Tuesday, 25 May 1999

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

QUESTIONS WITHOUT NOTICE

Gas: Longford explosion

Mr BRACKS (Leader of the Opposition) — I refer the Premier to the fact that the Victorian Parliament sits less than any other Parliament in Australia, and to the fact that the Longford royal commission final report detailing the cause of the Longford gas explosion and the June ice blockage is due to be handed down on 30 June. Given that the commission's findings are of critical importance to all Victorians who use gas and who work in hazardous workplaces, will the Premier support Labor's call for Parliament to be recalled to debate the commission's recommendations?

Mr KENNETT (Premier) — For a moment I thought we would see a new opposition for the last week of the sitting.

The Victorian Parliament sits for less time than some other parliaments for two reasons. The first is that both the government and the Parliament are more efficient. The second is that the test of a government should not be the number of hours it works but how it works them. It was obvious at the commencement of the autumn sessional period that the government did not have a great deal of legislation to be passed. It is not appropriate for Parliament to sit if there is no work to be done. Parliament will sit as long as is needed.

The third issue raised by the Leader of the Opposition was the royal commission's report, which is due by the end of June. The government is taking steps to ensure that when the report is delivered to the Governor it will then be presented to you, Mr Speaker, to receive the privilege of the Parliament before release.

Mr Loney — It is a report to the Parliament.

Mr KENNETT — The honourable member for Geelong North is very astute; it is a report to the Parliament. I am continually impressed with the intellectual rigour that comes from the other side of the chamber, particularly that of the honourable member for Geelong North. The report will be made public. As is always the case with a judicial inquiry the government will take whatever action is necessary. The report may then be debated during the spring sessional period.

Werribee sewage treatment plant

Mr THOMPSON (Sandringham) — Will the Minister for Agriculture and Resources advise the house of the steps taken at the Western treatment plant to further improve the health of Port Phillip Bay?

Mr McNAMARA (Minister for Agriculture and Resources) — Together with Melbourne Water and the CSIRO the government has just completed a five-year study on the problems of nutrient levels in Port Phillip Bay and the management of the Werribee treatment plant. I am delighted to announce that Melbourne Water will invest $120 million to upgrade the treatment plant. That is the largest capital investment in the plant since its establishment in 1892. The plant caters for some 1.5 million people in the metropolitan area and more than half the industrial waste. It is the largest sewage treatment plant in Australia. It covers some 11 000 hectares and provides a vital service.

The program involves covering two treatment ponds to enable methane to be harvested and used for the generation of electricity. The significant reduction in odour emissions will benefit the local community. Greater use can be made of the plant's water for agricultural irrigation purposes, something the government is encouraging all authorities to do. It is an internationally renowned wetlands with an environmental rating, and all the programs are carried out in conjunction with the criteria set by the Minister for Conservation and Land Management to ensure that the area is protected.

The plant is a vital piece of Victoria's infrastructure. As in all areas of government the Kennett government continues to ensure that vital infrastructure is maintained and that money is invested to ensure that standards are equal to any in the world. I am sure even the opposition would welcome the announcement as being good news and beneficial for Victoria.

Austin and Repatriation Medical Centre

Mr THWAITES (Albert Park) — I refer the Premier to the Austin hospital's appeal to the Supreme Court against the decision of the Victorian Civil and Administrative Tribunal to release documents about its privatisation. Last week the hospital announced that it would not appeal because it had received legal advice that an appeal would be unsuccessful. Will the Premier confirm that the hospital has been pressured by the Minister for Health against its wishes and against legal advice to lodge an appeal because of the government's desperation to keep all details about hospital privatisation secret until after the next state election?

Mr KENNETT (Premier) — When I visited the electorate of the honourable member for Albert Park today I saw that during my government's six and a half years in office the area has grown considerably and looks most attractive. I thank the honourable member for Albert Park for the support he gives the government to develop the area. I cannot confirm what the honourable member for Albert Park asked me to confirm.

I understand opposition members have a lower standard than the government, but when one is in government it is important to provide confidentiality to those who want to work with government. It is a necessary and normal part of business. It happened under the previous government, it happens under this government and it will happen for many years to come, even under a Labor government. The process involves safeguards and protections being put in place, and the government upholds that process.

Homelessness

Mr TRAYNOR (Ballarat East) — I ask the Minister for Youth and Community Services to inform the house of any action being taken to further support the needs of homeless people in the community.

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the honourable member for Ballarat East for his question and for his ongoing good service to the people of his electorate and the wider community, particularly people with additional needs.

On 20 May both the *Herald Sun* and the *Age* published some disturbingly incorrect information about the number of people who are homeless or at risk of being homeless. The articles suggested that 49 000 adults and children were homeless in Victoria and reported that Victoria had the highest rate of homelessness in Australia.

Honourable members interjecting.

Dr NAPTHINE — They were clearly wrong!

Susan Campbell, the chief executive officer of the Society of St Vincent de Paul, and Tony Nicholson, the chief executive officer of Hanover Welfare Services, correctly point out in their letter that appeared in today's *Age* that the incorrect information that appeared in those newspapers reflects the significant misunderstanding of both the newspapers and the journalists of the Australian Institute of Health and Welfare 1997–98 annual report on homelessness. The figure of 49 000 represents the number of people who were assisted by supported accommodation and assistance services across Victoria, not the number of homeless people. Those services are non-government agencies that are funded under the supported accommodation assistance program (SAAP), a joint federal–state initiative to provide accommodation and support for people who are homeless or at risk of homelessness.

As Ms Campbell and Mr Nicholson point out in their letter, Victoria leads Australia in the provision of more and better services for people who are homeless or at risk of homelessness. It is recognised by the Victorian Council for Homeless Persons, whose representatives I met with this morning, and the relevant agencies that Victoria leads Australia in the provision of those services in two respects: the quality of services provided and, most importantly, the quality of the agencies that are funded through SAAP. Those services are the best in Australia, in that they are able to assist people to move into transitional housing and permanent accommodation so that they can live independent and high-quality lives instead of being stuck in a cycle of homelessness. The figure of 49 000 that appeared in the Australian Institute of Health and Welfare report highlights Victoria's enormous success in providing services to people who are homeless or are at risk of homelessness.

I am pleased to advise the house that, with the help of the Minister for Housing, it has been possible over the past seven years to ensure that Victoria's night shelter services have undergone an absolute transformation from the old outmoded, inappropriate and inhumane shelters that were characteristic of the 1950s and 1960s and remained largely unchanged for the term of the Labor government. They have been completely transformed under this government with the building of the new Hanover House in Southbank, Ozanam House in North Melbourne and Flagstaff Crisis Accommodation in West Melbourne, which replaced the former Gill Memorial Home.

Mr Thwaites interjected.

Dr NAPTHINE — The Deputy Leader of the Opposition says it is federal money; that shows his ignorance and misunderstanding of SAAP. SAAP is jointly funded by both the state and federal governments, and Victoria has allocated additional funds for redevelopment on top of that funding. More and better quality beds are now available for people in need. The government has a good track record in transferring people who are experiencing short periods

of homelessness from overnight accommodation into good quality, transitional housing.

I take the opportunity to refer to the excellent work of the Winteringham hostel. The Minister for Housing has greatly assisted in the development of high-quality hostels for people who would otherwise be homeless.

Victoria can be proud of having the best homelessness services in Australia. The government has a positive working relationship with the many agencies involved in homelessness programs. The term of the SAAP agreement is now coming to an end, and the government looks forward to continuing that important program for the next five years under the new SAAP agreement.

The letter from Susan Campbell and Tony Nicholson that appeared in today's *Age* states:

> Recent reports suggesting that Victoria has the highest number of people who experience homelessness in the nation are incorrect and highly misleading.
>
> They are based on a misreading of the recently released annual report on national data concerning homelessness. The figures count the number of people who use services. They demonstrate that Victoria performs substantially better than other states, both in the numbers of people provided with service and the intensity of the service they receive.

Victoria can be very proud of those services.

Wonthaggi: respite care

Ms DAVIES (Gippsland West) — I ask the Minister for Youth and Community Services to confirm that he has given a firm undertaking to the Wonthaggi carers group to provide two respite care beds in Wonthaggi to replace the services lost in March of this year and, if so, to tell us exactly when parents can start booking into the service and whom they should contact to make their bookings.

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the honourable member for her question because it enables me to advise the house of the excellent work that has been done by the Honourable Ken Smith in another place. He has been working with the local community to assist in the resolution of a difficult issue. The Honourable Ken Smith arranged for me to meet with a number of the carers referred to in the question during my visit to that area last week. The meeting was productive.

As background, I advise honourable members that Wonthaggi had a community residential unit offering permanent accommodation for people with intellectual disabilities. It also had two beds that were used for respite services. In January those beds were occupied by people who came in for respite and who, due to certain circumstances, were unable to return to their homes. For that reason the beds designated as respite beds continued to be occupied. The department is now seeking to provide appropriate permanent accommodation for those people and so free up the two beds for continuation of respite services. The government will work on that as hard as possible.

The Honourable Ken Smith, who is an effective local member who works closely with the community and is on the board of Moonya, a centre for the intellectually disabled, has made strenuous efforts to resolve the problem. Involvement in such an organisation is a positive role for a local member to play.

A short-term accommodation facility is available on the premises of Moonya. The government has allocated funding to Gippsland Co-Care to provide respite services for people with intellectual disabilities and their families, including in-home and holiday respite and a range of other options. The service is flexible and responsive to the needs of families and individuals. Co-Care is able to use the property at Moonya to provide out-of-home respite, particularly during weekends and school holidays and on other occasions by arrangement with Moonya.

I met with the carers, including a number of parents, from the Wonthaggi area last week. The meeting was positive, and participants gained a firm understanding of the government's commitment to the provision of a range of flexible respite services to meet their in-home and out-of-home needs. They now know they can access such services in Gippsland through Co-Care. In addition, as soon as possible the two respite beds at Whites Road will be freed up and will again be available for respite services.

I thank the honourable member once again for her question without notice, and in particular I thank the Honourable Ken Smith for his excellent work in bringing this matter to my attention.

National Reconciliation Week

Mr TREASURE (Gippsland East) — In view of the fact that National Reconciliation Week will commence on 27 May, one year after the inaugural national Sorry Day, will the minister responsible for Aboriginal Affairs inform the house of any initiatives the Victorian government is taking to further the reconciliation with Aboriginal people?

Mrs HENDERSON (Minister responsible for Aboriginal Affairs) — National Reconciliation Week is a magnificent opportunity for both the indigenous and non-indigenous members of our community to develop mutual respect and understanding.

The Victorian government has a strong commitment to reconciliation. From the perspective of this side of the house, reconciliation is about understanding the historical context of Aboriginal disadvantage and developing policies that are responsive to contemporary needs. In November 1996 an important motion on racial tolerance was passed by this house. In September 1997 the Premier moved a very important bipartisan motion, a motion of apology to Aboriginal people, particularly to families whose children had been forcibly removed.

The government's responses to the Human Rights and Equal Opportunity Commission Report entitled *Bringing Them Home* have included a number of important family support and reunion initiatives. Koori services required some review and restructure, and I am delighted to say that the Koori services improvement strategy, which we launched recently, constitutes a further process of reconciliation. The aim of the strategy is to improve the health and social wellbeing of Aboriginal people.

The budget recently introduced into this house provides, I am pleased to say, substantial funds for a program called Intrain, which is a scholarship initiative for young Aboriginal people designed to assist them to continue their secondary and tertiary education and to become skilled and experienced members of our work force, particularly in the Department of Human Services. I am pleased we now have some 20 trainee positions for Aboriginal people in the Department of Human Services, because it is from there that Aboriginal people are delivering services to their own people.

A government member interjected.

Mrs HENDERSON — I certainly hope the honourable member for Morwell would support us in these endeavours and that the opposition will support National Reconciliation Week.

The government has committed just over $1 million to the Cultural Heritage program, which will promote understanding and appreciation of Victoria's rich cultural heritage. The program will protect and manage the state's important sites and places, such as the rock art sites, and the shell midden just out of Merbein, which is some 18 000 years old. The government has shown a clear commitment to reconciliation through its policies and capital expenditure initiatives. National Reconciliation Week, which begins in the next few days, will provide an opportunity for the whole community — indigenous and non-indigenous — to work together to celebrate the rich Aboriginal cultural history of the state.

Prisons: contracts

Mr HAERMEYER (Yan Yean) — I refer the Minister for Corrections to last Thursday's decision by the Victorian Civil and Administrative Tribunal to order the release of the private prison contracts for the Port Phillip, Deer Park and Fulham prisons. Will the minister give an assurance that the government will abide by the umpire's decision and not run to the Court of Appeal in order to keep secret the private prison contracts until after the next state election, as it has done with the casino tender process, the Bairnsdale nursing home and the Austin hospital?

Mr W. D. McGRATH (Minister for Corrections) — In response to the honourable member for Yan Yean, the government has a 28-day period in which to decide whether or not there should be an appeal. It is going through the process of getting legal and departmental advice and will make a decision on whether or not to appeal at the appropriate time.

Dairy industry: brand names

Mr ANDRIGHETTO (Narracan) — Will the Minister for Agriculture and Resources provide the house with details of the government's decision to sell the Victorian Dairy Industry Authority brands and the benefits the decision will have for regional Victoria?

Mr McNAMARA (Minister for Agriculture and Resources) — I am delighted to announce that the Treasurer and I have reached an in-principle agreement to allow the Victorian Dairy Industry Authority to dispose of its brands, which include the Rev, Skinny Milk, Big M and Farmhouse brands. It is important to recognise that they are still dominant brands in the market — Rev has 57 per cent, Skinny Milk has 88 per cent and Big M has 56 per cent of market share. A trademark licence agreement currently in place between Australian Milk Marketing and the VDIA is due to operate until 31 December 2003. Part of the disposal process has been to get AMM to agree to relinquish its licence so the brands can be sold unencumbered. The government has agreed in principle that the funds from the sale of the brands will go into a trust fund to be used to benefit the industry through research, development work and milk promotion.

The milk industry is important to Victoria. Milk is the state's largest food product export, making up some 40 per cent of food exports. Victoria produces about 64 per cent of the milk produced in Australia, something like 90 per cent of which is exported. The proposal will be a good thing as the state moves forward and there is further investment and more importantly further regional employment in the processing industry in Victoria.

Mr Hulls — You are milking this.

Mr McNAMARA — The opposition mocks, but it should be aware that in the past five years Victorian milk production has gone from 4 billion to 6 billion litres. I would have hoped the opposition would welcome the development of a rural industry that is so important to the state.

Rail: privatisation

Mr BATCHELOR (Thomastown) — I refer the Minister for Transport to yesterday's closing of tenders for the sale of Bayside and Hillside trains and V/Line Passenger services and to the Rail Corporation Act, which prohibits the release of all documents about the bids through freedom of information processes. Will the minister give an assurance that the final contractual details, including information about how the public transport system has been sold and the performance criteria that apply, will be released to the public, or will the government once again cloak the contract in secrecy?

Mr COOPER (Minister for Transport) — I am delighted the honourable member for Thomastown has asked a question about the franchising and privatisation of transport services. I have been waiting for the question for quite some time. After the announcement of the privatisation of V/Line Freight, I was delighted to notice that the honourable member for Thomastown and the honourable member for Morwell seemed to have different approaches to the subject. The honourable member for Thomastown condemned the privatisation while the honourable member for Morwell came out and said he supported it.

Honourable members interjecting.

Mr COOPER — I got it! In the *Latrobe Valley Express* of 25 February — —

Mr Batchelor interjected.

Mr COOPER — You like that part? In the *Latrobe Valley Express* the honourable member for Morwell is quoted as saying this was the first time he had ever supported privatisation. The article quotes him and states:

> The country spends too much money on road transport and not enough on rail ...

Listen to this:

> It's in the best interests of the Latrobe Valley community to get heavy traffic off the roads.

The honourable member for Thomastown has said he does not support it and the honourable member for Morwell has said he does! Again the opposition is split asunder. It is the same old Labor Party — there are no changes, it does not know its elbow from its backside. Opposition members haven't got a clue.

As to the thrust of the honourable member for Thomastown's question, the appropriate time for him to ask it would be when the privatisation process has concluded. Announcements will then be made. The process will be concluded in the coming month and I would then be delighted to acknowledge his question and provide him with a detailed answer.

Rail: south-western Victoria

Mr PATERSON (South Barwon) — Will the Minister for Transport inform the house of the government's commitment to railway infrastructure in south-western Victoria?

Mr COOPER (Minister for Transport) — I thank the honourable member for South Barwon for asking this much more difficult question, and for his ongoing interest in south-western Victoria and the government's initiatives in that part of the state, particularly in relation to transport. Reference to three government initiatives will satisfy the honourable member's question.

Firstly, track welding on the Warrnambool line has been commenced and is due to be completed in March 2000. The contract for the welding, which involves 15 000 welds, was awarded to John Holland Construction and Engineering Pty Ltd. The upgrade of the broad gauge track between South Geelong and Warrnambool is very necessary. The government made a commitment to do it before the last election and is, of course, now keeping its commitment, as one would expect. That is in stark contrast to the former Labor government, which did not undertake any work on the Warrnambool line and instead set out to close it! The government turned that situation around.

Passenger services on the Warrnambool line are now operated by West Coast Railway. Patronage on the line has increased, and the lift in service levels has been

commented on not only by local people but by the local media in the Warrnambool and Geelong areas. On a number of occasions the honourable member for Warrnambool has said how proud he is of the government initiative on that line. The track welding on the Warrnambool line is a major project for south-west Victoria. It is an initiative of which the government is very proud and which will significantly improve the rail service to Warrnambool.

Another initiative for south-west Victoria involves the standard gauge line between Pura Pura and Maroona. That section of interstate track was dubbed the worst in Australia because the Keating government failed to provide the necessary funds to upgrade it under its One Nation standardisation program. The Keating government left the line half completed, saying that somebody else could pick up the responsibility. Interstate freight trains to Adelaide were forced to travel at the low speed of 80 kilometres per hour along that section of track, which added at least an hour to the journey times.

The state government decided to do something about it. I allocated $12 million to fund the installation of 70 000 concrete sleepers along that section of track in western Victoria between Pura Pura and Maroona.

Mr Batchelor interjected.

Mr COOPER — I know it is disorderly, Mr Speaker, but I have to respond to the interjection from the honourable member for Thomastown, who asked why it took so long. A representative of the Labor Party made that criticism even though it was a federal Labor government that half completed the job, would not go on with it and left it to the Kennett government and the Howard federal government to complete! The Howard government has chipped in $8 million to fund the replacement of 90 kilometres of 60-kilogram track. That is the difference between Labor governments and coalition governments in this state and in Canberra: coalition governments get the job done and do not leave it half completed as Labor did.

The job is being done in part by Transfield Maintenance, which is employing 60 people on the site, 25 of whom are from the Ararat area in the electorate of the honourable member for Ripon. The initiative was not the responsibility of the state government, it was the responsibility of the previous Labor federal government. However, the Kennett government got on with the job, and in so doing has created jobs in country Victoria.

Last but certainly not least — —

The SPEAKER — Order! The minister has now been going for more than 4 minutes.

Mr COOPER — Last but not least, on Sunday — —

Mr Thwaites interjected.

Mr COOPER — The Deputy Leader of the Opposition says this is boring. That shows how interested he is in country Victoria. He is not interested, and he continues to show it. The Leader of the Opposition should be embarrassed by him. You should be embarrassed by him!

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to address the Chair.

Mr COOPER — The North Shore Geelong standard gauge platform was officially opened on Sunday by me and the honourable member for Geelong, the Minister for Housing. It is a 55-metre platform that allows the Overland train service operated by Great Southern Rail to stop in Geelong. The $130 000 project, which was completed in late April, includes shelter ramps, lighting and safety fences. It enables tourists travelling from Adelaide to Victoria to get off at Geelong rather than having to go to Melbourne and make the journey back to Geelong on a broad gauge service.

The SPEAKER — Order! The minister has been going for 6 minutes. I believe he is now reading the details of his answer, which he may seek to incorporate.

Mr COOPER — Mr Speaker, I am certainly not reading. I was about to say that those three projects show the government's genuine commitment to south-west Victoria.

Casino: bidding process

Mr HULLS (Niddrie) — I refer the Premier to the appeal by his department against the order of Judge Wood to release documents relating to what the government knew of the bids for the casino licence and to the fact that the government has been fighting the application for three years. Will the Premier finally agree to release details of his personal involvement in the tender process, which led to his mates winning the right to operate Melbourne's monopoly casino, or will he continue to breach the spirit of the Freedom of Information Act by spending hundreds of thousands of taxpayers' dollars on his obsession with secrecy and covering up the truth?

