocation of any funds for such a project listed in the new projects for commencement in the 1998–99 financial year. I ask whether the government will stand by the minister's public commitment and, if so, when we can expect the police centre to be rebuilt and how much money will be allocated to the project.

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I have been down to Wonthaggi on a couple of occasions with the Honourable Ken Smith. On neither occasion did I see the honourable member for Gippsland West. Let me say that in the last financial year $47 million was provided by the Budget and Expenditure Review Committee process to the portfolios of Police and Emergency Services and Corrections, and Justice.

Ms Davies — On a point of order on the question of relevance, Mr Speaker, I asked specifically about a commitment of funds for the new police centre in Wonthaggi, not about the general — —

The SPEAKER — Order! There is no point of order. The minister, completing his answer.

Mr W. D. McGRATH — As I was saying, $47 million was provided for the upgrading of police and court complexes around the state, including those at Wodonga, Shepparton, Ballarat and Sunshine — the same Sunshine that the Australian Labor Party neglected for years and years. The honourable member for Sunshine could never deliver a new police station for the people of Sunshine. The Sunshine police and court complex is now going ahead. We will continue to work on the upgrading of police stations and courthouses.

The Attorney-General works with me on such issues and we work through our priorities. I acknowledge, as I did on the visits with Ken Smith, that the police station at Wonthaggi needs to be upgraded. However, I do not believe I have yet received any letters on the matter from the honourable member for Gippsland West. I cannot be sure. If I have received letters from her, they have not been frequent. We will continue to work to provide new police stations, as we have been doing over the past couple of years.

The SPEAKER — Order! The honourable member for Gippsland West will put that away, please! The minister will continue with his answer.

Mr W. D. McGRATH — This has been a very positive program amounting to $47 million in the current financial year and a similar amount in the previous financial year. One of the great positives has been a special allocation of $5 million over and above the $47 million for small police stations around country Victoria. Loch, for example, now has a new police station. I think Loch might be pretty close to the Gippsland West electorate — but once again I received no representation from the honourable member for

Gippsland West on the matter of the Loch police station.

Honourable members interjecting.

The SPEAKER — Order! The minister, completing his answer.

Mr Batchelor interjected.

The SPEAKER — Order! The honourable member for Thomastown is not helping question time. He will shortly be complaining that we have not had enough questions in question time. If he does so he can blame himself. The minister, completing his answer.

Mr W. D. McGRATH — This $5 million program for small country police stations is appropriate. There are new police stations at Jeparit, Rupanyup and many other small townships, and the response has been very positive. It reinforces the government's commitment to one-man police stations around Victoria. I know that you, Mr Speaker, have one-man police stations in your electorate. It is just as important to continue to upgrade those as it is to continue to upgrade larger police stations.

While the Honourable Ken Smith continues to make representations, a police station in the Wonthaggi township will be considered as a priority.

Gas: interstate pipeline

Mr LONEY (Geelong North) — I refer the Treasurer to budget paper no. 1 1995–96 in which an amount of $172 million was allocated to construct an interconnect gas pipeline between New South Wales and Victoria which could have significantly reduced Victoria's reliance on gas from Esso's plant at Longford. I also refer him to his short-sighted decision to build a smaller $50 million interconnect between New South Wales and Victoria. Why did the Treasurer short-change the Victorian people by not proceeding with the original pipeline?

Honourable members interjecting.

The SPEAKER — Order! I will not allow question time to continue with a barrage of interjections from both sides of the house, particularly the government side on this occasion. I have heard the preamble; the honourable member should now ask the question.

Mr LONEY — Why did the Treasurer short-change Victorians by not proceeding with the original interconnect proposal which would have provided a more secure and reliable alternative gas supply and prevented some of the enormous personal and financial hardships of the past fortnight?

Mr STOCKDALE (Treasurer) — After many years one becomes accustomed to the hypocrisy of the Labor Party, but this is the first evidence I have seen of a full-blown suicidal instinct. I was a member of this Parliament during the period from 1985 to 1992, and some members on the other side were here during the period from 1982 to 1992 — a full 10 years. During that time the Labor Party made no attempt whatever to reform Victoria's energy industry to provide any interconnection of Victoria's gas industry with the rest of Australia. Indeed, during that same period the Labor government managed to squander Victoria's major comparative advantage in being a low-cost energy provider and put the state from being Australia's lowest cost producer of electricity to being third behind Queensland and New South Wales.

Despite that, today the Labor Party is attacking the government's record on reforms the Labor Party has consistently opposed. On every occasion when the government has legislated to provide the framework for the introduction of competition, incentives for investment and the interconnection of our gas markets in south-eastern Australia to generate competition and improve the security of supply, the Labor Party has opposed those measures in Parliament. What is the significance of that? Throughout the situation that Victoria has faced over the past two weeks those most urgently in need of gas have had access to it. Hospitals, emergency services, the aged, the frail and the infirm have had access to gas because this government built the interconnect with New South Wales.

The government has nothing to be ashamed of. It is only because of the reforms implemented by the government that those people most desperately in need of gas have had access to it. I am sure they will be pleased to know that the Labor Party is opposed to those measures.

Schools: maintenance

Mr JOHN (Bendigo East) — Will the Minister for Education inform the house of any new allocation of maintenance money to government schools.

Mr GUDE (Minister for Education) — I thank the honourable member for Bendigo East who, as all members would know, has a deep interest in and commitment to schools in the Bendigo region. I make the point that that commitment is not just to those schools within his own electorate but within the broader area. Honourable members would also be aware that

the Kennett government inherited a most appalling mess from the previous Labor administration. It inherited a backlog in maintenance of something like $670 million to $700 million. The government is very proud of the fact that the backlog has been reduced to something around the order of $250 million and is decreasing all the time.

I am happy to inform the house that I have today approved a further $2 million towards overcoming the backlog of Labor's mismanagement. As part of that $2 million I am glad to announce upgrade works at some 20 schools, with grants ranging from $30 000 to $95 000.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Footscray is bordering on using unparliamentary language.

Mr GUDE — I shall give honourable members some idea of where that money is being spent. In the Bendigo region where, as I said, the local member has a huge interest in education, two primary schools will receive grants. The Bridgewater Primary School will receive $70 000 to replace toilets and the Eaglehawk Primary School will receive $95 200 for the same purpose. I suppose they will feel flushed with success! In the electorate of Altona, the Altona Secondary College will receive some $78 000 for a new fire service. Ardeer South Primary School — anybody owning up — —

The SPEAKER — Order! Do not encourage interjections, Minister.

Mr GUDE — The honourable member for Sunshine owns up. That school will receive some $37 600 to replace a fire service. The Montrose Primary School, where the honourable member for Mooroolbark has done an absolutely fabulous job, will receive some $90 000 for a staffroom upgrade. My colleague the Minister for Housing works assiduously for all of the schools in her Geelong electorate, and she will be pleased to know that some $75 000 has been allocated to the Manifold Heights Primary School for a staffroom upgrade.

This is on top of the good news that was announced in the last budget. It is in addition to the $78 million already committed for capital works and maintenance projects in our schools. Unlike that decade of neglect that has been referred to by my colleagues in answer to earlier questions, the government is about restoring the balance and providing quality schools and a good environment for kids to learn in and for teachers to teach in. Our kids will go into the next millennium well educated, proud Victorians.

Minister for Police and Emergency Services: pecuniary interests

Mr BRUMBY (Leader of the Opposition) — I direct my question to the Minister for Police and Emergency Services who today, fortuitously, is representing the Minister for Rural Development. In light of the fact that yesterday the Minister for Industry, Science and Technology in another place said that the Minister for Rural Development, whom the Minister for Police and Emergency Services is representing today, is the minister responsible for the administration of Ausindustry grants, I ask the minister: was the Department of State Development informed of the financial interest of the honourable member for Wimmera — that is, the Minister for Police and Emergency Services — in the Harvest Grain consortium before the minister approved government grants to Harvest Grain Australia Pty Ltd and the Lentil Trading Company in 1997 and 1998?

The question is, Bill: did you inform the department before — —

The SPEAKER — Order! The Leader of the Opposition knows he cannot add the latter part of his question across the table.

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I did not advise the Department of State Development that I had financial interests in Harvest Grain Australia, but there was no reason why the department could not have searched company records; and it would have found that indeed I was an investor in Harvest Grain Australia.

Housing: Kensington estate

Mr ASHLEY (Bayswater) — Will the Minister for Housing inform the house of progress being made concerning the redevelopment of the Kensington high-rise estate and of alternative housing arrangements for the 108 households that are being relocated from the high-rise tower at 72 Derby Street?

Mrs HENDERSON (Minister for Housing) — Some months ago, the government announced that one of the biggest public housing estate redevelopments ever undertaken in Victoria was to take place at the Kensington estate. The redevelopment of the estate will include the demolition of one of the high-rise towers. In preparation for that event, 108 households have been relocated to more appropriate accommodation. It gives me great pleasure to advise the house that Delta Pty Ltd

has been awarded the contract for the demolition of the high-rise tower. The work is to start immediately and is expected to be completed by the middle of next year.

A very important part of the redevelopment process is the work of the advisory committee chaired by Robert Doyle, the honourable member for Malvern. I am grateful for the work the honourable member is doing in relation to the redevelopment layout. It is essential for the advisory committee to have a good relationship with the Kensington community and to undertake community consultation. The team working on relocating the 108 households from the tower has been absolutely extraordinary. I thank each and every officer who has worked closely, not just with the tenants in the high-rise tower but also with the tenants association and others with a particular interest in the process. The relocation has been running very smoothly. Tenants have been relocated mostly to ground level housing, and for the first time many of the families will have their own back gardens. In the main, it is much more suitable accommodation for families.

The redevelopment is a very large project and is expected to take some years to complete. We will see at Kensington the most extraordinary urban redevelopment of a public housing estate in history.

The SPEAKER — Order! The time for questions without notice has expired.

Mr Robinson — On a point of order, Mr Speaker, I wish to seek an investigation by you into events of the past 24 hours that have given rise to a substantial lowering of the reputation of this Parliament in the eyes of the Victorian community. I seek this investigation as a matter of urgency.

I understand it is a longstanding practice of this Parliament that legislation ought be debated inside this place rather than outside. At about 3.00 p.m. yesterday afternoon the Minister for Sport introduced and read for the first time the Liquor Control Reform Bill. He was asked by the honourable member for Yan Yean for a brief explanation of that bill. He provided an explanation. It was indeed brief — it amounted to nothing more than 22 words.

Only a matter of hours later, the *Herald Sun* carried an exclusive front-page story detailing explicitly the contents of the Liquor Control Reform Bill. The report covered pages 1 and 2, with further coverage on page 73, with a phone poll question. Knowing the time lines under which newspapers operate it is obvious that the *Herald Sun* newspaper was briefed explicitly by the government before members of this Parliament had seen the bill.

The effect has been that hundreds of thousands of Victorians have obtained more detail about the bill than members in this place. The *Herald Sun* story has been picked up by radio and television and broadcast extensively through the state. Furthermore, the government has made available the minister in another place to provide briefings to people involved in the industry. The actions of the government in this instance have deliberately sidestepped Parliament.

The SPEAKER — Order! I have heard enough of the point of order to get the point the honourable member is trying to make. So far as I am aware the bill has not been read a second time, so the honourable member does not know what is in the bill; and neither do I or other honourable members. The house is therefore not in a position to come to any judgment on the speculation of the honourable member. There is no point of order!

Honourable members interjecting.

Mr Brumby — On a further point of order, Sir.

The SPEAKER — Order! On a different subject? I have ruled on this point of order. I will hear no more on this one.

Mr Brumby — On a further point of order, Mr Speaker, in relation to your statement a few moments ago that the house was not in a position to make a judgment about the matter, the house will certainly be in a position to make a judgment about the matter when the bill is presented to the house. I put it to you, Sir, that if when the bill is read a second time this afternoon there is a remarkable coincidence between its contents and what is reported on the front page of today's *Herald Sun*, on the basis of precedent in this house and the rulings in *May* — —

The SPEAKER — Order! I understand the point of order. If the Leader of the Opposition has evidence to bell the cat he should do so. If he provides evidence that any honourable member leaked this matter directly to the *Herald Sun*, I am prepared to take action against him or her. Otherwise, what does the Leader of the Opposition expect the Chair to do? Does he want the Chair to speculate, as the honourable member for Mitcham has done? There is no point of order. I reject the point of order.

Mr Brumby — On a further point of order, Mr Speaker — —

The SPEAKER — Order! I will hear nothing more on this point of order. I have ruled on it twice.

Mr Brumby — On a further point of order, Mr Speaker, relating to contempt of the house and going to rulings contained in the 22nd edition of *May* — —

The SPEAKER — Order! The Leader of the Opposition is repeating the point of order he has just made. If any honourable member can provide evidence of contempt and can direct it to any particular member of this Parliament, such contempt would be a breach of the privilege of the Parliament. There is a system for dealing with privilege in this place and if the honourable member wishes to raise a privilege matter he should follow that system.

Mr Brumby — On a different point of order, Mr Speaker, given your ruling I have just been advised that the Minister for Small Business and Minister for Tourism in another place, the Honourable Louise Asher, apparently called a full press conference this morning and revealed the contents of the bill. In your challenge to me to bell the cat, I suggest the cat was out there this morning giving a full briefing to the media.

I put it to you, Sir, that there is an issue about the processes of and respect and regard for the house. The opposition is aware that governments leak stories — so do oppositions — but the principle applies in this place that once a bill has been introduced the rights of the house should be observed and respect for it shown by honourable members seeing the bill before its contents are splashed around the media by the minister.

The SPEAKER — Order! The Leader of the Opposition is again repeating his previous point of order. I repeat my answer: I have the highest regard for the privilege of the house. If privilege was breached a process applies to handle such issues. If the honourable member wishes to follow that through I will ensure that the matter of privilege is dealt with in the proper manner.

Mr Robinson — On a further point of order, Mr Speaker, I seek your guidance as to what is the correct protocol and procedure — —

The SPEAKER — Order! You do not seek guidance by standing up here. If you want to seek guidance ask the Clerk or inquire of me in my chambers. Do not waste the time of the house.

HEALTH SERVICES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed.

Mr THWAITES (Albert Park) — Prior to the suspension of the sitting for lunch I referred to provisions in the legislation that allow the government to grab funds that are donated to hospitals for specific purposes. When a hospital is closed or amalgamated such funds are applied to other hospitals. The opposition is concerned that such action will inhibit people from donating. It will now be harder for local communities, such as the Essendon, Preston, Elmore, Clunes or others, to collect donations.

The honourable member for Rodney is in the chamber and some of those closed hospitals are probably in his area. I am sure he is ashamed of the government's action in closing the Elmore and other hospitals. I am sure the honourable member for Murray Valley is concerned about threats to the future of the Wangaratta hospital, which may be privatised because of the government's failure to spend adequate funds on capital development. It was to be upgraded this year. The honourable member was featured in a newspaper boasting about capital funds for the hospital, but not one penny has been provided. It is another promise for the future!

Mr Jasper interjected.

Mr THWAITES — The honourable member had his photograph in the paper alleging that money was coming to the Wangaratta hospital. Not one penny — —

Mr Jasper interjected.

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

Mr THWAITES — The budget does not contain one penny for the honourable member's hospital. He has only an IOU for some time in the future.

The SPEAKER — Order! The honourable member for Murray Valley is now in his place but he is still disorderly. He needs a cup of coffee.

Mr THWAITES — The people at the hospital are unhappy about being placed at the bottom of the list again.

Mr Jasper interjected.

The SPEAKER — Order! The honourable member for Murray Valley should cease interjecting.

Mr Jasper interjected.

The SPEAKER — Order! Will the honourable member for Murray Valley take his seat. I will not warn him again. He is a senior member of this place and knows the rules. He knows what will happen if he interjects again.

Mr THWAITES — It is rightly a raw spot because the Wangaratta community was led to believe funds would be provided in the 1998–99 budget for the development of the hospital. The plans have been drawn and discussions have been held with staff — everyone is ready to contribute except the government. The people of Wangaratta have been treated with contempt, as have the people of Mildura. They have been told they should wait, that Bendigo or somewhere else has a higher priority. The Mildura community is left with a hospital that is to be run by a company with majority foreign control. The people of Mildura do not want an American company running their hospital and deciding what health care applies in their town — they want to control their own hospital.

The same thing is happening to other Victorian hospitals. The deal at the Latrobe hospital is another that is so good the government is spending thousands of dollars to keep the contract secret. The government does not want the public to have any opportunity of knowing the truth about what is happening in health care or the truth about privatisation. The truth is that after privatisation of Victoria's hospitals health care will cost more. A cosy monopoly deal has been given to a private operator to provide health services in the Latrobe Valley over the next 20 years.

No future government will be able to expand services in Moe, use the Traralgon hospital, which had good facilities, or build another facility anywhere else in the Latrobe Valley. The honourable member for Narracan has sold out his community because he has not been prepared to stand up for it and demand a proper public hospital system.

The people of Colac were told that they could either go to the bottom of the queue and wait many years or have a privatised hospital. They made it clear that they did not want privatisation. The people of Colac are looking forward to a decent government that is prepared to provide a strong public hospital system. That is what a Labor government will provide. It will be prepared to spend money where it is needed — on public hospitals.

The Kennett government has massively underspent on capital works in hospitals since it came into office. When it took office the equivalent of $162 million a year was spent on capital works. Last year the figure was just $89 million. Every year since the present government has been office it has reduced expenditure on capital works in public hospitals and wound down the capital program, yet it has the temerity to go out to the public and pretend, in expensive taxpayer-funded advertising, that it has a huge hospital building program. The government has no hospital building program; it has a hospital closing program. That is why 12 country and 7 metropolitan hospitals have been closed or are in the process of closure.

The honourable member for Essendon knows that better than anyone because her local community fought and paid for the Essendon hospital. She has been at the forefront of the community's efforts to retain the services at the hospital. The government has, as always, ignored the local community. The government is going to flog off that hospital and, what is worse, it will grab the funds donated by the Essendon community to build the hospital. In 1989 the Supreme Court found that people who donated funds to a public hospital that had closed or amalgamated ought to be able to recover the funds. The honourable member for Malvern is pointing his finger at me, but that is a fact. The honourable member for Malvern, as the Parliamentary Secretary to the Minister for Health and Aged Care, and the minister have introduced legislation that will ensure that no citizen can go to the courts and recover money given to the hospital — money that was donated for local community health care.

I am interested to know what amount of public donations in Narracan will go to the public hospital now. I think it would be pretty small because not many people want to donate money to a hospital that is run for profit by a private company. People do not want to see their money going into the coffers of a private company. For the past 100 years and more hospital auxiliaries around the state have raised money, worked for hospitals and provided tremendous support. Now the government is thumbing its nose at those auxiliaries. The government is saying, 'We don't want you; we don't want your support. We would rather sell off our public hospitals to private companies to make a profit'. The people who will pay will be our children and grandchildren.

What irritates me more than anything is the way the government says, 'We would like to provide a public hospital but we can't afford it. The private sector is going to provide it — we don't have to pay for it'. That is a lot of rot. The public is paying every cent of the

capital expenditure on the privatised hospitals. A contract binds us, our children and no doubt our grandchildren, to pay a capital cost every year for the Latrobe hospital, the Mildura hospital and, soon, the Austin, Berwick and Knox hospitals. The private companies are getting a windfall.

Under this system the taxpayer will pay the whole cost of the private hospital over 20 years and more — we are paying for it all. At the end of the 20 years one would expect that having paid for the hospital the public would get it back; one would expect that the community would own the hospital and have some equity in it. But, no, the public gets nothing — not a penny; no rights over that hospital. At the end of the 20 years of taxpayers having fully paid for the hospital the private company keeps it. It is extraordinary. The system is a windfall for the private companies. It is a system that the New South Wales auditor described as one where the public pays for the hospital twice and gets nothing in return. The public is paying year after year for the private companies to make a profit. It is money that ought to be going to the health system, and we are getting nothing in return.

Mr Andrighetto interjected.

Mr THWAITES — The honourable member for Narracan ought to visit a hospital and have his ears checked.

The SPEAKER — Order! Those sorts of personal remarks are not necessary.

Mr THWAITES — The public is paying inordinately for the privatised hospitals and getting nothing in return. The bill abolishes one of the most fundamental principles of Medicare: that all Victorians ought to have access to a hospital based on their clinical need, not on their private health status or their wealth. Under the previous legislation, which is going to be removed, principle 2 states:

> Access to public hospital services is to be on the basis of clinical need.

That is for all eligible persons. The principle further states in an explanatory note:

> None of the following factors are to be a determinant of an eligible person's priority for receiving hospital service: whether or not an eligible person has health insurance; an eligible person's financial status or place of residence; whether or not an eligible person intends to elect, or elects, to be treated as a public or private patient.

Explanatory note 2 states:

> This principle applies equally to waiting times for elective surgery.

In other words, if two people come to hospital, one of whom has private insurance and the other does not, under the Medicare agreement the only criterion for determining who gets treatment first is clinical need. The fact that one has private health insurance does not allow that person to jump the queue. Similarly, if two people come to a hospital and one is prepared to pay an up-front fee to be treated as a private patient, under the current act that is not possible. Under the bill those safeguards are removed. There is no statement in the bill that enshrines that principle of universality — that is, that all patients, regardless of their insurance status or wealth, get equal access to public hospitals.

The bill incorporates the new provisions in the recently signed health care agreement between the commonwealth of Australia and Victoria. There is a subtle but very important change in the agreement. The agreement now states:

> Access to public hospital services by public patients is to be on the basis of clinical need and within a clinically appropriate period.

In other words, the priority in treating two public patients is on the basis of clinical need. However, under the changes incorporated in the new agreement if a person has private health insurance he or she can be given priority in the public hospital. Similarly, if a person is prepared to pay an up-front fee he or she can be given priority. That is a radical change.

Numerous incidents of patients being told by doctors that if they pay a fee they can jump the queue have occurred. An article in the *Age* of 15 June 1994 relating to the public hospital system states:

> Patients without health insurance can avoid waiting list queues at the Royal Children's Hospital by paying a fee and being treated as 'private' patients.
>
> Ear, nose and throat, paediatric and other patients are able to pay $180 for day surgery or $240 a night to be classified as private patients and jump to the front of elective surgery waiting lists.

Mr Doyle interjected.

Mr THWAITES — The honourable member for Malvern says that that was under the previous Medicare agreement. That is so, and doing it was ruled out of order. When the hospital tried to do it the Minister for Health and the department said, 'You cannot do it'. That is the point. The reason the hospital could not do it was that it was a breach of the Medicare agreement. Under this new, watered down, wishy-washy agreement that does not even use the word 'Medicare'

people will be able to jump the waiting list queue if they have the money. That is what this legislation is all about.

It reflects the massive difference between honourable members on this side of the house and those on the government side in relation to Medicare. Opposition members love Medicare; government members hate it. They always have, and that sums it up. Liberal members of Parliament around Australia, from the Prime Minister down, have tried to cover up their hatred for Medicare by claiming they will not change it, but a leopard does not change its spots.

In 1987 Mr Howard said he wanted to get rid of Medicare. He has tried to get rid of it for the past 10 years, but he has not been able to because the Australian people and the Australian Labor Party have stood up to him. They know Medicare works. Prime Minister Howard and Premier Kennett have been trying to get rid of Medicare by strangling it — chipping away at it year after year and making it more difficult to access by means testing and other measures. That is what the bill does.

The honourable member for Malvern is questioning the statements I make. The Premier has made his position plain. An article in the *Age* of 4 December last year, headed 'Replace Medicare with an insurance system: Kennett', states:

> The Premier, Mr Jeff Kennett, yesterday called for Medicare to be abolished and replaced by a two-tier insurance system in which high income earners would be forced to take out private health cover.
>
> He said Medicare was not serving Australia's interests and should be scrapped.

That is not just the Premier's view, it is also the Treasurer's view. An article in the *Age* of 10 June, headed 'Means test warning on public hospitals', states:

> Victorian public hospitals could not continue providing free care to all unless the federal government reviewed its Medicare funding arrangements, the state Treasurer, Mr Alan Stockdale, warned yesterday ... Mr Stockdale seemed to raise the possibility of a means test — restricting free access to public hospitals for some high-income earners — as a way of relieving pressure on the system.

The Premier wants to abolish Medicare, the Treasurer wants to charge fees for hospital treatment and the Minister for Health is introducing a bill that will enable fees to be charged. The legislation is about destroying the fundamental principle of Medicare: that all Australians ought to have access to health care on the basis of need rather than their ability to pay.