Mr KENNETT (Premier) — I have just had a slight feeling of deja vu listening to the great strategy man from the ALP. Those are the same questions he was asking in 1996, are they not? This is meant to be — —

Honourable members interjecting.

The SPEAKER — Order! I will not allow question time to continue while there is a barrage of interjections. The opposition has asked the question; opposition members, including the honourable member for Keilor, should have the courtesy to listen to the answer.

Mr KENNETT — There has been a fair amount of expectation that with yet another change of Labor Party leader would come a new direction. The fact that the honourable member for Niddrie has turned the clock back three and a half years by again asking questions he was asking then, even though they have been continually rejected by the public, together with the fact that he is attempting to prove up some unacceptable involvement by the government when along the way he had the opportunity of making a submission to the Senate inquiry but did not do so because he had no proof, again proves why the opposition is so absolutely irrelevant to the people of Victoria.

Victims Referral and Assistance Service

Mr ASHLEY (Bayswater) — Will the Attorney-General advise the house whether the Victims Referral and Assistance Service is meeting its targets in assisting victims of crime?

Mrs WADE (Attorney-General) — I thank the honourable member for his important question. It is essential that the needs of victims of crime in this state are met. That was neglected in the past, but the government is doing very well — —

Mr Hulls interjected.

The SPEAKER — Order! The honourable member for Niddrie will withdraw that unparliamentary expression.

Mr Hulls — I withdraw.

Mrs WADE — I am surprised that even his mum could love him!

I am pleased to report to the house that the Victims Referral and Assistance Service is more than meeting its targets. Its Helpline has a target of assisting 25 000 victims of crime each year. I contrast that with the previous system, under which about 8000 victims were assisted each year.

The service has already received approximately 24 500 calls this year and will more than meet its target by the end of the year. It refers victims of crime to a range of different services and provides free counselling for up to 10 sessions. It has a target of 418 completed courses of counselling each month. During March, 574 people completed counselling courses, and the figure for April was 564.

A victim assistance program that is run throughout the state is one of the other services funded through the victims referral system. A combination of paid staff and volunteers provide whatever services victims need. There is a wide range of services to which I would have thought opposition members would be interested to refer their constituents. The paid staff and volunteers perform services such as taking shopping people who may have lost their confidence as a result of an assault.

Honourable members interjecting.

The SPEAKER — Order! Opposition members may think this is a trivial matter but it may be important to many people. Honourable members should have the courtesy to let the Attorney-General give her answer without constant interruption.

Mrs WADE — The service will provide somebody to attend a trial with a victim who requires assistance in that regard. Recently I heard of a case where a person was assisted to travel from Mildura to Melbourne. A volunteer in Melbourne took the victim to the trial, sat through the trial and then took the elderly woman shopping before putting her on the train back to Mildura, where she was met by another service volunteer.

Opposition members may not be impressed but it is a valuable service that is fulfilling the needs of individual victims. The service continually receives phone calls from people who have received compensation under the old system but who had no access to services. Those people are now saying they got no real value from the compensation and require access to services that are currently available. Opposition members do not appear to appreciate that compensation is still available for expenses resulting from the crime, for loss of earnings and for family members of victims of homicide. In certain circumstances damages are available from offenders.

Honourable members on this side of the house, but apparently not opposition members, may be interested in a pilot program that started at the Melbourne

Magistrates Court recently. It provides a support officer who is funded by the victims referral service to assist victims of family violence in a range of different ways.

Mr Hulls interjected.

The SPEAKER — Order! If the honourable member for Niddrie interjects again I will name him forthwith. The Speaker's fuse is getting a bit short in relation to behaviour in this last sitting week. I ask honourable members who ask questions to allow ministers to answer them without a constant barrage of interjection.

Mrs WADE — I pay tribute to the Honourable Judith Dixon, a former Labor member in another place, who runs the victim referral service and is doing an excellent job. The service is responding in a variety of ways to particular victims. A recent situation illustrates the way in which the service deals with people from different cultures. It has been assisting the Laotian community to provide a ceremony called Calling of the Soul for a Laotian victim who did not want to access the counselling service.

All honourable members should be aware of the service. It provides for the various and particular needs of victims. I am confident that honourable members who refer their constituents to it will get back very good reports.

PETITIONS

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

Wangaratta: dental services

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 call upon the state government of Victoria to provide sufficient funding to ensure that those on the waiting list for public dentistry in Wangaratta can be treated within a reasonable time.

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

By Mr THWAITES (Albert Park) (433 signatures)

Austin and Repatriation Medical Centre

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

This petition of certain residents of the state of Victoria expresses their great concern that funding shortages have meant that the Austin and Repatriation hospital has had to cancel elective surgery for two months, as well as other cuts to health services provided to the community.

Further we are seriously concerned about the decision by the state government to privatise the Austin and Repatriation hospital. Privatisation puts public health care at risk. It will act as an incentive for the Austin Repatriation to treat patients for profit rather than according to need.

Your petitioners therefore pray that the state government acts on this request for more funding for the Austin Repatriation hospital and that the state government reconsiders its decision to privatise the Austin Repatriation hospital.

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

By Ms GARBUTT (Bundoora) (1379 signatures)

Home loan schemes

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

The humble petition of the following residents to the state of Victoria sheweth, state government sponsored home loan schemes under the flawed new lending instrument called capital indexed loans sold since 1984–85 under the subheadings: Capil, deferred interest scheme (DIS), indexed repayment loan (IRL), home opportunity loan scheme (HOLS), shared home opportunity scheme (SHOS), are not fit for the purpose for which they were intended.

We the undersigned believe these loans are unconscionable and illegal and have severely disadvantaged the low-income-bracket Victorians the loans were meant to assist.

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised 'affordable home loans specially structured to suit your purse';
2. the home ownership be achieved within 25 to 30 years from date of approval;
3. the payments to be set at an affordable level (i.e. 20 to 25 per cent of income for the duration of the term for all the loan types;
4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faulty structured loans;
5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;
6. the interest rate will be at an affordable rate (i.e. flat rate of 3 per cent per annum or less for the length of the term of the loan) geared to income;
7. capital indexed loans be made illegal in this state to protect prospective loan recipients.

We ever pray that we may lead a quiet and peaceable life in all godliness and honesty (1 Tim 2:2).

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

By Mrs WILSON (Dandenong North) (60 signatures)

PANCH site

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 note the commitment of the state government to provide continuing health services on the Preston and Northcote Community Hospital site and that PANCH is a community asset.

Your petitioners therefore pray that the government make no decision on the site without consultation and agreement of the community.

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

By Mr LEIGHTON (Preston) (6476 signatures)

Laid on table.

Ordered that petition presented by honourable member for Preston be considered next day on motion of Mr LEIGHTON (Preston).

FEDERAL–STATE RELATIONS COMMITTEE

Register of specific purpose payments

Mr JOHN (Bendigo East) presented report, together with appendices.

Laid on table.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Mr RYAN (Gippsland South) presented *Alert Digest* No. 5 of 1999 on:

Appropriation (1999/2000) Bill
Appropriation (Parliament 1999/2000) Bill
Australia Acts (Request) Bill
Commonwealth Places (Mirror Taxes Administration) Bill
Crimes (Criminal Trials) Bill
Electricity Industry Acts (Further Amendment) Bill
Estate Agents (Amendment) Bill
Fair Trading Bill
Financial Sector Reform (Victoria) Bill
Food (Amendment) Bill
Freedom of Information (Amendment) Bill
Gas Industry Acts (Further Amendment) Bill
Interactive Gaming (Player Protection) Bill
Longford Royal Commission (Report) Bill
New Tax System Price Exploitation Code (Victoria) Bill
Police Regulation and Firearms (Amendment) Bill
Prostitution Control (Amendment) Bill
Rail Corporations and Transport Acts (Amendment) Bill
State Taxation Acts (Amendment) Bill
Water Acts (Amendment) Bill
Year 2000 Information Disclosure Bill

together with appendix.

Laid on table.

Ordered to be printed.

Annual report

Mr RYAN (Gippsland South) presented sixth annual report, together with appendices.

Laid on table.

Ordered to be printed.

Subordinate legislation

Mr THOMPSON (Sandringham) presented 11th report concerning statutory rules series 1998, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Financial Management Act 1994 — Report from the Minister for Health that he had received the 1997–98 Annual Report of the Osteopaths Registration Board of Victoria

Melbourne City Link Act 1995 — Orders pursuant to section 8 (4) increasing the Project Area (two orders)

Planning and Environment Act 1987 —

Notice of approval of the new Golden Plains Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Bayside Planning Scheme — Nos. L11, L23

Brimbank Planning Scheme — Nos. L67, L71

Darebin Planning Scheme — No. L69

Doncaster and Templestowe Planning Scheme — Nos. L132, L140

Frankston Planning Scheme — No. L92

Greater Geelong Planning Scheme — No. R239

Hume Planning Scheme — No. L60

Knox Planning Scheme — No. L174

Maroondah Planning Scheme — Nos. L25, L31

Mitchell Planning Scheme — No. C1

Stonnington Planning Scheme — No. L76

Whitehorse Planning Scheme — No. L48

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the welfare of horses competing at bush race meetings

Statutory Rules under the following Acts:

Road Safety Act 1986 — S.R. No. 54

Transport Act 1983 — S.R. Nos. 53

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos. 53, 54.

ROYAL ASSENT

Message read advising royal assent to:

18 May

Education Acts (Amendment) Bill
Fair Trading Bill
Fair Trading (Inspectors Powers and Other Amendments) Bill
Rural Finance (Amendment) Bill
Sentencing (Amendment) Bill
State Trustees (State Owned Company) (Amendment) Bill
Surveillance Devices Bill
Water Acts (Amendment) Bill

25 May

Local Government (Melbourne City Council Rates) Bill
The Constitution Act Amendment (Amendment) Bill

NOTICE OF MOTION

Liquor Control Reform (Amendment) Bill

Mr HAERMEYER (Yan Yean) — By leave, I move:

That I have leave to bring in a bill to amend the Liquor Control Reform Act 1998 to correct a loophole relating to the limit on the proportion of packaged liquor licences that can be held by any person, body corporate or related entities, and for other purposes.

Leave refused.

BUSINESS OF THE HOUSE

Sessional orders

Ms KOSKY (Altona) — I desire to move, by leave:

That the sessional orders be amended as follows:

1. Paragraph 1 be omitted and the following paragraph inserted in place thereof:

   '1. Unless otherwise ordered, the house shall meet on Tuesday, Wednesday and Thursday on the following basis:

   (1) Mr Speaker to take the chair at 2.00 p.m. on a Tuesday and at 9.30 a.m. on a Wednesday and Thursday.

   (2) The house shall not suspend business for the purposes of a lunch break on any day.

   (3) Any division called for in the house between 1.00 p.m. and 2.00 p.m. on any day shall stand deferred until after the conclusion of oral questions that day.

   (4) The house shall rise at 8.15 p.m. each day'.

2. Paragraph 5(1) be amended by omitting '10.00 p.m.' where twice occurring and inserting '7.30 p.m'.

Leave refused.

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 6.30 p.m. on Friday, 28 May 1999:

Ambulance Services (Further Amendment) Bill

State Taxation Acts (Amendment) Bill

Prostitution Control (Amendment) Bill

Crimes (Criminal Trials) Bill

Freedom of Information (Amendment) Bill

Interactive Gaming (Player Protection) Bill

Food (Amendment) Bill

Australia Acts (Request) Bill

Rail Corporations and Transport Acts (Amendment) Bill

Electricity Industry Acts (Further Amendment) Bill

Gas Industry Acts (Further Amendment) Bill

Commonwealth Places (Mirror Taxes Administration) Bill

Marine (Amendment) Bill

Longford Royal Commission (Report) Bill

The sitting arrangements for the week will be the same as in the previous week's sitting — that is, the house will sit until 11.00 p.m. on Tuesday and Wednesday, on Thursday I propose the house will most likely adjourn earlier, and on Friday it will sit from 10.00 a.m. until 6.30 p.m. The effect of the program is that there will be approximately 28 hours of debating time, which, as honourable members know, in a normal week is around 14½ hours, and with only 14 bills more than normal time is being given for debate this week.

Normally around 9 bills a week would be dealt with, and 14 bills is well under the norm, given the additional time. Therefore, one might argue that additional bills could be added to the program and it would have little or no effect. I believe the government has provided the additional sitting time that is appropriate to debate the slightly larger than normal number of bills.

Mr BRACKS (Leader of the Opposition) — The opposition will oppose the government business motion. There is inadequate time to discuss 14 bills plus other matters. The Leader of the House omitted to say that on Wednesday morning we are likely to have two Auditor-General reports tabled in the house, one on ministerial portfolios and the other on private prisons — a matter of key public concern. That is why we should have additional time for debate this week, not only for the bills but also for the two Auditor-General reports. In addition, the Premier said at question time that there is insufficient time to bring back the Parliament to have the royal commission report into the Longford gas disaster tabled in Parliament and debated by both sides of the house in a parliamentary sitting.

It would have been logical to have had a sitting day at some time in the future, say six or seven days after the government's receipt of the Longford royal commission report.

The national day of reconciliation, known as the sorry day, is approaching and as there is precedent it would be appropriate and sensible to have a special parliamentary sitting day, ideally some time next week, to enable honourable members who wished to do so to express their support for Aboriginal reconciliation and to say sorry for what happened in previous generations.

The 14 bills on the program deal with some key topics of discussion Victorians want to know about. The Freedom of Information (Amendment) Bill places limits on freedom of information processes and restricts publication of the names of public servants. Other important areas dealt with are food, railways, electricity, gas, the Australia Acts (Request) Bill on the republic, and the Longford royal commission report.

I will summarise the issues the house should be debating and discussing this week, next week and the week after. Firstly, there is the question of the accessibility and openness of government — and that is what freedom of information is about. The government has chosen to close down Parliament this week because it does not want to provide extra sitting time, does not want to discuss the Auditor-General's report, and wants to restrict freedom of information. Its action will ensure that the issue of open government will not be debated.

Secondly, there is the shoddy preparation of the bill on deregulation of health inspections and hygiene regimes in Victoria under the Food Act. I will not pre-empt debate on the bill, but the issue requires a significant amount of discussion. It is of enormous concern in electorate after electorate, particularly because of the horrendous paperwork that will be required. The bill before the house is probably not the answer and time is needed to debate the issues.

Thirdly, I turn to the privatisation of the rail system. It is unbelievable that although, because of a muck-up by the transport minister, the bill amends 13 acts, it will also be rammed through the house.

Fourthly, the house will debate the gas issue. Last year the government failed in its attempt to prosecute people who cheated on the system by using gas when they should not have used it. Legislation has been introduced to fix the situation in respect of both electricity and gas, yet the house will not be able to discuss the matter properly — a matter that is of profound importance to Victorians.

Finally, there is the dreadful bill that seeks to avoid parliamentary scrutiny by granting the Longford royal commission privilege, without debate.

Why couldn't the government provide more time than one week for debate on those issues? The house is scheduled to debate bills dealing with open government, deregulation of the food industry, privatisation of rail transport, gas emergency measures and the Longford disaster — what an amazing list — yet the government is closing down the sitting and

allowing only one week for debate on them — on issues of major concern to Victorians.

Over the past seven years the government has chosen to nobble the Auditor-General, to restrict parliamentary sitting hours and to make sure that freedom of information is less accessible. The government has pursued and is pursuing those three issues. It is hell bent on ensuring there is not proper discussion on matters of profound importance to the Victorian public.

Mr E. R. SMITH (Glen Waverley) — It is interesting that week after week the house hears the same old arguments about how the government is nobbling the debate. Honourable members have seen already how the opposition responds each time by raising the issue of the extension of sitting hours.

As the Leader of the House said, the house would normally have 14.5 hours to debate nine bills, yet 28 hours are available this week. I cannot understand why the opposition continues to make itself look silly when its arguments are explained to the media and to the public at large. Where are the people who are supposed to be so interested in this debate on time? It is a debate that wastes time. It does not enhance the running of the house.

The Premier has said he wants to be able to release the Longford royal commission report the minute it becomes available because he wants the public to know about it. He does not want to hold it up and waste two weeks recalling Parliament. That would be ridiculous. If as appears obvious the report is delivered during the winter recess — I recall 30 June was mentioned — there is a need for a mechanism by which it can go to the Premier's office and be wheeled out to the media, the opposition and the public, so that everyone can start examining the findings. The opposition is never heard to initiate debate on such subjects; when the media analyses the report and comes up with its findings the public will get the results it is looking for. The opposition does not do its homework adequately.

The Leader of the Opposition said an incredible amount of time was needed to debate the Food (Amendment) Bill. The bill deals with the involvement of local government and is a very narrow bill. There was a lengthy debate on the issue of the period for which debate on the bill should have been adjourned following its second reading, yet the opposition spokespersons on the issue conceded later privately that it is a minor bill and that the opposition is not concerned about its ramifications. The Leader of the Opposition has not been properly briefed by his own side on the ramifications of the bill.

The opposition said it was a bill that would set the world on fire and that it had to be debated over and over. However, when it was pointed out to opposition members that it is only a narrow bill, they conceded. The Leader of the Opposition has again raised the need for time to debate the bill. It is obvious the opposition is in the mess it is because opposition members do not discuss among themselves the relevant issues concerning proposed legislation.

To say adequate time is needed is an example of the sorts of excuses used by the opposition. What is adequate time? Does it involve every honourable member laboriously talking on every bill, hour after hour? No, that would be tedious repetition, as the former Labor government Leader of the House, the Honourable Robert Fordham, used to say. Honourable members on this side never hear anything new from the opposition. All we hear is the same old repetition from speaker after speaker.

An opposition member interjected.

Mr E. R. SMITH — One of the worst offenders is the honourable member for Mitcham. Although he is usually the second or third opposition speaker on bills, he never says anything original. The business program has been designed to process a light legislative program. More time for debate will be allocated if required. However, the bills listed in the program will not require any more than the 28 hours of debating time that has been allocated. On Wednesday morning an opposition motion — —

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

Mr BATCHELOR (Thomastown) — The opposition opposes the government business program because it is designed to keep matters secret, to enable the government to avoid scrutiny, to prevent members of the public from attending Parliament during reasonable hours to find out what is happening, and to prevent the media from reporting on and analysing what is being debated. In other words, the business program is designed to keep everyone in the dark.

That comes as no surprise because it is a tactic the government regularly indulges in. The Kennett government comprises recidivists and troglodytes who live in and like the dark.

Mr Gude interjected.

Mr BATCHELOR — The mere mention of the word 'troglodyte' excites the minister so much that he is salivating! The government hates being scrutinised; it

would prefer Parliament to go away. Why else would the government set a parliamentary timetable for the least number of sitting days of any Parliament in Australia?

The Kennett government holds democracy and the parliamentary process in utter contempt. Government members hate opening their actions up to scrutiny and being held accountable so much that they insist on programs such as the one the opposition is now being asked to support.

The Leader of the House said that 28 hours is enough time to debate fourteen bills — 2 hours of debate per bill. That means that on average the government is prepared to allow only two and a half contributions from the opposition in debates on major legislation. The government regards that as being satisfactory when the house is dealing with detailed, complex and important legislation. It is an absolute disgrace!

The government is clearly trying to break its own record. If there were a category called 'Assaults on democracy' in the *Guinness Book of Records*, the Kennett government would hold the record — and it is going for broke this week. The government relies on keeping the details of legislation secret and preventing members of the public, members of Parliament and the media from having sufficient time, resources and human energy to carry out their work properly.

I make it clear that the opposition wants more productive work to be undertaken by Parliament. It wants more sitting weeks spread over a longer period so more productive work can be carried out, particularly during daylight hours. There is no sensible justification for supporting sitting arrangements that extend into the dead of night, especially when the house is dealing with complex legislation. Those arrangements cannot produce good outcomes, but the government thrives on them. The government wants members to be brain dead when they are trying to deal with complex legislation. That should not be allowed to happen. The Victorian Parliament should be able to deal with matters in the same way as every other Parliament in Australia.

This government is made up of troglodytes who hate the parliamentary process and will do anything they can to undermine democracy in Victoria. The Labor Party does not support that approach, and its members, including me, will vote against the motion.

Mr LEIGH (Mordialloc) — Opposition members, including the honourable member for Thomastown, must be suffering from severe amnesia. I recall that when I sat in the chamber during the years of the Labor government Parliament often sat, with or without the cooperation of the Legislative Council, until 4.30 a.m. The honourable member for Thomastown talks about democracy, yet he was the state secretary of the Labor Party who organised those sitting arrangements. The honourable member for Thomastown says, 'We have to sit more flexible hours'. When it was in government the Labor Party had 10 years in which to implement more flexible sitting hours but did not do so.