I am sure there is some difference of opinion on the government side. I do not believe the Minister for Health would want to abolish Medicare. Indeed, he criticised the federal government's private health insurance subsidy scheme. He said the money would be better spent in public hospitals. He must have been embarrassed when the federal coalition government not only did not follow his advice but tripled the amount used to subsidise private health insurance.

If the $1.2 billion that was wasted propping up an inefficient private health insurance industry had gone directly to our public hospitals Australia would have a marvellous public hospital system and I would have nothing to talk about. I am sure that is an incentive for the government to do all it can to get rid of the crazy idea of spending $1.2 billion of taxpayers' money propping up the private health insurance industry.

If Victoria had spent its portion of that federal government allocation to private health insurance, approximately $300 million a year, on our public hospital system people would not be waiting 24 or 48 hours on trolleys before they can be admitted to hospital; hospitals would not have long waiting lists; the Latrobe Valley would not have a privatised hospital; and Victoria would have a decent public hospital system, which is what we all want.

The opposition believes in Medicare, but the government generally does not. The real reason government members do not believe in Medicare is that they do not believe governments can administer hospital systems. They do not like the idea that Medicare works better and is more efficient than the private sector.

Mr Doyle interjected.

The SPEAKER — Order! The honourable member for Malvern should cease interjecting. He will have his opportunity to contribute to the debate shortly.

Mr THWAITES — Private health insurance companies spend 12 per cent of their income on administration, but Medicare spends only 3.8 per cent on administration. Why is it that the federal government, the Premier and the Treasurer seem so supportive of the inefficient, inequitable private health system? Unfortunately this bill opens the door for further privatisation, further reductions in services and further cuts in the quality of health care. When one looks at how low the quality of health care has fallen under the Kennett government, one clearly sees that it is a particular problem.

I will outline what has happened in the past 12 months. Earlier this year the former Austin hospital had to be bailed out because it was going broke; it was nearly bankrupt. The cash reserves of the hospital had decreased from $17.5 million at 30 June last year to $2.9 million by 30 January this year. That reflects the massive cuts in government spending.

On 3 April the Kennett government was embarrassed by the leaking of a document from the North Western Health Care Network that revealed that major hospitals in that network were facing massive cuts. The Essendon hospital would be closed early; the new Northern Hospital was opened with a 6 per cent reduction in its budget; and the Royal Melbourne Hospital had cuts in funding of some $6 million. The Northern Hospital was opened by the Premier, but his day was spoilt.

Mr Doyle — You were there.

Mr THWAITES — I was there, and I acknowledge that I spoilt the Premier's day. He left in a huff and refused to speak to journalists because of the appalling state of the hospital. Apparently one elderly man suspected of having suffered a stroke waited 25 hours on a trolley before being admitted. An 11-year-old girl with a broken arm waited 5 hours for treatment. Another gentleman waited for more than 12 hours, perhaps even 20 hours, on a trolley because he could not get a hospital bed. He was discharged on Good Friday, after being suspected of having had a stroke, even though he did not have adequate support at home.

It was then revealed in the Auditor-General's report to Parliament that there had been a major decline in the quality of care in public hospitals. A survey carried out by the Auditor-General revealed that 70 per cent of senior doctors and 67 per cent of senior nurses believed the government's changes had led to a deterioration in the quality of health care.

The Auditor-General's report was followed by a memorandum from the head of the Royal Melbourne Hospital's vascular surgery unit, which stated that patients were waiting so long at the hospital they were developing heart attacks, losing limbs and bursting aneurisms — and that situation was exacerbated by the $9 million in further cuts forced on the Royal Melbourne Hospital this year. Then followed the revelations about the rigging of waiting lists and the concern of senior doctors that patients were being reclassified in order to reduce waiting lists and get more money for hospitals.

Subsequently there was a very serious case involving Mr Bob Scotland, who had been waiting for major heart surgery at Monash Medical Centre since February. That is the sort of operation which previously would have been classified as urgent and which in any other state would be classified as urgent but which in Victoria for financial reasons is classified as only semi-urgent. He therefore had to wait months for open-heart surgery. Even more serious is the fact that on the day he expected to finally get the treatment he deserved he was told by the hospital to go home because no beds were available.

That gentleman attended clinics on a number of occasions expecting to get surgery, but it did not occur. It is of interest that he went into surgery on the day after the case was reported on television. It seems the only way you can get surgery in time in this state is to get your case raised by the opposition. I will not go through the other incidents because I want to give other speakers a chance, particularly the honourable member for Essendon, who is most concerned about the effect on the Essendon community of the Kennett government's grab for donations.

In conclusion, I am concerned that as well as affecting the Essendon hospital and the Essendon community the legislation will also affect other hospitals and health care facilities. The Kingston Centre, which is part of the Southern Health Care Network, will be significantly downgraded. It is expected that 138 beds at the centre will be closed, and notice has been given that the process will be completed by February 2001. Places such as Kingston are home to many elderly Victorians and rightly receive and have received over the years donations from the public. The great concern is that the government's real agenda for Kingston is to sell off part of the land for profit, with the donated funds going into the Treasurer's pocket instead of being used for their intended purpose of helping older people.

The opposition wants to maintain the flow of donations to hospitals and aged care facilities. If the legislation proceeds it is likely that Kingston and other facilities will find it much harder to get donations in the future because the message being sent to the public is that there is no guarantee that funds donated to public hospitals for particular purposes — perhaps to have a facility in a local community — will find their target. There is no security that the money will be spent in the way it was intended to be spent because the government is more interested in grabbing cash than looking after the people it is meant to protect.

Mr DOYLE (Malvern) — I am pleased to join the debate on the Health Services (Further Amendment)

Bill and answer some of the claims made by the Deputy Leader of the Opposition.

There are four basic tenets of this bill, only one of which the deputy leader agrees with. I argue that in relation to the other three he has either wilfully or inadvertently misinterpreted the provisions of the bill because much of his contribution bore no relationship to the bill. Much of what the honourable member said was a sort of ideological wishfulness about painting this side of the house as the Evil Empire, perhaps exemplified by the astonishing statement of intellectual elegance that all on this side of the house hate Medicare and all on that side love Medicare.

An honourable member interjected.

Mr DOYLE — Yes. I will certainly agree with the second part of that judgment made by interjection. The corollary is that all on this side love private health insurance and all on that side hate private health insurance, whereas we know that in a complex, difficult and multifaceted system such as ours both elements of the system need to be carefully nurtured. The argument that money should have gone straight to hospitals rather than to bolster levels of private health insurance is simplistic.

An honourable member interjected.

Mr DOYLE — The honourable member for Essendon said it was not very successful, but she omitted one point — that the level of people dropping out from private health insurance has slowed.

Mrs Maddigan interjected.

Mr DOYLE — She may trill merrily in answer to the argument, but the argument has to be. Why is there such pressure? If you want a fairly simple answer to a complex question, it is that as people leave private health insurance, as they have done in droves, they go to the public system. If both systems are not kept in balance untold pressure is brought to bear on the whole system. That is what happens if one merely focuses on one section of the system rather than on the complexity of the whole system, and that is manifest in the Victorian system in particular. I cannot understand why any system would want to penalise either one. We may argue about the balancing act, but surely both parts are necessary.

I will say one thing about Medicare — and I am a supporter of Medicare — —

An honourable member interjected.

Mr DOYLE — I challenge a member of the opposition to do it. Medicare sends one of the worst price signals possible from the government. Ask people in any group what proportion of their health care costs is paid for by the Medicare levy. They will all argue that the levy pays between 70 and 100 per cent of their health care costs, yet the real figure is about 15 per cent. Let us not get too emotional about saying that the Medicare levy is absolutely the most efficient way of doing it.

The main amendments in the bill enable all types of trusts made in favour of a body that has amalgamated to be applied to the new body formed after amalgamation. That is the issue. I am not sure about the furphy relating to the Essendon hospital, and I will come to that later. We have to ask ourselves — I know my colleague the honourable member for Gippsland South will provide the house with some local knowledge of this area — whether we want some trusts to fail. If discretionary trusts fail, the moneys from those trusts cannot be applied to institutions such as the Maffra hospital. Through this provision the government is trying to ensure that trusts do not fail.

In the case of discretionary trusts, even though a trust itself may not fail, the trustee under his discretionary power may still not make a determination to have moneys flow, because it is an eligibility and not necessarily an entitlement. I will return to the Essendon hospital case later. The finding of the Supreme Court in that case was more complex than was suggested by the Deputy Leader of the Opposition. The court found that part of that trust failed ab initio because the Essendon hospital never became a general hospital as planned. Honourable members may recall that that was a decision of the Cain government in 1982. I will come back to that small piece of history later because there is more to it than that, as the honourable member for Essendon knows.

The second part — this is something else the honourable member for Albert Park seemed to object to — is to provide the power to remove directors of the health care networks. I will come to that in due course. The third part is to repeal the sunset provision that applies to multipurpose services. I take it the opposition is entirely in agreement with that part because it will assist in the provision of flexible services. In an interesting way that is connected to the question of trusts. I ask the honourable member for Essendon to apply her mind to the argument I will run in a moment about the government's support for multipurpose services and what it is doing with trusts.

I want to take up the fourth part in some detail. As the honourable member for Albert Park pointed out, it is the incorporation of the Australian health care agreement into the principal act. I will also pick up some of the comments of the Scrutiny of Acts and Regulations Committee on the issue because it has raised some valid concerns that can be properly addressed.

I turn first to a point I made earlier about the multipurpose services, of which there are six in Victoria at the moment — and the seventh is in the process of being developed in Robinvale. There is no argument that they have been a great success. Multipurpose services, through cooperation between individuals, communities, the Department of Human Services and the commonwealth, provide flexible healing services that meet the needs of the local rural and isolated communities better than some of the stand-alone institutions that currently exist.

Multipurpose services deliver flexible hospital, community-based or home-based services. The sunset provision did not take into account the allocation in the 1998 federal budget for 30 more MPSs around Australia. Repeal of that provision is necessary to allow Victoria to enter into the program and engage in discussions with communities and the commonwealth government, and I hope we can engender a further six to eight MPSs around the state.

That brings me to the complex point about trusts, which I do not intend to go into in great detail, that applied in the Essendon case. The government supports the extension and development of MPSs, which are formed when individual elements amalgamate to create a new service. If the wording or purposes of a discretionary trust do not allow the trustee to direct money to the amalgamation, something as simple as a name change may be appropriate. The money has been donated by people who wanted it devoted to providing specific health services to people in a community, and that wish should be effected. The trust should not fail simply because of a change of name. The honourable member for Gippsland South will amplify that point later, because it applies to a will and a trust that operates in the Maffra area.

Do we want those trusts to fail or to have no choice? I suggest we do not. Even if we give discretionary trusts the necessary powers to follow the wishes of those who provided the money to set them up, no guarantee can be given that under a discretionary power a trustee would ensure that the money flows to a particular institution. That is the difficulty I have with the argument of the Deputy Leader of the Opposition. I have not yet heard the argument of the honourable member for Essendon, but I believe she will also see a shark in the wave although it is not there and that she will also refer continually to a cash grab. I am at a loss to understand the implication made by the honourable member for Albert Park that the government could grab cash from a discretionary trust that is entirely separate from government and a particular health service.

The honourable member for Albert Park said also that the opposition has legal advice that suggests there is something sinister about what the government wants to do, particularly in the Essendon case. The government has not seen that legal advice, and I wonder whether the honourable member is prepared to make it available.

Mr Thwaites — Under FOI.

Mr DOYLE — I take the somewhat ironic humour of the honourable member in good part. As I said, the government has not seen that advice. I do not believe it is relevant to the proposal, but if he is prepared to make it available we will examine it and provide answers and indicate where we believe that what is claimed is not the intention of the proposed legislation. We might be able to allay some of the concerns of the opposition. I leave that for the opposition to consider. I am not fussed about it, but I reiterate: if the honourable member for Albert Park wishes to make the legal advice available the government is prepared to examine and respond to it.

I was lost when in the discussion about Essendon it was suggested that the proposed legislation will enable the government to grab cash. Without seeing the legal advice and not knowing the facts of each case, it is difficult to make any judgment about what might happen with trusts.

The government is considering the rights of donors of money as circumstances change, as they have over many years. The former Queen Victoria and Prince Henry hospitals, to name two outstanding examples, are no longer situated where they were originally. It is not possible to give advice about the rights of donors without examining closely the entire circumstances of a particular trust. One must determine firstly whether the trust has failed. One would have to examine the nature and wording of a particular trust. One may have to examine purposes in the trust that may not be specified. One must examine the nature and extent of any amalgamation to determine whether it is still relevant and whether that could affect the bodies that could have benefited from the trust. One must look at the application of the existing relevant provisions of the Health Services Act. Finally, one must consider the

effects of the provisions of the bill on the particular circumstances and facts.

It is only possible to consider whether the bill will protect a trust from failing when all of that information is considered. Until then one cannot determine whether the measure will protect a trust from failure. If that is not achieved — but I hope it will be in the Maffra instance — it should not be assumed that any donor would necessarily be able to recover a donation if the trust is not saved.

Donors must meet the criteria specified in general law before they can recover moneys from a trust that has failed. Nothing in the bill is intended to alter that law. The application of the general law to any specific case will vary depending upon the facts of each case. When dealing with discretionary and non-discretionary trusts, particularly those that are complex, widely variant and sometimes idiosyncratic, it is not easy to make any general blanket statement, as the Deputy Leader of the Opposition did in his contribution to the debate on the bill.

Mrs Maddigan interjected.

Mr DOYLE — All the details of a particular trust must be examined carefully to determine whether the provisions of the bill will apply. The honourable member for Albert Park is suggesting he is right in all cases, but that is not so. Often he is inadvertently right, but not in this case.

The history of the Essendon hospital reveals that in 1977, when public subscriptions were sought for a general hospital at Essendon, the difficulties to which I have referred became apparent. When the Cain government came to power in 1982 it was determined that there was not enough money to proceed with the Essendon hospital as a general hospital. Application was made to the Supreme Court to rule on what should happen to the money that had been donated in good faith. As the honourable member for Essendon knows, the court made two rulings. The first was that donors could recover moneys because the trust had failed ab initio. In other words, the trust had never operated because the Essendon hospital was never a general hospital. I do not understand how that applies to the cases envisaged by the provisions in the bill.

In the case of the Maffra District Hospital the trust is already operating — it did not fail ab initio. That is what I was saying before by way of disorderly interjection to the Deputy Leader of the Opposition. As the honourable member for Essendon will recall, the hospital sent letters to donors but received no reply. The court then allowed those moneys to be used for furnishings. Although the trust failed ab initio because it was not a general hospital, the purposes of the hospital were similar enough for the moneys to be properly applied. That was a good decision because the spirit and intent of the donors should, so far as possible, be respected. That is also the purpose of the bill. If a particular trust has specific purposes, such as that the money must be used for providing services or equipment for children, the bill will not allow those provisions to be altered.

So, even though the trust itself may not fail, unless there is an absolute entitlement rather than just an eligibility, the trustee must go through a whole second raft of decision making before that money can follow. The government is saying it should not fail simply because of a change in circumstances, service delivery, name or purpose or an amalgamation. When the honourable member for Gippsland South outlines the particular case the house will understand exactly why the government thought this bill was necessary, especially in the case of discretionary trusts.

This is a very complex area and I will not go into it in detail. I agree with the Deputy Leader of the Opposition that when people make donations, set up such bequests or create certain instruments, it is important that their original intentions be honoured as far as possible. We should be true to that principle because anything else would be a breach of faith with the past and the intentions of the past.

The bill makes it clear that if a trustee has specified that the funds in the trust are to be used for a particular purpose we have to respect the wishes of the person who created the trust. The provisions of the bill certainly allow that to occur. The problem may arise not just because of the purposes; it may concern the naming of a particular institution, the types of services, the geographic location and so on. Realistically, some of the trusts and bequests are now ancient, and certainly society and the demographics have changed. Should these moneys no longer be applied for the public good to hospitals, nursing homes and like services simply because the societal situation has changed? We say the answer to that is no. Although I understand the proper concerns that have been raised by the opposition, I rush to assure the house there is no such sinister intent in the bill to do the things the Deputy Leader of the Opposition was suggesting; rather, it will facilitate such movement of trust moneys as will be described by the honourable member for Gippsland South.

I shall briefly respond to a couple of legitimate concerns raised in the debate. The Deputy Leader of the

Opposition mentioned the removal of directors, perhaps not with the same passion as the other points he raised, which I shall deal with next. Section 40G of the Health Services Act refers to directors of the boards of networks being removed only in certain cases — physical and mental incapacity, being absent without leave from board meetings for six months, insolvency, or conviction for an offence that would affect one's ability to be a director.

In other areas — rural hospitals are a good example — the minister must remove a director or board member for any of those reasons; but there is also a power under which the minister may remove a member, or in this case a director of a network, for things like incompetence. The argument was run before — and I do not mean to be flippant about it — that there may well be something such as an enormous conflict of interest that would require the minister, for good management, to remove a director from a network. At present there is no power to do so; and conflict of interest, for instance, would not fall within the grounds for which the minister could remove a network director. Therefore, we regard this as an accountability measure on behalf of the people of Victoria.

There is not a shark in this wave, either. There is no sinister intent, given that this government appointed the directors, to remove them. It is in our interests to have the best people that we can running the networks, and that is what the intention surely is. It follows what we already do with rural hospitals, and I do not see any great outcry or problem there. It certainly follows what we do with directors of state business corporations under the State Owned Enterprises Act. I argue it is a reasonable provision.

I refer the house to two good points made by the Scrutiny of Acts and Regulations Committee. The first appears at page 5 of *Alert Digest* No. 6:

> The committee is concerned at the incorporation by reference into the act of the Medicare principles by agreements in force from time to time between the commonwealth and Victoria. The committee further notes that the former principles were reproduced as part of the act (section 17AA(2)) and that the principles in the new agreement are not made available for Parliament's consideration either as a schedule to the bill or as a separate document at the time Parliament is asked to consider the bill.

The government believes that is entirely reasonable. In fact, there is the practicality of availability. The Australian health care agreement is practically available. As one instance, it is available on the Internet at — if I may quote the address — www.dhs.vic.gov.au. However, I think the committee's point was a little stronger than that. The public availability is not necessarily the point it was making; it was saying it should be available to this house. I am happy to make available to honourable members for their information a copy of the Australian health care agreement, which I will lodge in the library. There was certainly no intention not to make it available, so I hope that redresses the matter quite properly raised by the parliamentary committee.

The second matter the committee raised was to ask whether the new principles constitute any impingement on legislative provisions. My answer to that is that the principles of the Australian health care agreement are not inconsistent with any of the provisions of the Health Services Act and therefore do not constitute such an impingement. I know the committee has written to the minister asking for a response. I am sure that response will be forthcoming, but I thought it appropriate, because we are debating it in this house, to indicate that our intentions are honourable in that area. I hope that goes some way towards relieving the proper concerns of the Scrutiny of Acts and Regulations Committee.

I turn to what I believe was the main concern expressed by the Deputy Leader of the Opposition. I repudiate utterly his contention that in some way these principles are a watering down of the Medicare agreement. His argument — I understand the logic behind it — was that the original Medicare agreement had as principle no. 2:

> Access to hospital services is to be on the basis of clinical need.

The new Australian health care agreement principle no. 2 states:

> Access to public hospital services by public patients is to be on the basis of clinical need and within a clinically appropriate period.

He expressed concern that because for the first time a category of patient rather than a description of services was included, somehow that was or could be a backdoor way of giving private patients an ability to jump the queue. Again I suppose it is a matter of interpretation and whether one wants to see the glass as half full or half empty, or perhaps something a little more hysterical than that. It would have been reasonable and useful for the Deputy Leader of the Opposition, who had not had a briefing on the bill before he issued his press release last week, to have had such a briefing — but that did not seem to stop him.

The Minister for Health immediately said there is absolutely no difference between the old and the new agreements in regard to access to public hospitals. I am both happy and confident to give the assurance that

access for private or public patients will continue to be on the basis of clinical need alone. That is exactly as it should be.

Mr Mildenhall — Read the bill.

Mr DOYLE — It is not actually in the bill. It is in the Australian health care agreement, which although not part of the bill is taken in by it. Opposition members seem to see a shark in every wave and believe Victoria is the Evil Empire. That is what they say.

I also have with me a copy of the Australian health care agreement between the commonwealth of Australia and the state of New South Wales. As I recall New South Wales is governed by a Labor government. I am sure no-one can accuse the NSW health minister, Dr Andrew Refshauge, of being right of even left. Principle no. 2 from the Australian health care agreement with New South Wales states:

> Access to public hospital services by public patients is to be on the basis of clinical need and within a clinically appropriate period.

Dr Napthine interjected.

Mr DOYLE — The minister says it sounds the same. It sounds the same for a good reason: it is exactly the same. Is the Deputy Leader of the Opposition accusing New South Wales of backing away from the principles of Medicare? Is he accusing Queensland of the same thing because the same wording is to be found there?

Mr Mildenhall — What does the act say?

Mr DOYLE — I do not think the honourable member for Footscray understands. How can I make this so plain that even he can understand? This is the principle in the Medicare agreement to which the Deputy Leader of the Opposition objected and which will now be taken in as part of the Victorian act. The principle is the one that New South Wales signed and it is exactly the same as Victoria's. There is no sinister intent to water down Medicare. If there is, what then is New South Wales doing signing up to this agreement?

Mr Mildenhall interjected.

Mr DOYLE — The honourable member for Footscray is doing a creditable job in going down in honourable defeat, but he is sinking rapidly from sight. There is no argument there. New South Wales has exactly the same provision. As I said — and I am happy to reiterate — the criterion is clinical need regardless of the category of patient. The opposition seems to want to run the argument that somehow this is the Evil Empire in Victoria. Nothing it says can be trusted and everything must be sifted for nefarious intent. I refer to Occam's razor — the simplest explanation is most likely to be just that. If Victoria, New South Wales and the commonwealth have signed up to it and have all said it is on the basis of clinical need, let us assume that that is so. I, too, am happy to assure the house that it is so.

What the government considered in the first place was a fairly straightforward bill that would make a number of sensible provisions to try to help the people of Victoria by supporting their health care institutions. The government thought the bill was a fairly straightforward piece of legislation, and I naively thought we would have the support of both sides of the house. Again I do not mean to be flippant, but in the usual way the opposition has of scrutinising things it has put the worst construction on every part of the bill.

The opposition's interpretation of the bill was never the intent of the bill. The bill is entirely in line with proper health administration in the state. In cases such as the one at Maffra the act will make a positive difference, and if the bill had not been amended detriment would have flowed.

The final point I make is about trusts. If the amending legislation is not passed most of the rural hospitals around the state that currently enjoy a revenue stream from the type of discretionary trusts in question will be disadvantaged. Unless the provision is supported there is no way those trust moneys could be applied in situations such as those to be described by the honourable member for Gippsland South. If those are the lengths to which the opposition is prepared to go for the sake of ideological purity, an awful lot of people will suffer, particularly in rural Victoria. Hospitals and institutions will lose the money that was always intended for them and which should continue to flow to them.

I understand the concern of opposition members about some of the ideological bogymen they believe lurk within the bill. However, I assure them there are none there and that they are jumping at shadows. I am delighted to support the bill because it will improve health administration in this state.

Mrs MADDIGAN (Essendon) — I join my colleague the shadow minister for health and community services in opposing the bill. I also appreciate the many assurances and best wishes and intentions of the honourable member for Malvern. I do not wish to impugn his reputation in any way when I say that the opposition would be much happier if the

bill actually said what the government meant instead of what the government hoped it might mean, or how it should be interpreted.

What I should conclude from the comments of the honourable member for Malvern is that this is not a very tidy and carefully written bill, because in talking to all of the provisions he has discussed at length he has been forced to say to us, 'Look, you must believe us. This is what we meant. We meant no harm so don't worry. The bill does not actually say that, but that is what we actually meant'.

I should have thought it would have been just as easy to write a bill that actually said what was meant. If that had been done the government might have had more agreement from the opposition, but the way the bill has been presented to the house does not encourage anyone on this side of the chamber to support it. From what I can see it does nothing to ease the concerns of the general community in Victoria about the situation regarding health services.

The citizens of Victoria are becoming increasingly concerned about the state of health services and about the sorts of services they can expect to receive if they are required to go to hospital. People like to know how long they will have to wait if they are seeking surgery and where they will slot into the waiting lists of private and public hospitals. Because the bill is written in a very careless and broad manner people's fears will grow. I would have thought a government that was sincerely concerned about the health needs of Victorians would acknowledge that community fear and take steps to try to ease the concern instead of presenting messy legislation that increases it.