I suggest that any member of the public who reads this debate in *Hansard* should think about what happened during the 1985 by-election, because if there is one person in the chamber who should not talk about democracy it is the person who tried to usurp other people's votes during that by-election.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member for Mordialloc is straying into unparliamentary fields. I suggest he withdraw any imputation he has made and stay well clear of casting aspersions on other members.

Mr LEIGH — I am happy to accept your guidance, Mr Acting Speaker, because my understanding of the Nunawading report — —

The ACTING SPEAKER (Mr Richardson) — Order! The Chair has offered guidance in the gentlest possible way.

Mr LEIGH — With the greatest respect, Mr Acting Speaker, the honourable member for Thomastown publicly admitted the facts to which I have referred. I accept your guidance, but I must say I am not casting aspersions on the honourable member. I can obtain a copy of the Channel 10 tape to illustrate the point.

The honourable member for Thomastown referred to democracy and suggested that the government was doing something that is against the interests of democracy, but the most fundamental element of a democracy is citizens casting their votes.

Ms Delahunty interjected.

Mr LEIGH — I suggest to the former *7.30 Report* reporter, the honourable member for Northcote, that she read the *Toorak Times*.

The former Labor government was not cooperative during its term of office. When I was the Opposition Whip the former Labor government would not tell the opposition whether Parliament would sit late into the night. The Kennett government at least provides a program so everyone knows when the housing will be sitting.

In the past few days some honourable members have said it is important for members of Parliament to be able to see their families. I agree with, that but many people work until 8.00 p.m. or 10.00 p.m., and others work night shift. If one compares the hours Parliament sits during the year with the working hours of people on night shift, company executives, firemen and policemen, one realises that we are fortunate that we do not sit late very often. If opposition members want the house to sit longer, they should do something productive instead of simply saying — —

An honourable member interjected.

Mr LEIGH — Parliament sat more often when the Labor Party was in government and the state was bankrupt to the tune of around $32 billion. The clowns who want to comment about it can say what they wish, but the fact is that the government is trying to do the best it can for the Victorian community. The sitting hours proposed by the government are acceptable. Members of the Labor Party are playing silly games. They have nothing better to do because no scandals have surrounded this government.

Ms KOSKY (Altona) — It will come as no surprise to members of Parliament that I oppose the government business program; nor will they be surprised about why I do so. As I said a couple of weeks ago, the sitting hours of this house are not conducive to members of Parliament spending time with their families unless their partners or children stay awake beyond 12.00 a.m.

Honourable members interjecting.

Ms KOSKY — We know how easy it is to be the Minister for Multicultural Affairs, and we know what people say about him from the leaks that have come out of his department.

The government has proposed that the business program should be extended by sitting on Friday, but we all know Parliament should have sat for the extra two weeks that were knocked off the program by the Premier because he said there was not enough legislation to debate. If that is so, why is Parliament sitting the additional hours in the evening and why did it sit last Friday and will it sit this Friday? We all know what it is about — it is about avoiding question time and the proper scrutiny of government.

I will return to the issue of family-friendly working hours. I know ministers have a busy program with longer working hours and country members have a difficult working program given that they have to travel to and reside in Melbourne for the period Parliament is sitting. However, that should not mean that all members of Parliament and the staff at Parliament House should have to suffer being away from their families for that period.

Many newspaper articles have supported changing the sitting hours of Parliament. The writers of those articles have not supported changing the sitting hours merely for my benefit, despite what the Premier would have people believe. They have supported changing the sitting hours for the benefit of all members and the staff of Parliament, as well as for the benefit of potential members who wish to make a contribution in Parliament but cannot do so because they need to spend time with their young children and do not have the support required to be away from their families for long periods. Both the Parliament and all Victorians will be the poorer if sitting hours are not changed and the contributions of members who have young children cannot be heard.

It is a bit rich — to use the Premier's words — for the Minister for Tertiary Education and Training to suggest that this Parliament should not be concerned about having representatives of the highest quality in Parliament, including representatives who may have young children.

Mr Honeywood — On a point of order, Mr Acting Speaker, the honourable member for Altona is citing words that I did not use in the house. She should withdraw the remarks she has dreamed up.

The ACTING SPEAKER (Mr Richardson) — Order! There is no point of order. The minister will have an opportunity to rebut the remarks.

Ms KOSKY — The minister is indeed sensitive.

It is incumbent upon this Parliament to set the scene for other workplaces around the state. I am well aware that, as mentioned by the honourable member for Mordialloc, some people work night shift. It is rare, however, in modern times, for people to work 14 or 15 hours at a stretch. People doing shiftwork do not have to put up with that, and neither should members of this house. It does not make good sense. It does not allow for good decision making or for good processes in the house.

That is not just a women's issue; it is an issue for all members who have children and wish to spend some time with them.

Mr Ryan interjected.

Ms KOSKY — I spoke previously about country members. It is difficult for them, too. No-one should

suffer in this house, including members from the country who have to spend some of their time living in Melbourne.

Mr HONEYWOOD (Minister for Tertiary Education and Training) — The rhetoric of the honourable member for Altona has proven to be empty. Any observant person entering this place will see only five opposition members, which is approximately 15 per cent, present in the house. The motion being debated was moved by an opposition member, but how many of her colleagues are supporting her? Is this the way they support parliamentary democracy?

Mr Batchelor — On a point of order, Mr Acting Speaker, I ask you to bring the minister back to the motion moved by the Leader of the House, which deals with the government business program.

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

Mr HONEYWOOD — The truth hurts. Only 15 per cent of her colleagues are sitting behind her.

Participation is also a part of parliamentary democracy. If members of the public came into this place during working hours they would see that instead of bothering to come in here members of the Labor Party are out getting their directions from trade union headquarters. In debate after debate on bill after bill, this chamber is devoid of Labor representation because Labor members are not interested.

The shadow Minister for Transport said that only 2 hours would be available for debate on any one bill this week. If we had some quality debate coming from the other side perhaps it might be worthwhile sitting longer hours. However, I regularly see speech notes being handed from one Labor member to the other, after which they rise one after the other and repeat word for word the speech delivered by the opposition member who preceded them. You have to wonder about the quality of contributions coming from the diverse expertise on the other side of the house.

Can you imagine, Mr Acting Speaker, the honourable member for Altona as a Minister for Multicultural Affairs? Can you imagine her as a Minister for Tertiary Education and Training? Such a minister attends multicultural affairs functions on an average of 130 nights a year. Can you imagine the type of representation we would get from that hardworking potential minister?

Finally, the report of the Longford royal commission referred to by the Leader of the Opposition will be available to Labor Party members the day it comes out. They will not have to wait for two weeks to look at it; nor will the media. Everyone will have the same opportunity.

House divided on motion:

Ayes, 52

Andrighetto, Mr	McGrath, Mr W. D.
Ashley, Mr	Maclellan, Mr
Burke, Ms	McNamara, Mr
Clark, Mr	Maughan, Mr
Coleman, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perrin, Mr
Dixon, Mr (*Teller*)	Perton, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A. F.
Finn, Mr	Reynolds, 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
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

Noes, 30

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
Cunningham, Mr	Mildenhall, Mr
Davies, Ms	Pandazopoulos, Mr
Delahunty, Ms	Robinson, Mr (*Teller*)
Dollis, Mr	Savage, Mr
Garbutt, Ms	Seitz, Mr
Gillett, Ms	Thwaites, Mr
Haermeyer, Mr	Wilson, Mrs

Motion agreed to.

GAS INDUSTRY ACTS (FURTHER AMENDMENT) BILL

Section 85 statement

Mr STOCKDALE (Treasurer) (*By leave*) — I wish to make an amended statement pursuant to section 85 of the Constitution Act 1975 of the reasons why that section should be altered or varied by a new clause to

be inserted in the bill after clause 34. The new clause would amend section 117A of the Gas Safety Act 1997 so that it applies to section 109 of that act as proposed to be amended by this bill.

Clause 34 of the bill amends section 109 of the Gas Safety Act 1997 to extend the immunity from suit under that section to the Office of Gas Safety and its servants, as well as the director, who is presently covered by the immunity.

The reason for altering or varying section 85 of the Constitution Act 1975 is to ensure that the director and the Office of Gas Safety and its servants acting under the Gas Safety Act 1987 in response to a gas emergency situation are immune from suit. The director and the office and its servants are acting in the public interest. It is vital that those charged with responsibility for safety have the confidence to respond to any emergency free from the risk of personal or corporate liability. These immunity provisions are founded directly in the public interest and in the need to ensure that the persons involved have confidence to protect the public interest.

AMBULANCE SERVICES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 5 May; motion of Dr NAPTHINE (Minister for Youth and Community Services).

The ACTING SPEAKER (Mr Richardson) — Order! I inform the house that it is my opinion that this bill needs to be carried by an absolute majority.

Mr THWAITES (Albert Park) — The opposition does not oppose the bill. However, I wish to make some general comments on matters associated with ambulance services, particularly regional ambulance services.

The bill arises out of the restructuring of the ambulance service. Regional ambulance services have been amalgamated to form one country ambulance service, Rural Ambulance Victoria, which is now based in Ballarat. Under this government regional ambulance services have been hit with cutbacks in resources while the Metropolitan Ambulance Service has had massive increases in resources.

It often surprises people to hear that, far from having cutbacks, the Metropolitan Ambulance Service has received an increase in taxpayer funding of around 289 per cent. One would expect that to have resulted in a corresponding increase in services, with ambulances arriving on time and people no longer having to wait. Unfortunately, that has not eventuated. Despite the millions of dollars spent on Melbourne's ambulance service the response times are no better. In fact, response times today are worse than they were in 1994 prior to the introduction of Intergraph.

An honourable member interjected.

Mr THWAITES — It is interesting that an honourable member opposite says that that is not true. In figures released only a week ago the government said some 94 per cent of ambulances arrive within 16 minutes — 94 per cent. However, in newspaper advertisements in 1994 the government advertised that 95 per cent of ambulances were arriving within 16 minutes.

Honourable members interjecting.

Mr THWAITES — The people opposite are all beating their chests.

I do not say the performance has worsened by much, but with $40 million being poured down the drain of the Metropolitan Ambulance Service I would have expected performance to have improved. The government has wasted $40 million — a 289 per cent increase in taxpayer funding that has gone into the Metropolitan Ambulance Service.

And what is the result? Performance is worse than it was! I would have thought the people who pretend to be such great financial managers would be cringing with embarrassment about the money they have wasted. The money could have been spent on victims of crime instead of being poured down the drain, which is what the departing Attorney-General has done. The money could have been put into having more ambulances on the road, but that has not occurred.

Instead of putting money into the pockets of American companies and shysters like Grant Griffiths, the government should have put the money into more ambulances. What it did instead was to sack ambulance officers! When the government came to office there were about 800 ambulance officers on the road. The government then spent $6 million on voluntary departure packages (VDPs) to get rid of 200, thereby sending experienced officers out of the system. The government has now had to advertise to get them back because the service does not have enough officers. This group of financial geniuses opposite spent $6 million on VDPs to get rid of people whom they are now trying to get back!

However, the government's mismanagement in that case is dwarfed by its mismanagement of the Intergraph contract and the service's financial management system. In 1992–93 total government grants to the Metropolitan Ambulance Service totalled $16 million; this year the government will spend more than $60 million on the service. It has spent an extra $40 million, yet the performance of the service has not improved one jot and response times are worse. What is more, the government claims that somehow the service is meeting the target of responding to 90 per cent of emergency calls within 16 minutes.

The target seems to be getting lower every year, because in May 1994 the Minister for Youth and Community Services said in a memo to coalition MPs that the service was meeting the accepted world standard of responding to 95 per cent of cases within 16 minutes. Although the minister was saying the 1994 target was to get 95 per cent of ambulances to their destinations within 16 minutes, now the Parliamentary Secretary to the Minister for Health and Aged Care says only 90 per cent of ambulances get there on time. The target level is going down by 5 percentage points every four years. By the year 2010 it will be only 50 per cent, and by the time my young son is my age, we will be lucky if ambulances arrive within an hour. That is the way things are going under the government.

The document the Minister for Youth and Community Services sent out is interesting because it clearly states that in March 1994, 97.5 per cent of ambulances were arriving within 16 minutes. That figure is even higher than the government has acknowledged in its advertisements — but the situation is now getting worse. The honourable member for Caulfield is getting closer to the front benches she is now sitting on. Opposition members know she is lobbying hard and using every means available to leapfrog the middle benches, and good luck to her. I hope she does a better job than — —

Mr Rowe — On a point of order, Mr Acting Speaker, I direct your attention to the purposes of the bill, which relate to successor ambulance services, trusts and bequests to the ambulance service. It has nothing to do with Intergraph, response times and the ramblings of the honourable member for Albert Park. Although he has been talking for many minutes, he has touched on everything but the bill.

Mr THWAITES — On the point of order, Mr Acting Speaker, the bill relates to the restructuring of ambulance services, particularly the restructuring of regional ambulance services, and the resources available to them. It is impossible to talk about the bill and the resources available to regional ambulance services without giving a picture of the government's overall resourcing of the ambulance service. I am pointing out that so much money has been wasted on the Metropolitan Ambulance Service that the regional ambulance services are underfunded and under-resourced.

Dr Napthine — The point of order is valid, Mr Acting Speaker. The Deputy Leader of the Opposition is misrepresenting the bill by saying it is about resources for ambulance services. It is a simple bill that seeks to ensure that people who leave money in trust for ambulance services have their wishes fulfilled by allowing trusts to pass the money on to restructured ambulance services. It is not about the resourcing or operation of ambulance services.

Mr Brumby interjected.

Dr Napthine — The honourable member for Broadmeadows is displaying his ignorance of the bill, which he obviously has not read. As I said, the bill is a simple measure that provides for the reshaping of ambulance services to ensure that people who leave money in trust for those services can have their wishes fulfilled. A legal mechanism in the bill enables the people who manage the trusts to distribute the money to the successor ambulance services. It is not about the operation or funding of or subscriptions to ambulance services; it is a simple, narrow measure that ensures that moneys held in trust for ambulance services can be used by the trustees of the bodies that now run the ambulance services in rural Victoria that are the successors in law to the former regional ambulance services and the localised ambulance services that were abolished many years ago.

The bill tidies up a number of issues to provide clarity and certainty for those who manage bequests and trusts. As I said, it is not about ambulance services per se. Although the lead speaker for the opposition is given some latitude, Mr Acting Speaker, it is appropriate that you ensure that he relate his remarks to the bill before the house rather than indulging in a general debate on ambulance services in toto, be they rural or metropolitan.

The ACTING SPEAKER (Mr Richardson) — Order! It is an established custom in this place that the lead opposition speaker on a bill has the capacity to range widely over the subject with which the bill deals. I believe the Deputy Leader of the Opposition has enjoyed that indulgence for long enough, and he should now address the bill before the house.

Mr THWAITES — The fact that the various abolished country ambulance services have been allocated only limited resources means that the bequests they receive are all the more important. Any opportunities for the making of bequests ought to be supported. The opposition certainly supports the idea that bequests that are made to regional ambulance services such as the Western Region ambulance service ought to flow through to the new rural ambulance services. However, the point is that ambulance services in country Victoria will not benefit sufficiently from those bequests because they are not adequately resourced, which can clearly be seen from the annual reports of the regional services.

In 1992–93 the Western Region ambulance service received total government funding of $4 017 248. Last year its total funding in absolute terms was almost exactly the same — $4.2 million — but after allowing for inflation it amounted to a reduction in real terms of 14 per cent. In other words, the Western Region service has had a funding cut of 14 per cent. At the same time, Melbourne's ambulance service has received an increase of 289 per cent. In the north-east of the state, which the honourable member for Broadmeadows has just visited, the North Eastern Region ambulance service suffered a reduction in government grants in real terms from 1992–93 to 1997–98.

Although I am sure any bequests will be gratefully acknowledged, they will not make up for the cut in real funding. The north-eastern ambulance service has not been able to provide the services expected by people in north-eastern Victoria. I am sure the honourable member for Benambra is most concerned about the shortfalls in ambulance services in his region. Recently he has been embroiled in a major controversy concerning ambulance services, and I am sure he is extremely embarrassed by his performance at a press conference where he lost control. He certainly lost the support of many people in his electorate.

Mr Doyle interjected.

Mr THWAITES — The Parliamentary Secretary to the Minister for Health and Aged Care interjects, but he is responsible for the problem the honourable member for Benambra faces. The parliamentary secretary went to north-eastern Victoria and abolished the training in advanced life support that local ambulance officers need to provide a better service.

I ask the honourable member for Benambra to think about how he would feel if he or his family were involved in an accident and an ambulance officer with advanced life support or MICA training were to come across him but could not use those skills because of the rules imposed by the minister and the parliamentary secretary. Ambulance officers in Ballarat are able to use the lifesaving skills the honourable member for Benambra and the parliamentary secretary will not allow ambulance officers in north-eastern Victoria to use. People could die because they will not have the full support — —

The ACTING SPEAKER (Mr Richardson) — Order! I bring the honourable member back to the bill.

Mr THWAITES — It is unfortunate that regional ambulance services are not getting the full support of the government that they deserve. It is all very well to pass legislation allowing the public to make donations and bequests to the ambulance service. It is all very well for the public to put in, as it has done for years, but what about the government putting in for a change? What about the government supporting the ambulance officers? The government should support ambulance officers in north-eastern Victoria who want to provide the best service they can, including advanced life support services. The government should support their provision, as it does in Ballarat. If there is to be one ambulance service for Victoria — which the bill envisages — it should not have two rules. Currently there is one rule for Ballarat and a different rule for north-eastern Victoria. A consistent approach should be adopted across Victoria.

The bill is introduced at a time of concern about the overall structure of the ambulance service. The legislation envisages the restructure of country ambulance services, but I am concerned about the effect the bill will have on a future break-up of the ambulance service in order to allow for contracting out. If the service is contracted out, as is recommended in the latest government-commissioned competition policy report, a situation could arise where bequests made to a public ambulance service are handed to a private operator. The benefit of the bequests will go to private profits instead of a government ambulance service.

The recent review of ambulance services by the Allen Consulting Group recommended that competition policy be introduced into the ambulance service and that it be broken up into between three to six operating units. In theory there would still be an overarching ambulance service owned by the government, but that would simply purchase services from a private provider. There is no doubt that if the report is implemented private donations and bequests could end up in the pockets of private operators running the various for-profit ambulance services.

Mr E. R. Smith interjected.

Mr THWAITES — The honourable member for Glen Waverley says by interjection that that is outrageous. I agree, it would be.

Mr E. R. Smith interjected.

Mr THWAITES — The honourable member for Glen Waverley can attack me, but this is government policy. He might be surprised, as I am, that anyone would suggest breaking up the Victorian ambulance service and contracting it out to private operators. The Minister for Health has denied that there will be any privatisation; he is strong on that point. The problem is that he has also denied that the Austin and Repatriation Medical Centre is being privatised. He has denied that the build, own and operate contract for that Austin hospital is a privatisation contract.

We should not get caught up in semantics; the government should be honest and admit that if a private operator is running a hospital or an ambulance service for profit that amounts to privatisation. If the minister wants to call it something different that is okay. However, in light of the bill, he should write to the various interest groups advising exactly what will happen to the ambulance service. The Ambulance Employees Association has written to the minister asking for a clear undertaking that the service will not be contracted out.

Mr Doyle — Did you get the letter before us?

Mr THWAITES — I have no idea when you got the letter.

Mr Doyle — When did you get yours?

The ACTING SPEAKER (Mr Richardson) — Order! I bring the honourable member back to the bill.

Mr THWAITES — The Parliamentary Secretary to the Minister for Health and Aged Care asked me when I got a copy of the letter. I received the letter, dated 2 May, on 18 May. I presume the minister received the letter before me. Regardless of who got it and when, will the minister respond to this direct question from the union: will the government undertake not to contract out any part of the public sector ambulance services? I ask the parliamentary secretary to address that point in his submission. I ask him to clearly indicate that there will be no contracting out of any part of the public sector ambulance service.

I also ask the parliamentary secretary to clearly indicate whether he will support the portions of the Allen Consulting Group report relating to national competition policy, in particular the separation of a regulatory authority from a provider of services. Will the government maintain the current position where one ambulance service is responsible for regulation of ambulances and for the provision of services, or will it separate that into a purchaser-provider arrangement? If the minister is saying there will be no contracting out and that competition policy is being rejected, why have tens of thousands of taxpayers' dollars been spent on the report? Is it just another example of the government wasting money instead of spending it where it should be spent — that is, on ambulances and ambulance officers?

Victoria needs a better performing ambulance service — one where ambulances respond more quickly, not one that simply spends more money. The government has spent money like it is confetti. It is incredible that a government which prides itself on good financial management could have wasted so much money.

The ACTING SPEAKER (Mr Richardson) — Order! I return the honourable member to the bill.