I turn to the purpose of the bill, which has been referred to by both the shadow minister and the honourable member for Malvern, and which contains a number of areas of concern. I will leave the part about trusts until later because it is probably the main point on which I wish to comment. I will also refer to a couple of the other provisions. As I said, part of the bill suggests that the Minister for Health can remove the whole of a health care network. People in the Essendon area would have some sympathy with that because it is true to say the residents of Essendon — indeed the whole north-west of Melbourne — have no reason to support the current board of the North Western Health Care Network.

As the honourable member for Albert Park began to say, there have been severe and uncalled-for cuts in health care services in the whole north-western region since the network board was established last year. We all agree the basis for joining the northern and western networks was so the government could privatise the former Austin hospital. The North Western Health Care Network has not only overseen the closure of the Essendon hospital, it has also brought about significant cuts to a whole range of health services, including the North Melbourne hospital, which was supposed to take the patients who could not fit into Essendon. It privatised the Cedar Nursing Home, which used to be part of Mont Park, and has reduced a number of levels of care, including the north-west hospital, which used to be known as Parkville. A number of anecdotal experiences have been reported in the press and I am sure the Minister for Health in the other house knows that patients in public hospitals are not getting the level of treatment they deserve.

I will relate a couple of instances to show how severe the situation is. At the Western General Hospital a gentleman waited some hours for treatment after a road accident. He complained bitterly about severe pains in his face. His daughter sought to have his face X-rayed but the hospital refused, saying there was nothing wrong with him. After some hours she was still not happy because her elderly father was still in considerable pain.

She finally got him removed — she had to do it herself because the hospital could not find an ambulance to take him — to the John Fawkner Hospital. At that stage his face was X-rayed and it was discovered he had a broken jaw and a suspected blood clot. He had concussion and subsequently remained in a private hospital for a week.

Oddly enough another instance concerned me. I went to visit a constituent of mine in the North Melbourne hospital and was not surprised I could not find him. Three hours later a patient with pneumonia was found wandering the streets of Melbourne. I arrived there three quarters of an hour after he had last been seen after some discussion. Thanks to the government the hospital has suffered severe cuts and does not have the amount of staff to provide the level of care required by its patients. Those two instances occurred in the same week.

Daily I receive complaints from people about the sort of treatment they receive at the North Melbourne hospital, which has also been mentioned in reports on television. Some of my residents might think because of their personal experiences that the bill might not be a bad idea. Certainly there seems to be no justice in the process the government is putting in place.

Again the honourable member for Malvern said he meant something more than what was written in the bill. I encourage the introduction of bills, because if they do not say what the government means the government can amend them and put its proposals in clear English, and the opposition then has the opportunity of having another look at them to see whether it wishes to agree.

The same point refers to the Medicare agreement being incorporated into the act. If there is concern in the community, it is not good enough for the honourable member for Malvern to say, 'That is not what we intended. There will be no distinction between the rights of private and public patients'. No reason was given for not amending the act by incorporating certain provisions and removing any concern and possible dispute. The house was told only that it is not necessary because that is not the intention of the government. How much easier it would have been to clarify that, so that all honourable members knew exactly what the bill would achieve. That would enable them to make their own judgments about precisely what are the government's intentions.

I almost admire the efforts of the honourable member for Malvern in his sterling defence of the federal government's attempts to keep people in the private health insurance system. He was particularly proud of the fact that since the Howard government introduced its benefits for private health insurers the situation had improved substantially. He did not say that more people have taken out private health insurance, but that people were leaving private health insurance at a slower rate! Most people have already left the system. The only ones in it are the elderly and others who can still afford to pay for it and are too scared to leave. Not much comfort can be drawn from the fact that the huge amount of money that has been poured into the private health insurance system has resulted only in people leaving it more slowly. As the shadow minister for health said, that money would have been put to much better use if it had been paid directly into the public health system because it would have alleviated some of problems associated with the waiting lists in that sector.

The same problem arises on the issue of trusts. The honourable member for Malvern insisted that the government means one thing and not something else, and asked honourable members to believe him. Reports in the press show that the honourable member for Malvern and the Minister for Health have different opinions on the matter. Particularly towards the end of his contribution the honourable member for Malvern implied — —

Mr Ryan interjected.

Mrs MADDIGAN — I thank the honourable member for Gippsland South. He possibly knows more than I do about future ministerial appointments in the coalition, so I accept his acknowledgment. The honourable member for Malvern said that the bill provides for a number of hospitals, particularly in rural and country areas. The reports that I have read in the press, mainly of statements made by spokespersons for the Minister for Health, were quite different. They insist that the trust provision is included specifically for the Maffra hospital. Interestingly, the Maffra hospital is discussed in the *Moonee Valley Gazette* of 28 September in an article that quotes a spokesperson for the health minister:

> She said the [Health] Services (Further Amendment) Bill was drawn up to allow a $1 million bequest to Maffra's hospital to continue now it had merged with a new health service in Sale.

My response to that, which I thought was quite reasonable at the time, was, 'That's fine. I have no problems with that. But if that is so, why doesn't the government say so in the bill and in the second-reading speech? If the purpose of the trust provision is to help the Maffra hospital, why didn't they say so? I can't see any problem with that'.

Mr Ryan — It has a general application.

Mrs MADDIGAN — I thank the honourable member for Gippsland South for that comment.

Mr Ryan — Maffra is the example.

Mrs MADDIGAN — The article continues:

> Last week, Mrs Maddigan asked: 'If the legislation is designed specifically for a new health service in Sale, why doesn't it make any reference to that health service?'. But Mr Knowles' spokeswoman said it was not unusual for that type of information to be left out.

The main purpose — despite what the honourable member for Gippsland South says about it being applicable to other hospitals — relates to the hospital in Maffra.

Mr Ryan interjected.

Mrs MADDIGAN — The honourable member for Gippsland South says it was a trigger; the Minister for Youth and Community Services is shaking his head — so there is another difference of opinion.

Dr Napthine — It is an example, which now has general application.

Mrs MADDIGAN — In further discussions the spokesperson for the Minister for Health said, 'We couldn't refer to the Maffra hospital because we don't have hospital-specific legislation. We don't refer to particular hospitals by name in legislation'. I find that quite surprising, because Parliament has passed a number of acts involving particular hospitals, including the Epworth Hospital Act, the Royal Melbourne Hospital (Redevelopment) Act, the St Andrew's Hospital Act, and the Cancer Act relating to the Peter MacCallum Cancer Institute. So acts do refer to hospitals specifically.

The honourable member for Malvern said he knew a bit of the history of Essendon hospital. I agree that he knows a bit of its history, but unfortunately he does not know all its history, and that would have been more useful. It seems to me that one of the honourable member's problems is that he often has a vague idea about things but does not get to the point.

For some years from 1982, after the change of government, the hospital was not used. It was not amalgamated with the Royal Melbourne Hospital until 1986, and following that amalgamation legal action was taken in the Supreme Court for the return of donations.

Dr Napthine — Under what government?

Mrs MADDIGAN — Under the Labor government — what a shame I was not a member of Parliament then, because things might have been different.

Dr Napthine — Who was the member for Essendon?

Mrs MADDIGAN — I was not the member then, but I know who the member for Essendon was when the maternity section closed — it was a member of your party, as I recall. As the honourable member for Malvern explained, the trust failed because the main trust that was set up specifically sought funds for furnishings and equipment for the establishment of a general-purpose community hospital, which never eventuated. That was not the only trust that donated to Essendon hospital; other donations were made, particularly by way of bequests in wills. The first part of the hospital, the maternity wing, was built following receipt of a bequest from a Mr Douglas Rowe, who I understand was a great-uncle of a former member for Essendon. His money provided the maternity wing, which was the first part of Essendon hospital to be built.

When the Supreme Court action was undertaken, a number of donors sought to have their money returned. A number of others did not take back their money but allowed it to remain in the hospital system in certain circumstances. They allowed their funds to remain with Essendon hospital because it was going to continue to provide a public health service to that area.

The then Essendon council — now the Moonee Valley City Council — had given $50 000. It was one of the donors who, in response to the application forms that were sent out, indicated it did not require its money at that time and would leave it in the hospital while it continued to provide a public hospital service to the people of Essendon and the surrounding community. The Moonee Valley City Council estimates that now the original $50 000 would probably be worth about $450 000. The money that was returned following the Supreme Court decision included interest.

That, as I said, is not the only trust that relates to Essendon hospital. Of a number of other trusts some are still paying money out to the senior auxiliary of Essendon hospital. I am not sure if the honourable member for Malvern is aware of the other trusts that operate in respect of the Essendon hospital. There is yet another relationship between Essendon hospital and a former Labor member of this house. Mr Sam Merrifield set up in memory of his wife when she died the Margaret Lillian Merrifield Memorial Trust that gave specific moneys to the Essendon senior auxiliary, which is still being paid to this time.

I have a letter addressed to a former Speaker of this house, Tom Edmunds, who was very much involved in the setting up of the trust in 1994 when the Royal Melbourne Hospital acknowledged that it had inadvertently taken money that belonged to the Essendon and District Memorial Hospital senior auxiliary, and agreed to pay over the money rightfully belonging to the trust. I am aware of another trust set up by the Tarax family, which also left money in trust to the senior auxiliary of the Essendon hospital.

It is not quite as simple as the honourable member for Malvern would have it. A number of trusts still operate in respect of Essendon hospital, the future of which is yet to be made clear. Under the constitutions of the senior and junior auxiliaries of the hospital, funds were donated for very specific projects. None of those constitutions have any suggestion that the funds are for general hospital purposes or that the equipment and furnishings they were providing were to go anywhere but to Essendon hospital, so a whole range of legal questions have to be resolved.

The Essendon community is disappointed by the hard line taken by the state government — laterally by the

North Western Health Care Network and more recently by the Minister for Health — on the generous donations by residents to Essendon hospital over many years. Perhaps even the honourable member for Gippsland South, who is related to an Essendon family, may have been involved with fundraising efforts for the hospital.

Mr Ryan interjected.

Mrs MADDIGAN — I am sure the honourable member's mother-in-law would be most disappointed or even distressed at the government's attitude over the Essendon hospital because she is probably one of the many Essendon residents who participated in the fundraising fetes at Queens Park, the penny parade in Puckle Street and the many other interesting fundraising campaigns held in Essendon and neighbouring areas for the Essendon hospital.

The residents have been putting money into the Essendon hospital not only recently but since the 1970s. It was first mooted in 1895 that a community hospital should be established. Prior to the First World War a trust fund had been established under the existing charities legislation. That trust money was transferred to the new charity after the Second World War.

Contributions were made to the hospital by not only the residents of Essendon but by people living in Keilor, Coburg, Brunswick, Sunbury and Tullamarine. They were interested in establishing and developing their hospital. Honourable members can imagine how those people now feel when their efforts to obtain restitution or to have their donations refunded are met with the response, 'You are not entitled to any, and the hospital loses', as the government says, '$2.5 million a year' — although I do not know how hospitals are expected to make money because their role is to provide public health treatment.

The government has closed the Essendon hospital and will sell it through the Department of Treasury and Finance. In other words, that asset has been removed from the Essendon community and the money in the hospital is to be transferred from the health-care network to the Department of Treasury and Finance. The residents of Essendon rightly feel they have been sold down the creek. Their reasonable requests for public health services in the area have so far met with no response, except for the many promises made by the Minister for Health. The promises have been similar to those referred to by the shadow minister in discussions about a promised hospital in the electorate of Murray Valley, but the appropriate funds have yet to be allocated.

The Essendon people receive vague promises from the minister that they will get public health services in Essendon, but their constant requests to him are met with the same response: 'We will tell you in a couple of weeks' or, 'in two months' or 'when the hospital closes' — which was due to happen at the end of September. This week I received a reply from the Minister for Health which virtually said, 'In six to eight weeks we will have a response about whether there will be any public health services'.

Essendon residents have no reason to give any credence to the government wanting them to believe it means what it says. They are also unlikely to believe the assurances given today by the honourable member for Malvern during his contribution, when he kept telling the house what the government actually meant even though it is not what the government's legislation says.

Perhaps the honourable member for Gippsland South will tell the house his mother-in-law's views about the damage done to public health services in Essendon. The honourable member for Malvern says the opposition does not understand what the bill is intended to do. If that be so, the opposition is more than happy to allow the government to withdraw the bill, redraft it and reintroduce it. If that were to happen, the opposition would happily reconsider the bill.

Mr RYAN (Gippsland South) — I am pleased to join this debate on the Health Services (Further Amendment) Bill because the amendments it makes to trust provisions are the realisation of the aspirations of my constituents over the past 12 months. At the outset, on behalf of my constituents I thank the minister, the honourable member for Malvern and the staff of the department for the tremendous work they have done in addressing an issue of fundamental significance to my constituents in the delivery of health services to them.

I understand the role of the Deputy Leader of the Opposition generally, but I think he has been reading too many Tom Clancy novels. Often his contributions to debates include the description of a case as the worst-case scenario.

Mr Mildenhall interjected.

Mr RYAN — 'It is his job', says the honourable member for Footscray. I do not think that is his job. I have never been in opposition, and I am working like a beaver to ensure I never find myself in that role. It seems in general that people in Victoria would prefer that the Deputy Leader of the Opposition assist in the general passage of legislation that will lead to a better provision of services such as those covered in this bill

rather than, as the honourable member for Footscray interjects, simply objecting by rote without constructive design.

Mr Mildenhall — To scrutinise.

Mr RYAN — I do not have a problem with that. The Deputy Leader of the Opposition is perfectly entitled to scrutinise, but there is a vast distinction between scrutinising legislation, raising points and generally querying the content of the legislation on the one hand while on the other hand approaching his task on the basis that the government has some dark agenda to force unwelcome measures upon people or take their just entitlements from them.

The main thrust of the debate has been about the amendment to provisions dealing with trusts. The discussion has been about the Maffra District Hospital and the Central Wellington Health Service at Sale. I will inform the house of the origins of the amendments in the bill and explain why they have become necessary and how they are intended to overcome difficulties with the Maffra hospital's proposal to merge with the Wellington service at Sale.

For the purpose of undertaking that task it is pertinent that I trace the history. The outcome achieved in the structure of the health services in central Gippsland is nothing less than brilliant. I pay due tribute to the people who have enabled that to happen; they are drawn from the communities involved and have fundamentally designed the outcome now represented by the health service being put into place by the government.

On the one hand, the Sale Hospital has existed for about 125 years and the Maffra hospital for about 75 years. On the other hand, the bush nursing hospital at Heyfield — although it has a rich history — is only about 30 or 40 years old. In late 1996 representatives of those three hospitals approached me independently about the delivery of services to their areas. Their concern was that the requirements of their respective communities would not be met by the beginning of the next millennium through the health services structure then existing in their towns.

Mr Micallef interjected.

Mr RYAN — It certainly was not budget cuts, because the problem is that the structures of the three hospitals do not sit with what the people now need, particularly in primary care.

In late December 1996, after I had been consulted by representatives of the three health services at Sale, Maffra and Heyfield, I arranged appointments for each of them, again independently, to see the Minister for Health. The minister told the community representatives that he was happy to support the concept of work being undertaken to try to get a better structure to suit central Gippsland. The minister also agreed to assist financially with that work because it would necessarily involve the use of consultant expertise.

That in turn led to the formation of a working group under the chairmanship of Mr Richard McDowell, who lives in Maffra but runs his accountancy practice in Sale. Coincidentally, he was the chairman of the Maffra District Hospital at the time. Representatives of the boards of the Heyfield Bush Nursing Hospital, the Maffra District Hospital and the Central Wellington Health Service at Sale were brought together into the working group. A representative of the Sale Elderly Citizens Village was also included because from the outset the intention was to design a health service that could be run under the one umbrella but would be able to provide services across the full ambit of the requirements of our people. We got away from separate health service delivery. At every stage, be it acute care, primary care or aged care, the aim was to have it running under the one umbrella.

Throughout 1997 the working group busied itself examining all the issues. It did so in conjunction with a firm of advisers who were engaged as consultants. In about October 1997 a report was produced and provided to the minister. I again brought representatives of the working group to see the minister at Parliament House and we were able to obtain from him his in-principle support for the basic tenets of the recommendations in the report.

The very first recommendation was that there should be an amalgamation, because it was felt by the people involved in the working group and confirmed by the advisers to that group that if we could bring them together and meld them into the one group we would be better able to deliver this broader health service across the wider community.

Another issue was that at that time there was a worry that the bush nursing hospital at Heyfield would have difficulty in continuing because it gained its support through the private system rather than being part of the public system, although a small amount of public money had been contributed through the minister's department. We were nevertheless able to bring it within the ambit of the discussions.

The basic decision was taken to amalgamate the entities involved, which in turn led to the formation of an implementation group comprising the chairs of the respective entities. A lot of work was done by those people on the mechanics of enabling all this to happen. In the course of that work they obtained legal advice as to how they could best achieve their ends, and as a result of that process it emerged that there was a problem with the structure of a trust that favoured the Maffra District Hospital. The relevant provisions of the legislation are intended to overcome the problem that arose with that trust.

The genesis of the issue is that after a gentleman named Henry Albert Douglas Clyne died on 18 April 1952 probate of his will, which was dated 20 April 1950, was granted on 6 June 1952. The critical clause in his will, clause 4, provided for the residue of the testator's estate to be administered by the Clyne Greenvale Trust, which would pay in perpetuity — and I quote because it is important:

> ... the income therefrom to the Maffra District Hospital for its absolute use and benefit AND in the event of the said Maffra District Hospital ceasing to exist for any reason whatsoever THEN TO DIVIDE such income equally between the [Royal] Children's Hospital Melbourne and the [Royal] Women's Hospital Melbourne.

It is pertinent to point out that the trust has a corpus of about $1.5 million. The Maffra District Hospital had enjoyed the income derived from the investment of that trust for some 45 years. In passing I should mention that originally it took the form of three or four dairy farms that were eventually sold and the proceeds were amalgamated into this one body of money.

The intention of the testator was clear. He wanted to leave a substantial benefit to the Maffra District Hospital by way of income from the trust. The problem was that if the Maffra District Hospital were to go out of existence because of the operation of division 9 of the Health Services Act in the absence of named successor beneficiaries, as was the case here, the gift would lapse. If it had appeared from the will that the testator had a wider purpose than the provision of the income to the Maffra District Hospital — that is, that he had a general charitable intention — the general doctrine of cy pres could have applied. That would mean the general charitable purposes could have taken account and we would not have needed to go through what we are now going through by way of this amending bill. Such is not the case because the terms of the will were specific.

The cy pres doctrine could not be invoked here because the testator had expressly provided for this contingency and the gift would not lapse but would pass to the two named metropolitan hospitals on the demise of the Maffra District Hospital. Therein lies the problem: the money would be lost to the district and would come down here to Melbourne. That was the core of the problem. It was made worse by the fact that there was no provision in the Health Services Act to accommodate the situation.

When amalgamations occurred in Melbourne and the networks were created specific provisions were incorporated into the Health Services Act to deal with this matter. Section 65F, under the heading, 'Old Instruments', states:

> Each old instrument only continues to have effect according to its tenor on and after the effective date of an Order under section 65C as if a reference in the instrument to an aggregated hospital were a reference to the new hospital.

The definition of 'aggregated hospital' in section 65A states:

> ... in relation to an Order under section 65C, means a metropolitan hospital the incorporation of which is cancelled under the Order.

The long and the short of it is that there was no equivalent provision in the act to apply to hospitals outside the metropolitan networks. Therein lay the difficulty. That led to a great reluctance by the people of Maffra to proceed with the amalgamation, although they wanted it to happen because they could see that it was for the great benefit of all concerned.

But if it were to be done on the basis of $1.5 million being lost to the community and the monetary benefit that had been paid annually for some 45 years being taken out of the district, obviously they were reluctant to participate. It was from that perspective that all concerned readily agreed that a solution had to be found.

Early in 1998 I put the issues to the minister and asked him to amend the act. That resulted in a number of meetings being held in a variety of forums, not only with the minister but also with the honourable member for Malvern and departmental staff. Ultimately the amendments to this bill were developed.

When the legislation is passed the last hurdle to the Maffra District Hospital amalgamating with the Central Wellington Health Service and the Heyfield Bush Nursing Hospital will have been removed. It is intended that a new entity be created called the Central Gippsland Health Service. It will be so named because of the intent to have a superb service which accommodates every aspect of the health needs of

people throughout the region of Sale, Maffra and Heyfield.

As I said at the outset, it is a brilliant outcome and a great tribute to the people from the community who have driven the process throughout. I am sure they will be absolutely delighted at this amendment going through. I have heard comments about supposed complications the proposed legislation has produced. I do not know the detail of the Essendon circumstances; however, I can say with absolute assurance, in regard to the concerns that the origin of the legislation was a dark plot to trap the people of Essendon into a situation in which they would lose money, that it is simply not so.

Today I have outlined the origins of this legislation, which go back two years. It was the government's specific intention to accommodate the situation at Maffra. The honourable member for Essendon asked why Maffra is not nominated in its own right in the legislation. The answer is that the same position that applies to Maffra probably also applies in other parts of Victoria, and the intention with the legislation is to pick up similar circumstances around the state, not only at Maffra. As it happens, the Maffra situation was the trigger for it to occur. As the honourable member for Malvern indicated, no doubt we will need to deal with similar circumstances elsewhere in country Victoria. So it was that the provision was drawn.

The honourable member for Essendon cited other pieces of legislation that carry the imprimatur of specific hospitals. That is so because the legislation in each instance is specific to those hospitals. I repeat: the legislation in this instance has a generalist application, albeit the Maffra situation was the trigger.

I pick up on some other points raised by both the Deputy Leader of the Opposition and the honourable member for Essendon. The general commentary — which I felt was most unfortunate — reflected upon the standard of service provided in the public hospital system.

Mr Mildenhall interjected.

Mr RYAN — I reckon we do have a first-class public hospital system in this state. I live in Sale; we have a marvellous hospital in Sale which, by any standards, does brilliant work in providing health-care services to the people of the area. That has never been better demonstrated than with the tragedy of 25 September when the horrendous incident occurred at the Longford gas plant in which two citizens died and eight were badly injured. That is a classic example of the way that excellent hospital provides the necessary services to look after people.

Our community is justifiably proud of the wonderful service we receive from the hospitals at not only Sale but also Maffra and Heyfield. At Yarram, which is also in my electorate, is one of the most brilliant examples of a country hospital that has adapted marvellously to provide a range of health-care services to its local community. To its great credit it changed its structure five or eight years ago and is well ahead of the pack. The outcome has been marvellous. In addition to being a great service provider it employs of the order of 76 people full time in a township with a population of about 2000. It is wonderful facility for the region.

Comment was made about the work done by hospital auxiliaries over the years, the assertion being that the benefits derived from their expertise and contributions have been lost to the local community. That is simply not so.

I have reflected on a radio program I heard only a few weeks ago on radio — 3GI at Sale, in which Mr Ian Needham senior, who for years was the chairman of the hospital auxiliary at Moe, was interviewed by the ABC announcer. In essence, it was put to him that the closure of the Moe and Traralgon campuses represented a real blow to the work undertaken over the years by the auxiliary at Moe. Mr Needham was quick to point out that such is not the case, because the very nature of the work undertaken by the auxiliaries is to provide health services for the people at the time and to look after their interests for the future. As he remarked, times move on — and you will never see a better example of that than in country Victoria.

In the Latrobe Valley there has been a wonderful innovation with the development of the Latrobe hospital. The bottom line is that the people of the Latrobe region now have a brilliant facility that provides them with first-class services, not only for now but for the next 20 years-plus. It was interesting to recall the words of Mr Needham, who has served the hospital system faithfully through Moe; he was delighted to say that he had been through the new facility at Latrobe and was the first to commend the government on the work undertaken to establish the hospital.

I also refer to the commentary on the private health system as opposed to the public health system. One of the intrinsic difficulties with this is that the Labor Party has never recognised the partnership between those two aspects of health service provision in Australia. The Labor Party has never been happy with the concept of

private health insurance, and it has never sat well with the party. Rather, it has an ideological bent to the notion that if it is not run by the public system, it is not running properly.

That is only a reflection of what we hear from the Labor party about so many other aspects of the way communities now live in our great nation. The health care example is indicative of the way the Labor Party has failed to move with the times and to recognise that to achieve the best outcomes for people there needs to be a marriage between the private health insurance system and the public system. The Labor Party grappled hopelessly with the issue for years when it was in government at the federal level. But the difference is that it was not wedded to the system and was happy to see it destroyed.

The coalition government is attempting to rejig the structure to get the best outcome to deliver the total health services necessary in time to come. True it is, they have to be modified — and another attempt to do that is now being made. But the basic difference is that this government is intent on recognising the importance of the marriage between the two forms of enterprise. It is not just a case of the public system existing on its own, because it simply cannot do that. It is important that the two run together — the public and the private.

To the concerns raised about a supposed fall in standards in Victoria I say that the government has magnificently accommodated the pressure that has increased on the public system over the years as the representation in private health insurance has fallen.

I am delighted to see the passage of the bill and congratulate the minister. The bill will bring about the resolution of a problem in my electorate, and hospital services will be better provided for ever after.

The SPEAKER — Order! The time allocated for the consideration of bills has expired.

Debate interrupted pursuant to sessional orders.

House divided on motion:

Ayes, 51

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

Noes, 29

Andrianopoulos, 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
Haermeyer, Mr
Hulls, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Leighton, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs (*Teller*)
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Robinson, Mr
Savage, Mr
Seitz, Mr
Thwaites, Mr
Wilson, Mrs

Motion agreed to by absolute majority.

Read second time.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PETROLEUM BILL

Second reading

Debate resumed from 6 October; motion of Mr REYNOLDS (Minister for Sport); and Mr LONEY's amendment:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until adequate consultation has taken place to determine appropriate environment and planning controls which should be included in the legislation'.

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

Ayes, 51

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms (*Teller*)	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Dean, Dr	Perrin, Mr
Dixon, Mr	Perton, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A. F.
Finn, Mr	Richardson, Mr
Gude, Mr	Rowe, Mr
Henderson, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr E. R. (*Teller*)
Jenkins, Mr	Smith, Mr I. W.
John, 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 J. F.	Wells, Mr
McGrath, Mr W. D.	

Noes, 28

Andrianopoulos, Mr	Kosky, Ms
Batchelor, Mr	Langdon, Mr (*Teller*)
Bracks, Mr	Leighton, Mr
Cameron, Mr (*Teller*)	Lim, Mr
Campbell, Ms	Loney, Mr
Carli, Mr	Maddigan, Mrs (*Teller*)
Cole, Mr	Micallef, Mr
Cunningham, Mr	Mildenhall, Mr
Davies, Ms	Pandazopoulos, Mr
Delahunty, Ms	Robinson, Mr
Dollis, Mr	Savage, Mr
Garbutt, Ms	Seitz, Mr
Haermeyer, Mr	Thwaites, Mr
Hulls, Mr	Wilson, Mrs

Amendment negatived.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CONSUMER CREDIT (FINANCE BROKERS) BILL

Second reading

Debate resumed from 7 October; motion of Mrs WADE (Minister for Fair Trading).

The SPEAKER — Order! The question is that this bill be now read a second time, that the circulated government amendment be agreed to, that the bill be now read a third time, and that the bill be transmitted to the Legislative Council and their concurrence desired therein.

House divided on question:

Ayes, 51

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms (*Teller*)	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Dean, Dr	Perrin, Mr
Dixon, Mr	Perton, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A. F.
Finn, Mr	Richardson, Mr
Gude, Mr	Rowe, Mr
Henderson, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr E. R.(*Teller*)
Jenkins, Mr	Smith, Mr I. W.
John, 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 J. F.	Wells, Mr
McGrath, Mr W. D.	

Noes, 29

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

Question agreed to.

Read second time.

Circulated amendment

Circulated government amendment as follows agreed to:

Clause 7, page 22, line 2, after "'credit provider'" insert '(wherever occurring)'.

Remaining stages

Passed remaining stages.

ACCIDENT COMPENSATION (AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this bill be now read a second time.

The Workcover scheme continues to demonstrate the effectiveness of the far-reaching reforms that were first introduced by the government in 1992. Workcover's success is confirmed by national and international authorities. Most recently it has been confirmed by the W. E. Upjohn Institute for Employment Research, a respected US research institute with significant expertise in the areas of workers compensation and occupational health and safety. The Upjohn institute finalised a study of the Workcover scheme in July 1998, following the same methodology as earlier studies of workers compensation schemes in the US and Canada. In its report the Upjohn Institute concluded:

> The system has lowered workers compensation costs to employers while eliminating the large unfunded liability inherited from the Workcare scheme.
>
> Significantly fewer injuries are being incurred and fewer workers compensation claims are being lodged.
>
> Workcover has improved return to work performance, reduced the incidence of long-term cases, increased weekly benefits to injured workers and improved the equity of benefit levels.

The Upjohn report particularly noted that Victoria:

> ... has blazed a new trail and created a 'third way' for workers compensation systems. The blend of public underwriting and scheme regulation with private claims administration and service delivery is a model worthy of attention from other jurisdictions.

Nonetheless there is no room for complacency if Victoria's Workcover scheme is to keep its position as the best workers compensation scheme in Australia. The government is determined to seize every opportunity to improve the scheme further so that it can better serve the interests of Victorian workers and employers. In particular, it wishes to increase the scope for competition within the scheme, which will result in improved services to both employers and workers.

This bill makes five significant changes within the Workcover scheme. First, it provides for increased competition within the workers compensation system by enabling a wider range of organisations to deliver services in the areas of claims management, premium collection and advice, and risk management.

Second, it increases the number of persons who may be members of a medical panel from a maximum of three to a maximum of five. Third, it extends the trial period for coordinated care programs for a further two years to 1 January 2001. Fourth, it permits self-insurers to engage agents to handle claims management processes.

Fifth, as part of a proposal under which it is intended that the Victorian Workcover Authority will delegate its functions and powers under the Occupational Health and Safety Act 1985 to the secretary and employees of the Department of Natural Resources and Environment in relation to activities carried out under the Petroleum Act 1998, it amends the Occupational Health and Safety Act 1985 to permit the appointment of employees of that department as inspectors for the purposes of the Occupational Health and Safety Act in respect of those activities.

The bill will also make some technical amendments to the Workcover legislation.

Increased competition within the workers compensation system

Currently the workers compensation market in Victoria is restricted to insurance companies. The bill will enable other companies to compete in the marketplace to provide premium collection, claims management and risk management services.

In April 1995 all Australian governments agreed to implement the national competition policy and to adopt the guiding legislative principle that legislation should not restrict competition unless it can be demonstrated that the benefit of the restriction to the community as a whole outweighs the costs, and the objectives of the legislation can only be achieved by restricting competition.

The government has reviewed the Workcover scheme in the light of this principle. It considered whether the privatisation of the scheme would be the best way of giving effect to the national competition policy. The government's conclusion was that, for social and economic reasons, Workcover should not be privatised. It is the government's view that the current model, which combines public risk bearing, centralised price setting, a centralised database, and the regulatory oversight of occupational health and safety and

rehabilitation, is the best way to deliver the government's broader social and economic objectives set out in the legislation. The government believes that the benefits of any restrictions on competition outweigh the costs, and that the objectives of the scheme can be achieved most effectively by leaving the core responsibility for compensation of workplace injury and disease with the Victorian Workcover Authority.

However, in reviewing the scheme in the light of the national competition policy the government also concluded that, while the current policy framework for the administration of the workers compensation scheme is correct, it could be driven to achieve greater efficiencies. One area that the government identified for attention was the extension of competition within service markets.

A key service market is the collection of Workcover premiums and the provision of claims management and risk management services to employers and workers. Currently these services are provided by authorised insurers — that is, entities that hold a licence issued by the Victorian Workcover Authority. Under the existing legislative framework, these entities are also required to hold an authority granted by the Insurance and Superannuation Commission under the commonwealth Insurance Act. Other organisations that may wish to enter this market are unable to do so because of this requirement.

It is believed that the performance of the authorised insurers in assisting workplaces to prevent work-related injury, disease and death and in achieving quicker return to work by injured workers can be further improved. For this reason new licence arrangements with the current authorised insurers provide for a greatly increased proportion of remuneration to be linked to performance, and for comprehensive performance monitoring (including publishing performance data) audits and customer satisfaction surveys to be carried out. The opening up of this market to competition from the non-insurance sector will further contribute to improved performance.

The inability of entities other than insurers to provide premium collection and claims management and risk management services to employers is a restriction on competition which cannot be justified in terms of the guiding legislative principle. The bill will remove this restriction on competition.

One of the key purposes of this bill is to enable other organisations to participate in this market — including, potentially, single-focused insurers such as the present Catholic Church Insurances, or particular associations with expertise in a specific industry, or organisations with expertise in dealing with a sector of claims such as long-term claims. The objective is to broaden choice, heighten competition and improve the range of skills and services utilised in meeting the objectives of the act.

An additional part of this expansion of the market will be to enable organisations approved by the authority — including, obviously, the new authorised agents — to compete for the claims administration functions of self-insurers. Because of a number of factors, including the reinsurance and premium setting arrangements within the scheme, the substance of the Victorian Workcover Authority's current relationship with the authorised insurers in many ways closely resembles a principal-agent relationship.

Following the amendments made by the bill, the authority's relationship with Workcover agents (whether they be insurance companies or other bodies) will be formally on this basis.

Let me also make an important point about the existing licences held by authorised insurers. Because these changes will occur during the term of the current authorised insurer licences, a provision has been included in the bill which will require the authority to offer each of the current authorised insurers an appointment as an authorised agent in the new framework.

Size of medical panels

The role of a medical panel under the Accident Compensation Act 1985 is to give its opinion on any medical question in respect of a work-related injury. Questions may be referred by a Workcover conciliation officer, the county or Magistrates Court, the authority, an authorised insurer or a self-insurer.

Medical panels are constituted from a list of medical practitioners appointed by the Governor in Council. Their membership is limited to medical practitioners in order to ensure that medical questions are addressed by people with suitable expertise. Currently the maximum number of medical practitioners who can constitute a medical panel is three.

Experience has shown that to answer some medical questions adequately requires the expertise of practitioners of a range of medical specialities. For this reason the bill increases the number of medical practitioners who may constitute a medical panel to a maximum of five.

Coordinated care programs

In the spring 1996 sittings Parliament passed an amendment to the Accident Compensation Act under which an injured worker may be required to submit for approval a coordinated care program prepared by a medical practitioner of the worker's choice. The program must specify all of the medical and like services required by the worker because of his or her injury, and contain sufficient detail about those services to constitute a comprehensive treatment plan for the injury. The plan may be subsequently altered or cancelled if circumstances change.

In view of the sensitive nature of the proposal, the operation of the relevant provisions was limited to 1 January 1999. This was to allow two years in which to trial the proposal. As events have transpired, this period has proved inadequate to develop, implement and evaluate the operation of coordinated care measures. A longer period was required than first thought to complete the preliminary steps necessary for the programs to commence. These included the final determination of the groups of workers which would participate in the pilots, the development of comprehensive guidelines to govern the operation of the provisions, liaison and negotiation with key elements in the medical profession so that their expertise would be available for the trial, consultation with employer and employee groups, and interaction with the authorised Workcover insurers regarding the objectives, expected outcomes and operational requirements of the trial.

The potential importance to the Workcover scheme of the provisions, as well as the impact of their operation on the injured workers concerned, made it imperative that the groundwork for implementing the trial be carefully and fully completed before commencing the trial itself.

In practical terms coordinated care programs have only been able to operate since last January. To date approximately 170 workers have entered into coordinated care programs. Some 30 per cent of workers who are required to do so have submitted programs. Of these, only about one-third have been approved. In this situation, even a most cursory evaluation of the operation of the provisions is not possible at this time.

However, the work completed to date does confirm the potential benefits of coordinated care programs for both the injured workers concerned and the scheme itself. The bill therefore extends the operation of the provisions for a further two years. This will allow the trial to be completed and properly evaluated before a final decision is made as to whether it is worth proceeding with the provisions. Another two years are required in view of the early stage of the actual implementation of the trial and the time required to assess both the benefits of a program to the individual and the overall value of the provisions. The extension of time to complete the trial is supported by the AMA and key medical professional groups.

However, because of the promising early experience of the programs, the bill will allow the government to either let the provisions sunset at the end of the year 2000 or to remove the sunset mechanism and continue the operation of the provisions indefinitely without the need to return to Parliament.

Self-insurers

The bill will permit self-insurers to engage agents to undertake claims management powers and functions on their behalf.

Part V of the Accident Compensation Act makes provision for self-insurance, but it does not provide for self-insurers to engage other entities to undertake any part of the claims management process. There are advantages in permitting self-insurers greater flexibility, including the ability to engage suitable external organisations to manage their claims. However, the self-insurers will retain their accountability for injury and disease prevention, claims management and return to work performance, and for underwriting their own risks.

This proposal is an extension of the provision in the bill to extend the scope for competition within the workers compensation scheme. Claims management is not part of the core business of the self-insurers, and many of them may wish to obtain the assistance of other, specialised organisations which will compete for the right to provide it. Such organisations could be among the agents appointed by Workcover to provide this type of assistance.

Delegation of functions to the Department of Natural Resources and Environment

The onshore petroleum industry is a small but complex industry which is of great value to the economic development of Victoria. The Department of Natural Resources and Environment has specialised skills and expertise in overseeing the industry, including through its own inspectorate. It is appropriate for the Occupational Health and Safety Act to be administered in the onshore petroleum industry by the Department of Natural Resources and Environment. Of great

importance, however, is the fact that the department will administer the policies and procedures established by the authority which apply to all Victorian industries.

The proposal in the bill is in line with the government's position that all Victorian workplaces should be subject to the same health and safety laws, policies and procedures, and that all Victorian employees should have the same protection from risks to their health and safety.

Under the Accident Compensation Act 1985, the authority has the power to delegate to the Secretary of the Department of Natural Resources and Environment those occupational health and safety functions and powers which are required for the administration of the Occupational Health and Safety Act in the onshore petroleum industry. The departmental secretary will have powers to subdelegate to officers of the department.

To complement this power, the bill includes an amendment to the Occupational Health and Safety Act 1985 which will permit the appointment of officers in the Department of Natural Resources and Environment as inspectors under that act in respect of activities under the Petroleum Act.

Workcover and Department of Natural Resources and Environment will jointly develop arrangements to facilitate the consistent application of the compliance and enforcement provisions of the Occupational Health and Safety Act in the onshore petroleum industry. This will enable the department to administer Workcover's policies and procedures in the onshore petroleum industry, while providing the industry with a simpler set of interactions with government. The department's obligation is to provide Workcover all necessary information — details of incidents, performance statistics and other relevant material — to enable Workcover to monitor this delegation of its powers.

Settlements

Section 115 of the Accident Compensation Act 1985 permits the lump sum settlement of compensation claims (excluding medical and like compensation) for claimants coming within a small number of specified categories. Consideration of comparative data indicates a lack of consistency across the scheme in the amounts of these settlements, in particular as between self-insurers on the one hand and the authority on the other. There is no obvious reason for this inconsistency. In order to ensure that the scheme continues to deliver fair and just compensation consistently to all injured workers and to prevent any cost shifting to the commonwealth, a provision has been added to the bill which will enable the authority to issue guidelines in accordance with which any settlement amount under section 115 must be calculated.

Technical amendments

The bill makes a small number of technical amendments to Workcover legislation. The most significant in the provision governing entitlement to weekly payments.

As part of the changes to the weekly payments regime under the Accident Compensation Act made during the 1997 sittings of Parliament, provision was made for workers with a current work capacity to be entitled to weekly payments beyond 104 weeks if they had returned to work for at least a minimum number of hours per week, with at least minimum weekly earnings and if they were working at their full capacity.

This new, more generous basis of entitlement applies both to workers coming within the 'new' payments regime and those workers coming within the 'grandfather' provisions inserted as part of the 1997 amendments. It was intended that the same test of 'full capacity' and the same procedure for determining workers' entitlements would apply to both classes of workers. Legal advice has been received that this has not been achieved. The bill remedies this situation.

Constitution Act 1975 — section 85 statements

I make the following statements under section 85 of the Constitution Act 1975 of the reasons why proposed sections 75 and 76 of the Accident Compensation (Workcover Insurance) Act 1993, which are to be inserted by clause 18 of the bill, alter or vary section 85 of the Constitution Act 1975.

(a) Cancellation of authorised insurer licences

Clause 18 inserts a new section 75 into the Accident Compensation (Workcover Insurance) Act 1993. The clause also inserts a new section 77 into the Accident Compensation (Workcover Insurance) Act 1993 which provides that it is the intention of the new section 75 to alter or vary section 85 of the Constitution Act 1975.

New section 75(1) has the effect of cancelling any licence to be an authorised insurer under the Accident Compensation (Workcover Insurance) Act 1993 in force immediately before the commencement of clause 18.

New section 75(2) provides that any right or privilege acquired or accrued against the state of Victoria or the

Victorian Workcover Authority in respect of a licence cancelled by that section is extinguished, despite anything to the contrary in section 14(2) of the Interpretation of Legislation Act 1984.

New section 75(3) provides that, despite any act or law to the contrary, the state of Victoria and the Victorian Workcover Authority are not liable in any way for any loss, damage or injury whatsoever resulting from the cancellation of a licence under this section.

The reason for these limitations of the jurisdiction of the Supreme Court is that the bill introduces a new legal framework for the publicly funded and underwritten Workcover compensation scheme, a new framework in which all existing authorised insurers will have the opportunity to participate if they so wish. In addition, all liabilities of authorised insurers to indemnify employers under Workcover insurance policies or to pay compensation under the Accident Compensation Act 1985 will be, by virtue of amendments made by the bill, transferred to the Victorian Workcover Authority. In these circumstances, it is appropriate to ensure that neither the state of Victoria nor the Victorian Workcover Authority is amenable to any suit as the result of the cancellation of the existing authorised insurer licences.

(b) Reinsurance arrangements

Clause 18 also inserts a new section 76 into the Accident Compensation (WorkCover Insurance) Act 1993. New section 77 of the Accident Compensation (WorkCover Insurance) Act 1993 provides that it is the intention of the new section 76 to alter or vary section 85 of the Constitution Act 1975.

New section 76(1) provides that any reinsurance arrangement in force under section 34 of the Accident Compensation (WorkCover Insurance) Act 1993 immediately before the commencement of clause 18 is, by virtue of section 76, terminated. New section 76(2) provides that, despite any act or law to the contrary, the state of Victoria and the Victorian Workcover Authority are not liable in any way for any loss, damage or injury whatsoever resulting from the termination of a reinsurance arrangement under this section.

The reason for this limitation of the jurisdiction of the Supreme Court is that all liabilities in respect of which authorised insurers are indemnified under the relevant reinsurance arrangements will be, by virtue of amendments made by the bill, transferred to the Victorian Workcover Authority. It is therefore appropriate to ensure that neither the state of Victoria nor the Victorian Workcover Authority is amenable to any suit as the result of the termination of the existing reinsurance arrangements.

I commend the bill to the house.

Debate adjourned on motion of Mr BRACKS (Williamstown).

Debate adjourned until Thursday, 22 October.

SUPERANNUATION ACTS (AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this bill be now read a second time.

The purpose of this bill is to continue the government's second-term program of superannuation reform and to adopt superannuation initiatives recently introduced into commonwealth legislation. The bill contains amendments to enable the Hospitals Superannuation Board to make a valid election for the Hospitals Superannuation Fund to become regulated under commonwealth supervision.

Now that the defined benefits scheme of the Hospitals Superannuation Fund is fully funded, the need for ongoing direct state government involvement in the fund has been reduced to one of an employer responsible for the accruing costs of superannuation for its employees, which is the same responsibility for all other employers involved in the fund (private hospitals and private sector health care providers). With this reduction in the involvement by the state government and as part of the ongoing state public sector superannuation reform program, the bill contains transitional provisions and repeals the Hospitals Superannuation Act 1988 to enable the Hospitals Superannuation Board to make a valid election for the Hospitals Superannuation Fund to become regulated under commonwealth supervision from 1 January 1999.

Amendments are proposed to ensure that the current 'superable salary' rules apply to all current or former public sector executives who are members of the revised, new or transport schemes of the State Superannuation Fund but are not employed under the Public Sector Management and Employment Act 1998. Currently, where a person is not employed under that act, the power to restrict superable salary to 70 per cent of that person's remuneration package cannot be enforced, although, in practice, most employers apply this rule for the staff concerned. The proposed

amendments to the definition of 'contract officer' in the State Superannuation Act 1988 and the Transport Superannuation Act 1988 will ensure all employers apply this rule.

The bill includes amendments to provide the Victorian Superannuation Board, the Hospitals Superannuation Board and the Emergency Services Superannuation Board with an option to allow the relevant board to offer full commutation to a person who is or will be entitled to a pension if that pension is $520 per annum or less. Commutation will occur only if the offer is accepted by the person. A provision is also inserted to allow the minister to determine the annual threshold from time to time to ensure the ongoing effectiveness of the commutation offer.

The period between when the Victorian Superannuation Board notifies employers of a change in the contributions they are to pay into the State Superannuation Fund and when that change takes effect is currently the later of four months after notice or 1 July after the making of the determination by the board. At the request of the board, an amendment is being made to this provision to have the four-month period apply only to any notification of change.

Provisions are being inserted into the rules governing board membership of the three major public sector superannuation boards to allow the Minister for Finance the option to nominate a person to fill the vacancy of a board member who had been appointed on the nomination of the minister. If the minister chooses not to take up this option, the appointed deputy is to fill the vacancy. The standard provisions relating to the early release of benefits is being extended to include persons who have beneficiary accounts within the three public sector accumulation schemes.

Standard provisions relating to the appointment of deputies to members of the board are being inserted into the governing rules of the Emergency Services Superannuation Scheme as the Emergency Services Superannuation Board is the only public sector superannuation board that does not currently require deputies to be appointed.

Other amendments are being made to the governing rules of the Emergency Services Superannuation Scheme in response to requests from the Emergency Services Superannuation Board. The definition of 'contributor' is being amended to clarify that the application of this definition is to employees who are eligible to contribute to the defined benefits scheme of the Emergency Services Superannuation Scheme. The definition of 'participating employer' is to be extended, to remove the current restriction which only allows participation in Essplan by employers who are also eligible to contribute to the defined benefits scheme of the Emergency Services Superannuation Scheme.

This amendment will allow other employers within the emergency services industry to apply for participation in Essplan. Another amendment proposed ensures that the final average salary — that is, the average of the final two years salary — is the salary used for all defined benefit scheme benefit calculations, which is in accordance with an agreement reached in 1993 with the three major emergency service unions. A further proposed amendment will enable former police officers whose State Superannuation Fund pensions are administered by the Emergency Services Superannuation Board to be allowed to roll over any eligible lump sum benefits into beneficiary accounts within Essplan so that both pension and lump sum benefits are administered by the same board.

Following requests from the Hospitals Superannuation Board, provisions are being inserted in the Hospitals Superannuation Act 1988 to permit members of the accumulation scheme, Hosfund, to continue death and disability cover after ceasing employment with a participating employer and to allow the board to accept the transfer of eligible rollover amounts into beneficiary accounts within Hosfund.

Two amendments are proposed to be made to the Superannuation (Portability) Act 1989. One will allow the minister to determine the time period for a person to elect to take the transfer amount benefit. The current provision restricts the time period to two months. The proposed amendment will extend this provision to allow the minister to nominate a longer time period where this has been agreed to. The other proposed amendment will replace a current provision and allow the transfer amount benefit to be placed in a beneficiary account of the appropriate Victorian public sector superannuation scheme if the benefit recipient has not elected where the benefit is to be paid.

Amendments are proposed to be made to the Public Sector Superannuation (Administration) Act 1993 to reinstate repealed provisions relating to former State Casual Employees Superannuation Fund contributors who transferred membership to the Victorian Superannuation Fund in 1995. The 1995 amendment act initiating this transfer and providing for the continuation of entitlements for the people transferred was repealed in 1996. These proposed amendments reinstate the relevant empowering provisions back to the date of repeal to ensure all transferred members

continue to receive the same entitlements that applied before the transfer.

To maintain compliance with the Commonwealth-State Heads of Agreement in relation to the implementation of commonwealth superannuation initiatives, legislation governing all Victorian public sector superannuation schemes subject to the commonwealth surcharge legislation passed in June 1997 is being introduced making it a duty of the governing body administering these schemes to comply with this new commonwealth taxation law and provide them with the power to request members' tax file numbers for the purposes of the surcharge legislation.

The commonwealth also passed amendments in 1997 to permit superannuation contributions (both compulsory and voluntary) for all employees beyond age 65. Because of the benefit structure of Victorian public sector defined benefit superannuation schemes, current provisions which require member contributions to cease at age 65 will remain and amendments are included in the bill to codify policy that employer contributions into defined benefit schemes in respect of accrued benefits also cease at that time. Any contributions for defined benefit scheme members continuing employment beyond age 65 will be through the appropriate public sector accumulation scheme or any other complying superannuation fund agreed to with the employer.

The bill contains amendments to permit voluntary superannuation contributions to be made into Victorian public sector accumulation schemes by or on behalf of all employees between the ages of 65 and 70 provided they are gainfully employed (that is, they are employed for at least 10 hours per week). Current legislation is already available to allow accumulation schemes to receive the compulsory employer contributions now required by commonwealth law to be remitted on behalf of all employees over age 65.