Mr THWAITES — Thank you, Mr Acting Speaker.

The people who make donations to ambulance services want to ensure that those donations go where they expect them to go — that is, to an ambulance service — and not into the pockets of private operators or foreign companies that are taking over bits and pieces of the ambulance service.

The bill envisages that money handed to a regional ambulance service could go to a successor body. Unless contracting out within the ambulance service is clearly ruled out, of course the donations could end up in the pockets of successor bodies and private operators. It will be the Intergraph situation all over again.

It has recently been pointed out that delays in the ambulance service are still being caused by dispatcher and call-taker problems in Intergraph.

The result of a freedom of information request has been delivered to me, after a great deal of delay, and it reveals that in suburbs all around Melbourne, including St Kilda, Toorak, Moorooduc and Seaford, the Intergraph system has led to delays of more than half an hour.

That sort of delay is not what we want in the ambulance service. On the contrary, the opposition members want

to see an ambulance service that is efficient, responds quickly and provides high-quality care.

I acknowledge that the quality of service provided by our ambulance officers is top rate. They really do a fantastic job. Even some people in the management of the ambulance service do a good job; others don't, but some of them are trying.

Unfortunately the government has had such an obsession with privatisation that it has forced both ambulance officers and management to go down the privatisation path, down the path of spending millions of dollars on contracts that in many cases have been an absolute flop.

The Auditor-General commented on a number of those contracts in his report, as did the leading accountant Mr Ian Gaudion. I will conclude by referring to Mr Gaudion's report. It is all very well for the government to say that moneys from bequests ought to be passed on to the newly restructured ambulance service because we need every dollar that we can get in the ambulance service, but what about the $11 million a year which Mr Gaudion recommended be claimed in civil damages but which this government has failed to seek?

What about the $1.5 million Mr Gaudion said could be claimed because of the delays in the handing over of the Intergraph report? There has been absolutely no attempt to claim that!

What about the claim that could and should be made against the former administrator, Mr John Perrins of Pricewaterhousecoopers? Both John Perrins and the company have been severely criticised not only in the Auditor-General's report but in the Gaudion report. Mr Gaudion found that Mr Perrins had failed in his duty to do the job he was appointed to do, to oversee the ambulance service, and recommended that civil damages could be claimed against Mr Perrins.

If people are appointed as administrators of the ambulance service they have a statutory duty and a contractual duty. If they fail in either of those duties, they are liable to the taxpayer for their failures, negligence or misleading conduct.

In this case I would like the parliamentary secretary to clearly state why, if money is to be transferred from bequests, it is not also being claimed from people who, on the government's own advice, owe the taxpayer for their failings.

Mr DOYLE (Malvern) — I say at the outset that the government is delighted that the opposition supports the bill, although that support could be characterised as somewhat lukewarm given the substance of the speech of the Deputy Leader of the Opposition. Nonetheless, I am happy to answer some of his more outlandish claims.

Had I not been rushing off to gather some material to refute some of his more outlandish claims I would have taken some points of order myself about some of his remarks, but I understand the honourable member for Cranbourne took a point of order at one stage.

I appreciate the Acting Speaker's guidance to the Deputy Leader of the Opposition, because it was plain that although the bill is solely concerned with the transfer to a newly created successor ambulance service of bequests and trusts that may be directed to abolished ambulance services, he ranged far and wide, as lead speakers may.

Given that the bill is really about moneys and their application in bequests and trusts, and discretionary trusts in particular, and that it happens to apply to rural areas and then at a tertiary level to rural ambulance services, moving the debate to city ambulances, how they perform, response times and a seven-year-old history of the Metropolitan Ambulance Service contracting system seems to be drawing a very long bow.

I will, however, answer a number of those points if I can be allowed a little of the latitude the Deputy Leader of the Opposition was generously granted by the Acting Speaker.

It is important to note that the bill has — we should always acknowledge it — some retrospective application. The variation of section 85 of the constitution makes sure that any bona fide decisions and directions carried out by trustees in the past are validated by the bill — that is, anything done before the commencement of this amendment will be validated by the amendment.

I note that the Scrutiny of Acts and Regulations Committee concurred with this unusual retrospectivity, and the government thanks the committee for its work on that, as it thanks the opposition for its support.

That is as far as I can go in generosity. I will turn to facts: the Deputy Leader of the Opposition commenced his outburst with an accusation that in 1994, 95 per cent — I will check *Hansard* because this is from memory — of metropolitan code 1 responses were within benchmark but now, in 1999, only 94 per cent of responses are within benchmark and therefore the government is falling down and failing.

A more injudicious use of figures I have yet to hear. The benchmark, as he well knows, is 90 per cent for code 1 — that is, a lights-and-sirens response. Ninety per cent of responses were within 16 minutes, but he wanted to point out that the government said in 1994 that 95 per cent of responses were within that benchmark whereas in 1999 only 94 per cent were within it. He thought that that was a terrible diminution in performance.

There are lies, damned lies and statistics. I do not have the figures going back to 1994, only the last two excellent publications called *Response Report*. If the Deputy Leader of the Opposition does not receive them, I will be happy to organise that for him. These figures go back to 1997, and in the June quarter of 1997 there were 28 448 code 1 emergency responses. For the moment let us not go back to 1994 and cavil about those figures, let us take the 1997 figures.

By the December quarter of 1998 there were 33 570 cases. The quarterly figures clearly indicate an upward trend in the number of code 1 responses. Even the simplest of mathematics reveals that 95 per cent of 28 448 is a lower figure than 94 per cent of 33 570. So if you are looking at the people we serve, the cases we handle and how well we respond within benchmark, you can see that we are doing better now than ever before.

But let me for a moment talk about the outrageous statement made by the honourable member for Albert Park about previous figures.

Before 1992 we did not know how many cases were involved. We could not measure response times because there was no clear understanding about when a response time began. Did it begin when the call taker picked up the phone, when the call taker completed the call or when the ambulance was dispatched — and from which was the clear response time going to be recorded? Before 1992 and the introduction of the Intergraph system there was no clear understanding of when a response time began, so let us not have any nonsense about performance having been better then. Before 1992 there were no benchmarks, let alone the time punching which exists in the current system and which provides consistency, validity and rigour.

Later I will turn to the exception reports and comment on a couple of other issues. I am delighted to see the honourable member for Benambra in the chamber, unlike the honourable member for Albert Park — he asked me to comment on these things but is apparently not interested in what I am hoping will be a learned and accurate response.

Mr A. F. Plowman interjected.

Mr DOYLE — It may have been painful, and I thank the honourable member for Benambra for his helpful interjection, but let me take the case of advanced life support (ALS) — not an area in which one should play politics. I object — I say that in the most measured terms — to any accusation that lives have been lost as a result of ALS not being introduced. That is a shameful accusation which strikes at the very confidence of the service that the honourable member for Albert Park was later so quick to praise. I am not sure how he reconciles those two points.

What does advanced life support mean? It is a moveable feast. If one goes back some 10 or 12 years, before there were MICA paramedics, ALS meant sophisticated technology such as defibrillation. Is that ALS? Every ambulance officer now has the capability to use defibrillation because the meaning of ALS has changed. Does it mean there is a need to respond to changing needs in the community? There has been good support on both sides of the house for the assault against drug abuse, particularly heroin overdoses. Does that mean that an intramuscular drug package should be introduced? If so, that has been done. The drug Narcan, for instance, is now freely available to all ambulance officers following training, yet not long ago it would have been regarded as advanced life support that was piloted by MICA officers.

I am not an ideologist on this. The honourable member for Benambra and I have had extensive discussions with the personnel at the Wodonga ambulance station. Much of the argument stems around IV cannulation and intubation and whether those skills can be distinguished from those possessed by MICA officers — they possess both skills and can perform a range of appropriate drug protocols — or whether an ambulance officer should have a range of so-called advanced skills. The government does not have some God-given wisdom on this. The ambulance officers themselves have not yet been able to convince their own medical directors that this is an appropriate suite of skills for an ambulance officer to have. Honourable members should think about why that might be the case and not just mouth the rhetoric of saving lives.

If I quote incorrect figures, I am sure the honourable member for Benambra will correct me. There are 13 station officers in Wodonga. Four are MICA paramedics and two are about to undergo training to become MICA paramedics. The additional training will provide the Wodonga station with a range of skills that would be the envy of many metropolitan stations. The honourable member for Benambra and I were

instrumental in the reaching of an amicable agreement to move officers from Corryong back to Wodonga — there were three officers at Corryong and we left one there.

It is on that point that the argument gets a little off the track. It is not just a matter of saying, 'You can take a MICA or an ALS officer and put that officer down wherever you want to in Victoria'. It is necessary to have a case load that will enable officers to keep up their skills, and if that case load does not exist in a particular location you will not keep MICA officers there. The same argument would apply to the ALS system. While I am not averse to looking at that, the way to go about it is not through some emotive and shroud-waving rhetoric. A proper clinical evaluation of whether those skills are actually needed is required, and whether if they are needed the training can be delivered in a flexible way to country officers in particular, because a three-tier system should not apply in the city. Ambulance officers and MICA paramedics are the two appropriate levels. I would not have an intervening level in the city, but if a case can be made for having an extra level in the country it should be made clinically. That case has not yet been made out.

As a further corollary to that, I hope — —

Mr Cameron interjected.

Mr DOYLE — Not that I need any permission from the honourable member for Bendigo West, but I am delighted to have his concurrence, and I thank him for that.

Mrs Maddigan interjected.

Mr DOYLE — Shroud waving is unnecessary. When it is claimed in a banner headline that 13 lives have been lost because this service was not available, I think that is shroud waving — and it is reprehensible by an officer and a service. The honourable member for Benambra asked the government to conduct a clinical audit of those deaths and that will be done through the consultative committee, which is an appropriate mechanism to look at those unfortunate cases. The audit should not be done as some sort of artificial political lever to achieve some political or clinical agenda; it should be done dispassionately, objectively and within established clinical guidelines.

As I mentioned previously, those officers have yet to convince their own medical directors of the merits of their case. It is not appropriate for that issue to enter the political forum. I feel for the 13 families concerned. However, the uncertainty does not serve the ambulance service well — a service that performs excellently in the area we are discussing.

Processes are in place for a proper evaluation to be made. I have no ideological rigidity about whether those skills are appropriate or not, but the government will be guided by proper political protocols and the medical directors of the service, not by political leverage and shroud waving in local newspapers. I hope that clears up the point made by the honourable member for Albert Park about the situation in the electorate represented by the honourable member for Benambra, who is a most able advocate for services in his area. The government will work productively with the service to obtain an appropriate clinical answer. It will not behave like a dog in a manger or be punitive but will insist on responsible clinical behaviour. The government will take the matter forward and look at it carefully, but it will not be pressured by undue political leverage.

The honourable member for Albert Park made an astonishing point about Allen Consulting. His contribution was devoid of internal logic and any prize would have to be a reverse prize. The first part of his speech was a rant against the government for spending money on the Metropolitan Ambulance Service. I have sat in this place for five years listening to the honourable member for Albert Park rant at the government for not spending enough money on the service. 'Give us more ambulances, more ambulance officers, more MICA ambulances and more stations', he says. Yet today he castigated the government for doing that. His internal logic baffles me.

He applied the same internal logic to the Allen report so he was at least consistent in his inconsistency. Again, he castigated the government for the past five years by asking, 'Why don't you consult more? Why don't you talk to people?'. I still hear the voice of the former health minister, Mr Tom Roper, ringing in my ears as he spoke about the importance of consulting. The government requested an objective, outside company to look at all the questions and put a report into the marketplace, not as government policy but for consultation with every conceivable group, including any member of the public who wished to access it. The ambulance employees association, which the honourable member praised, was part of the consultative committee I chaired that sent more than 1000 reports into the wider community. It is incredible that he now says the government has jumped to a conclusion and that it is government policy. He criticised the government for not doing that for the past five years and now he is criticising the government

because it has done it. I am not sure which way he wants the government to jump.

The honourable member for Albert Park again asked for all the usual assurances. Anyone who listened to his recent diatribe on 3AW and then to the Minister for Health who followed him and corrected all his misapprehensions — I think the culinary term is that he was 'diced' — would understand that the minister has already said that the emergency ambulance fleet will not be privatised. On the same program some months before I was asked, 'If the government will not do it why is it in the report?'. The answer is that consultants take a clean sheet of paper, raise every possible question and ask for every single assumption to be questioned. That is their job. If that is not done and their report does not excite conversation and obtain strong responses, they have not done the right thing by their brief. Allen Consulting has done that. There are some controversial questions in the report but sometimes those questions must be asked.

The government is happy to offer the assurance that the emergency fleet will not be privatised. That does not mean the question should not be asked, answered and then put aside. The paper contains a raft of other questions. The paper provides six models. It mentions a regulator, a provider-purchaser split and how relationships should work. I am not sure what point the honourable member for Albert Park was making when he asked me to comment. If he asks whether I think a regulatory body should be separate from anything now in place, I am inclined to that view. If he is suggesting that the government should consider an ambulance board and the registration of ambulance officers, a good argument could be made for that.

However, because there is a COAG agreement with the former federal Labor government, the present coalition government and all state governments that no new health professions will be registered, the government would be required to ask at the health ministers conference if Victoria could proceed down that track. That may be an appropriate direction to take. I cannot pre-empt discussion on that. It has meritorious arguments to which I would be keen to listen. If that is what the honourable member for Albert Park means when he refers to a regulator, arguments can be made for that.

A provider-purchaser split is achieved quite well now and the Allen report provides for several alternatives. I will be interested in the responses. I am not convinced by any of the models put up and I will listen to the arguments put forward about how they should happen.

I hope the honourable member for Yan Yean follows me in the debate as he can clear up a point that was not mentioned by the honourable member for Albert Park. Given that the bill is about rural ambulances, does the opposition still hold to the policy of only one ambulance service for Victoria — that is, ambulance services would be merged into one service presumably based in Melbourne? I would love my country colleagues to be able to tell their constituents that the Labor Party believes rural ambulances are the same beast as metropolitan ambulances and should be governed by only one ambulance service. I wonder what rural constituencies such as Bendigo would think about that. Would they be happy with that arrangement?

Mr Cameron interjected.

Mr DOYLE — I should not respond to an interjection but it is irresistible. I turn now to the Rural Ambulance Victoria (RAV) restructure.

An excellent board of management has been appointed. It will be chaired by Mrs Eda Ritchie, who is well known to many members in this house.

The government invited representatives from each of the regions to nominate a person to be included on the new board. They were delighted about that invitation, and so they should be because it will mean that the service will still be able to use the expertise of those people. I am very pleased that five regions have nominated their chairpersons. They are Mr Jim Sleep from western region, Mr Ian Taylor from north-western region, Mr Kerry Watson from south-eastern region, Mr Geoff Webb from north-eastern region and Mr Keith Fagg from south-western region. In addition the board will include Ms Jill Meathrel, Mrs Eda Ritchie and Dr Joseph Epstein, who as many people know is the director of emergency medicine at the Western Hospital.

As honourable members should know, Mr Doug Kimberley has been appointed as the chief executive officer of Rural Ambulance Victoria. Mr Kimberley was formerly the chief executive officer of Ambulance Services Victoria south-eastern region based in Morwell, and he will be an excellent chief executive officer.

I will now talk about why the service's headquarters should be located in Ballarat.

Mr Cameron interjected.

Mr DOYLE — The honourable member for Bendigo West says the headquarters were supposed to

be in Bendigo. I make no comment about where a service for an entire state should have its headquarters, but Ballarat is a city that is central to all of Victoria. The government evaluated the possibilities and came up with the right answer. The honourable member for Bendigo West did not at any stage lobby or put forward an argument to the government as to why Bendigo should be the location for the headquarters.

Mr Cameron — That is wrong.

Mr DOYLE — It is not wrong. He bleated in the newspapers about the headquarters being located in Ballarat in the hope that some sort of reverse squeaky wheel mentality would serve him well, but the fact is that there were other pressing reasons for the regional headquarters being located in Ballarat. I believe the regional headquarters should be located, as it will be, in a major city that can provide a range of services. A range of services is available in both Bendigo and Ballarat, but as the honourable member for Bendigo West should know, a telecommunications facility is available only in Ballarat.

I am sorry Bendigo did not get to the line. Although Bendigo could have done the job, I am sure it could not have done it as well as Ballarat. I caution the honourable member for Bendigo West against sour grapes and advise him to work with his regional area to ensure that Bendigo continues to be well served. That is the crucial part of the equation — decisions should not be made on any basis other than what will best serve the region.

I now turn to the points raised by the honourable member for Albert Park, which show his complete misreading of the bill. He somehow tried to suggest that rural ambulances were not well funded. In 1998–99 the year 2000 information technology budget allocated some $2.1 million to address the rural ambulance problem. In 1998–99, $2.75 million was allocated for the replacement of 40 ambulances in country Victoria. This year's budget allocates significant additional funding — around $7 million — for vehicle replacement in country Victoria. The government has also allocated $1.75 million in growth funding for Rural Ambulance Victoria, which allows for an upgrade of the fixed-wing air ambulance service to pressurised aircraft. I am sure country members know the importance of having pressurised aircraft rather than the non-pressurised aircraft the service has had in the past.

The honourable member for Bendigo West has asked me to take up this point so I will repeat it so even he can understand it — the government has agreed in principle to co-locate the communications systems of Rural Ambulance Victoria, the Country Fire Authority and D24 in Ballarat as a pilot program. That is one of the reasons Ballarat was a more attractive location for the headquarters than his very attractive home city. But I must say it was a close call.

Mr Cameron interjected.

Mr DOYLE — I am happy to repeat what I have said but re-repeating — that is, saying things three times — tests even my patience, and certainly my time. I would need another 25 minutes if I were to make the honourable member for Bendigo West fully understand.

The honourable member for Albert Park talked about performance. He began his contribution by correctly saying that the 90th percentile is the benchmark for code 1 response times under 16 minutes. That is an appropriate benchmark. Unfortunately, it means that 10 per cent of response times may fall outside the benchmark. According to the figures quoted by the honourable member for Albert Park, around 5 per cent of responses currently fall outside the benchmark. To suggest that those anomalies, for which exception reports are prepared, are somehow indicative of the service is plain wrong.

As I said, prior to 1992 response times could not be measured because one did not know from what point to commence measuring the response time. A manual system was used to determine whether a vehicle was available. If a vehicle was available a little card was inserted lengthways into a slot. If a vehicle was not available a little card was inserted breadthways into the slot. What a wonderful system to determine ambulance availability! The honourable member for Albert Park conveniently forgot that that material was not published and no benchmarks were in place prior to 1992. I am happy to send quarterly response time reports to any opposition member, but I point out that all the material is published.

The government admits that sometimes there are unacceptable delays, but they occur in less than 10 per cent of cases.

Mr Cameron interjected.

Mr DOYLE — The honourable member for Bendigo West interjects with some sort of derogatory grunt, but what would he do? Would he promise better than 90 per cent? If you look at what the honourable member for Albert Park — —

Mr Cameron interjected.

Mr DOYLE — I am damned if I do and damned if I don't, Mr Acting Speaker. The honourable members for Bendigo West and Essendon do not like being ignored, but they also dislike having attention paid to them and being brought into the glare of logic, so I will give up on doing that.

Mrs Maddigan interjected.

Mr DOYLE — Now they would like me take notice of them. I wish they would stop flip-flopping and make up their minds. Either be in the debate or be out of it. Don't just sit and giggle.

In the June quarter of 1997, as stated in *Response Report*, the 50th percentile response time in the city was 9 minutes, and that remained constant until December 1998 — as you would expect.

The benchmark for the 90th percentile — the difficult part — is 16 minutes. The 90th percentile response time was 15 minutes in June 1997 and 14 minutes in December 1998, and the lower figure was achieved even though the caseload was 33 570 for December 1998 as opposed to 18 448 in June 1997. In other words, even as caseloads went up, response times went down.

The ambulance service in the metropolitan area is, by any measure, performing better than it has ever done in the past. Even the rural service, where, because of distances, response times are problematic to say the least, does not receive complaints.

The honourable member for Yan Yean, who is in the house, has been to see the Craigieburn Community Emergency Response Team, an excellent response team and a great local initiative that fills a gap that could not be filled by a professional team because of workloads. I would like to see that initiative replicated throughout rural Victoria. I invite honourable members to look at the excellent Craigieburn model and talk to the honourable member for Yan Yean about whether it can be replicated in other places.

Honourable members interjecting.

Mr DOYLE — If honourable members interjecting did half of the work the honourable member for Yan Yean does, they too would have emergency response teams in their electorates.

In conclusion, this small bill transfers the benefit of bequests and trusts to Rural Ambulance Victoria, an excellent single service for all of rural Victoria. The government will continue to offer the very best services to rural Victoria, as it does in the metropolitan area. It is easy to carp about problems but difficult to suggest ways in which Victoria's excellent ambulance services, both rural and metropolitan, can be improved.