I commend the bill to the house.

Debate adjourned on motion of Mr BRACKS (Williamstown).

Debate adjourned until Thursday, 22 October.

LIQUOR CONTROL REFORM BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time:

Introduction

With over 9000 licensed premises and over 2050 BYOs, the liquor and licensed hospitality industry employs over 100 000 Victorians and is identified as a significant growth area for employment. However, the consumption of alcohol is a two-edged sword. Inappropriate consumption and abuse and misuse of alcohol result in significant personal, family and social costs.

The Victorian government and the community have a concern about the level of underage drinking, violent and criminal behaviour as a consequence of drunkenness, drink-driving and any adverse effect on the amenity of communities in proximity to licensed premises.

The challenge for the government is to establish a legislative framework in respect of the sale of liquor that contributes to minimising the harm that can occur as a consequence of the abuse and misuse of alcohol, while facilitating the development of the industry and meeting the expectations of the community regarding availability and appropriate opportunities for consumption of liquor.

Victoria's liquor laws and their administration have recently been subject to review, including extensive consultation:

review of Liquor Control Act 1987 against national competition policy principles (1998);

review of administrative arrangements within the Liquor Licensing Commission (1997); and

Public Bodies Review Committee report on the Liquor Licensing Commission (1995).

The recently completed review of the Liquor Control Act 1987 against national competition policy principles was undertaken by a review panel consisting of Haddon Storey, QC, Associate Professor Margaret Hamilton, and Mr Gordon Broderick. Victoria's liquor laws are being reformed as follows.

Minimisation of harm resulting from the sale and supply of liquor is to be the principal purpose of the act. New structural arrangements are to be implemented for the delivery of liquor licensing services.

A position of Director of Liquor Licensing is to be created to determine all uncontested licence and licence-related applications, and, subject to the recommendation of the liquor licensing panel, contested applications.

A liquor licensing panel is to be established to provide a recommendation to the director as to whether or not contested applications should be granted.

Parties aggrieved at any decision of the director may appeal the decision to the Victorian Civil and Administrative Tribunal.

Disciplinary proceedings against licensees initiated by the Victoria Police and the Director of Local Government Operations will be heard by the Victorian Civil and Administrative Tribunal.

Categories of licences are to be rationalised to provide for an increased diversity of licensed premises to be licensed; for example, b & bs will be able to be simply licensed under limited licences. The number of categories of licences and permits are to be reduced from seventeen (17) to nine (9).

The current 'primary purpose' provision which limits eligibility for licensing to particular types of businesses is to be removed. Premises other than those otherwise prohibited under the act will be eligible to seek to be licensed provided an appropriate planning permission is held.

Exceptions are to apply for packaged liquor licences and on-premises licences where the permitted land use under the planning permission is as a restaurant or equivalent (including the approximately 2100 existing on-premises (restaurant) licences). In such cases, the existing 'primary purpose' is to be replaced by a 'predominant activity' requirement.

In respect of packaged liquor licences, the 'predominant activity' on the licensed premises is to be the sale of packaged liquor, thus ensuring that there is not a dramatic increase in the type of premises selling packaged liquor.

In respect of an on-premises licence where the permitted land use is as a restaurant, the predominant activity on the licensed premises must be preparation and serving of meals for consumption on the premises. Furthermore, tables and seating must be in place for at least 75 per cent of the customers on the premises at any one time, thus ensuring restaurants do not become bars without planning permission and Victoria Police knowledge. As a consequence, the requirement that liquor may be served in a restaurant only in association with a meal is to be removed.

While packaged liquor stocks in licensed supermarkets must continue to be stored and displayed in licensed areas, the receipt of payment for the sale of liquor is to be able to occur at a remote checkout point provided the checkout attendant is 18 years of age or over and the various requirements of the act are met.

The reforms provide for the only variation to existing as-of-right liquor trading hours (ordinary trading hours) to be in respect of packaged liquor licences, with their trading close to be extended from 9.00 p.m. to 11.00 p.m. each evening to allow them to better compete with hotels where packaged liquor sales may already occur up to 11.00 p.m.

All licensees are to continue to be eligible to apply for extensions of trading hours consistent with the current provisions. Any person is to be able to object to the grant of a licence or variation on the ground that it would be detrimental to the amenity of the area. It will not be a valid basis of objection that there is insufficient need or demand to justify the grant of an application. Current provisions in respect of the objection rights of Victoria Police and local government are to remain.

The prohibition on the licensing of petrol stations or drive-in cinemas and the restrictions on the licensing of convenience stores, mixed businesses and milk bars are to remain. Other types of businesses as prescribed by regulation from time to time are also to be subject to the prohibition and restriction provisions. The 8 per cent limit on the granting or transferring of packaged liquor or general licences to a person or corporation and related corporations is to be modified so that it will apply only to packaged liquor licences.

Existing offence provisions are to remain. Additionally, a new offence of being knowingly involved in a false application for a proof-of-age card is created as recommended by Victoria Police. A person under 18 years of age is to be allowed in licensed restaurants and cafes during ordinary trading hours but may not purchase or consume liquor otherwise than is currently provided in the act. This permission will not apply in respect of bars, hotels, nightclubs, et cetera.

The licence application requirements in respect of the grant, variation, transfer, relocation and surrender of a liquor licence is to be simplified and streamlined. The requirements in respect of the transfer of an existing licence from one entity to another are to be limited to a Victoria Police check that the proposed new licensee is a suitable person to hold a liquor licence.

Application procedures are to be modified to provide for electronic service delivery options. Licence and licence-related applications are to continue to be required to be displayed on the premises in accord with current provisions (except in respect of transfers). However, the requirement that they be advertised in the

press is to be removed. This proposal will reduce the cost to applicants by up to $1000. Under certain circumstances, for example, applications related to nightclubs, the director may require an application to be advertised in a newspaper and nearby residents to be advised directly by a letter drop.

The requirement that licensees must advise the licensing authority of premises alterations other than those increasing or reducing the licensed and/or authorised area is to be removed, lessening the administrative burden on licensees. Existing licensees are to maintain their current trading rights in the transition to the new licence types. Conditions on existing liquor licences are to remain.

The dry area provisions are to remain. In determining any future legislative change the government will be bound by the outcomes of a poll conducted by a relevant council or councils to determine whether affected residents (being those who live within the boundaries of the dry area) wish to amend, retain or abolish the current provisions. The provisions for conducting such polls are detailed in the bill. The changes to liquor law aim to provide distinct advantages to society in general — consumers, licensees and employees.

The liquor reform package is underpinned by current research related to effective control of the sale of liquor in a harm-minimisation context and removes regulatory requirements upon licensees that are not directed to that purpose. The objects of the act are to be amended to identify harm minimisation as the prime purpose of the act. Licensing decisions will be made in that context.

The existing offence provisions are to remain in place, including the successful initiatives introduced in 1995 to further limit the potential for under-age access to and purchase and/or drinking of liquor on licensed premises except that young people are to be able to attend licensed restaurants and cafes but not purchase or consume liquor otherwise than is currently provided during ordinary trading hours.

With the maintenance of the amenity of community life also being included in the objects of the act, residents, Victoria Police and councils/shires will have significant input to licensing decisions. No licence application will be able to be granted unless an appropriate planning permission is in place.

In respect of breaches of the act, Victoria Police will continue to have the option of issuing infringement notices or initiating proceedings in the Magistrates Court and/or before the Victorian Civil and Administrative Tribunal seeking suspension/cancellation of a liquor licence. Councils/shires and the director of liquor licensing will also be able to initiate proceedings against licensees through the Victorian Civil and Administrative Tribunal.

While having a prime focus on harm minimisation, the reform package considerably reduces the administrative regulatory burden upon licensees and should stimulate new entry and growth within the liquor and licensed hospitality industry. The liquor reform package provides a regulatory framework that will serve the community and the liquor and licensed hospitality industry into the next millennium.

I commend the bill to the house.

Mr Haermeyer — On a point of order, Mr Speaker. I refer to pages 313 and 314 of the 22nd edition of *Erskine May*:

> Matters requiring urgent intervention of the house.
>
> Urgent matters which require the immediate intervention of the house, if they should occur during a sitting of the house, may be raised at once in spite of the interruption of the debate or other proceedings (except a division in progress). A complaint on such a matter is entertained by the house as soon as it is raised, but if complaint is made in committee the chairman reports progress and the Speaker resumes the Chair. If the matter does not require the immediate intervention of the house, however, leave will be refused.

The footnote to that provision states:

> Proceedings have been interrupted to allow the raising of a communication to a newspaper of a memorandum explanatory of a bill which was to be introduced the next day, after the memorandum had been presented but before it was available for members.

This morning a briefing was called by the Minister for Small Business, at which she circulated a press release that mirrors exactly the detail that seems to be contained in the bill. She stated in her press release:

> Victoria's liquor laws have been overhauled creating a new system blending social responsibility and a fairer go for business.

Apart from pre-empting the decision of the house on this legislation, she seems to have pre-empted the bill and let the media and other interested parties know the contents of the bill before it has been introduced into the house. I might add that the briefing was personally addressed by the minister to the same effect as she is quoted in the media release.

An article in this morning's edition of the *Herald Sun*, under the headline 'A Liquor Revolution', again

pre-empts the detail we now know is contained in the bill.

The SPEAKER — Order! The honourable member started his remarks by quoting *Erskine May* on a matter of urgency. I do not believe this is a matter of urgency. It can be dealt with in the fullness of time. I do not accept the point of order.

Debate adjourned on motion of Mr HAERMEYER (Yan Yean).

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That the debate be adjourned for two weeks.

Mr HAERMEYER (Yan Yean) — I move:

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

I suggest that the period of the adjournment be six months. These amendments to the Liquor Control Act have rather wide and far-reaching consequences. Comprehensive amendments to the Liquor Control Act mean changes that can affect individual businesses, people's individual livelihoods and the liquor industry as a whole. They can affect community values, road safety issues and social issues such as alcohol-related violence.

Those sorts of changes need to be discussed extensively with the entire community. Wide-ranging community consultation and debate is needed to bring the community into the proposal that has been put forward. It needs to be done not in secret meetings with vested interests behind closed doors but with the involvement of the entire community.

The bill has been introduced as a consequence of the review of the Liquor Control Act that was initiated by the minister under National Competition Council requirements. The problem is that the minister has not made public the report of the liquor review, which was undertaken at considerable public expense and which took a considerable time to complete. We are being asked to buy the legislation without knowing the details of the review.

Although she says her bill adopts the majority of the recommendations in the review, the minister does not say which recommendations have not been adopted and which matters were considered by the review. I suggest that before the house deliberates on the bill the review committee report should be made public, that the public should be acquainted with its contents and that discussion papers should be put out so all the issues in the review can be debated widely.

It is interesting that certain individuals who made significant submissions to the review were not invited to the briefing called by the minister this morning for the press and interested parties. The minister said it was an oversight, but it seems it was done by design. One must ask what the minister is hiding by not releasing the review panel report.

The opposition believes the review panel report should become a public document from which discussion papers can flow to enable genuine community debate on all aspects of the issues, which are very important. For those reasons we do not believe two weeks is sufficient time in which to consider a detailed bill on which I am sure every member of the Victorian community will want to have some say.

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

Ayes, 50

Andrighetto, Mr
Ashley, Mr
Burke, Ms (*Teller*)
Clark, Mr
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
Kennett, Mr
Kilgour, Mr (*Teller*)
Lean, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McGill, Mrs
McGrath, Mr J. F.
Maclellan, Mr
McNamara, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A. F.
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr E. R. (*Teller*)
Smith, Mr I. W.
Spry, Mr
Stockdale, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wade, Mrs
Wells, Mr

Noes, 28

Andrianopoulos, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Cameron, Mr (*Teller*)
Campbell, Ms
Carli, Mr
Cole, Mr
Cunningham, Mr
Davies, Ms
Delahunty, Ms
Dollis, Mr
Hulls, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Leighton, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs (*Teller*)
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Robinson, Mr
Savage, Mr

Garbutt, Ms
Haermeyer, Mr
Seitz, Mr
Wilson, Mrs

Amendment negatived.

Motion agreed to and debate adjourned until Thursday, 22 October.

MELBOURNE CRICKET GROUND (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

The Melbourne Cricket Ground holds a special place in the hearts of Victorians. It is one of Australia's greatest sporting venues and is recognised worldwide. The purpose of the bill is to introduce amendments to the Melbourne Cricket Ground Act 1933 to ensure best practice management of the Melbourne Cricket Ground and allow for the most effective promotion of the ground.

The amendments modernise the operations of the Melbourne Cricket Ground Trust and provide for wide-ranging representation on the trust. The bill provides for the appointment by the Governor in Council of a chairperson and six trustees. The six trustees will be appointed from people having experience in sports, sports administration, business, financial or community affairs.

The bill provides for proceedings of the trust to be conducted in a professional and responsible manner and in accordance with modern business practices. To assist the trust and to provide for appropriate accountability to the government, the Minister for Conservation and Land Management may give written directions to the trust after consultation with the Treasurer. The trust must comply with such a direction.

In line with the government's intention to ensure that the trust is managed in accordance with modern management practices, it will be required to provide a business plan each year and an annual report to the minister administering the Melbourne Cricket Ground Act 1933, the Treasurer, and the minister administering the Sport and Recreation Act 1972. The business plan will include information about the trust's objectives, main undertakings, activities, accounting policies and performance measures. These measures will ensure that the ministers are properly advised of trust's plans and activities.

The annual report will advise the ministers of the operations of the trust during the financial year and will contain the financial statements for that year. To ensure that the public is fully informed in relation to the operations of the trust, the report will be tabled in Parliament by the minister within 10 sittings days of the date on which it is received by the minister.

Whilst recognising that there are existing arrangements between the trust and the Melbourne Cricket Club for the management of the ground, the bill does provide that, in future, the trust may call for tenders by public notice for a contract for the management of the whole or any part of the ground. Where there has been a public tender process, the trust must consider all tenders it receives in response and may only award the contract to a person who has submitted a tender. However, the trust will not be required to award the contract to the lowest tender. It is quite appropriate for the trust in such circumstances to take into account other relevant matters in determining to whom it will award the contract.

The bill also recognises the important contribution that current and past MCG trustees have made to the State of Victoria in their administration of the ground. The installation of the lights and the building of the Southern Stand are only two of a number of significant improvements that have been made to the ground. In recognition of the efforts of the trustees, the bill provides that those trustees who were not appointed as members or representatives of an association or club will be entitled to lifetime access to the public areas of the Melbourne Cricket Ground for all sporting events.

In order to ensure that the name the 'Melbourne Cricket Ground' and the initials 'MCG' are not exploited, the new amendments provide that the name and initials must not be assigned as the name, or part of the name, of any place that is not the ground, or a part of the ground, in the course of a trade or business unless such use has been authorised by the trustees.

These important measures will provide Victorians with the security that the Melbourne Cricket Ground is being managed in the best possible way and that it continues to be the premier sporting and entertainment venue as we go into the next millennium.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

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

That the debate be adjourned for two weeks.

Ms GARBUTT (Bundoora) — I move as an amendment:

That the word 'two' be omitted with the view of inserting in place thereof the word 'six'.

The 'G' is a Victorian icon that has played a significant role in our past and will continue to do so in the future. The bill has important implications not just for that significant role but also for major sporting codes. There are implications for the MCC's role in relation to other AFL grounds, including the new Docklands ground, Waverley and Optus Oval. It also has significant implications for the AFL, the clubs and therefore all members and followers of that major code.

The MCG is not only the icon for football but for cricket as well. People need to be consulted about the role the 'G' will continue or perhaps not continue to play in cricket. In light of those implications, the opposition believes six weeks is an appropriate period within which to undertake consultations so that the various organisations involved at the 'G' can consider their position.

It is not just the symbolic role that is significant. Clubs and organisations need time to work through the major financial implications and agreements and contracts must be examined in legal detail so that the implications of the bill are fully understood. Responses cannot be prepared and considered ready for debate in two weeks. It is not just the number of people involved that makes that a complicated and long task for the opposition; the significant financial and legal matters confronting the organisations involved require time for proper consideration.

The bill has been the subject of controversy and speculation for some time. To the opposition's knowledge nobody has seen the bill. Given the government's track record, the opposition expects that some people have already seen it. Now that the bill is available for public discussion, the time frame should not be limited to two weeks when so much is at stake. The future definition of our state's major sporting codes may be changed by the bill. The opposition believes six weeks should be available for the opposition to consider the bill — not two as proposed by the minister.

Mr PANDAZOPOULOS (Dandenong) — I support the honourable member for Bundoora in seeking an extension to six weeks for the adjournment of debate on the bill. As of today none of the industry players is aware of its details.

Mrs Tehan interjected.

Mr PANDAZOPOULOS — It hasn't made the pages of the *Herald Sun,* exactly, Minister. Two weeks is insufficient time for affected groups to consult with their members and to consider the legal implications. The bill in effect sacks the trustees, including former Premiers, and totally alters the representative structure of the trust. In the past it has been a representative-type trust comprising different groups — the Melbourne Cricket Club, the Victorian Cricket Association, the Australian Football League and others. Those groups have the right to consult their members on the details of the bill, and the government should support that right.

The Melbourne Cricket Club has a membership of approximately 60 000, all of whom need to be consulted. Football clubs that use the MCG must be consulted about the bill's implications. The future viability of the venue is the issue; it is a question of whether the current management or the government's proposal is the model to secure the venue's future.

The legal issue of the Melbourne Cricket Club being left as administrator of the ground that is encumbered with a debt of approximately $124 million and its ability to influence the trust must be assessed. Beyond the issue of the debt is the issue of the best model to make sure that the ground is redeveloped for the future, including, for example, the redevelopment of the Olympic stand.

Six weeks is an appropriate time; it is not too long. Two weeks is clearly too short a time to consult everybody, including the members, and to get advice from lawyers. The government should consider the communities and associations that maintain the MCG as the country's pre-eminent sporting venue. That must not be undermined by any bloody-mindedness by the government in restructuring the trust to appoint its friends.

The opposition asks the government to treat the matter seriously. There is no need to rush: it is important to think carefully about it and to get proper advice from the affected organisations.

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

Ayes, 52

Andrighetto, Mr	McGrath, Mr J. F.
Ashley, Mr	McGrath, Mr W. D.
Burke, Ms (*Teller*)	Maclellan, Mr
Clark, Mr	McNamara, Mr
Coleman, Mr	Napthine, Dr

Cooper, Mr
Davies, Ms
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*)
Lean, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McGill, Mrs
Paterson, Mr
Perrin, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A. F.
Richardson, Mr
Rowe, Mr
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr E. R. (*Teller*)
Smith, Mr I. W.
Spry, Mr
Stockdale, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wade, Mrs
Wells, Mr

Noes, 26

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

Amendment negatived.

Motion agreed to and debate adjourned until Thursday, 22 October.

APPEAL COSTS BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

The bill repeals the current Appeal Costs Act 1964 and replaces it with a new, simpler and clearer act. In so doing, the bill implements the government's justice policy objective of reforming the justice system so that it is accessible and efficient.

The Appeal Costs Act originated as a form of compulsory insurance. It was based on the premise that, although the majority of legal disputes can be resolved in one substantive hearing, in a small proportion of cases it is necessary for an appeal or a re-hearing. For example, a party may have to appeal to the Court of Appeal or the High Court because there are conflicting authorities or the area of law in question is new. Equally, in a small number of cases it is necessary to have a re-hearing because the original hearing was aborted or discontinued: for example, because the jury had to be discharged. The act was designed to apply only to those cases where the appeal or re-hearing was necessary. It does not apply if an appeal is brought simply because the party who lost at the first hearing was dissatisfied with the decision.

Since its enactment in 1964, the current act has undergone a succession of substantial amendments. However, it has never been comprehensively reviewed. As a consequence, the coherence of the act has been undermined and anomalies have arisen.

The principal objective of this bill is to address these inconsistencies and anachronisms to ensure that the underlying policies of the appeal costs scheme are properly reflected in the legislation.

The basis for granting an indemnity certificate has been made simpler and more consistent under the bill. The bill provides that the decision to grant or refuse a certificate following a successful appeal is in the discretion of the court.

For example, a party may have succeeded in a trial by deliberately misleading the trial judge. The losing party may then have to appeal against the judgment. The appellate court may allow the appeal and order the respondent to pay the appellant's costs. In these circumstances the court may refuse to grant an indemnity certificate to the respondent, on the ground that if the respondent had not misled the judge in the court below, it would not have been necessary to have the appeal.

Finally, the bill makes some important reforms in relation to the Appeal Costs Board. The provisions which deal with the board have been modernised and eligibility to membership of the board has been broadened to ensure that the board reflects a wide range of experience and expertise beyond that of current legal practitioners.

Section 85 statement

Clause 38 of the bill is intended to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of an appeal against a grant or refusal by a court of an indemnity certificate.

The reason for altering or varying section 85 in this way is to prevent the further escalation of costs. A major objective of the bill is to reduce the impact on litigants of the costs of appeals. It would be undesirable if, in carrying

out this objective, the bill were to provide an opportunity to bring further appeals.

The prohibition of appeals against the granting or refusal of an indemnity certificate in clause 38 re-enacts the prohibition contained in section 17(1) of the current act.

Conclusion

The bill will give effect to the government's justice policy objective of reforming the justice system to ensure that it is accessible, efficient and cost effective and that it has the confidence of the public.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 22 October.

LOCAL GOVERNMENT (GOVERNANCE AND MELTON) BILL

Second reading

Mr MACLELLAN (Minister for Planning and Local Government) — I move:

That this bill be now read a second time.

This bill introduces legislative amendments which build on the development work achieved under the Docklands Authority Act 1991. By setting out the full extent to which the Docklands Authority under its legislation can provide for the municipal management of the Docklands area, this bill develops and refines the framework that was contemplated in 1991 by the previous government. That is, the important work of organising urban services for the revitalised industrial waterfront should be the responsibility of a dedicated agency which has a focused charter, enterprise, sensitivity and commercial acumen.

The present Docklands Authority Act 1991 already gives the authority some of the responsibilities of a municipal council. This bill will enable the authority to take on the full range of the functions, powers and duties of a municipal manager in the Docklands area.

This bill is more than timely. With the area about to see the completion and gradual occupation of the stadium precinct, and shortly thereafter, the Yarra Waters residential precinct, it is time to anticipate a municipal services infrastructure to address the needs of people and property.

Stadium goers, tourists, business operators, restaurateurs and residents alike will need to be assured that municipal services are provided. Not only will there need to be an assurance of services such as garbage collection, street cleaning, parking inspections and food safety checks, but such services will need to match the high standard of development which the authority is achieving in its agreements with site developers.

The Docklands Authority was established for the primary purpose of facilitating the redevelopment of the Docklands area, covering some 220 hectares of waterfront land adjacent to central Melbourne. As such, the authority is engaged in facilitating a large-scale redevelopment of a very significant area of Melbourne, with long-term substantial benefits for the whole state. Currently, the area is not significantly or permanently occupied.

The resident population might be negligible now, but it will grow progressively as developments are completed and residential uptake gains momentum. Therefore the manner in which municipal services are to be delivered will also need to be progressive. We must keep in mind that many years before the area has a strong and permanent resident population, there will be thousands of visitors attracted to the area. Not only the stadium but the waterfront areas, as they are opened to the public, will be a magnet for recreational pursuits. As the precincts are constructed, many hundreds of people will visit the area to work on the development.

In the long term, when the development phase of Docklands is largely complete and the precincts are occupied, by both businesses or residents, I envisage that the area would return to the local government mainstream. The decision on when and how this might happen will be made in consultation with the Docklands community. The residents and businesses which have been the recipients of urban services and have paid local charges and fees should be in a very good position to contribute to the decision as to what municipal arrangement is best for the long term.

The government proposes to review these transitional municipal arrangements in the year 2002, when the residential population is not likely to have reached 1000. How the authority is managing municipal services and how occupiers feel about the governance options will be examined. I anticipate that the government would commission a report analysing progress and recommending any finetuning, or indeed, overall change, if this is warranted.

The main features of the new municipal arrangements for Docklands in this bill are —

(i) The Docklands Authority will have the functions, powers and duties of a municipal council in respect of the docklands area.

(ii) The Docklands Authority will be empowered to establish an advisory committee comprising representatives of residents, occupiers or businesses in the area and other interested persons, to advise on the Authority's new municipal functions in the area.

(iii) The authority or local residents will be able to initiate a poll of voters on any proposition relating to the Authority's municipal functions or to the future municipal management of the area. Voting will not be compulsory.

(iv) To ensure that the Authority's municipal responsibility for the area is clear, the docklands area will cease to be part of the municipal district of the Melbourne City Council.

The authority will take over the responsibility for certain municipal works and assets in the docklands area, giving it the capacity to develop the area's municipal infrastructure along with the overall development of the area.

The authority will not act along the lines of the traditional model of a local council. The focus will be on facilitation, contracting and purchasing of services rather than on directly providing municipal services. The government expects that the initiative contained in this bill will ensure that the occupiers of and visitors to the Docklands will experience a standard of community services which complements the development itself — modern, innovative, people-oriented and cost-conscious. It may well be that the Melbourne City Council, either directly or through its wholly owned company, Citywide Services, will provide these services on a contracted basis. This will be consistent with the sound operating relationships which already exist between the authority and the Melbourne City Council.

In summary, with the groundwork for the physical redevelopment almost all bedded down, with four development agreements with industry consortia now signed, it is time to put in place a means by which the social and living environment will match the reshaped physical environment. A dedicated municipal services arrangement will be committed to ensuring that the standards and quality of services are of the highest order, commensurate with the innovative calibre of the physical landscape.

The government believes the approach in this bill of ensuring appropriate and adequate municipal services during the transition from development site to that of Melbourne's waterfront precinct will have substantial benefits not only for the Docklands itself and its future users and residents, but also for the contracted developers, the city of Melbourne and the Victorian community as a whole.

In conclusion, the government is confident that the new municipal arrangements for Docklands in the bill set the scene for a style of no-fuss, high standard and consultative municipal service delivery in the Melbourne docklands. With the arrangements intended to be transitional in nature, the question of the long-term municipal arrangements is left open for the experience of the people and the government of the day to decide.

This bill also introduces amendments to the Local Government Act 1989 to enable the residents and ratepayers of the Shire of Melton to choose whether their municipality should continue to be administered by commissioners or whether there should be a return to elected councillors.

As honourable members are aware, the Shire of Melton was established on 15 December 1994 as part of the statewide restructuring of local government in Victoria. In December 1996 a poll was conducted by the Australian Electoral Commission at the request of the Melton shire. Over 52 per cent of enrolled voters returned a vote in that poll, with 71 per cent of valid votes in favour of commissioners continuing to administer the shire until March 1999. Against this background, and in the context of other issues around restructuring, the commissioners' appointment was extended for a further two-year term, due to expire in March 1999.

A number of representations have recently been received from voters in the Shire of Melton indicating support for the conduct of a further poll of voters in the municipality to determine whether commissioners should be retained. These representations have highlighted the success of the continued administration of Melton by commissioners. As the government would like to respond to these representations, the bill will introduce amendments to the Local Government Act 1989 which will facilitate the holding of a poll in order to determine the views of the voters of Melton. Thus, the people themselves can decide whether the council should continue to be administered by commissioners

or whether there should be a return to elected councillors.

The main principles underlying the amendments contained in the bill are as follows:

(i) There will be a poll of voters to allow the voters to determine whether the minister should appoint commissioners to constitute the council, or whether there should be a return to elected councillors;

(ii) As the poll deals with issues of representation, voting at the poll will be compulsory;

(iii) The minister will announce the poll by public notice in the *Government Gazette*. The notice will include the proposition to be put to voters and the entitlement date for the poll;

(iv) The poll will be regarded as carried if —

(a) the number of valid votes recorded is not less than one half of the number of voters on the voters' roll; and

(b) a majority of the valid votes recorded are in favour of commissioners continuing to be appointed.

(v) Voting at the poll is to be by postal ballot only;

(vi) If commissioners are appointed as a result of the poll, they will continue to be reappointed by the minister for further three-year terms unless a new poll is requested by 10 per cent of voters and held, in which the outcome is a majority vote in favour of a return to elected councillors.

The government is concerned to ensure that the poll result truly reflects the views of the citizens of Melton. Accordingly, independent professional research consultants were engaged to advise on the form of the proposal and the form of the ballot paper. The consultants have recommended that the two alternative proposals should be put to voters who would be asked to indicate their preference. As the consultants' advice is designed to minimise any suggestion of bias, this recommendation will be adopted in the conduct of the poll.

Provision is also made in the bill for the conduct of subsequent polls of voters on the options of continued administration by commissioners or a return to elected councillors. Such polls may be held at the request of not less than 10 per cent of eligible voters while commissioners are appointed. If a majority of voters at a poll favour a return to elected councillors, there will be no further polls.

I commend the bill to the house.

Debate adjourned on motion of Mr DOLLIS (Richmond).

Debate adjourned until Thursday, 22 October.

TRANSPORT (AMENDMENT) BILL

Second reading

Mr COOPER (Minister for Transport) — I move:

That this bill be now read a second time.

Before speaking on the bill I welcome members of the Nagambie Football Club, 1998 premiers of the Kyabram and District League, and congratulate them on their success.

The bill introduces legislative amendments which will:

facilitate and improve the administration of the taxi and hire car industry;

permit the more efficient managing of the road network by empowering Vicroads to lease or licence areas of land which are part of a road declared under the Transport Act 1983; and

make an alteration to the Yarra Park reservation to enable a minor boundary adjustment to be made in relation to the future relocation of the Swan Street tramway.

The bill will facilitate and improve the administration of the taxi and hire car industry by:

a machinery change to enable specification of procedures for taxi licence issue by the minister, instead of the Governor in Council in line with procedures similar to those that apply to tow truck licensing;

providing an 'as of right' licence option for 8–12 seater vehicles used in conjunction with tour services;

enhancing the ability to direct taxi licence-holders and drivers and determine licence assignments to ensure that services to the general public and, particularly, people with disabilities, are effectively implemented;

streamlining administrative arrangements to permit amended conditions to be attached to commercial

passenger vehicle drivers certificates during the currency of the certificate; and

increasing penalties for unlicensed operation and touting.

The issue of taxi licences is presently based on order of the Governor in Council. For the purpose of uniformity of approach, the bill provides for ministerial determination of need to be the basis for issue, which is a similar approach to that currently applied to the issue of accident tow truck licences.

Submissions to the recent Tourism Industry Regulation Task Force concluded that the present passenger vehicle licensing process is unnecessarily restrictive for small tour operators. The bill will introduce a new category of restricted hire vehicle — in respect of vehicles seating 8–12 passengers — to meet demand for small, niche tours and touring parties and also fill the gap which has emerged between small, special purpose (SAV) operators and the touring omnibus industry. Licences will be issued as of right, subject only to the operator satisfying suitability standards. This will not affect operators of any existing licensed vehicles which fit into this category, who may elect to continue under their present licences or opt for a new licence.

The move towards industry being more accountable for the delivery of specific services of necessity requires the legislation to be amended to provide the licensing authority with a power to give a direction to the holder of a taxi licence or a taxidriver about carrying passengers in accordance with the vehicle's licence conditions. This will be combined with an ability for persons to be delegated the power to give directions to taxicabs or any class of taxicabs for the purpose of providing improved service levels to the public, particularly those sections of the public with special needs. The power to appoint persons, such as senior employees at taxi depots, as delegates would be exercisable only with the approval of the minister and would be specific in respect of the matters which could be addressed by delegates. The matters which could be delegated would relate solely to carrying passengers in accordance with the vehicle's licence conditions. Directions could not be inconsistent with licence conditions or the regulations.

The primary purpose of delegation is to improve service delivery by those taxis which have licence conditions which require the operator to give priority to servicing the needs of people confined to wheelchairs (70 of the 3100 metropolitan taxis fall into this category). This provision also needs to extend to classes of taxicab licence(s) which may be issued in the future to meet identified shortfalls in service to specific client groups or areas of high demand.

The legislation at present does not permit variation of conditions of a driver's certificate during the currency of the certificate, only on issue or renewal. This has caused problems in the administration of the driver's certificate program. To enable the same conditions to apply to all drivers at the same time it is proposed that the Victorian Taxi Directorate (VTD) be given the power to amend certificate conditions during the currency period.

Examples of the need for this provision include generally restricting the driving of taxis licensed to carry passengers in wheelchairs to only those drivers who have completed an appropriate training course, ensuring drivers fulfil service requirements under conditions attached to specific categories of taxicab licences, or in the case of individual drivers, to introduce requirements for more frequent character, medical or psychiatric reports to ensure the person remains suitable during the remaining term of a driver's certificate.

The operation of unlicensed commercial passenger vehicles, particularly in the area of hire cars, has been a source of constant irritation to legitimate taxi and hire-car operators. It is recognised that the present penalties are not having the required deterrent effect, illegal operators being prepared to run the risk of an infringement notice if they are caught. Equally, touting for passengers by operators, particularly at Melbourne Airport, has required a substantial enforcement commitment by VTD officers. This harassment of the public by a few unscrupulous operators is unacceptable. The maximum penalty for both unlicensed operation and touting is $500. The experience gained with tow-truck operations, where penalties of $5000 apply to unlicensed operation and touting for repair work, has shown that penalties of that order, particularly when supported by the ability for enforcement officers to issue $2000 infringement notices, are an effective deterrent. It is proposed that penalties of $5000 (50 penalty units) apply to offences of unlicensed vehicle operation and of touting for passengers. A $2000 infringement notice will be introduced by regulation.

Under the Transport Act 1983, Vicroads has the power to purchase land for its purposes either by compulsory process or by negotiation. Until land is required for construction of roads, the Transport Act 1983 empowers Vicroads to lease such land. This is an efficient arrangement as on occasions Vicroads must

purchase well in advance and the power to lease land permits the economic utilisation of land up to the point where it is required for road construction.

Whilst Vicroads has the power to lease and licence land prior to roadworks, this power ceases when a road is constructed and declared under the Transport Act 1983. The materials, fences, posts, et cetera, belong to Vicroads but the absolute property in the land becomes vested in the Crown (clause 13 of schedule 5 to the Transport Act 1983).

The public perception is that Vicroads has the power to deal with all issues relating to roads and as a consequence Vicroads is approached on a regular basis by the public to lease areas of road reserve. Equally, Vicroads may wish to propose the leasing of road reserve. Examples are varied, but include such things as where a company may wish to site a pipeline along a road reserve or where improvements are found to encroach onto the reserve, the lease of part of wide road verges to adjoining owners for agricultural purposes (thus saving on maintenance costs) or the lease of land by Vicroads under an elevated freeway structure (which is currently not possible as the declaration extends to ground level). The granting of cattle underpass rights and air rights over roads also fall into the same category. Furthermore, there is a particular need for formal commercial arrangements where privatised utilities wish to site assets within declared road reserves.

Because Vicroads has no specific powers to lease or grant a licence of land once it becomes a declared road, any action of this kind must be taken on behalf of the Crown under powers conferred by the Land Act 1958. This situation is operationally inefficient, and to manage the road network effectively it would be preferable for Vicroads to be empowered also to negotiate leases and licences of road reserve as required.

The bill provides the necessary powers for that purpose and, to ensure that they are exercised in a manner that is consistent with government policy, the bill requires Vicroads to act in accordance with policies determined by the minister with the agreement of the ministers administering other relevant legislation.

Finally, the bill makes an alteration to the Yarra Park reservation to enable a minor boundary adjustment to be made in relation to the future relocation of the Swan Street tramway. Yarra Trams is carrying out relocation of the Swan Street tramway as part of the government's plans for the redevelopment of the Federation Square and sports and entertainment precincts.

The main relocation was provided for in the Transport Acts (Amendment) Act 1997. This altered part of the Yarra Park permanent reservation under the Crown Land (Reserves) Act 1978 and excised the land from the park so that that land could be used for tramway purposes. On the excisions being made, the land was to become unalienated land of the Crown with the intention that the land would subsequently be granted in fee simple to the Public Transport Corporation.

A large tree worthy of retention is located at the point where the land excised and made available for tramway purposes joins Swan Street. To avoid removing this tree it is proposed to adjust the boundary of the lands adjacent to Swan Street by moving the entire north–south part of the corridor designated for tramway use westward by some 4.5 metres. This further minor excision from the Yarra Park reservation will be offset by a corresponding excision from the unalienated land currently set aside for tramway use, which will be added to the Yarra Park reservation.

There has been consultation with the Department of Natural Resources and Environment, the Melbourne City Council and Yarra Trams, all of whom support the proposal.

I commend the bill to the house.

Debate adjourned on motion of Mr BATCHELOR (Thomastown).

Debate adjourned until Thursday, 22 October.

EDUCATION (AMENDMENT) BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

The Education (Amendment) Bill 1998 amends the Education Act 1958 to facilitate the holding of religious pageants, special events or celebrations of festivals in state schools. The bill will also repeal outdated provisions relating to special education in state schools.

Many state schools in our culturally diverse state celebrate significant religious events with pageants or celebrations as part of the religious and cultural life of the school community. Parents and students delight in

participating in activities that hold special meaning for them and for other members of the school community.

The preparation for the pageant or the holding of the pageant may include some element of religious instruction. For example, it may involve an address by a minister or priest, or the teaching of the meaning and significance of a religious song.

At present any religious instruction associated with the preparation and holding of a pageant must comply with section 23 of the Education Act. That section limits the circumstances in which religious instruction may be given in state schools. Section 23(2) provides that when religious instruction is given in any state school during the hours set apart for the instruction of pupils, it must be given by accredited representatives of religious bodies who are approved by the minister, it must be given on the basis of the normal class organisation of the school (except where the particular circumstances of the school cause the minister to authorise some other basis) and attendance for religious instruction must not be compulsory.

This section requires that any religious instruction associated with the preparation for religious pageants, special events or celebrations of festivals can be undertaken at school, during normal instruction hours, but only on a class-by-class basis. If the religious instructors want to bring a number of classes together to practise, they can only do so during lunchtime, before or after normal school hours or off the school premises.

If the pageant, special event or celebration of a festival involves a religious address or other religious instruction to pupils, a school can only conduct the pageant or celebration during lunchtime or other non-instruction time, or off school premises.

This complex situation has the potential for creating unnecessary barriers to communities celebrating significant events, and for creating unfortunate anomalies. For example, a school with a convenient nearby facility could permit its students to spend time during school hours at the facility preparing or conducting a religious event. Meanwhile, another school that permitted its classes to combine for a short time on school premises on a single occasion to prepare for or celebrate a religious event could be in breach of the act.

To remedy these anomalies and to facilitate the holding of pageants, the bill authorises the minister to permit religious instruction to be given in state schools during the hours set apart for the instruction of students on a basis other than a class-by-class basis, if the religious instruction forms part of the preparation or conduct of a pageant, special event or celebration of a festival.

We live in a culturally diverse society that includes people with various religious beliefs, people with no interest in religion and, in some cases, people with strongly held opposition to any teaching of religion. In recognition of the diversity of our community and the range of beliefs about religion, the bill provides that any event that involves religious instruction will continue to be voluntary, as mandated by section 23(2)(c) of the act.

I turn to the other matter the bill deals with — namely, the repeal of division 2 of part 4 of the Education Act 1958. This government is committed to providing all students with disabilities and impairments access to the highest quality educational opportunities. Consistent with that commitment, the Program for Students with Disabilities and Impairments enables parents of students with disabilities and impairments to choose where the student is educated, whether that is in a regular state school or a special school. Parents with the assistance of their local school are requested to provide the department with information and expert opinions about their child. The department then determines whether additional funding should be allocated to the school chosen by the parents to meet the needs of the student, and the level of funding that will be made available.

Division 2 of part 4 of the act refers to 'handicapped children', a term which is no longer used. It imposes a duty upon parents of children who appear to be handicapped to notify the minister in writing and gives the minister the power to direct a child to undertake special education. It also refers to the establishment of special schools, which duplicates the powers in section 21 of the act, and it gives the minister the discretion to establish a special education authority.

The provisions of division 2 of part 4 are outdated and no longer reflect the choices currently available to parents consistent with the Program for Students with Disabilities and Impairments conducted by the department. The special education authority is not used to assess a child's disability, and parents are no longer directed to present their children for examination, nor is a child directed to undertake special education. Parents are given as much choice as possible about where and how their children will be educated.

The bill repeals division 2 part 4 of the act and a new provision, section 25AA, will replace section 64I. Section 25AA states that a parent is not required to

contribute to the cost of providing additional support in a state school for a student with a disability or impairment.

Accompanying the repeal of this division, and as announced earlier this year, the Department of Education is to establish a panel of experts to assist the secretary in reviewing individual applications made to the Program for Students with Disabilities and Impairments.

The panel will be called upon to advise and assist the secretary to the department to review applications for funding under the Program for Students with Disabilities and Impairments. It will comprise three members drawn from a list of seven persons each of whom will be experts in a particular field of disability or impairment. It will be able to operate without formality, and to provide independent recommendations to the department.

I commend the bill to the house.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until Thursday, 22 October.

PERSONAL EXPLANATION

The SPEAKER — Order! Before calling on the minister to move that remaining business be postponed, I wish to advise the house that following the Premier's answer to a question without notice yesterday I am reminded that my annual return required by the Members of Parliament (Register of Interests) Act at 30 June 1998 should have included hospitality provided to me by the Greek Parliament.

As I was its guest, the President of the Hellenic Parliament would not allow me to pay for my accommodation at the Hotel Grande-Bretagne for three nights in late May this year. I believe the Greek Parliament does that for quite a number of members; it is very generous.

I advise the house that I will make an appropriate supplementary return to the Clerk of the Parliaments forthwith.

Remaining business postponed on motion of Dr NAPTHINE (Minister for Youth and Community Services).

ADJOURNMENT

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That the house do now adjourn.

Flemington church demolition

Mr DOLLIS (Richmond) — I raise for the attention of the Minister for Planning and Local Government my concern about the partial demolition of the Uniting Church in Flemington and the comments the minister made during question time yesterday. The minister has made various accusations about the Moonee Valley council. However, he was obviously trying to hide the fact that the matter exposes the inherent failure of the building system.

Provisions 1.33 to 3.14 of the City of Moonee Valley Planning Scheme provide that it is necessary to issue a planning permit for the demolition of buildings in the category of the historic church in Mount Alexander Road, Flemington. In this way the council has built protection for the church into its planning scheme.

It is important to know that the government has accused the council of having the demolition permit on its records. Division 5 of Part 3 and Division 5 of Part 5 of the Building Act refer to the registers and records. More specifically, sections 30 and 73 of the act require the relevant building surveyor to lodge documents with councils for which building or occupancy permits have been issued.

In March 1995 the Building Control Commission released a bulletin that states that the council has no legal requirement to check the contents of documents that have been lodged with the council. Sections 32 and 75 simply require the council to keep all documents given to it for the prescribed period and in the prescribed manner. The bulletin also indicates that the council exposes itself to liability and damages if it does not inspect the documents. Councils have been advised not to make themselves aware of demolition permits issued in their municipalities.

The questions that arise on this matter are: how does the government expect there to be any proper accountability or regulation if councils have been instructed not to inspect the documents that are lodged with them? How can the minister accuse the Moonee Valley council of doing nothing but file the notice of the building permit away, when that is exactly what the BCC has advised councils to do? Is the minister suggesting that the councils should not follow the advice of the BCC, or has he changed the rules yet

again for councils without bothering to inform them of the fact?

The council has attempted to protect the church through provisions in the Moonee Valley Planning Scheme which require a planning permit for its demolition. The state's flawed system of building control is to blame for the partial demolition of a heritage-listed building.

The minister has a lot of explaining to do, especially in relation to the answer to a question he gave yesterday in Parliament. He has contradicted himself, his own regulations and his own laws by attempting to blame the council for following precisely what he has prescribed for it to do.

Water craft: registration renewals

Mr DIXON (Dromana) — I raise a matter for the Minister for Roads and Ports in another place, and in his absence the minister at the table, the Minister for Youth and Community Services. It concerns annual boat registration renewals.

I believe the issuing of annual boat registration renewal notices would provide an ideal opportunity to communicate important information to Victoria's approximately 130 000 powerboat operators and 3000 to 4000 power ski operators. The type of information that I think would be relevant to be included in the renewal notices would be current fish bag and fish size limits and any future changes to be made to them, because I am sure many fishing operators are not aware of the size limits. Information relating to changes made to regulations should also be included. For example, regulations relating to the no-take and sanctuary zones in the new Port Phillip Heads marine park are not generally known to fishermen and those who operate powerboats in the bay.

It would also be a great opportunity to remind operators and owners of powerboats, particularly the power ski operators who are giving other registered operators a bad name, about general regulations concerning speed limits, water ski lanes and other restrictions. If that information and subsequent updates were readily available at the time licences are renewed, fewer fishing and boating laws would be broken because laws are more often broken through ignorance than a desire to break the law.

Therefore, I ask the minister to include those notices and information in applications for licence renewals. That would require the cooperation of the Department of Natural Resources and Environment and the relevant ministers in providing current information and updates as required. The provision of constant and accurate information would be very helpful in the long run in preventing the depletion of our fish stocks and would enhance the safety of powerboat owners and operators and others wishing to use the waterways.

Flemington church demolition

Mrs MADDIGAN (Essendon) — I raise with the Minister for Education a matter concerning the illegal demolition of the historic Wesleyan Chapel at 167 Mount Alexander Road, Flemington, particularly in relation to the surprising approach taken by the Department of Education. I hope the report covers the important issues that need to be addressed, including the procedures followed by the Department of Education in the acquisition of land and buildings. What processes does it have for consultation about this historic site with the local council and local residents? Does it believe it has to follow the planning processes put in place — —

Mr Thompson — On a point of order, Mr Acting Speaker, it is my understanding that the minister addressed these matters earlier this morning. I am of the view that the matters raised by the honourable member for Essendon are superfluous because of the response given by the minister at approximately 3.10 a.m. today.

The ACTING SPEAKER (Mr Richardson) — Order! There is no point of order. I point out to the honourable member for Essendon that the adjournment debate is an occasion for honourable members to ask for action. The honourable member must come to a request for some action to be taken.

Mrs MADDIGAN — I am asking the Minister for Education to investigate these matters and report back to us on what seems to be a serious falling down in the processes of the Department of Education and in particular on how the department has followed the planning process set down by the Minister for Planning and Local Government.

The department should have known better. It entered into a contract with the Uniting Church — without consultation with the local council — to buy this site on condition that the church building be demolished. The building has been protected since the 1980s under both the previous Melbourne planning scheme and the current Moonee Valley planning scheme. It is also listed in the Historic Buildings Register. The Minister for Education has acted outrageously by entering happily into contracts for buildings to be demolished without undertaking any normal consultation processes and without following the planning processes. The department, without doing anything to find out if the

building was listed on a heritage register anywhere, has encouraged the demolition of this building.

The ACTING SPEAKER (Mr Richardson) — Order! Is action required? Has action been requested?

Mrs MADDIGAN — Yes, I have requested action. I have asked the minister to investigate these matters and to provide a report for us. Obviously we would like the minister to provide — —

Rail: incident reporting

Mr THOMPSON (Sandringham) — In the absence of the Minister for Transport I direct a matter to the attention of the Minister for Youth and Community Services, who is at the table. On Friday, 21 August — the night Essendon played Footscray at the MCG and was beaten by Footscray in the closing minutes and the night the United States unleashed 80 Tomahawk missiles against bin Laden — one of my constituents was travelling home by train from the MCG with two of her children. They travelled from Richmond to Sandringham. When the train was between the Hampton and Sandringham stations a stone was thrown through the window of the carriage, shattering the glass over a number of the passengers. Both my constituent's son and daughter were covered with glass. My constituent writes:

> We were very shocked and upset as we didn't know what was happening at the time.

When they got to Sandringham they went to the station window and told the stationmaster what had transpired. He undertook to make preliminary investigations. When they arrived home my constituent rang the Met and was told she would have to ring again on Monday. On Monday, 24 August, at 8.30 a.m. my constituent rang telephone number 96919 1111 and was referred to another number, 9619 3350. That number rang out. She was subsequently referred to another number, and called 1800 800 121. I understand from my constituent that the response she received was not overly polite. She was then referred to another fellow by the name of Ken Hawkin, who took the details.

She felt that the incident was of such serious concern — it was simply good fortune that her children had not been seriously injured by the fragments of exploding glass that had resulted from the shattering of the window — that she took it up with Moorabbin police to see whether it had been reported to them.

I ask the minister to ensure that when patrons report that sort of damage at a station or as the result of an incident on a rail line station staff are aware that the immediate advice people should be given is to refer the matter to the police. It then becomes a police matter. It is extremely fortunate that in this case the children were not injured. It is important that in matters such as this, where younger children or teenagers might be involved in such activities, every opportunity is available for the police to take preventive action.