Mr HAERMEYER (Yan Yean) — After that pat on the back from the honourable member for Malvern I will have to throw away half of my speech!

The honourable member for Malvern inherited a disastrous situation from the previous parliamentary secretary and the previous Minister for Health. As he said, the honourable member for Albert Park still has some serious concerns about the disastrous situation in our ambulance services.

The bill deals with bequests to ambulance services. The concern raised by the Deputy Leader of the Opposition is that the money coming from such bequests might go to a successor body that has been privatised or to a service that has been contracted out. In other words, money bequeathed in good faith to a public ambulance service could end up in the pockets of a private, profit-motivated company. The opposition sees no role for the private sector in ambulance or emergency services, and that includes involvement by organisations such as Intergraph and the private entrepreneurs operating traffic cameras. Privatisation of those services is at best inappropriate and at worst disastrous.

The performance of the government in ambulance services does not inspire confidence in any member of the public wishing to donate money to an ambulance service. Ambulance services are much needed, and it would be good to have people bequeathing money to them. When the government privatises such services, however, and deals with them in such a way as to undermine public confidence, one has to wonder why anyone would bequeath money to them.

The government has made a mess of ambulance services. The performance of the previous Minister for Health, the current Minister for Conservation and Land Management, was abysmal. She appointed Mr Jack Firman, a reckless cowboy, and left him to do with the ambulance services as he pleased. The Metropolitan Ambulance Service had problems already, but he completely demolished any semblance of a functioning service, despite warnings from members of the opposition, members of the Ambulance Employees Association and members of the Public Bodies Review Committee, which included members of the government.

I sat on that committee with members of the government including the honourable member for

Mornington, who is now the Minister for Transport, and Mr Strong, a member for Higinbotham Province in another place. They both expressed concern about the reckless and dangerous way the ambulance service was managed under Mr Firman and, in particular, the way he entered into an important contract for a dispatch and communications system. Despite all those warnings, however, the minister at the time, the honourable member for Seymour, did absolutely nothing.

The Deputy Premier was aware of those concerns because he was the Minister for Police and Emergency Services at the time. The system had important implications for a combined computer-aided dispatching and communications system for all of the emergency services.

What came of that can be seen in the Auditor-General's report, which referred to the corruption that existed in the way the communication system was contracted.

Dr Napthine — On a point of order, Mr Acting Speaker, in the contribution of the previous opposition speaker a government member raised a point of order. The Acting Speaker at the time ruled that while the honourable member was the first opposition speaker and had the opportunity to be a bit broad ranging, he really needed to make his remarks relevant to the bill. The honourable member for Yan Yean has now been speaking for 6 minutes and his remarks have borne no relationship whatever to the bill. The bill is narrow. It relates purely and simply to trusts and bequests, and to managers of such trusts and bequests being able to make resources available for a new restructured ambulance service that is a successor in practice and in law to the previous ambulance service.

The bill, which is narrow, deals with the management of trusts and bequests that are left to ambulance services, particularly rural ambulance services. Despite its title, the bill does not provide an opportunity for a general debate about the resources, management or general administration of ambulance services. I ask you, Mr Acting Speaker, to direct the honourable member for Yan Yean to commence his remarks about the bill itself.

Mr HAERMEYER — On the point of order, Mr Acting Speaker, the Minister for Youth and Community Services pointedly referred to comments made by honourable members on this side, but neglected to refer to the contribution made by the honourable member for Malvern, which was about issues ranging from Intergraph communications to locations of regional ambulance headquarters. It was a broad-ranging speech, yet the minister did not raise a single point of order at that time. One would have thought that if he had such concerns he would have raised them about the contribution of the honourable member for Malvern. I suggest that as the honourable member for Malvern was allowed to broaden the debate in such a way it is appropriate to talk about some broader aspects of the ambulance service, particularly as they relate to the preparedness of people to bequeath moneys to it, which reflects on the general level of confidence in the service.

The ACTING SPEAKER (Mr Andrianopoulos) — Order! I do not uphold the point of order, in so far as the honourable member for Yan Yean was responding to remarks that have been made in the debate. However, I warn the honourable member for Yan Yean that he must not stray from the contents of the bill and must relate his remarks to it.

Mr HAERMEYER — Thank you, Mr Acting Speaker. As I was saying, one really must ask why people would bequeath moneys to the ambulance service given the mess in which the government has left it. I can understand the sensitivity of the Minister for Youth and Community Services because as the parliamentary secretary to the previous Minister for Health he has to wear some of the blame for the disastrous situation with which the poor old honourable member for Malvern, who is the current Parliamentary Secretary to the Minister for Health and Aged Care, is left and which he is trying to clean up. I have some sympathy for the honourable member for Malvern because of the mess he has been left by the former parliamentary secretary.

The opposition remembers the record of the government: the Intergraph scandal, the cutbacks to the ambulance service, the privatisation of the contracts and the cosy little cabal of Griffiths and Firman. The Minister for Youth and Community Services sat there with the full knowledge of what was going on but he let it go on, as did the honourable member for Seymour, the current Minister for Conservation and Land Management and the former Minister for Health. Despite the warnings they just let it go on. People have died. They sat there and did absolutely nothing. The parlous situation the state ambulance service has been left in is a monument to ignorance, arrogance and negligence, mixed with mindless, fanatical and ideological obsession.

The bill foreshadows some reorganisation of regional ambulance services. Last Thursday I visited northern Victoria at the invitation of a local Labor candidate. I went to a number of locations, including the Wodonga ambulance station. I met an ambulance officer,

Mr Mike Fuery. It was a rather interesting visit. The honourable member for Benambra turned up and I had to referee a bit of an altercation. Mr Fuery was rightly furious. He was concerned about the fact that ambulance officers at the Wodonga station and elsewhere in country Victoria who have been properly trained in advanced life support skills, including intubation and other related skills — skills that could save lives — are prevented by the government from using them.

What is an ambulance officer with such training to do if confronted with somebody who is in a life-threatening situation and who requires the skills to be used? Is the officer to say, 'No, I'm sorry, the Minister for Health won't allow me to use this training. You should just lie there and die.'? Is that what the officers have to say to people? That is really the bottom line of the government's disallowing the use of advanced life support skills in regional Victoria.

The honourable member for Malvern said that the government prefers a two-tiered system of MICA-trained officers and general ambulance paramedics. That presents a difficulty. MICA training is Melbourne-centric. Country ambulance officers have difficulty getting MICA training because they have to come to Melbourne to do a residential course. The difficulty is that the training does not go to ambulance officers; ambulance officers have to come to it. If there is to be a level between MICA and the general paramedics, such as the advanced life support (ALS) system, perhaps it ought be made available in regional Victoria.

One really has to ask why there are different standards. The Minister for Health has allowed ALS not only to be used but to be expanded throughout the electorate he represents. Why are northern Victoria and other regional areas of the state being discriminated against? Could it have something to do with the marginal status of seats in Ballarat? Could it have something to do with so-called safe regional seats being taken for granted? The government can no longer afford to take such seats for granted because people out there are fed up and some of them will fall, if not to the Labor Party certainly to the Independents.

I said that MICA training is a Melbourne-centric exercise. The honourable member for Malvern — —

Ms McCall — On a point of order, Mr Acting Speaker, you have requested that the honourable member for Yan Yean return to the substance of the bill. It is evident to the chamber that he is straying far from it, so I ask you to ask him to return to the bill.

The ACTING SPEAKER (Mr Andrianopoulos) — Order! I uphold the point of order and ask the honourable member for Yan Yean to relate his remarks to the bill.

Mr HAERMEYER — I am rebutting comments made by the honourable member for Malvern, who spoke at length about ALS, the advance life support system. I should have the ability to respond to the contribution made by the honourable member for Malvern. It is interesting that the honourable member who raised the point of order makes little contribution to debate in the house other than to restrict the contributions of others.

Dr Napthine — On a point of order, Mr Acting Speaker — —

The ACTING SPEAKER (Mr Andrianopoulos) — Order! I have upheld the point of order. I believe the honourable member for Yan Yean is in order in addressing or rebutting some of the remarks made by the honourable member for Malvern, but he must not canvass issues outside the bill. I ask him to relate his remarks to the bill.

Mr HAERMEYER — Mr Acting Speaker, my remarks are in response to the — —

Ms McCall — On a point of order, Mr Acting Speaker, I take offence to the remarks made by the honourable member for Yan Yean about my contribution to the chamber, and I would like him to withdraw them.

Mr HAERMEYER — Precious darling.

The ACTING SPEAKER (Mr Andrianopoulos) — Order! The honourable member for Frankston has found the remarks of the honourable member for Yan Yean offensive. I ask him to withdraw them.

Mr HAERMEYER — I withdraw the remarks. She is obviously very precious, Mr Acting Speaker.

Dr Napthine — Mr Acting Speaker, I suggest you provide some wise counsel to the honourable member for Yan Yean concerning his outrageously sexist and derogatory remarks about the female honourable member for Frankston. His reference to a female honourable member as a 'precious darling' is absolutely outrageous, sexist, and inappropriate, and he deserves to be counselled.

The ACTING SPEAKER (Mr Andrianopoulos) — Order! The honourable for

Yan Yean has withdrawn. I call on the honourable member for Yan Yean to continue his remarks on the bill.

Mr HAERMEYER — Mr Acting Speaker, I do not regard those remarks as at all sexist. I would equally apply the remark 'precious darling' to the Minister for Youth and Community Services.

The honourable member for Malvern referred to officers being trained in the use of Narcan. Mr Fuery told members of the opposition that ambulance officers at Wodonga rarely have need of Narcan. The skills they frequently need to use are those associated with the advance life support system. The honourable member for Malvern said he and the honourable member for Benambra had had significant discussions with members of the Wodonga ambulance service. One has to ask why the government does not listen to what ambulance officers up there are saying. If lives can be saved with ALS, why not allow officers to have that training as well as expanding ALS training across regional Victoria?

The honourable member for Malvern also spoke about response times. He said ambulances were now meeting a response time of 16 minutes at the 90th percentile.

Mr A. F. Plowman — On a point of order, Mr Acting Speaker, you have now twice requested the honourable member for Yan Yean to restrict his comments to the bill, which is succinct. The honourable member for Yan Yean is doing far more than responding to the honourable member for Malvern; in fact, he has not even mentioned the honourable member. Although the honourable member for Malvern ranged extensively in his contribution, every comment he made outside the bill was in response to the lead speaker. Given that the comments of the honourable member for Yan Yean are outside the bill and not in response to the honourable member for Malvern, I ask you to bring him back to the bill.

Mr HAERMEYER — On the point of order, Mr Acting Speaker, the honourable member for Malvern was able to make his speech without a single interruption, without a single point of order being raised and without once being called to order by the Chair. His speech ranged widely across all the matters I am now addressing in rebuttal; and given that he was allowed to broaden the debate in that way, it is only right that the opposition be allowed to rebut his arguments.

The ACTING SPEAKER (Mr Andrianopoulos) — Order! I have already ruled on a previous point of order and brought the honourable member for Yan Yean back to the bill. I believe he has sufficiently rebutted the argument put by the honourable member for Malvern, and I ask him to return to the bill.

Mr HAERMEYER — Mr Acting Speaker, a number of things the honourable member for Malvern said about the bill have not yet been responded to. He made a comment about response times, claiming — —

Dr Napthine interjected.

Mr HAERMEYER — For heaven's sake, why are you so concerned about trying to stop anyone else making a contribution? What are you scared of? Is it because you were the person who sat there and mucked up the ambulance service when you were the parliamentary secretary? You watched people die and you did nothing!

The ACTING SPEAKER (Mr Andrianopoulos) — Order! The honourable member for Yan Yean will address his remarks through the Chair and not across the table.

Mr HAERMEYER — Mr Acting Speaker, the honourable member for Malvern claimed that on 90 per cent of occasions — —

Dr Napthine — On a point of order, Mr Acting Speaker, the bill, as has been explained, is very narrow. Although the honourable member for Yan Yean has been speaking for 22 minutes he has not once spoken about the bill but has canvassed a range of other issues. Whether or not the speech of the honourable member for Malvern was relevant is irrelevant to arguing whether the speech of the honourable member for Yan Yean should be allowed to remain irrelevant. His speech should be relevant to the bill. The honourable member for Malvern canvassed issues in response to the wide-ranging speech of the lead speaker for the opposition, and that was sanctioned by the Chair. That does not in any way, shape or form allow honourable members who follow to continue to widen the debate.

Mr Acting Speaker, the debate should be about the bill. I ask you to bring the honourable member back to the bill before the chair — which would be the first time in his contribution of more than 22 minutes! If he has nothing to say about the bill, which the opposition does not oppose, or if he has not read the bill or does not understand it, he should sit down rather than continue to make an irrelevant contribution.

Ms Gillett — On the point of order, Mr Acting Speaker, I was in the chamber to hear the Deputy Leader of the Opposition open the debate for the

opposition. He was allowed the normal latitude that a lead speaker is allowed in any debate. That set off a chain of events to which the honourable member for Malvern felt compelled to respond, thereby widening the debate. It would be very difficult at this stage of the game, Mr Acting Speaker, for you to do anything other than honour the flow of the debate. The opening speaker was given the normal latitude, and the honourable member for Malvern answered all the issues he raised. The honourable member for Yan Yean is simply following the line taken by the honourable member for Malvern.

Mr Maclellan — On the point of order, Mr Acting Speaker, the honourable member for Werribee seeks to tempt you into saying that the privilege that the lead speaker for the opposition is afforded should be extended to all subsequent speakers simply because it is alleged that the honourable member for Malvern got away with too much. If the honourable member for Malvern got away with too much, I regret that somebody did not take a point of order and bring him to your notice for correction. However, that does not allow everyone else to simply wander all over the place thereafter, ignoring the bill.

Mr Acting Speaker, you have asked the honourable member for Yan Yean to address his remarks to the bill and I thought you did it in a very temperate way. I think all honourable members should assist the Chair in trying to get a temperate response from the honourable member for Yan Yean. If that means government members should restrain themselves, not interject and thereby not make life difficult for the honourable member for Yan Yean so that you, Mr Acting Speaker, can concentrate on the issues, I will do my best to glower at them and persuade them to assist the Chair in that matter. However, the rule is that there is a wider canvas available to the lead speaker for the opposition and to the minister who introduces the bill in respect of the second-reading debate than there is for those who subsequently debate the matter and who are restricted to the terms of the bill.

The ACTING SPEAKER (Mr Andrianopoulos) — Order! I have heard enough on the point of order. The point of order raised by the minister is similar in nature to the one raised by the honourable member for Frankston, on which I have already ruled. The honourable member for Yan Yean was in order in rebutting some of the arguments of the honourable member for Malvern. However, I believe he has adequately done that and it is now appropriate for him to continue to address his remarks to the contents of the bill.

Mr HAERMEYER — A significant number of items raised by the honourable member for Malvern have not yet been touched on. It is regrettable that government members are intent on suppressing comment on or debate of the issues by honourable members on this side of the house when they are quite happy to range quite freely themselves. It is indicative of the dictatorial and jackbooted way they treat the chamber.

The bill deals with bequests to the ambulance service. I have already said that general confidence in the condition of the ambulance service has a significant impact on the preparedness of people to bequeath to the service. When the government gloats about 90 per cent of ambulances responding in 16 minutes and fire brigades are required to respond in 7 minutes at the 60th percentile, one wonders what sort of standards the government sets for itself — 16 minutes in a life or death situation is unacceptable — and why people would have confidence in the ambulance service and would want to make a bequest. The question must be asked: what about the other 10 per cent? In some areas of the Yan Yean electorate, such as St Andrews or Craigieburn, the response time can be 40, 50 or 70 minutes — and people have died as a result of those poor response times. The government should not be gloating about a 16 minute response time for a life or death emergency service such as the ambulance service.

In his comments on regional ambulance services the honourable member for Malvern suggested that they take up the model of the community emergency response team that exists in Craigieburn. Certainly that is an excellent model and an example of a community helping itself. The community has taken the bit between its teeth and is providing a service that complements the ambulance service. I take issue with the honourable member for Malvern that that type of facility is there to complement the ambulance service and not to replace or somehow cover up for the inadequacies of the ambulance service. That type of service works only in conjunction with an adequate ambulance service that responds in a timely way. It will not work if it is being used simply to cover up for the absence of an adequate number of ambulances and poor response times.

Mr A. F. PLOWMAN (Benambra) — I will speak briefly on the bill, in contrast to the contribution made during the past half hour. The bill allows bequests to ambulance services to be carried forward to successor ambulance services. I represent a country community the ambulance service of which, the North Eastern Ambulance Service, has become part of Rural Ambulance Victoria. I am aware of various bequests that have been made in the north-east with the intention

of ensuring that ambulance services in country communities, particularly isolated communities, are maintained to the best standard possible. The bill will enable bequests to be transferred to the new service while maintaining their initial intention. It is valuable legislation.

It is yet to be seen how well Rural Ambulance Victoria will bring together the five separate ambulance services. It is expected efficiencies and benefits will result from a single ambulance service. However, the real intent of the bill is to ensure that the intention of the people who made the original bequests will be maintained and that the bequests will continue to go in the right direction.

With your consent, Mr Acting Speaker, I would like to take up some of the points the honourable member for Yan Yean raised about the brief visit he made last Thursday to the north-east of Victoria. It is disappointing to see a newspaper banner headline sensationalising the situation by suggesting that 13 lives had been lost in ambulance transitions from accident scenes.

Mr Haermeyer — On a point of order, Mr Acting Speaker, it is with some reluctance that I raise a point of order because this is an important issue. During my contribution to the bill government members indicated that the issue now being raised had nothing to do with the bill and that rebuttal of comments made by a previous member did not bring it into the sphere of relevance of the bill. In that spirit I suggest that the government heed its own words.

The ACTING SPEAKER (Mr Andrianopoulos) — Order! I rule in a similar manner to an earlier point of order taken against the honourable member for Yan Yean. I do not uphold the point of order. In the debate I have allowed rebuttal of argument from previous speakers. However, I remind the honourable member for Benambra that although he might do so as a passing reference, he must return to the content of the bill.

Mr A. F. PLOWMAN — I will keep the rebuttal short and simple. The sensationalisation of the loss of 13 lives that may have been saved is something dear to my heart, as it would be to the heart of any member of Parliament. It is a serious issue and one that should not be sensationalised. When the honourable member for Yan Yean came to north-eastern Victoria I inadvertently interrupted a press conference. At that stage the issue was raised of the relevance of advanced life support. I have asked for a clinical audit of the circumstances surrounding the loss of those 13 lives. In doing so, I have also asked for advanced life support to be completely and utterly reviewed. If there is any indication that advanced life support could have led to some of those lives being saved, I have asked that advanced life support be brought into the ambulance service throughout rural Victoria.

I have taken it one step further. I suggest that if ambulance officers in rural and isolated areas of Victoria would benefit from education and training in advanced life support, then that should occur.

Ms GILLETT (Werribee) — I am pleased to make a brief contribution to debate on the Ambulance Services (Further Amendment) Bill, which arises in this form not for the first time. Last year the government introduced legislation during the spring session regarding the Mary MacKillop and Essendon hospitals because the same preconditions existed. Those hospitals and a small hospital in the Gippsland East electorate had structural changes made to them requiring similar types of legislation being introduced. That legislation was passed, as will this bill. The proposed legislation allows for bequests of money formerly paid to smaller rural ambulance networks to be passed on to the successor organisation — the newly amalgamated and restructured Rural Ambulance Victoria.

My concern with the bill is similar to that of the bills upon which it is modelled. The proposed legislation is based on the government's past restructuring activities — it reorganises and then privatises. The government introduces the concepts of restructure and reorganisation before it battens down the hatches prior to further cuts and the ultimate privatisation of the organisation. That is also what is happening with other legislation being debated by Parliament this week.

My concern is that the establishment of the Rural Ambulance Victoria organisation is a first step towards the privatisation of rural ambulance services. That would be a tragedy because the emergency services in regional Victoria already face significant geographical barriers, and time is critical in the provision of those services. The geography of rural Victoria and the time taken to provide the services is more troublesome for rural Victorians than anyone in metropolitan Melbourne could understand. Therefore, it is absolutely critical that the state maintains its duty and obligation to provide the very best ambulance service it can to rural Victoria.

I have the pleasure to serve on the Scrutiny of Acts and Regulations Committee which has examined the mirror legislation to the bill before the house today. Concern was expressed by a number of government members on the committee about the legal and technical veracity of

provisions in the bill. I will not take honourable members through all of the detail. Suffice it to say that the government is well aware of the problems because coalition members on the Scrutiny of Acts and Regulations Committee have raised the issue. Those members are not backward in coming forward; they are not retiring little petals in any way, shape, or form; especially those representing the other place.