Planning: advertising

Mr BATCHELOR (Thomastown) — I ask the Minister for Planning and Local Government to investigate a case of definite corruption that has taken place in his area of administration. It relates to 469 Punt Road, Richmond, another location where, once again, the minister has given himself sole power for determining planning issues for advertising signs and, coincidentally, another occasion when NLD Pty Ltd and the Nettlefold family are once again the beneficiaries.

The land is an old hotel site that was incorporated in the City Link project but in 1997 was excised from that project. It is now owned by Wardman Pty Ltd, a director of which is a Mr Joshua Adam Mantello, who just happens to be married to Felicity Nettlefold of the infamous advertising family. Wardman Pty Ltd is the owner of the site and will be the beneficiary of the minister's largesse from decisions relating to permission for any advertising at 469 Punt Road, Richmond.

As I said, this is another occasion when the government has used special administrative instruments to provide specific benefits and largesse to the Nettlefold family. It is another occasion when the minister has put himself in the place of the local government authority to provide planning permission. It is clear that the Nettlefold family is again the beneficiary of action within the minister's area.

Who is determining this? The opposition wants to know who are the corrupt people down there. The minister is like a cork in a sea of corruption! There must be corruption because time and again Nettlefolds bobs up as the beneficiary of special individual site-specific planning scheme amendments which come from the department of which the minister in charge. It is a practice that seems to favour and benefit only the Nettlefold family. Something is going wrong.

The minister has told the Public Accounts and Estimates Committee that he is not corrupt. The opposition is seeking an investigation of this matter.

Greater Dandenong: landfill

Mr LEIGH (Mordialloc) — I have a serious issue for the attention of the Minister for Planning and Local Government concerning a letter dated 19 June that was sent to the City of Greater Dandenong by SITA–BFI Waste Services Pty Ltd and received by the council on 22 June. The letter concerned an amendment to a planning permit. By 27 June the council had made arrangements and had put everything in place, and senior councillors, including Cr Phil Reed, supported that everything was done above board. One million tonnes of waste is worth conservatively between $15 million and $30 million. My concern is that without any advertising or other process being put in place the council passed the proposal and according to the Labor councillors everybody seems to think that everything is fine.

One might wonder what the opposition members would say to the Minister for Planning and Local Government if he did something like this. Would they say a proper process was put in place? The ratepayers of the City of Greater Dandenong have a right to expect to know that their councillors and officers have done everything above board. I am not implying that anyone is on the take or anything like that, but people have been corrupted for far less money than this.

The former Oakleigh and Richmond councils and the rest of the Labor Party have a tradition of doing things like this and I seek an investigation to ensure — —

Honourable members interjecting.

Mr Batchelor — On a point of order, Mr Acting Speaker, the honourable member for Mordialloc has been under sustained attack from his own side. The opposition asks — —

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

Mr LEIGH — I think the people of this state have a right to know that everything has taken place properly. This is worth $30 million and more people have done things for 30 pieces of silver than for $30 million, I can assure you, Sir. That one of the Leader of the Opposition's chief advisers is involved makes it worse. I would like the matter investigated to make sure that everything that was required to be done was done and to determine why the council did not do what it should have done. It took five days to make millions of dollars! Is that a process that the Leader of the Opposition would follow in government? Perhaps the minister might provide an answer. It is a serious question that needs to be addressed.

Waverley Park: closure

Mr PANDAZOPOULOS (Dandenong) — I raise a matter for the Premier concerning the Save Waverley Park campaign and his comments in the house three weeks ago. At that time the Premier was very anxious to finally support the campaign to save Waverley Park. As this is the last sitting day before the Walk for Waverley Park takes place next Sunday, I thought it was a good opportunity to remind the Premier of comments that he made about Waverley Park.

It is disappointing to me and the 13 councils that lobbied the government and the AFL to assist with saving AFL park that despite his comments three weeks ago around election time that he was supportive of Waverley, the Premier has done nothing. It is hypocritical of the Premier to say in the house he would meet with the AFL but when asked by the councils what the meeting was about they find nothing has happened.

The Premier has failed to support the campaign and has deliberately misled the 13 councils and residents in the east and south-eastern suburbs. The Premier has made false statements about his support but has done nothing concrete. The residents are asking where Mr Kennett has been? He is hiding in the back pocket, running easy and taking the soft ball as he usually does on these issues. He gives an impression that he is supportive but when asked to do something practical he does nothing. He has not met with the councils or replied to correspondence. It is time Can-Do Jeff got into the game instead of commenting from the sidelines.

Mr Finn — On a point of order, Mr Acting Speaker, the honourable member for Dandenong's tirade is interesting, but as you correctly pointed out earlier in the debate, some action needs to be requested. The honourable member has less than a minute left.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member for Dandenong is aware of that. He has 37 seconds left!

Mr PANDAZOPOULOS — Local councils asked the Premier and the Minister for Sport to support the formation of a task force to include the councils, the government, the AFL and the Hawthorn and St Kilda football clubs to examine opportunities to save the venue. Will the Premier explain to the house the purpose of his meeting? What was discussed and will he support the task force or continue to pay only lip-service to the Save Waverley campaign while he fiddles and does nothing?

Disability services: recognition

Mr E. R. SMITH (Glen Waverley) — I direct the attention of the Minister for Youth and Community Services to disability services. I ask the minister for action to ensure that the valuable work done by voluntary and publicly funded organisations receive the recognition and standing in the community that they deserve.

Enormous numbers of organisations carry out disability services in the various electorates. I shall refer to those in my electorate. The Glenallen School, formerly the Glenallen Special School, is run very professionally by Lee Barnby. The Carronbank School for Deaf/Blind Children is run by Lois Thomsen. Both schools are in Allen Street, Glen Waverley. Montclair Family Support is run by the Spastic Society. The Child and Family Care Network is one of the best supporters of families and young people in crisis. There are also Glencare Frail Elderly Day Care and the Wavlink Child and Family Care Network, a neighbourhood house providing recreational, social and further learning opportunities for people with disabilities.

The community does not appear to recognise or understand the enormous amount of excellent work carried out by those organisations. I call upon the minister to endeavour to organise an event, publicity or something that will gain support from able-bodied people. The community should be made aware of its responsibilities to people with disabilities, including the provision of community support that at the moment has a narrow sectional support base. The community needs to be involved in a spectacular way to provide for those organisations.

Crown Casino: tax concessions

Mr HULLS (Niddrie) — I raise for the attention of the Premier a matter of grave concern to Victorians. I ask the Premier to take action to immediately assure Victorians that there will be no further gifts, favours, handouts or concessions for Crown Casino. People are sick and tired of their interests playing second fiddle to those of Crown Casino. Recently, and only after enormous public pressure, the government knocked back the demands of Crown for more taxpayers' money when the Premier was rolled by his cabinet over Crown's proposal for a flat tax rate of 10 per cent. At the time the Treasurer was reported as saying that to grant the favour would be sheer madness.

This morning the Premier's mates announced that they are back and that they want to force the Victorian taxpayers to enter a bidding war with New South Wales. They have made it clear that they want taxpayers to hand over another gift of between $10 million and $30 million every year to the Premier's mates for the lifetime of the casino. The figure is at least $10 million, even in the depressed Asian high-roller market, and when Asia eventually bounces back this gift could increase year after year to at least $30 million-plus a year.

Government members must tell the Premier that Victorians have had enough. They do not care if Kerry Packer is now a partner in the casino. Victorians do not believe Kerry Packer should be a ticket to tax cuts. No doubt that is what Crown thinks it has got out of the Packer deal. It thinks that having Mr Packer join the casino will mean there will be more freebies from the government.

This is a key defining moment for the government: it has the opportunity to put ordinary Victorians first. The Premier must assure Victorians that when his mates come for the 20th time with their begging bowls he will put Victorians first. The begging bowl has already arrived. Mr Ron Walker's car was illegally parked at Parliament today. No doubt he was demanding that the Premier raid the taxpayers' piggy bank yet again. The Premier must assure all Victorians that this time he will be able to say no. He must also assure Victorians that under no circumstances will he let any defamation settlement that he has been involved in with Kerry Packer influence his decision in respect to the further slashing of Crown's tax rate.

If the Premier does not give these assurances the community will know that the government will continue to represent only the top end of town — its mates at Crown Casino — at the expense of ordinary Victorians. Victorians are saying that enough is enough. They do not want any further favours for the casino whether Kerry Packer is there or not.

Sunbury Secondary College

Mr FINN (Tullamarine) — I raise a matter for the attention of the Minister for Transport or, in his absence, the minister at the table, the Minister for Youth and Community Services. It concerns the Sunbury Secondary College and the railway line that runs along its boundary.

Over the past few months the principal of the college, Mr Eric Keenan, and the school council have spoken to me about the erection of a high cyclone fence along the existing fence line bordering Macedon Street and the railway line on the eastern boundary of the college. I am concerned for the safety of the students, as over

recent years a practice has developed of students taking a short cut to enter or leave the school grounds at the corner of the property directly adjacent to the railway bridge. With the growth of the student population — it is a very popular school — the proximity to Sunbury Square shopping centre and the high-profile takeaway food stores, more use is being made of this entry and exit area with potentially dangerous — or, indeed, catastrophic — consequences. In the interests of security, it should be noted that this exit and entry point is frequently used by people who are not on the school property for legal purposes. That is a concern for the college community.

The Sunbury Secondary College is well aware that the high cyclone fence that it seeks will not be an inexpensive exercise, and as a result it is more than happy to contribute financially to the building of the fence. The college believes it is also appropriate for the Public Transport Corporation and the City of Hume to contribute in some way to the cost of building of the fence for the reasons I have outlined.

I ask the minister to give serious consideration at his earliest convenience to supplying financial help to the college for the building of the fence. It is in the best interests of the entire school community, particularly the students. We would not want to see a tragedy occur because the fence is not there to separate the school grounds from the Bendigo railway line that runs through Sunbury.

Sunshine Avenue, Keilor

Mr SEITZ (Keilor) — I raise for the attention of the Minister for Transport, who is the representative in this house of the Minister for Roads and Ports, the urgent need to duplicate Sunshine Avenue in my electorate, which is constantly used by children from seven schools.

Responses

Mr MACLELLAN (Minister for Planning and Local Government) — I preface my remarks by saying that at 3.10 a.m. today I counselled everybody, particularly the representatives of the City of Moonee Valley, to be guided by the principle that people are innocent until proven guilty, and that it is desirable to check the facts. The house is about to have an excellent opportunity to further illustrate that matter.

I turn first to the issue raised by the honourable member for Richmond. I am well aware of the difficulties the Labor opposition faces in relation to the Moonee Valley City Council. It is embarrassed. It is basically a Labor council and — I presume with a high sense of righteousness — it is about to prosecute the Uniting Church for engaging contractors to partly demolish one of its own church premises. That is the basic embarrassment that underlines the matter raised by the honourable member for Richmond. It is a desperate effort to try to deflect the issue onto the Department of Education.

I have read the fulsome apology from the City of Moonee Valley to the Department of Education and it ought to be accepted at face value. I understand the Moonee Valley council administration has worked throughout the day manufacturing ammunition for the opposition to fire to cover the situation on behalf of the labour movement. I do not know whether the Uniting Church in that area is part of that cover, but we will find out in due course when we discover how seriously the council prosecutes the church.

The matter raised by the honourable member for Richmond is just the next chapter in the sordid history of the City of Moonee Valley. I suggest to the honourable member, who is not in the chamber, what the good City of Moonee Valley could have done with the notice it received from the private building surveyor last April, six months ago.

In those six months it could have moved the notice from the building control department to the planning department of the City of Moonee Valley — in other words, taken it from one office to the next office — and told the planning department, 'We have a notice about the demolition of the Uniting Church-owned church in Mount Alexander Road'. Then an intelligent, perceptive and caring planning department would have written to the Uniting Church and said, 'Excuse I, but you cannot pull a church down unless you get planning permission', and the whole issue would have been able to be resolved.

That could have happened on any day in the past six months. However, the honourable member for Richmond wants to pretend — as does the chief executive officer of Moonee Valley, I might add, so they are in perfect accord on this — that the notice from the building surveyor was received solely for archival purposes. It was not to be read, not to be given to the planning department, not to be the subject of any intelligent consideration. In fact, I do not know why the Moonee Valley council would even bother opening the envelope, in the circumstances — and indeed it may be that it did not! So, for the benefit of the honourable member for Richmond, that is the situation.

While on the same subject, because it is about the partial demolition of the same church, the honourable member for Essendon hoed in with a delightful effort on behalf of her local community in relation to the education department. Paraphrased, her comments were, 'How dare the education department contract with the Uniting Church to buy an old disused church which has not been used for church purposes for upwards of 20 years? How dare the education department' — is 'conspire' the right word? Would you say conspire?

Mrs Maddigan — I did not say anything.

Mr MACLELLAN — You had your chance up there. I did not want to be unfair in paraphrasing what was said. I just want to know what Uniting Church sin was the education department guilty of committing? Contracting with the Uniting Church? There is a good start! Wanting to expand the school site?

I will certainly make sure that the school knows that the honourable member for Essendon does not want the school site expanded, because that is what she meant. I can tell you, Mr Deputy Speaker, that that same opinion is not held by some of her current and former Labor colleagues from whom representations have been received about expanding the school site to provide a proper footprint for the school community being taught at that school.

The education department, given the opportunity to contract with the church, put the whole responsibility onto the church as the vendor, as was absolutely proper, because it was sick and tired of purchasers doing things. The Moonee Valley council was hoping against hope that the education department had bought it so that it could blame the department for the demolition. The council sat for six months, waiting for somebody to do it and then when somebody did it, it was the wrong one — and Moonee Valley caught the Uniting Church!

I shall certainly let the Minister for Education know that the honourable member does not want the school expanded on that site. I hope the Moonee Valley council was successful in getting the church restored, because it is not a very good neighbour to the school with a fence between it and a half-wrecked church in the back. It will be interesting to see how vigilant the council is about those matters.

The honourable member for Mordialloc expressed concern and said that the City of Greater Dandenong should use proper procedures. It is an embarrassment to the Labor opposition that, without advertising, a Labor council has within four or five days issued a permit to expand the Lyndhurst special receival point for prescribed wastes. The honourable member pointed out the contrast between the position adopted by the honourable member for Werribee about proposals in the Werribee area and the Labor council in Dandenong, which has a completely different approach. It did not advertise the application, but just approved it. I remind the honourable member for Mordialloc that one can have suspicions but one might properly suspend any judgment on the matter until evidence is provided. In other words, one cannot condemn people in advance of the evidence being available.

The honourable member argues that, because of the magnitude and significance of the matter — the project is worth $13 million — such non-advertised quick approval by the council in Dandenong offers the opportunity for inappropriate relationships or connections to be developed.

That is the perfect introduction to the honourable member for Thomastown, who alleges there has been corruption. I shall help the honourable member for Thomastown by providing some background. If he does not correct the *Hansard* report at least he should correct the harm he does to people outside this place. He is probably ignorant of the fact that the Nettlefold family sold its advertising business and that the Nettlefold family is not connected with the advertising business that currently operates under the name of Nettlefold. That is one aspect of the matter he may wish to correct. The Nettlefold family is connected with the NLD group, and Cody is connected with the Cody group.

The Riverside Inn at 469 Punt Road, Richmond, which most people know, was burnt out. The honourable member for Dandenong would be familiar with it because he travels past it all the time. As one goes around the corner to get onto the South-Eastern Freeway one can see on the burnt-out Riverside Inn a big disguising advertisement of the ANZ Bank. The honourable member for should not rush to judgment — one is innocent until proven guilty. He should check his facts before he makes any allegations.

I wonder who issued the permit for the advertisement that is in front of the burnt-out Riverside Inn? I imagine it may have been the council in Richmond. I do not know, but we can check the facts. The honourable member is right — the Mantello family had a permit, presumably from the local council, to locate an advertisement between the road and the burnt-out Riverside Inn, and the Melbourne City Link Authority had a desire to round off the corner to enable traffic to travel around the corner as part of the City Link project.

It was also intended that the road be widened. The road widening at that point would clearly mean that the burnt-out wreck of the Riverside Inn would be demolished. The question is: should the Melbourne City Link Authority and taxpayers pay compensation for not only the land but also the advertising sign, or would it be cheaper and more cost effective to move the advertisement back a little onto the remainder of the land and therefore pay only for the land required? The honourable member for Thomastown is really into corruption — and, boy, is he an expert! But, as usual, the Slippery-Slide did not check the facts as to whether it was the Labor-controlled former Richmond council that issued the permit, and whether it was cheaper to move the advertising sign back and buy the smaller piece of land.

Mr Batchelor interjected.

Mr MACLELLAN — I shall certainly help you out every time with a few facts. I know how much it must hurt you when the facts come back to bite you. The honourable member for Thomastown thought he was onto a really good thing here — corruption, corruption, here we go! But all he has found is that the City Link authority very sensibly negotiated for the advertisement to be put on the balance of the land, which meant the road would be widened and less compensation would be paid — and we are right back to the situation we were in originally.

Since the honourable member for Thomastown has a fixation about this specific site I wonder whether he is worried about the Foxtel sign on the silos. I might say, as an indication of how these things happen with local councils, that the council issued a permit for five of the six silos to be clad as beer cans — the world's largest sign advertising beer cans right beside the road. I was able to negotiate a cancellation of that permit in favour of four years of Foxtel advertising. Frankly, four years of Foxtel advertising is a bargain compared to having an endless permit for five silo towers dressed up as beer cans!

It is much better that we did not pay too much money to the Mantello family and enrich them by buying the advertising rights in the area near the road widening only to see the Yarra City Council perhaps issue the family with an additional permit so it could put the sign just a few feet further back from the edge of the road on its property and in effect not only get money for the sign but also keep the sign as well.

I say to the honourable member for Thomastown — back to the classic: never assume people are guilty, always give them the benefit of the doubt, and always check your facts.

Dr NAPTHINE (Minister for Youth and Community Services) — The honourable member for Glen Waverley raised with me the very important issue of recognising the work done by agencies that provide services for people with disabilities. The best way we can do that is to show off to the rest of the world what we are doing in this state.

I am pleased to report that Melbourne will host the World Congress of Inclusion International in the year 2002. Inclusion International was formerly known as the International League of Societies for Mental Handicap. It involves 155 organisational members in 109 countries. The world congress held every four years involves people concerned with services, programs and the rights of people with intellectual disabilities.

The Australian bid for the 2002 congress was led by the National Council on Intellectual Disability. Its representatives, Mr Kevin Stone from VALID here in Victoria and Mr Robert Allen of the Tasmania Council on Intellectual Disability, travelled overseas. The Victorian government provided assistance to Mr Stone to allow him to press for the Australian bid. He also received help from the Melbourne Convention and Marketing Centre. The bid was successful. We expect over 1200 delegates will attend the conference in Melbourne in 2002, approximately the same number as attended this year's conference in The Hague in the Netherlands.

As the honourable member for Glen Waverley said, this is a real chance for us to highlight to the world our service system and what we are able to do with day services, accommodation and support programs, and our legislative support for people with intellectual disabilities, their carers and their families. We will also be able to show people around the world how we provide those services in a multicultural environment and highlight the role of volunteers throughout Victoria.

I congratulate the National Council on Intellectual Disability, Mr Kevin Stone and Mr Robert Allen on this great achievement. I look forward to the government's playing a role in working with the council to provide for the 2002 conference. It will be of enormous economic benefit to Melbourne and Victoria. More importantly, it will be of great significance to people with intellectual disabilities in this state and will be a chance for them to not only participate in a conference but also to show the world the services that the state is

able to provide. I believe they are equal to the world's best.

At the same time it will be an opportunity for people across the world to come to Victoria and bring their expertise so we can further advance our service system. Not only will we be showcasing our service system to the world, we will also be getting ideas from people from all over the world — they will bring their expertise and help us continue to ensure our service system follows world's best practice.

The honourable member for Dromana raised with the Minister for Roads and Ports the advantage of using annual boat registrations to convey information to boat owners that is relevant to them, such as changes in information regarding fishing and fishing bag limits, boating safety and other such issues. It is a commendable idea from the honourable member for Dromana and I am sure the minister will consider it seriously. Such ideas can have an impact on safety outcomes on waterways and improve conservation efforts. It is the sort of practical idea that is typical of the good work done by the honourable member for Dromana.

The honourable member for Sandringham raised with the Minister for Transport an important issue that highlighted the commitment of the honourable member for Sandringham to every constituent in his electorate who makes representations to him. He takes these matters very seriously and follows through on them. While one of the honourable member's constituents was travelling home from the MCG by train a stone was thrown through the train window. It caused some damage and showered the passenger with shattered glass.

The honourable member was concerned that when such incidents occur and passengers bring them to the attention of station staff or other PTC staff, the passengers should be advised to refer them to the police. They are criminal matters and the police should be involved at the earliest opportunity so they can investigate and if possible apprehend the offenders and bring them to justice. It is a very sound recommendation. I am sure the Minister for Transport will take the matter very seriously.

The honourable member for Tullamarine also raised a matter with the Minister for Transport concerning the Sunbury Secondary College, which is an excellent school. The school has certainly benefited from the representations of the honourable member for Tullamarine over a number of years. He has been a strong advocate for the school and ensured that the school has had the right equipment and facilities to provide high-quality education. He is again demonstrating his concern for the community he represents and the school community in particular by raising the issue of the railway line near the college and the need to have a cyclone fence of sufficient height to provide safety and protection to the students and other community members who seek access through the school grounds to the railway line. That very important safety issue must be addressed, and I am sure the Minister for Transport will take it on board.

I suggest that the tripartite approach nominated by the honourable member for Tullamarine, involving the school council, the City of Hume and the relevant sections of the transport ministry getting together to resolve the safety issue, would be a significant step.

The honourable member for Dandenong raised with the Premier the Save Waverley campaign. I am not sure what further action he is seeking, but the Premier has made it very clear in his comments to the house that he is in favour of the retention of Waverley Park for football purposes and that he will raise those concerns with the AFL, which owns Waverley Park and has responsibility for its management. I am sure that when the Premier reads the comments of the honourable member for Dandenong he will respond appropriately.

In a very succinct presentation the honourable member for Keilor raised for the attention of the Minister for Roads and Ports the need to duplicate Sunshine Avenue in his electorate. I am sure that the Minister for Roads and Ports will respond to the honourable member for Keilor accordingly.

Finally, the honourable member for Niddrie made the comment that Crown Casino should be given no further advantage and that we should — to use his words — put Victorians first. I agree with the honourable member for Niddrie that Victorians should be put first. I add that over the past six years the Premier and leader of this state has been at the forefront of putting the interests of Victorians first in all his activities as Premier. It is important to note about Crown Casino, or any other casino, that it is in a very competitive industry.

Mr Thwaites — It is a monopoly!

Dr NAPTHINE — The Deputy Leader of the Opposition again shows his absolute ignorance of the casino industry. It is in a competitive industry across Australia and internationally, particularly for the high-roller market. The Deputy Leader of the Opposition would be well advised to seek to understand

the international nature of that competitive industry. It is in the interests of all Victorians that our casino is competitive with those in other states.

If the New South Wales government changes the taxation conditions applying to the casino in New South Wales — as I understand it did recently — it is important for us to review the situation in Victoria to ensure that ordinary Victorians are not disadvantaged by the Victorian casino being uncompetitive. I am sure the Premier of Victoria will take on board the need to put the interests of Victorians first, as he has for the past six years and will, I am sure, continue to do for the next 6 to 10 years that he is Premier of this state.

Motion agreed to.

House adjourned 7.44 p.m. until Tuesday, 20 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, 6 October 1998

Aged Care: Greater Geelong boards, commissions and committees

22. **MR LONEY** — To ask the Honourable the Minister for Youth and Community Services, for the Honourable the Minister for Aged Care, 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:

As at 18 February 1998, there were no Ministerially-made and/or Ministerially-approved appointments to Boards, Commissions, Committees or similar, in the aged care portfolio, in the Greater Geelong area.

Health: Mitcham ministerial visits

71. **MR ROBINSON** — To ask the Honourable the Minister for Youth and Community Services, for the Honourable the Minister for Health, on how many occasions did he visit the electorate of Mitcham in 1997.

ANSWER:

There were two occasions in 1997 when I visited the electorate of Mitcham.

Police and Emergency Services: arson

88. **MR ROBINSON** — To ask the Honourable the Minister for Police and Emergency Services:

1. How many fires have been classified by the Country Fire Authority as being deliberately lit in the period since 1993.

2. How many convictions have been recorded in Victorian courts in the same period for fires classified by the Country Fire Authority as being deliberately lit.