Therefore, I urge the government to listen to the legal and technical problems as outlined and reported on in the *Alert Digest* dealing with the acts that have passed. It should be mindful of the various issues associated with trusts and bequests and the difficulties with legislation like this which is contrary to the wishes of those who were administering the trusts or who made the initial bequests.

Apart from my concern about whether this is a first step towards the privatisation of Rural Ambulance Victoria, my second concern about whether the bill's aims are technically achievable is important for the government to take on board. Honourable members do not want further amendments having to be introduced such as those relating to the Essendon and Mary MacKillop hospitals because the government has moved too quickly, has become too bound up in its own ideology and is running out of steam. The government needs to consider properly the implications of the legislation. The opposition does not want to have to debate further legislation to correct the mistakes the government has made with this measure as well.

Dr NAPTHINE (Minister for Youth and Community Services) — I thank honourable members for their contributions to the debate — the Deputy Leader of the Opposition, the honourable members for Malvern, Yan Yean, Benambra and Werribee. I particularly thank the honourable members for Benambra and Werribee who actually spoke on the bill, in contrast to some of the other contributions — although the honourable member for Malvern, in his defence, was responding to a wide-ranging contribution from the Deputy Leader of the Opposition.

It is important that the opposition does not oppose the legislation. The bill is sensible, logical and necessary to ensure that the people who have left bequests or trusts to provide funding for future use of ambulance and related services in rural Victoria do not have their wishes stymied by a mere restructure of those services.

Ambulance services in rural Victoria were initially provided at local levels by communities and districts, and were run at the local level. In 1987 these services were brought together to form five rural ambulance services as a first step towards gaining greater efficiency, quality control and improved ambulance services in rural Victoria.

In 1999 a further step has been taken to create a Rural Ambulance Victoria amalgamating all those rural ambulance services. I believe the establishment of Rural Ambulance Victoria will provide the leadership, the framework and the necessary resources to ensure that ambulance officers employed by the organisation have every opportunity to undertake their necessary, important and valued work, and provide them with opportunities for training, skills development and career growth within that structure. The people of rural Victoria first and foremost will benefit from the development of Rural Ambulance Victoria.

Those employed by Rural Ambulance Victoria will also benefit in terms of their career and training opportunities. The people of rural Victoria and others have been very supportive of their ambulance services and a number of them have left bequests in terms of assets or ongoing streams of funding, or they have developed trusts that can provide funding for ambulance services both as a direct trust or a discretionary trust.

The bill enables the fulfilment of the wishes of people who have made bequests or developed trusts to assist ambulance services by allowing the funds or assets provided through those bequests or trusts to go to the successor bodies of the ambulance services, whether a local ambulance service or one of the defined rural ambulance services that are now known collectively as Rural Ambulance Victoria. As the honourable member for Malvern highlighted during his contribution, the bill makes valid and prevents from being challenged past decisions, particularly where a bequest or trust provided money to a local ambulance service and the people involved in the arrangement subsequently provided the money to one of the five regional ambulance services.

Finally the bill ensures that people managing discretionary trusts that provide funding to defined ambulance services will be able to provide the money to the successor service, Rural Ambulance Victoria. It is a pity that many speakers failed to address the detail of this small but important bill. I commend the bill to the house and I wish it a speedy passage.

The ACTING SPEAKER (Mr Seitz) — Order! As the required statement of intent has been made pursuant to section 85(5) (c) of the Constitution Act 1975, I am of the opinion that the second reading requires to be passed by an absolute majority. As there are fewer than 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

STATE TAXATION ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 6 May; motion of Mr STOCKDALE (Treasurer).

Mr MILDENHALL (Footscray) — The opposition does not oppose the bill. Many of its provisions are sensible and designed to achieve the desirable outcomes of maintaining the integrity of the tax system, closing loopholes, simplifying administration and preventing tax avoidance. The bill makes a series of amendments to a number of the mainstays and central items of the state taxation system: the Debits Tax Act, the Pay-roll Tax Act, the Stamps Act, the Taxation Administration Act, the Taxation (Interest on Overpayments) Act, the Gaming Machine Control Act, and the Tattersall Consultations Act.

The combined total of the taxes collected under those acts almost equals all the state's tax revenue. In discussing the main provisions of the bill I will draw attention to those that have interesting characteristics and others that have negative downsides and point out where criticism should be laid at the government's feet for failing to prepare the legislation in a comprehensive and consultative manner.

Part 2 of the bill ensures that all financial institutions such as credit unions, building societies and the new bodies to be brought under the umbrella of the financial sector reforms will be able to issue cheques that will be subject to a debits tax. Currently a credit union cheque is a cheque against a bank rather than a cheque against the institution itself. The provision is sensible and brings credit unions and other agencies into line with other financial institutions such as banks.

Part 3 abolishes exemptions for tertiary education companies controlled by tertiary education institutions. Those companies currently receive benefits through both payroll tax and financial institutions duty (FID) exemptions. The opposition would like more time to discuss the impact on those companies, which may be significant, of removing the exemptions they currently enjoy.

The opposition appreciates the view of the State Revenue Office that universities should not have received exemptions in the first place and that the bill closes a loophole some universities may have exploited. Melbourne University applied for four exemptions from payroll tax and FID and was granted one FID exemption for Melbourne University Enterprises International. That company has an annual turnover of more than $30 million and operates ESL (English as a second language) programs in centres throughout Australia as well as competing with overseas educational institutions for various projects. For example, in Laos it conducts a significant teacher-training program. Melbourne University believes the loss of its FID exemption will affect its competitive position and its ability to gain contracts to provide such services overseas.

RMIT University has a company that enjoys a payroll tax exemption. The loss of that exemption will cost RMIT more than $80 000 a year. Although $80 000 is not a huge amount of money for an institution of RMIT's mammoth size, the impact will be significant and may well threaten the viability of the services it provides.

I should have thought that a change that affects the taxation status of significant parts of Victoria's major universities would have been the subject of consultation. It is no surprise to the opposition that no consultation or discussions were held or that no warning or notification of the impending legislation was given. It rested with the opposition to contact the universities and warn them that the proposals were under consideration.

It illustrates a fundamental flaw in the process used by the government to prepare legislation of this sort. The government seems to believe the people who will be affected by taxation reform should be kept in the dark, and sometimes they become the subjects of ambush. There is certainly a mentality suggesting that people should hear about it first when the change is made in case they are able to rearrange their affairs or circumstances to pre-empt the impact of a change to taxation measures. I would have thought the exemptions from financial institutions duty (FID) and

payroll tax under part 3 of the bill should have been discussed with the universities that will be affected.

Having made those points, the opposition does not oppose the measures. Unlike the government, the opposition does not play unnecessary politics with taxation legislation of this type. Opposition members remember that when the government was in opposition it said it would not increase the FID or the BAD and prevented the former Labor government from doing so despite the fact that any observer would have said that the then government needed all the revenue it could lay its hands on to ensure that the budget was balanced. This opposition will not oppose sensible revenue-raising measures.

The bill lowers the rate of payroll tax from 6 per cent to 5.75 per cent as at 1 July in line with the announcement made in the budget speech. The Treasurer's budget speech almost became an election manifesto, and I would be surprised if some parts of it were not included in the Premier's election promises, or at least in his boasting about the government's taxation record. All sorts of claims have been made about the government's ability to lower taxes and stimulate job growth. It is true that the payroll tax rate has fallen, but some of the claims made in the Treasurer's speech and the general boasting about the topic are scarcely credible.

The level of taxation in Victoria is still $314 million above the Australian average. That represents an $87 increase from last year for every man, woman and child in this state. Although the percentage rate has fallen, as opposition members have pointed out, the changes made to the threshold arrangements have meant that 2 500 more Victorian companies are paying payroll tax than in 1997–98. Although the government claims it has reduced tax and the percentage rate has fallen, the details of the taxation revenue for the 1999–2000 financial year outlined on page 378 of budget paper no. 3 show that payroll tax receipts will rise by some $39 million above the revised 1998–99 level.

The government may claim its measures have stimulated an enormous number of additional jobs, but that would be a curious claim given that there has been an exodus of manufacturing and finance sector jobs and a major leap in the unemployment rate — if my memory serves me correctly — from 7.3 per cent to about 8 per cent.

The Treasurer's second-reading speech makes claims about the government's record on job creation as a result of payroll tax reductions. One would certainly hope those claims are true, but it would be interesting to know the methodology. Perhaps the parliamentary secretary can enlighten the house on how the formula works, how 18 000 more jobs will be created and in what sectors.

The bill ensures that payroll tax paid to authorised employment agencies will be recovered and provides exemptions to stamp duty for documents and asset transfers required as a result of commonwealth amendments to the Corporations Law. It contains a series of sensible minor amendments. It introduces stamp duty on transfers of assets resulting from mergers of financial institutions. I do not want to repeat the fears the opposition expressed about the financial sector reform legislation that was passed in the last parliamentary sitting week, but I point out that the Victorian opposition and the federal opposition believe it will pave the way for the merger of some of Australia's major banks. And the Kennett government certainly believes the voluntary merger of financial institutions is a likelihood.

Opposition members expect that as a result of that legislation financial institutions will merge voluntarily and stamp duty will be payable, and we wish to be assured that the state will collect stamp duty on the transfer of assets. Many doubt, nevertheless, that the collapse of Australia's four-pillars banking philosophy will be to the ultimate benefit of the Australian community.

Mr Maclellan interjected.

Mr MILDENHALL — I wonder what you would have done if you had won the 1988 election!

The bill ensures that ad valorem stamp duty is paid on the transfer of beneficial interests in real property. It also enables the Valuer-General to recover the costs of a valuation of real property where the value is claimed by the taxpayer to be more than 15 per cent lower or higher than the Valuer-General's valuation. That is a sensible move. Each year there are a couple of thousand property transfers, and 25 to 35 per cent of them are affected by variance, so taxpayers will be a bit more vigilant — cynics would say a bit more honest! — in their property dealings.

The bill maintains, with only very minor amendments, the integrity of current motor vehicle stamp duties and ensures consistency and the availability of information for taxpayers on tax administration interest rates.

The bill affects gaming machine patrons and purchasers of Tattslotto tickets by simplifying the taxation arrangements for Tattersalls. The price paid will not be affected, but the bill provides for a rearrangement of percentage returns to the government. The licence fees

payable by Tattersalls will be converted into an increased turnover tax on Tattersall consultations and electronic gaming machines. For example, the bill converts the equal-thirds formula for returns on electronic gaming machines to a new formula of 40.33 per cent to the government, 26.33 per cent to Tattersalls and 33.33 per cent to the venue operator. That is a minor rearrangement.

I am assured by the department that the equivalence between the current licence fees and the expected returns from the increased turnover tax will be as close as possible. The general principle is simplicity. If we can simplify these matters and convert the funds payable to a percentage of turnover — rather than a licence fee plus a turnover tax — everyone's time is saved and administration becomes that much more streamlined and straightforward.

It is fascinating to see, in the face of the imminent introduction of the GST, thought to be only months away, that financial institutions duty and payroll tax legislation is still being worked on and strengthened. The GST may be passed by the federal Parliament only days from now, but the Kennett government knows it is a dead duck, and contingency plans are being made to ensure that the existing state taxation legislation is in good shape.

It is clear that while it was hoped and expected that the number and range of state taxes would disappear as a result of the introduction of the GST many in the community are now beginning to appreciate that that will not necessarily be the case. Payroll tax and at least some of the stamp duties will be retained.

The overall objective was a massive simplification and streamlining of the system to make it easier for business, but some of my business contacts lament the prospect of a GST. They prefer stamp duties and payroll taxes because with them they can say, 'That is the tax. We have to pay it', rather than having to do an extraordinarily complex range of calculations on the hundreds of transactions that characterise a large and successful business these days.

It cannot be an easy time for the Treasurer and his parliamentary secretary as they prepare taxation legislation in a context of chaos and uncertainty. The taxation regime put in place will result in companies becoming more uncertain, and will be more costly, particularly for small business. One can only guess what will happen as a result of the current consultation between the federal government and the Democrats. How much of the state's revenue will be traded away? What will the Kennett government's response be? Where is the state strategy in all this? The government is uncharacteristically quiet on the matter. One can only sit back and fear that Victoria's interests may be traded away in the horse trading that is currently taking place.

Having said that, I indicate that the legislation is relatively straightforward. However, there will be some unfortunate by-products. The amendments that affect exemptions for universities are the result of a fundamental failure of process. However, on the whole the opposition supports the overall intent of the legislation, which is to strengthen the current taxation provisions. The opposition looks forward to the first week of the next sitting, when undoubtedly another similar bill will be introduced.

Mr CLARK (Box Hill) — The opposition's support for the bill is welcome. The grasp of the honourable member for Footscray of the technical aspects of the provisions of the bill and his descriptions of them are appreciated.

An Honourable Member — That reflects the briefings he has had.

Mr CLARK — Indeed. I do not want to go over the full content of the bill. Apart from the measure announced in the budget that will reduce the payroll tax rate to 5.75 per cent, the various provisions of the bill are largely technical and many are directed to avoidance measures.

I will comment on three aspects of the contribution of the honourable member for Footscray. Firstly, he expressed concern about the measure dealing with university subsidiaries and a lack of consultation with affected universities. It is not normal for revenue authorities to publicly signal potential amendments to legislation that might head off measures taken by taxpayers to reduce their taxes. When that is done it often results in taxpayers bringing forward measures or taking other steps to obtain benefit from the foreknowledge. It is desirable that the government not flag its punches in that regard, to protect the revenue. However, following the introduction of the legislation, the second-reading speech was quite explicit about what was occurring.

The main occasion of which I am aware on which an announcement is made prior to legislation being introduced is when it is accompanied by a statement that the change foreshadowed will be retrospective to the date of the announcement. Either way, it is not normal to go out to the public in advance of measures dealing with such matters. It is not normal to engage in consultation where taxpayers might be engaging in

practices that affect revenue and might take advantage of prior knowledge. Further, if consultation takes place with some taxpayers and not others, those who have not been consulted are entitled to complain that an unfair advantage has been given to others.

On the issue of payroll tax, the honourable member for Footscray repeated arguments that have been raised by the Leader of the Opposition on other occasions, particularly in his speech on the budget, and complained about the fact that revenue from payroll tax is projected to increase. However, as the Minister for Planning and Local Government said by interjection when the honourable member for Footscray was making the point, the growth in revenue is a result of growth in the economy and growth in the employed work force. That should be welcomed by the opposition rather than being the subject of complaint.

Unemployment statistics, a bit like opinion polls, tend to ebb and flow from month to month, but the one thing that is clear is that the unemployment level in this state is now dramatically down from the level that prevailed under the previous government and from its peak of around 12.7 per cent. Under this government the level stands at 8 per cent or thereabouts, or lower. The bulk of the growth in payroll tax revenue has occurred as a result of that increase in employment. As the minister indicated, employment in Victoria is at or near record levels.

The honourable member for Footscray referred to the base-broadening that resulted from the inclusion of superannuation payments in the base. Certainly that broadened the base and partially offset the reductions in the rate that have taken place. Nonetheless the overall reductions in the payroll tax burden on employers in this state have been significant. The government has been explicit in making public the net terms of the benefit and has not tried to create the impression that there was not a recouping of some amount of revenue as a result of the base broadening. Over and above that, there has been a decided reduction in the payroll tax burden on employers, and that should be welcomed. As was said in the budget speech, this is the first time in Australia that a government has reduced payroll tax in three successive budgets. That the government has been able to afford to do that is a measure of the results of its financial prudence and its restoration of the state's finances.

Finally I will comment briefly on the reference made by the honourable member for Footscray to the GST. He tried to make a few political points in the course of his remarks, making sweeping references to chaos and uncertainty. The honourable member needs to face up to the humbug and inconsistency coming from his federal counterparts. All honourable members know that over the years there has been strong support in the Labor Party for a goods and services tax and that at various times it has been supported by Mr Keating and Mr Beazley. In the pursuit of some sort of populist throwback, Labor has now abandoned the good work done during the period of the former Labor government under prime ministers Hawke and Keating. It is resorting to cheap populist appeal and not attempting to address the long-term issues the country is facing.

If the honourable member for Footscray wants to complain about the state of the negotiations on the goods and services tax, he should be complaining to his federal counterparts and urging on them the benefits of a GST not only for the country as a whole but for the states in particular. While some state Labor leaders have tiptoed a delicate line in not wanting to be seen to be publicly undermining their federal leadership, I believe the Labor premiers fully appreciate the benefits that could flow to the states from a goods and services tax.

If opposition members wanted to advance the interests of the state, the best thing they could do would be to get on the phone to their Labor counterparts and urge them to support the goods and services tax and allow decent financial reform to progress.

In the meantime, the state government is being diligent, as always, in ensuring that Victoria's legislation is in the best possible shape to make the periodic changes that become necessary. The honourable member for Footscray mischievously suggested that making a range of improvements to the principal legislation is a sign of the government's having some inside knowledge of the likely outcome of the current negotiations on the goods and services tax. To refute that suggestion I need only point out that the bill has been in preparation for many months.

The government will continue to do what needs to be done to improve the legislation as time goes by. As the honourable member says, regardless of the outcome of the GST negotiations a range of state taxation measures such as payroll tax and various stamp duties will need to remain in place. It is therefore in the interests of the state to ensure that the relevant legislation is in the best possible shape.

In conclusion, I repeat that the opposition's support for the bill is welcomed. It is a pity that the honourable member for Footscray had to try to score a few points along the way.

Mr BRUMBY (Broadmeadows) — I am delighted to speak in this wide-ranging debate about state taxation. I do not intend to skew off to talk about the GST as the previous speaker did. I reiterate that the opposition does not oppose the bill, although it is obviously concerned about some elements of state taxation and the overall tax burden after six years of the Kennett government.

The government is not only one of the highest taxing and charging state governments in the country, it is one of the highest taxing and charging governments in Victoria's history. Since 1992, there have been more than 7400 increases in taxes and charges. The Kennett government is now raising an additional $2.3 billion a year in taxes. That is a nominal figure, but when it is indexed for inflation the increase in real taxation levels over the past few years is significant.

Ordinary Victorian families are being slugged by the higher taxes and charges imposed by the Kennett government. In 1997–98 the Victorian government raised $1877.56 in taxes and charges per head compared with the national average of $1781.66 per head. Whatever way the figures are viewed, either in light of what has occurred in the state since 1992–93 or compared with the rest of Australia, Victoria's taxes are higher to the tune of $2.3 billion a year. The burden of taxation per head of population is heavier in this state than it is for Australians as a whole.

On average the Kennett government has raised taxes more than 7.2 per cent each year since 1992. All honourable members know that we are living in an era of the lowest sustained inflation in the nation's history, if not its post-war history. Despite that low inflationary regime taxes have increased by considerably more than the inflation rate. As I said, under the Kennett government taxes have increased by 7.2 per cent per annum since 1992–93, and as a result the state is now raising an additional $2.3 billion per annum in taxes.

That does not include what I describe as hidden taxes, such as the secret water taxes that are paid to the Kennett government. As I pointed out recently, in the four years since the introduction of the water dividends in 1994–95, regional water authorities have paid more than $53 million in taxes into consolidated revenue. The figures show that the Barwon Region Water Authority has paid nearly $19 million; the Central Highlands Region Water Authority, $5 million; the Coliban region, $5 million; the East Gippsland region, $1.7 million; the Gippsland Region Water Authority, $5 million; the Glenelg region, $785 000; the Goulburn Valley region, $4.8 million; the Grampians region, $2.2 million; the Lower Murray region, $2.2 million; the North East Region Water Authority, $3.4 million; the Portland Coast Region Water Authority, $885 000; the South Gippsland region, $1.4 million; the South West Region Water Authority, $2.03 million; the Western Region Water Authority, $3.3 million; and the Western Port region, $1.6 million. That makes a total of $53 million in secret water taxes.

I refer to a recent disgraceful episode when the deputy manager of the Glenelg Region Water Authority, Mr Patrick Kempton, spoke publicly about those matters. He did not go to the newspapers; he made a submission to the Productivity Commission about a range of matters, including the levels of secret taxes and the prospects for regional Victorians if the regional water authorities were privatised, which he believed would worsen the situation. He was sacked for his trouble in pointing out the facts about the government's taxation arrangements, including the hidden water taxes.

The annual increase of $2.3 billion in state taxes does not include the recently introduced catchment management authority (CMA) tax. The government takes every opportunity it can to claim that that is not a tax but a levy. The fact is that it is a tax on landowners throughout regional Victoria. In the 1998–99 financial year it is estimated the tax will raise $15.687 million. You pay the tax whether you live in Bendigo, Ballarat, Shepparton or Gippsland. You pay a water tax, you pay a CMA tax and you pay your regular state taxes, the estimates for which are included in the budget papers as well. When those figures are adjusted they show that Victoria is the highest taxing and charging state in Australia — and when the figures are adjusted for the secret taxes, the situation is even worse.

I turn to payroll tax, which is dealt with by the legislation. The opposition welcomes the cut in the payroll tax rate applied in this and the last two budgets. It is a positive dividend for businesses in Victoria, given the number of years of economic growth Victoria and Australia have enjoyed. However, one must look at the real situation behind the figures quoted by the Treasurer and the parliamentary secretary. Over the last financial year 2556 extra Victorian employers faced payroll tax bills for the first time. The government waxes lyrical about how wonderful this cut in taxation is, but at the same time the overall revenue take from payroll tax is continuing to rise. Last year it increased by $92 million, and the number of firms within the capture of payroll tax is continuing to increase.

The information in the answers to questions on notice which the opposition put to the Treasurer and to which he recently responded is illuminating. In

1992–93, 11 686 Victorian firms paid payroll tax; in 1993–94, 12 025; in 1994–95, 12 884; in 1995–96, 13 604; and in 1996–97, 13 961. The estimate provided for 1997–98 was 14 800. When the opposition later asked the Treasurer how many firms had incurred payroll tax in the 1997–98 financial year the answer was 16 517, not the estimated figure. In 1992–93 the figure was 11 686 and today it is 16 517.

Because of the inclusion of superannuation contributions in the payroll tax net, more small and medium businesses are being caught up by payroll tax. In other words, the rate may have been reduced marginally — that is 0.25 per cent — in the budget, but the number of firms having to pay payroll tax for the first time is increasing.

Recent ABS unemployment statistics and trend figures show that employment growth in Victoria has been virtually stagnant for the past 12 to 18 months. Anyone who read the recent article by Tim Colebatch in the Age referring to revised ABS statistics for economic growth in Victoria would have seen that over the past six years Victoria's economic performance has been among the worst of all states and territories. It has not been the best or in the middle — it has been among the worst. It is a myth that Victoria is experiencing strong economic growth and that firms are growing strongly and coming into the payroll tax net — it is not true. More firms are coming into the net because the net has been widened. Firms which were not required to pay payroll tax in 1992–93 are now being caught because of the level of the cap and the inclusion of superannuation payments.

Many firms in regional Victoria are being forced to pay payroll tax for the first time. On the basis of the figures published on the weekend showing that farm incomes in Victoria are the lowest in Australia, the last thing a government would want to do is spread wider the payroll tax net to gather up more country businesses and force them to pay the tax for the first time. However, that is a judgement for the government. Everyone knows that country Victorians are struggling, whether it is on the basis of unemployment figures, bankruptcy or the level of farm incomes. The last thing they need is to be caught in the payroll tax net, but that is what they are getting from the government.

I turn to the incidence of state taxation. All honourable members would agree that, because of the relatively narrow base, state taxes fall on certain groups in the community. That is a matter of concern which must be addressed. Many taxes levied by the state are inequitable, economically distorting and inefficient. To understand that one must look at some of the case studies relating to the impact of state taxes on different sections of the community.

If one looks at the ABS household expenditure survey one sees a good picture of how state taxes, whether they be gambling, payroll or financial institution duty taxes, impact on the community in a regressive way. The rate of tax paid in 1992 by 19 to 25-year-old single persons was $2619, and the tax paid by the same category in 1997 was $3936. That group has experienced a 50 per cent increase since 1992, and are paying 10 per cent of their total income in state taxes. In 1992 a dual high-income family was paying $4032 in state taxes, and the figure in 1997 was $5432. That is an increase of 34.7 per cent, but the tax as a proportion of total income is just 4.1 per cent. A single, aged pensioner paid $2090 in state taxes in 1992 and $2838 in 1997 with tax as a percentage of total income in 1997 being 24.7 per cent. A dual-income family on an average income pays 15.3 per cent of its total income in state taxes.

When one looks at the incidence of state taxation to see who is treated the best under Victoria's taxation regime one sees it is the dual high-income family with only 4.1 per cent of its total income going on state taxes. Worst affected are the single, aged pensioners, with 24.7 per cent of their total incomes going on state taxes. Also badly affected is the dual-income family on an average income paying 15.3 per cent, and the 19 to 25-year-old single person paying 10.6 per cent.

In summary, the household expenditure survey shows that in both absolute and relative terms the average income family is paying higher state taxes as a percentage of income than families with high incomes, and pensioners are paying more than six times more than high-income families. Almost 25 per cent of a single aged pensioner's income goes on paying state taxes.

I have raised this issue in previous debates: the regressive incidence of state taxation is a matter of grave concern. The bill and the recent changes announced in the state budget do nothing to change or improve the situation. As the honourable member for Footscray pointed out, if one looks at the additional federal imposition of a goods and services tax, one is likely to see an even more regressive state taxation system.

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

Mr BRUMBY — The opposition is embarrassed by the fact that in the past year 2500 more Victorian businesses have been forced to pay payroll tax, which is an 18 per cent increase — 16 517 firms compared with

just 11 000 six years ago, when this government was elected.

There has been a lot of rhetoric about lower rates, and lower rates are good, but the net has been broadened and the payroll tax capture has got bigger, broader and wider and has picked up more and more businesses. It has done so in many of the growth areas of the economy. It has picked up some of the high-tech businesses, the information technology businesses, and the small and medium-size enterprises that are so essential for Victoria as we enter the new millennium.

The bill also deals with the issue of banks. It imposes stamp duty on transfers of assets resulting from mergers of financial institutions. We had some debate about this matter last week on the Financial Sector Reform Bill, but this bill obviously raises the question of banking policy. If no changes to banking policy are being considered and the four-pillars policy is to remain in place in Australia, why is amending legislation necessary? It would be necessary only if the government envisaged that mergers of the major banks could occur at some stage within the next few years.

There is spirited debate in the banking community about the four-pillars policy. At both state and federal levels the Labor Party thinks the community in general benefits from the retention of the four-pillars policy, and there are a range of reasons why we say that. One of those reasons is the fact that the Australian banking industry is already one of the most concentrated anywhere in the world.

A 1996 report prepared by McIntosh Baring showed that if the number of major banks in Australia went from four to two it would cost 35 000 jobs, with the majority of them being lost in regional Australia, and of course in regional Victoria.

In an editorial last year headed 'Four pillars make a firm foundation' the *Age* said the government was right to continue to prohibit mergers by the big four national banks. Interestingly, on 2 December 1998 in an article headed 'No bank merger: Kennett' the *Age* also reports the Premier as saying:

> The Premier, Mr Jeff Kennett, yesterday declared his opposition to the four main banks being allowed to merge, saying it would lead to reduced competition and less choice.

An article in the Australian *Financial Review* in March this year headed 'Federal legislation makes bank mergers easier' points to recent federal legislation and the complementary legislation this house passed recently, which would make it even easier for the four major banks to merge. Such a merger would spell the end of the four pillars.

At the weekend the managing director of Westpac, Dr David Morgan, called on Channel 9's *Business Sunday* program for the Howard government to scrap the four-pillars policy. An article in the *Australian* says:

> Morgan joins chorus of four-pillar dissent.

The chorus is coming from some of the banks, notably the NAB and Deutsche Bank.

If you asked the Victorian community what it thinks about it, it would say that the banking industry is already highly concentrated and what it needs is more competition, not less. If you allow the four pillars to fold into three pillars or two pillars, which will inevitably become one pillar, you will get less competition, not more.

I have a particular interest in the impact of this measure on regional areas of Victoria, and of course across Australia as a whole. Over just the past three years there have been 153 bank closures, and 201 rural communities across Australia have a single surviving bank branch.

All the research shows that when you close a local bank residents spend on average $320 a month less in their own towns. This matter was debated a week or so ago. I see the honourable member for Bellarine is here. The bank at Portarlington in his electorate closed recently.

I am reminded of the story of the little country town of Dunolly, where the Kennett government attempted to close the local hospital. However, because of a sensational local campaign supported by me and the local member, Bob Cameron, the hospital remains open. It is also the town where the government built a new police station, but in a scene straight out of *Yes, Minister*, unfortunately failed to put a police officer in it. The new police station was not successful in doing the job that was intended for it — —

The ACTING SPEAKER (Mr Perton) — Order! I ask the honourable member to switch his pager off or take it out of the chamber.

Honourable members interjecting.

The ACTING SPEAKER (Mr Perton) — Order! I remind honourable members of the ruling that pagers, mobile phones and laptop computers should be used in silent mode.

Mr BRUMBY — It is important to do that, Mr Acting Speaker. You will appreciate that I have not

had a pager for very long. I will take the battery out so there is no prospect of it self-destructing while I am contributing to the debate!

One major policy difference between members of the Labor Party and the conservatives is that we have a policy of supporting the retention of banking services in regional Victoria. We are committed to a charter of regional banking responsibility and believe that the banks should be required to endorse such a charter.

A second point of difference is that in government Labor will support the establishment of one-stop shops throughout regional and rural Victoria providing co-location of commonwealth, state and local government services with banking facilities. I have seen a similar situation in operation in Chiltern, where the local credit union and the municipal council are successfully sharing facilities and where information is available on call to ratepayers through databases.

A third point is that Labor strongly favours initiatives such as the community banks proposal that is supported by the Bendigo Bank, an excellent institution that is providing real opportunities and choices to people throughout regional Victoria.

My final point addresses the issue of bank debit charges and financial institutions duty. Most Victorians were horrified when they saw the 11 May *Herald Sun* headline 'Fee for all; banks' charges soar to $10 billion'. The article states:

> Australians paid a record $10 billion in fees and charges to the nation's top five banks last year ...
>
> The $10 billion haul — 22 per cent more than in the previous year — was revealed in a report by leading accounting group KPMG ...

Many people, including the Premier, remarked on that at the time. What is the point of state governments continuing to reduce taxes such as financial institutions duty if the margin that was recovered by the tax is simply snapped up by the financial institution? Yet that is exactly what has happened across Australia. As governments reduced their tax imposts on banks believing that lower costs and charges would be passed on to consumers, the banks said, 'Thank you very much', and snatched that margin back in increased charges. That is why press articles such as the *Herald Sun* article I quoted from have appeared. If you desired to have more competition in the banking environment, you would not consider making the situation even worse than it is today.

In conclusion, I turn to the aspect of the bill dealing with the imposition of duties on the transfer of assets through trusts. I refer to an article that appeared in the *Age* of 17 March under the headline 'State tops list for use of trusts'. The article states:

> The number of trusts has surged by 40 per cent over the past five years and capital gains tax revenue soared ...

Victoria is the trust capital of Australia. The article refers to a report by the Australian Taxation Office stating that Victoria has 31 per cent of all trusts. In the past year nearly 95 000 trusts declared losses of almost $7 billion, each representing an average loss of $72 000.

The bill imposes stamp duties on transfers of beneficial interests through the use of trusts in real property and marketable securities, which I support, but there is an issue here for attention by governments at both the federal and state levels. The declaration of tax losses of almost $7 billion by some 95 000 trusts indicates that trusts are being used by people to massively minimise taxable income. It is an area that has to be addressed by this Parliament and others.

Opposition members do not oppose the bill, but we point out, particularly in relation to payroll tax, that despite the modest rate cut of 0.25 per cent this year an extra 18 per cent of Victorian businesses are paying payroll tax — a massive increase to 16 500 from the 11 000 that were paying payroll tax six years ago. An increasing number of small and medium businesses are being dragged into the payroll tax net, many in areas of regional Victoria such as Geelong, Ballarat, Bendigo and the Latrobe Valley.

Mr SPRY (Bellarine) — I shall comment briefly on the broader taxation and revenue perspectives of the debate. Page 10 of the 1999–2000 budget overview shows that Victoria's revenue sources from taxes, fees and fines amount to $8.93 billion. If one compares that figure with commonwealth grants of $7.6 billion and the smaller issues such as sale of goods and services of $1.8 billion, public authority income of $647 million and other revenue sources of $486 million one sees that in a total revenue stream of some $19.5 billion, taxes and fees contribute almost 50 per cent to Victoria's total budget. It is important to keep a close check on those revenue streams to ensure they are secure and that anomalies are tightened. I shall deal with those issues shortly.

It is encouraging that the bill has bipartisan support and that the opposition recognises the issues the government is endeavouring to address. It is not necessary to rebut comments made by the opposition in any great detail. The honourable member for Footscray suggested that the state budget was framed in the

expectation of the introduction of a goods and services tax (GST). That tax has been on the agenda of the commonwealth government for several months and remains there. However, the honourable member's comments indicate the precipitousness of the opposition's outlook and its preparedness to frame a budget on an expectation that could not be guaranteed. The government has not done that.

The Treasurer is wise enough not to take a commonwealth initiative for granted despite the fact that government members would welcome the GST coming to fruition. It would mean Victoria and the other states and territories would have a secure revenue source. It would see the end of the toing-and-froing at the heads of government meetings to secure adequate commonwealth funding for the states.

As I said, the commonwealth grants to Victoria amount to some $7.6 billion, which is a significant amount of money. If revenue flowed back to the states in the form of a goods and services tax that revenue would be more secure than it is now.

The honourable member for Broadmeadows referred to contributions in percentage terms by various members of the community. The household expenditure survey found that percentage-wise the contributions to total state revenue by the lower income sector were more than the higher income sector. However, in pure dollar terms higher income earners contribute far more to the state budget than lower income earners. I suggest that would be according to a factor of several hundred per cent, despite the state's services generally being enjoyed across the board regardless of income.

The honourable member for Broadmeadows also reflected on the interaction of the state's banks. He mentioned the fact that the Portarlington Commonwealth Bank in my electorate has withdrawn its services. I agree with his remarks. It is my earnest desire that the Bendigo Bank might eventually establish a branch at Portarlington in conjunction with the community, which is making great efforts to restore banking services in the area. In the absence of major banks in smaller areas the Bendigo Bank is endeavouring to make its presence felt throughout Australia. In time it will make a significant contribution to the lives of people in those communities.

The bill has three main objectives. As has been mentioned a couple of times during the debate, the amendments to the state taxation acts give effect to budget initiatives, including the lowering of the payroll tax rate to make Victoria an even more attractive state for potential employers and business operators. The provisions of the bill will produce a more competitive environment in Victoria, and the lowering of payroll tax is one of the initiatives that new business operators will consider when deciding where to establish, which will be good for Victoria.

The bill also addresses the anomaly that has the potential to allow employment agencies to retain payroll tax paid to them by employers. Clause 8 amends the Pay-roll Tax Act to ensure that tax paid by its clients to an authorised employment agency can be recovered. That is an obvious and logical initiative.

Clause 9 deals with the lowering of the rate of payroll tax from 6 per cent to 5.75 per cent. The issue of how payroll tax in Victoria compares with other states was addressed in the budget overview. It is the third reduction in the level of payroll tax to be introduced in Victoria. From July 1984 to 1992 Victoria's payroll tax rate was a flat 7 per cent. Three years ago it was reduced to 6.25 per cent, and subsequently to 6 per cent. This year the Treasurer announced in his budget speech that it would be further reduced to 5.75 per cent.

Lowering the level of payroll tax is expected to generate some 2000 jobs over the next two years and an estimated 18 000 jobs in the long term. One might wonder what effect those marginal decreases in payroll tax might have on the business community. Although the reductions in payroll tax are marginal, the growth in jobs of 2000 over the next two years and 18 000 in the longer term gives some indication of how these reductions can generate additional job opportunities throughout Victoria. The additional jobs should not be underestimated.

The tax cuts the government has introduced over the past few years have brought Victoria's economy into sharp focus. In 1992–93 Victoria's total tax burden was $732 million a year more than that of New South Wales. Victoria's total tax burden has now been reduced to $164 million below that of our major competitor, New South Wales. That is the sort of incentive that will bring more business, and more importantly, more jobs, flowing into Victoria. Victoria is becoming a more competitive state in which to do business, and its environment encourages and attracts business to generate more jobs in the long term.

Clause 10 amends provisions of the Financial Institutions Duty Act and the Pay-roll Tax Act relating to tax exemptions enjoyed by charities. It is a revenue-protection measure designed specifically to exclude any companies that are wholly or partly owned by the tertiary education institutions, thereby closing a loophole. I do not know how many times it was used

but the opportunity was there for people to take advantage.

Part 6 amends the Stamps Act by introducing exemptions from stamp duty for documents and asset transfers required as a result of recent changes to the Corporations Law by the commonwealth's Managed Investment Act announced publicly some time ago and applying from 1 July 1998. It is necessary for the state to take account of those changes and act accordingly.

The bill also makes provision for a duty on the transfer of assets arising from voluntary mergers of financial institutions. Again, they are anti-avoidance provisions introduced to ensure that proportional stamp duty will apply whenever a beneficial interest in real property or a marketable security is transferred. It could be argued that some creative accountants were using an existing loophole in the act to minimise their taxation obligations, so the legislation has been tightened up and the loophole closed permanently.

The bill strengthens the government's ability to recover an appropriate amount of duty where the value of real property is in dispute. Clause 13 provides for measures to discourage transferees from under-estimating property values for the purpose of avoiding tax. When a valuation is in dispute and the Valuer-General finds that the true value of the property is at least 15 per cent more than the value claimed by the transferee — the party who will pay the duty — the transferee must pay the cost of the valuation. That will discourage a transferee from making an unsupported objection if the stamps office finds he or she is contravening the relevant section of the act.

Clause 6 makes changes to the collection of revenue from gaming and lotteries, as explained by the honourable member for Footscray at some length, and is another efficiency measure. I will not go into it in detail. The changes will simplify the existing taxation arrangements without impacting on revenue collected. The new provisions will give greater certainty to the government in the estimation of revenue due to it from the activities of Tattersalls.

Overall, the bill provides for a decrease in payroll tax, a tightening of anti-avoidance provisions in the Stamps Act and a public benefit flowing from a fairer and more equitable tax system. Efficiency and fairness in the application of tax laws is valued by the entire community. It reinforces the confidence of businesses and householders in the government as a sound financial manager.

During its seven years in office the Kennett government has been recognised by the people of Victoria for its sound financial management. The contrast between this government and the previous one is great, and the Kennett government now enjoys the confidence of all Victorians in its ability to administer the finances of the state. I will not go into that comparison in great detail because everyone understands it very well.

Finally, the legislative changes proposed in the bill will continue the government's reform of the state tax system and the financial sector in general to create a robust economy for Victoria. The state will continue to outperform the rest of Australia well into the new millennium and will deliver to all Victorians great prosperity and, in consequence, a far better standard of living than has been enjoyed in the past.

Mrs HENDERSON (Minister for Housing) — I am pleased to offer some concluding remarks on the State Taxation Acts (Amendment) Bill, and I take the opportunity to thank honourable members who made a contribution to the debate.

The bill, though small, is a very important piece of legislation. As the honourable member for Bellarine has pointed out so clearly, it will create a more competitive environment for the business community. Its most important provision is that it reduces payroll tax to 5.7 per cent, the third reduction in payroll tax by this government — a magnificent outcome for the business community and ultimately for all Victorians. I particularly thank the honourable member for Bellarine for his detailed outline of the bill and his exceptional knowledge of taxation matters. I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PROSTITUTION CONTROL (AMENDMENT) BILL

Second reading

Debate resumed from 6 May; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — The opposition does not oppose the bill. The intention of the legislation is good; however, it fails to address some important issues, and I expect further amending legislation may be introduced

in the not-too-distant future to rectify some of the problems this bill fails to solve.

One of the key aspects the legislation fails to address — I will deal with the specifics shortly — is resources. It is all well and good to introduce and pass legislation dealing with prostitution, prostitution control and the health problems that may result from the proliferation of illegal brothels, but the resources must be on the ground so that health portfolio personnel can carry out appropriate inspections to ensure that proper sex education is taking place in brothels and other places, such as gay saunas, which other speakers on this side of the house will address.

The bill requires premises such as gay brothels and gay saunas to be licensed. Premises at which people pay admission fees and at which sexual activities take place are defined as brothels, and as a result appropriate licences must be obtained and appropriate planning regulations adhered to. That may have enormous ramifications for a number of premises that are currently operating and for the safe sex message that society has tried to introduce over a period of time. I will deal with such matters, as will other speakers in due course.

The main issue the legislation fails to focus on is the provision of appropriate resources to ensure that inspectors can carry out inspections in a thorough manner. I understand that currently there are fewer than a handful of inspectors who carry out HIV testing and the like at brothels, and in any event they are not employed to do so on a full-time basis. Already the health portfolio is grossly under-resourced to carry out inspections. Under the legislation the government is widening the net to include as brothels premises that are currently not included in that category, but it is not giving appropriate resources to the relevant department to undertake appropriate inspections.