ANSWER:

I am informed that the information available in response to the Honourable Member's question is:

1. Information from the CFA's Fire and Incident Reporting System (FIRS) has been used to identify all fires where firefighters were suspicious that the fires may have been deliberately lit. A summary of suspected maliciously lit fires by financial year is as follows:

YEAR	*SUSPECTED MALICIOUSLY LIT FIRES*
1993/94	*2018*
1994/95	*2417*
1995/96	*1513*
1996/97	*2486*
1997/98	*2167*

2. This information is not readily available. Statistical information on the disposition of charges brought in Victorian Magistrates' Courts is classified according to each section in the relevant Act. There is no section in the **Country Fire Authority Act 1958** directly relating to convictions for fires classified by the CFA as deliberately lit. However, the Member may find useful information in the Magistrates' Court Statistical Information which is released each financial year and is publicly available for a fee. This includes a detailed analysis of the outcomes of charges brought under the **Country Fire Authority Act 1958**.

Health: drug overdoses

94. MR ROBINSON — To ask the Honourable the Minister for Youth and Community Services, for the Honourable the Minister for Health:

1. What was the total number of drug overdoses recorded by the Metropolitan Ambulance Service in 1994, 1995, 1996 and 1997.

2. What was the corresponding figure for the period 1 January to 18 March 1998 inclusive.

3. What proportion of these reported drug overdoses occurred in Box Hill, Blackburn, Blackburn North, Nunawading, Mitcham, Vermont, Forest Hill and Ringwood.

ANSWER:

The Metropolitan Ambulance Service has only had computerised patient case type information available since December 1996, following introduction of a medical priority dispatch system to the Intergraph CAD system. This information is gathered at the time of the call for assistance and accordingly, it should be noted that it is likely the statistics recorded for 'drug overdose' are understated because some may be recorded in another category. eg. 'unconscious' or 'fainting'.

Previously, this information was only available from the individual patient care records which are in paper form which cannot be readily collated. The Government's 1998/99 budget has reallocated $3M. for a major upgrade of ambulance services' information technology systems. This will include development of a clinical database for the patient care records, with linkages to hospital clinical databases to enable research in areas such as evidence based delivery of ambulance services.

Health: cemetery finances

125. MR ROBINSON — To ask the Honourable the Minister for Youth and Community Services, for the Honourable the Minister for Health, what was the financial position of Victoria's public cemeteries as at 31 December 1997 with regard to — (*a*) accumulated funds; (*b*) current assets; (*c*) non-current assets; (*d*) current liabilities; (*e*) net assets; (*f*) reserves; (*g*) accumulated funds; and (*h*) total equity.

ANSWER:

The information Mr Robinson has requested with regard to Victoria's public cemeteries as at 31 December 1997 is not available. However, I have provided a summary of financial returns for 1996.

You will note that the summary provides details of income, expenditure and funds growth for individual trusts and an overall total for each category. Information is not provided under the headings requested because the annual abstract of accounts provided by cemetery trusts to the Secretary of the Department of Human Services is currently based upon cash accounting only.

While the use of cash accounting may seem surprising it should be noted that the majority of Trusts are very small, volunteer businesses. According to the 1996 Abstracts, on 1 January 1996 389 Trusts had less than $5000 in total funds and a further 55 had between $5000 and $10,000.

Fourteen of the largest cemeteries, whose holdings comprising approximately 84% of the overall funds held by cemeteries, are also required under the Financial Management Act to report to Parliament.

Information in the format required under the Cemeteries Act provided by eleven of theses fourteen Trusts for 1996 is separated out at the end of the table. No information is given for three trusts required to report to Parliament: Keilor, Preston and Werribee Cemetery Trusts. These are Trusts for which local government has been appointed as Trust member and which therefore were affected by changes in both the Local Government Act and the Cemeteries Act in 1995 and 1996. The changes resulted in these Trusts having a nine month financial year followed by an eighteen month financial year to the 31 December 1996. These changes have led to delays in the preparation and tabling of Reports which are still being verified by the Auditor General.

Summary of Abstract of Accounts, Cemetery Trusts 1996

	Income				Expenditure				Funds Growth		
Trust Name	**Opening Balance 1/1/96 (All funds)**	**Fees from Graves, Monuments**	**Other Sources of Income**	**Opening Balance + income 31/12/96**	**Wages and Salaries**	**Administration**	**Capital Works**	**Closing funds 31/12/96**	**Closing balance + expenditure**	**Change in Funds 1/1/96 - 31/12/96**	**% Change in Funds over year**
Andersons Creek	919,387	450,299	93,523	1,463,209	199490	78,074	135,164	1,050,481	1,463,209	131,094	14.26%
Ballarat	874,765	1,037,287	134,599	2,046,651	388758	335,828	321,560	1,000,505	2,046,651	125,740	14.37%
The Necropolis (Springvale)	42,777,739	10,695,799	1,246,007	54,719,545	4480422	1,375,024	4,035,238	44,828,861	54,719,545	2,051,122	4.79%
Fawkner Crem & Memorial	11,999,394	12,916,351	952,858	25,868,603	10230822	144,009	891,596	14,602,176	25,868,603	2,602,782	21.69%
Memorial Park, Altona	3,510,513	2,959,940	138,723	6,609,176	1045224	1,358,396	224,542	3,981,014	6,609,176	470,501	13.40%
Geelong Cemeteries Trust	947,741	891,133	812,621	2,651,495	568265	242,008	1,247,645	593,577	2,651,495	-354,164	-37.37%
Cheltenham	6,565,915	3,094,957	37,214	9,698,086	1007935	466,073	7,058,002	1,166,076	9,698,086	-5,399,839	-82.24%
Templestowe	6,221,056	286,867	667,232	7,175,154	161825.35	279,391	62,654	6,671,284	7,175,154	450,228	7.24%
Mildura	711,432	407,590	80,034	1,199,056	128354	51,248	69,748	949,706	1,199,056	238,274	33.49%
Lilydale	460,613	1,549,108	81,859	2,091,579	315903	610,522	630,912	534,242	2,091,579	73,630	15.99%
Bendigo Cemeteries	401,685	785,677	242,236	1,429,598	345232	191,318	483,448	409,600	1,429,598	7,915	1.97%
Cemeteries reporting under the Cemeteries Act only, combined	12,231,372	9,057,883	1,371,587	22,660,842	4,426,900	1,185,744	3,760,966	13,295,582	22,669,192	1,064,210	8.70%
Total	**87,621,611**	**44,132,891**	**5,858,492**	**137,612,994**	**23,299,130**	**6,317,635**	**18,921,475**	**89,083,104**	**137,621,344**	**1,461,492**	**1.67%**

Health: Bendigo Health Care Group

393. **MR CAMERON** — To ask the Honourable the Minister for Youth and Community Services, for the Honourable the Minister for Health, with reference to the exodus of senior management staff at the Bendigo Health Care Group during the last 6 months — (*a*) whether the Minister is concerned, or was he at any time concerned, with the number of senior staff leaving; (*b*) what steps need to be taken to stabilise the management of the Health Care Group; and (*c*) what measures are being taken to improve (*i*) the management; and (*ii*) staff morale at the Health Care Group.

ANSWER:

(a) The Minister for Health has every confidence that the Board of Directors of the Bendigo Health Care Group is managing the organisation appropriately. There have been four senior staff leave the organisation since Mr Peter McGregor's departure on 11 November 1997. Two of the four positions were made redundant when restructures were undertaken in both Psychiatric Services and Human Resources. The other two staff members left voluntarily to pursue career opportunities. It is not unusual in an organisation of this size to have changes to the staffing complement over a five year period.

(b) The new Chief Executive Officer, Ms Kathy Byrne has now been appointed to the Bendigo Health Care Group and the Minister is indeed confident that she will provide the staff with a stable environment within which to work. There has also been a psychiatrist appointed to the Bendigo Health Care Group which will assist them to address the issues which they have in the Psychiatric Services Division.

(c) The Board of Directors will manage the policy and strategic issues for the Bendigo Health Care Group. Ms Byrne will operationalise that policy and address issues relating to staff.

Tertiary Education and Training: official travel, Essendon Airport

409. **MR ROBINSON** — To ask the Honourable the Minister for Tertiary Education and Training, 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:

(a) Four times.

(b) Ministerial business.

Youth and Community Services: official travel, Essendon Airport

414. **MR ROBINSON** — To ask the Honourable the Minister for Youth and Community Services, for the Honourable the Minister for Health, 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:

There were eight occasions where I or my staff utilised Essendon airport for official travel purposes. Details are as follows:

DATE	FLIGHT
12-02-97	Essendon-Warrnambool-Essendon
5-03-97	Essendon-Swan Hill-Essendon
18-04-97	Essendon-Corryong-Echuca-Essendon
20-04-97	Essendon-Cohuna-Essendon

7-05-97	Essendon-Nhill-Hamilton-Ballarat-Essendon
22-08-97	Essendon-Warrnambool-Essendon
26-09-97	Essendon-Mildura-Sea Lake-Essendon
25-11-97	Essendon-Hamilton-Portland-Essendon

Tertiary Education and Training: official duties, 23 April 1998

425. MR ROBINSON — To ask the Honourable the Minister for Tertiary Education and Training, what official duties did he attend to on Thursday, April 23, 1998.

ANSWER:

On Thursday, April 23 1998 I attended to Ministerial business.

Agriculture and Resources: South East Water/City West Water services

435. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. On how many occasions in 1996-97 did South East Water meet the cost of removing trees on private property which were obstructing or damaging water or sewerage systems.

2. Why did City West Water choose to confine the audit conducted by the Office of the Regulator-General in the period January 1996 to June 1997 to a minimum scope.

3. What rebates does City West Water offer customers for interruptions to supply.

4. What period of time are City West Water customers given to pay their accounts.

ANSWER:

I am informed that the answers to your questions are:

1. 368.

2. The audit was the first one undertaken in the Melbourne water industry and was conducted under very tight deadlines. It was therefore decided to focus the audit on the Authority's service obligations, particularly those relating to the quality and reliability of supply and the affordability of their services.

3. No rebates are offered and input from City West Water's customer committee supports this approach.

4. Standard trading terms are 14 days however City West customers receive a minimum of 56 days from the original bill print date within which to make mutually acceptable payment arrangements.

Agriculture and Resources: Yarra Valley Water supply interruptions

436. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. On how many occasions in 1996-97 did Yarra Valley Water pay a $20.00 rebate to customers for water supply interruptions or related problems.

2. On how many occasions in 1996-97 did Yarra Valley Water pay a $100.00 rebate to customers.

3. Whether any planned interruptions to Yarra Valley Water customers in 1996-97 exceeded five hours between 5.00 a.m. and 9.00 a.m. or 5.00 p.m. and 11.00 p.m.

4. On how many occasions in 1996-97 did Yarra Valley Water provide water to people whose tank supplies ran out or ran low due to extreme conditions.

5. What cost was incurred by Yarra Valley Water in achieving ISO 14001 certification in September 1996.

ANSWER:

I am informed that the answers to your questions are:

Questions 1. and 2.
Information regarding rebates is contained in Yarra Valley Water's annual report.

3. Yes, on 7 occasions.

4. 286.

5. $61,847.

Agriculture and Resources: Yarra Valley Water sewer spills

438. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. What is the anticipated number of emergency calls to be received by Yarra Valley Water in 1997-98 and 1998-99.

2. How many incidents of sewer spills were reported to Yarra Valley Water in 1996-97 and how many of these spills were located in the Mitcham electorate.

3. What were the details of spills located in the Mitcham electorate in 1996-97.

4. How many incidents of sewer spills were reported to Yarra Valley Water between 1 July 1997 and 12 May 1998 and how many of these spills were located in the Mitcham electorate.

5. What were the details of spills located in the Mitcham electorate in this period.

6. On how many occasions did public waterways in the Mitcham electorate in 1996-97 and between 1 July 1997 and 12 May 1998 become contaminated as a result of sewer spills.

ANSWER:

I am informed that the answers to your questions are:

1. 145,000 calls expected in 1997-98
   145,000 - 155,000 calls expected in 1998-99.

2. Total 995.
   15 in the Mitcham electorate.

3. 6 spills due to blockages caused by broken pipes
   6 spills due to blockages caused by tree roots
   3 spills due to wet weather.

4. Total 538
   27 in the Mitcham electorate.

5. 3 spills due to blockages caused by broken pipes
   4 spills due to blockages caused by objects
   15 spills due to blockages caused by tree roots
   5 spills due to wet weather.

6. 15 uncontained spills were reported in 1996-97.
   20 uncontained spills were reported between 1 July 1997 and 12 May 1998.

Agriculture and Resources: Yarra Valley Water supply interruptions

439. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. Whether planned and unplanned interruptions in supply to Yarra Valley Water customers increased or decreased in average duration between 1995-96 and 1996-97 and what has been the magnitude of change.

2. Whether the number of water customers off supply in the Yarra Valley Water network increased or decreased between 1995-96 and 1996-97 and what has been the magnitude of change.

3. What is the anticipated number of sewerage blockages per 100 kilometres of main in the Yarra Valley Water Region in 1997-98.

4. Whether sewer spills from reticulation and branch sewers dealt with within five hours increased in Yarra Valley Water's Region between 1995-96 and 1996-97 and by how much.

ANSWER:

I am informed that the answers to your questions are:

1. The question cannot be answered as records for 1995-96 were not separated into planned and unplanned interruptions.

2. The question cannot be answered as this data was not recorded for 1995-96.

3. 33.6.

4. The question cannot be answered as this data was not recorded for 1995-96.

Agriculture and Resources: Yarra Valley Water supply interruptions

440. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. Why did the unplanned water supply interruptions per 100 kilometres of water mains in Yarra Valley Water's network increase by 53% between 1995-96 and 1996-97.

2. Whether Yarra Valley Water anticipates a further increase in unplanned interruptions per 100 kilometres of mains in 1997-98.

3. What action is Yarra Valley Water taking to reduce the increase in unplanned interruptions.

4. How many interruptions were recorded in mains located in the Mitcham electorate in 1996-97 and what were the details of each interruption.

ANSWER:

I am informed that the answers to your questions are:

1. Unplanned interruptions are highly sensitive to climatic variations. An analysis of 50 years of data shows that interruptions can vary as much as 40% below and 80% above the average. The summer of 1996-97 was one of the hottest on record and the occurrence of significant ground movement which resulted was a major reason for the increased frequency of burst water mains.

2. No. To date there has been a reduction in unplanned interruptions.

3. A significant amount of additional funding has been allocated for Yarra Valley Water's Water Main Renewal Program.

4. A total of 268 interruptions comprising:

11 due to maintenance of Council hydrants
2 due to maintenance of valves
28 due to maintenance of Yarra Valley Water hydrants
129 due to repair and replacement of burst mains
24 due to repair to domestic services split ferrule or insulator
10 due to repair to domestic service (approved products)
61 due to repair of leaking mains
3 due to repair of stop taps.

Agriculture and Resources: Yarra Valley Water environment consultative group

441. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. What is the membership of Yarra Valley Water's Environmental Consultative Group and what are the terms of membership of that group.

2. On how many occasions did it meet in 1996-97.

ANSWER:

I am informed that the answers to your questions are:

1. Membership details of Yarra Valley Water's Environmental Consultative Group are contained in the 1996-97 annual report. The term of membership is two years.

2. 10 times.

Agriculture and Resources: Yarra Valley Water quality complaints

442. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. How many water quality complaints were received by Yarra Valley Water in 1996-97.

2. How many of these complaints were reported from within the Mitcham electorate and what were the details of each complaint.

3. What is the anticipated number of complaints to Yarra Valley Water on water quality in 1997-98 and 1998-99.

ANSWER:

I am informed that the answers to your questions are:

1. 3,570.

2. A total of 74 complaints comprising:
58 due to brown water
1 due to taste and odour - chlorine
4 due to taste and odour - other
5 due to water quality - other
2 due to black water
2 due to yellow water
1 due to stained washing
1 due to blue/green water

3. 2,955 complaints expected in 1997-98
   2,468 complaints expected in 1998-98.

Agriculture and Resources: Yarra Valley Water water and sewerage mains

443. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. What is the anticipated increase in the length of water mains under the control of Yarra Valley Water in 1997-98 and 1998-99.

2. What is the anticipated increase in the length of sewerage mains under the control of Yarra Valley Water in 1997-98 and 1998-99.

3. What is the anticipated number of water quality samples that will be tested by Yarra Valley Water in 1997-98 and 1998-99.

4. What proportion of Yarra Valley Water coliform and faecal coliform samples are expected to exceed minimum guideline standards in 1997-98 and 1998-99.

5. What factors influence the proportion of both these samples in satisfying the guidelines.

ANSWER:

I am informed that the answers to your questions are:

1. 10 kilometres.

2. 1 kilometre.

3. 5,250 samples for 1997-98
   5,662 samples for 1998-99.

4. For 1997-98, the thermotolerant coliform results are expected to show a compliance rate of 99.8% for zero thermotolerant coliforms compared with a target of 95.0% and a compliance rate for no more than 20 total coliforms of 95.5% compared with a target of 90.0%.

   For 1998/99, the expected compliance is again expected to far exceed the minimum licence requirements for these two microbiological parameters.

5. Factors affecting the proportion of samples complying to the guidelines include:

   - Natural regrowth of coliforms that can occur in pipe systems from time to time. Dry hot summers can lead to higher water temperatures that can support bacterial regrowth in pipes.
   - Higher water demands in summer months result in increased flows which can cause sediments in pipes to resuspend which can affect bacterial levels in the water supply.
   - Effectiveness of disinfection and the level of chlorine residual through the distribution system to customer taps can result in increased coliform counts.
   - The completion of works for exempt zones where water quality improvements are being implemented.

Roads and Ports: taxi licences

444. MR ROBINSON — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports:

1. What is the number of taxi licences currently issued by the Government.

2. What is the current market value of a taxi licence and how has this value altered in the past ten years.

3. When did the Government last increase the number of licences on issue.

4. Whether the Government envisages any increase in the number of licenses in the next two years.

5. What is the criteria for determining an increase in licence numbers.

6. What is the procedure for prospective purchasers of new licences issued by the Govern ment.

ANSWER:

1. There are 3882 taxi licences on issue in Victoria.

2. The current market value of a Metropolitan Taxi-cab licence is $258,850. In May 1989 the market value was $140,900.

3. The last increase was for country taxi licences in 1997/98.

Tertiary Education and Training: official duties, 1 May 1998

447. MR ROBINSON — To ask the Honourable the Minister for Tertiary Education and Training, what official duties did the Minister attend to on 1 May 1998.

ANSWER:

On 1 May 1998 I attended to Ministerial business.

Agriculture and Resources: Yarra Valley Water development contribution fees

453. MR ROBINSON — To ask the Honourable the Minister for Agriculture and Resources:

1. On how many occasions prior to announcing its cessation did Yarra Valley Water charge development contribution fees.

2. What has been the total sum collected by Yarra Valley Water through development contribution fees and when was the charge first introduced.

3. Whether Yarra Valley Water will provide a refund of charges collected in view of the decision by the organisation to cease charging development contribution fees.

4. Whether the Government will consider facilitating a refund of charges by Yarra Valley Water in view of the organisation's decision.

5. Whether Yarra Valley Water currently imposes fees not charged by other water companies in Victoria.

ANSWER:

I am informed that the answers to your questions are:

Questions numbered 1, 3, and 4 are not applicable. Yarra Valley Water has not decided to cease charging development contribution fees and has made no such announcement.

2. Information on development contributions is contained in Yarra Valley Water's annual reports. They were introduced on 1 January 1995.

5. Information is not readily available to enable a comparison to be made.

Information technology and multimedia: IT project guidelines

467. MR CAMERON — To ask the Honourable the Minister for Multimedia:

1. Whether he intends to provide guidelines for government departments and local councils on the planning of information technology projects; if so, when.

2. Given that the Department of Information Technology in California has provided such guidelines for that United States of America State and produced what it calls a "Risk Assessment Model" in this regard, whether the Minister will likewise produce a "Risk Assessment Model" for Victoria; if so, when.

ANSWER:

Since 1 January 1995, the government has published and distributed comprehensive IT&T Policy and Best Practice Guidelines regarding IT&T to all budget sector agencies. Local councils and others can access these on the Multimedia Victoria website at http://www.mmv.vic.gov.au. Relevant policies are extracted below; those dealing with strategies for risk assessment and management, are denoted by an asterisk.

IT&T Policy Number	IT&T Policy and Best Practice Guideline	Publication Date
01	IT&T Management Framework Policy	1 January 1995
03	Business Systems Contingency Policy*	1 January 1995
04	Post Implementation Review Policy	1 January 1995
05	Systems Life Cycle Policy	1 January 1995
06	Planning Policy	1 January 1995
09	Business Process Re-engineering Policy	1 January 1995
13	Outsourcing Policy*	1 January 1995
14	Information Security Policy*	1 October 1995
17	Government Information Technology Conditions (GITC) Policy	1 January 1995
23	Product & Service Evaluation Guidelines*	1 December 1995
25	Year-2000 Policy	1 July 1996
n/a	Getting Value from Your Information Technology : Guide and Key Questions Checklist	18 May 1995

Transport: Mitcham railway stations

471. MR ROBINSON — To ask the Honourable the Minister for Transport:

1. What are the hours of operation of public toilet facilities at the Box Hill, Laburnum, Blackburn, Nunawading, Mitcham, Heatherdale and Ringwood railway stations, respectively.

2. Whether the hours of operation of toilet facilities at the above stations have changed since 1993; if so, how.

3. Whether the Government has any plans to further alter operating hours of public toilets at the above stations.

ANSWER:

1. & 2. The hours of operation of toilets at stations between Box Hill and Ringwood are as follows:-

Box Hill	**Prior to 1993**	**Present**
	Shared shopping centre toilet facilities during shopping hours.	
Laburnum	**Prior to 1993**	**Present**
	Monday to Friday	Closed
	6.15am to 2.15pm	
	Saturday & Sunday	"
Blackburn	**Prior to 1993**	**Present**
	Monday to Friday	First train to last train
	4.40am to 12.50am	seven days a week
	Saturday	"
	4.50am to 12.00am	
	Sunday	"
	7.40am to 11.00pm	
Nunawading	**Prior to 1993**	**Present**
	Monday to Friday	Monday to Friday
	5.40am to 8.40pm	6.00am to 2.00pm
	Saturday	Saturday
	6.00am to 10.00pm	8.00am to 4.00pm
	Sunday	Sunday
	7.45am to 11.15pm	closed
Mitcham	**Prior to 1993**	**Present**
	Monday to Friday	First train to last train
	4.40am to 10.00pm	seven days a week
	Saturday	
	5.00am to 9.00pm	
	Sunday	
	7.45am to 10.00pm	
Heatherdale	**Prior to 1993**	**Present**
	Monday to Friday	closed
	5.40am to 4.00pm	
	Saturday	"
	5.10am to 9.00pm	
	Sunday	"
	7.40am to 3.40am	
Ringwood	**Prior to 1993**	**Present**
	Monday to Friday	First to last train
	3.50am to 1.10am	seven days a week
	Saturday	
	4.30am to 1.10am	
	Sunday	
	7.00am to 12.30am	

3. There are no immediate plans to alter the availability of toilet facilities at these stations.

The policy of Hillside and Bayside Trains is to provide public toilet facilities at Premium and staffed stations. The unfortunate reality is that toilets located in the relative isolation of a station platform are often vandalised to the point where they are of no benefit to public transport patrons and are very costly to maintain. As a result, the practice of having toilets open at stations where there is no staff member on duty was discontinued some years ago by our predecessors in Government, including the term of the former Labor Government in Victoria.

The number of stations which have Premium Station status throughout the metropolitan area has increased substantially under the Coalition Government.

Transport: automatic ticketing

477. MR ROBINSON — To ask the Honourable the Minister for Transport:

1. How many refunds have been issued by Onelink Transport Systems Pty Ltd to public transport commuters for automatic ticket systems failures up until 31 August 1998.

2. What has been the total value of refunds issued.

3. Whether the State Government — (*a*) bears any of the cost of refunds issued by One Link Transport System Pty Ltd; and (*b*) if so, what is the cost.

ANSWER:

Up until 31 August 1998, Onelink Transit Systems Pty Ltd have issued 6,998 refunds to public transport commuters due to Automated Ticketing (AT) system equipment malfunctions at a total value of $43,545.98.

Onelink Transit Systems Pty Ltd bears the cost of any refund claims made by public transport commuters due to AT equipment malfunctions.

Roads and Ports: TAC advertising budget

485. MR ROBINSON — To ask the Honourable the Minister for Transport, for the Honourable the Minister for Roads and Ports:

1. What has been the total advertising budget of the Transport Accident Commission since 1 January 1995.

2. What amount of sponsorship has been provided to Australian Football League (AFL) Clubs and the AFL by the Transport Accident Commission since 1 January 1995.

ANSWER:

I am unable to provide a response as this does not fall within my portfolio responsibilities.