The opposition does not oppose the legislation, but it is aware of some legitimate concerns about the extent to which it may affect what are, after all, legitimate businesses, and has such concerns itself. The opposition supports the bill because of a number of problems with the operation of the current act. Labor introduced the original state Prostitution Regulation Act in recognition of the fact that the industry is a fact of life and should be subject to regulation rather than being forced into dark alleyways in metropolitan and regional parts of Victoria. Until the introduction of that legislation prostitution laws were specifically designed to outlaw what is known as the oldest profession in the world.

Mr Acting Speaker, you will be interested to know that in 1835, the then colony of New South Wales passed legislation to make it a criminal offence for a person to be a vagrant. The definition of vagrant included the words 'every common prostitute wandering in any street or being in any public resort who shall behave in a riotous or indecent manner' — a fairly broad definition at the time. Surprisingly the prostitution industry continued to flourish, despite laws designed to inhibit it. Regardless of any legislation passed in this place prostitution will continue to flourish. It would be impossible for any government or any society to get rid of all illegal brothels.

As honourable members may be aware, in 1984 the Cain government appointed Professor Marcia Neave, then of the Melbourne University law faculty and now of the Monash University law faculty, to undertake an inquiry into prostitution. The terms of reference were referred to in October 1986 by then Minister Matthews in his second-reading speech on the Prostitution Regulation Bill. He said that the terms of reference were: firstly, to examine the implications of the various alternative actions available to the government with respect to all parties involved in prostitution, with particular reference to the implications of decriminalisation and legislation thereof; secondly, to consider other inquiries relevant to prostitution; thirdly, to consider the relevant law and practice in relation to prostitution elsewhere; and fourthly, to have regard to the reports of the interdepartmental monitoring committee relating to the Planning (Brothels) Act.

Marcia Neave reported back to Parliament with what became known as fairly groundbreaking recommendations on how the state legislature should deal with the prostitution issue. The findings were that the state government should, among other things, act to: firstly, reduce the reliance on the criminal law as a means of limiting prostitution, as set out in the second-reading speech of former Minister Race Mathews; secondly, to focus the criminal law on exploitative practices, especially those affecting young people; thirdly, to permit an adult prostitute to work alone without restriction; fourthly, to use planning and licensing controls in relation to multi-person prostitution; and fifthly, to develop a range of health, educational and welfare measures to seek to diminish the circumstances which lead women — usually — to engage in prostitution, including rehabilitative measures.

In response to the findings of Marcia Neave the Cain government passed the Prostitution Regulation Act, the first comprehensive legislative scheme for the prostitution industry in the state. The purposes of the

act were to provide for a controlled and policed industry which was not dominated by criminals and in which workers were protected from both exploitation and harm. No legislation passed on prostitution will ever totally alleviate the criminal involvement and fully protect the sex workers in the industry. The idea behind the legislation was that workers should be protected from exploitation and harm. Prior to the enactment of that legislation the prostitution industry was somewhat out of control in Victoria.

It was reported that a massage parlour had been firebombed and a brothel owner murdered in Kew. Back in the bad old days before the legislation was introduced there were even allegations that the police were running brothels in Victoria. I am sure the shadow Minister for Police and Emergency Services, who is now entering the chamber, will be able to confirm that.

Ms Campbell interjected.

Mr HULLS — I take up the interjection of the honourable member for Pascoe Vale, who says she has information that some ex-police are involved in the industry. There is nothing wrong with that, of course; there are legal brothels in the state.

It is interesting to note that one of the current operators strangely describes the bad old days as the good old days. Mr John Trimble of the Daily Planet was referred to in a recent article in the *Age* by Mark Forbes:

> 'When we were illegal the place was fun, it was fantastic', says the owner of the Daily Planet, John Trimble.
>
> 'Legalisation has made it boring, it's so restrictive. There are so many rules and regulations we are thinking of packing up and going to Queensland.'.

That is interesting when one looks at the history of the industry in Queensland, which received a fair amount of publicity during the Fitzgerald inquiry into corruption. Mr Trimble should be warned that that is what the original act was designed to do — that is, make prostitution boring and force those who wanted to act illegally out of the industry.

In his second-reading speech the then minister, Race Mathews, further stated:

> The exploitation of women — and in some instances men — which is inherent in the activities associated with prostitution in our community is a problem about which no doubt all honourable members feel deep concern. The blunt instrument of the criminal law as addressed to adult prostitution activities has not made any significant impact in reducing the level of exploitation. The proposals which the government now places before Parliament are designed to adopt a more sensitive multifaceted approach to this problem.

I hope honourable members are a bit more enlightened than some of the honourable members who debated the bill at that time. It is sad to look at some of the contributions made to the debate back in 1986 by honourable members on the conservative side of politics, in particular members of the National Party. They were unable — if you will excuse the expression — to come to grips with the industry and the need for regulations to protect the people who worked in it.

The then Deputy Leader of the National Party gave an extraordinary speech detailing why he was opposed to the bill. Mr Eddie Hann spent a good deal of his speech quoting the *Book of Proverbs* to members of the Labor Party in arguing about whether the law should be changed to licence prostitution. He is reported as saying:

> The laws of Parliament are based on God's law, if one goes back far enough. The Bible is God's instruction ... our laws are based on God's law — the biblical laws. Australians live in a Christian society and something like 80 per cent of the nation are Christians. The laws of God go back thousands of years. The Bible is the word of God. Of the 6000 prophecies in the Bible, 3000 have come to fruition and every single one of them has been right.
>
> In chapter 4, verse 18, the prophet Hosea was highly critical of prostitution and stated:
>
>> After drinking much wine, they delight in their prostitution, preferring disgrace to honour. They will be carried away as by the wind, and they will be ashamed of their pagan sacrifices.

After the prophet Hosea, Mr Hann went on to quote chapter 7, verse 6, of the Book of Proverbs. He then quoted a letter of St Paul to the Corinthians, as well as other excerpts from the Bible, all based on the supposition that Parliament should be bound by the National Party's interpretation of the Bible.

Mr Hann went on to say:

> It is clear that attempts by governments to control social evils by licensing them are never successful: not with gambling, not abortion, nor 'free' or deviant sex and pornography. The result is always more crime, more disease and more destruction of home and family — and more welfare.

It is interesting to note that Mr Hann went on to blame Justice Lionel Murphy for the destruction of Christian values. He decided that former High Court Justice Lionel Murphy was the cause of Australians' willingness to turn to hedonism, stating that:

> Governments and legislators committed to changing the biblical foundation of the nation and replacing it with relativistic values and those of hedonism, however, have made changes in the legislation of the nation and in public morality ...

> Professor Manning Clark in his description of the late Mr Justice Murphy stated that history would show whether Lionel Murphy was right or whether the Christians were right. I believe history has already demonstrated that, because Lionel Murphy departed from this world without the love and faith that is offered to everyone through Christianity.

The law of the land should not be dictated by any one religion. I hope that Mr Hann's views, which I am sure are not shared by the Attorney-General, are a thing of the past, as is calling on God to strike down people who do not believe in certain laws.

In continuing to show how much society has changed and how enlightened the current debate is compared with some of the contributions made on the subject in the past, I will quote a former National Party member for Gippsland East, Mr Bruce Evans, who in 1986 is reported as saying this about prostitutes:

> Shame on them. I suggest this is a black day for the state.

I hope we have left those outlandish attitudes behind us. We are more enlightened about social issues; we are happy to deal with them rather than turning our backs on them. Even the then opposition leader, the current Premier, was forced to condemn the comments of members of the National Party. In response to the comments made by Bruce Evans, the then Leader of the Opposition said:

> He has a blinkered vision in that he knows in his heart of hearts that problems are associated with prostitution in this state. Yet he does not profess the desire to do anything about it.

Even back in 1986 the then Leader of the Opposition had an enlightened view about prostitution. In 1999 we have a more mature attitude to the sex industry.

The key principles that underline our approach to prostitution and the legislation on the sex industry are based on the need to crack down on illegal conduct and ensure that all activities that can be defined as prostitution are conducted only in licensed brothels, where they can be subject to proper regulation, extensive probity requirements and appropriate health inspections and where education facilities can be made available.

It is estimated that 60 000 Victorian men visit brothels every week. I notice that the honourable member sitting up the back — who shall remain nameless — seems somewhat surprised by that number.

I can assure the honourable member — and I hope he does not get personal because I am on my feet — —

The ACTING SPEAKER (Mr Perton) — Order! While amusing interjections may be acceptable during the debate, in these circumstances I ask the honourable member not to generate interjections and then respond to them.

Mr HULLS — It is interesting to note that some 60 000 Victorian men visit brothels every week and the industry turnover is $360 million a year. It is a substantial industry. Only fools, and perhaps members of the National Party, would believe that the industry can be stopped.

Mr Haermeyer interjected.

Mr HULLS — I do not know why the honourable member for Yan Yean keeps interjecting about sheep. In any event, the original Prostitution Regulation Act, and its replacement, the Prostitution Control Act, have both had some difficulties relating to loopholes being exploited to defeat the purposes of the legislation, which is to allow limited ownership of brothels and provide strict probity requirements. The difficulties are focused on, firstly, the difficulty in defining exactly what is a brothel and what is an entertainment venue. The distinction has been blurred by the provision of certain sexual services in venues that maintain they are not brothels.

The second difficulty has been the licensing and enforcement systems for both legal and illegal brothels. The manager of a legal brothel wrote to the *Age* to express her opinion. The letter appeared on 4 March 1999. In the letter she states that her name is Samantha Roberts-Cobb and that she is the manager of the Boardroom in South Melbourne. She then expresses her opinion about difficulties with illegal brothels. The letter states:

> As a manager of a legal brothel, I find it infuriating that illegal operators are benefiting financially at a cost to legal operators. Along with the loopholes that allow them to get away with operating illegally, there are many other constraints that make it impossible for brothels to compete with mainstream industries.

It is a fact that people have used loopholes in the legislation and the lack of resources allocated to the police force's vice squad to avoid the strict probity requirements on the industry. The problem of illegal operators has been neglected by the Kennett government in the past; the problem is not new.

In March 1995 it was reported that the police were increasingly frustrated at the number of illegal brothels springing up in Victoria. An article in the *Age* of 19 March 1995 states:

> Melbourne has more than twice as many illegal 'massage parlours' as legal brothels.
>
> The proliferation of illegal parlours, brothels and escort agencies has followed a moratorium imposed by the Liberal government in March 1993 on the issue of council permits for brothels.

At the time the police were finding it increasingly difficult to get at these illegal brothels. The article refers to comments by Chief Inspector Blick in 1995, and states:

> More than 100 illegal brothels had opened since the moratorium but police were hampered in getting evidence to convict owners due to deficiencies in the law.

At the time the government announced it would crack down on the growing illegal industry. An article in the *Herald Sun* of 10 June 1995 reported that approximately 200 illegal escort agencies and brothels faced possible closure in a state government crackdown on Victoria's sex industry. However, four years on the government is back in Parliament in an attempt to pass the right legislation to remove the illegal elements in the industry. I do not entirely blame the Attorney-General. She has attempted to pass legislation to wipe out illegal brothels. However, she has been a bit slow in taking up the concerns of the police that previous legislation has been a half-cocked attempt at fixing up the industry.

A special investigation was undertaken recently by *Age* investigative reporter Mark Forbes. It brought to light many illegal practices and loopholes in the industry. I am sure the Attorney-General and her advisers are avid readers of Mark Forbes and read with interest his series on illegal brothels and loopholes in the industry. It is rare for journalists to receive praise in Parliament, but it is important to recognise the legitimate role that the media plays in stimulating public debate, revealing the truth about how society is operating and revealing problems that exist with current legislation.

Mark Forbes is to be congratulated on the investigation he undertook. He brought to light what many people may have been too frightened to write about and what might otherwise have gone on without any action being taken. A substantial part of the bill is the result of some of the investigative pieces that have been written by Mark Forbes and others. His investigation found that there had been an explosion of illegal brothels and criminal involvement in and sham ownership of legal brothels.

The investigation found that many illegal brothels had opened via tabletop dancing venues. The venues often blurred the line between on the one hand entertainment venues and on the other hand brothels. Lap dancing venues were found to be actively encouraging people to masturbate and perform acts with workers who were employed in these premises. Some legal and illegal brothels were found to be run by convicted criminals. The loophole in the legislation had become so wide that in one extraordinary circumstance a legal brothel was being run by an individual with a criminal conviction for child prostitution. Even worse, the investigation found that the sex slave trade was alive and well in Victoria and that women, often immigrants, were being forced to work in illegal brothels to repay debts and were often locked away until they paid off their debts.

A federal police report has estimated that crime syndicates in Australia earned more than $30 million a year from foreign women involved in prostitution rackets. The United Nations has estimated that the worldwide figure is approximately $6 billion. All honourable members would agree that that trend must stop.

Unfortunately, those shonky schemes have involved immigration rackets that have been facilitated by the crook migration agents. That is why the federal government needs to do a lot more to track down those offenders and ensure that that trade ceases. It is important that the state have a role in the licensing process.

The bill is welcomed by reputable elements of the industry, but some concern has been expressed to me — and I am sure to the Attorney-General — about the breadth of the legislation. The opposition understands the motives behind the measure and welcomes most of its initiatives, but it expresses concern about its breadth.

The bill deals with six primary areas. The first is the regulation of unlicensed brothels. Currently an offence exists where a person knowingly carries on a business or owns a property that is being used as an unlicensed brothel. There have been problems in the past with proof. The bill creates a specific liability offence, albeit with a smaller penalty, for a brothel being conducted on an individual's premises. Strict liability offences are problematic in terms of principles of justice, particularly when they are considered by a person with a legal background. But it is fair to ask an individual to take reasonable and appropriate steps to ensure that if he or she does not have a licence a brothel is not operating on those premises.

A recent case was brought to my attention involving a landlord who was leasing out rooms in the same office building where a number of health practitioners were

operating, thereby creating one substantial health business using joint advertising campaigns and sharing costs. The health services being offered included naturopathic and counselling services. After advertising another room the landlord received an application from a person who purported to specialise in Chinese medicine and massage. The woman had a number of certificates of qualification supporting her claim.

About a month later the landlord, who also had a room on the premises, became suspicious about the clients visiting the new tenant and the fact that they seemed to be exclusively male. She noted there were no female clients of this specialist in Chinese medicine and that the clients appeared to be paying significant amounts of money to the supposed expert. When one of the clients entered her room and made improper suggestions the landlord was alarmed, and to discover exactly what was going on she asked her brother to pretend to be a client of this expert in Chinese medicine. The brother discovered that the person was running a prostitution service, and the landlord immediately threw out the tenant.

The bill is not designed to make a criminal out of a landlord in those circumstances. It provides for a defence where the person could honestly state, as was the case in that matter, that he or she reasonably believed the masseurs employed or retained by that person were not providing prostitution in the course of their employment or by contracting services out of the premises. It is important to note that there are instances where a person does not reasonably know that a prostitution service is being offered on a premises, and that is why it is important to ensure that bona fide people have a defence despite its being a strict liability offence.

The second aspect deals with business licensing and extends probity checks undertaken by the Business Licensing Authority to associates of bodies corporate as well as individuals who operate a premises. That has been welcomed by all those who have been consulted about this particular legislation, including the Prostitutes Collective Victoria. I understand there have been cases where associates of a body corporate are not fit and proper entities to be involved in the industry. The bill will extend the provision to exclude their being involved.

The third aspect deals with disciplinary proceedings and extends the ability of the Victorian Civil and Administrative Tribunal to discipline persons managing a brothel to include a person in the management and operation of a brothel, which will capture people who have avoided the legislation by setting up as consultants.

The fourth aspect deals with standardised inspection powers and brings the powers of inspectors into line with those outlined in the recently passed fair trading legislation dealing with the powers of inspectors.

The fifth aspect deals with the ownership of brothels and makes it an offence to own more than one permit or licence. That will ensure there is diversity of ownership of brothels. It is an attempt to keep out the criminal element and diversify ownership so that one person does not have a hold, so to speak, over the sex industry.

One of the most controversial and problematic areas of the bill relates to the definition of sexual services. I understand there was some interesting debate in the government party room over this matter. I do not know whether it was the parliamentary secretary who was left with the task of explaining the new definition to his colleagues, but I understand there was some interesting debate. The leaks that came out of the party room in relation to this matter were fascinating.

In any event part of the problem about the definition of sexual services was identified in the *Age* series of articles — that is, that some entertainment venues are offering sexual services but the venues are not burdened by the requirements of the Prostitution Control Act. One purpose of the bill is to extend the definition of sexual services. Before I read the definition into *Hansard* I will explain the problem as I understand it, and I have to plead ignorance somewhat because I have not visited a — —

Mr Rowe interjected.

Mr HULLS — I note the interjection by the honourable member for Cranbourne, who is a former police officer. He, when he was on the beat, may have had personal experience with such premises — as an inspector, of course. I plead ignorance about the tabletop dancing venues, but I understand that at some of those — —

Mr Coleman — Watch out! Your nose is growing!

Mr HULLS — Again I take up an interjection, this time by the honourable member for Bennettswood, who seems to be suggesting that he has conducted research on those premises. I will be very interested to hear his learned contribution, his first-hand experience of those particular venues if he has visited them. I have not, but I understand that at some venues there is more than tabletop dancing taking place. I understand that some sexual services are offered and taken up at particular

premises. As a result those sexual services are not controlled by the prostitution control legislation, and it puts those venues at an unfair advantage compared with legal brothels that are subject to appropriate regulation.

The Attorney-General has attempted to fix the problem by widening the definition of sexual services. I have some problems about whether the definition of sexual services is too broad.

Clause 4 substitutes the following definitions of sexual services:

> (a) taking part with another person in an act of sexual penetration; and
>
> (b) masturbating another person; and
>
> (c) permitting one or more other persons to view any of the following occurring in their presence —
>
> (i) two or more persons taking part in an act of sexual penetration;
>
> (ii) a person introducing (to any extent) an object or a part of their body into their own vagina or anus;
>
> (iii) a person masturbating himself or herself or two or more persons masturbating themselves or each other or one or more of them —
>
> in circumstances in which —
>
> (iv) there is any form of direct physical contact between any person viewing the occurrence and any person taking part in the occurrence; or
>
> (v) any person viewing the occurrence is permitted or encouraged to masturbate himself or herself while viewing —
>
> and, for the purposes of this definition, a person may be regarded as being masturbated whether or not the genital part of his or her body is clothed or the masturbation results in orgasm.

I read that definition into *Hansard* because it is very important. It widens the definition of sexual services. It is an extremely broad definition and a number of representations have been made to me, and no doubt to the Attorney-General, about whether or not the widening of the definition will have a more extensive impact than first thought. It is important to note those concerns.

The Prostitutes Collective Victoria, which is at the coalface of the industry, opposes the broad definition of sexual services. It has made a submission, which states:

> How are the authorities ever going to police this new definition of sexual services? PCV does not consider peepshows to be a prostitution service if there is a partition between two people although we do acknowledge that lap dancing has involved digital penetration.

I can understand its concern. The broadened definition of 'sexual services' will encompass some of the peepshows which exist around Victoria — where someone pays money to watch a person strip, which encourages that person to masturbate — and which currently do not come under the umbrella of the prostitution control legislation. For example, gay saunas will come under the definition of premises that provide sexual services. Such premises will in future be required to conform with the stringent requirements of the regulations under the Prostitution Control Act.

Apart from anything else that will involve those businesses conforming with planning legislation, legislation governing the location of brothels and their proximity to schools, and the like. Some have been in existence for a long time. They will now have to be registered under the prostitution control legislation and will have to change the way they operate entirely. That will have huge ramifications. I ask the Attorney-General to monitor very closely the impact the legislation has on peepshow venues and the like that have never before been defined as brothels.

Another aspect that could be caught by the proposed legislation might elicit from honourable members the response, 'So what?'. When I got married it was the custom to have a bucks night. A group of blokes would get together, have a few drinks and a stripper would come out of a cake. My bucks night was not like that.

Mr Haermeyer — Didn't the stripper come out?

Mr HULLS — No, I did not have that sort of thing at my bucks night — I do not remember much about it.

The bill regulates payments made at the door of a particular venue where a sexual service is undertaken at that venue. The legislation may inadvertently capture not only venues such as peepshows and the like but also bucks night venues. Some football clubs conduct sex nights at which strippers perform as a form of fundraising for the club. As a kid I played football for Mornington. I remember on one occasion paying money to the club for a fundraising activity, although I did not know what I was getting myself into. The team boarded a bus at the club. The windows of the bus were darkened and the bus drove around for about 2 hours. The boys were excited about the venue they were going to. Later the bus returned to the football clubhouse and a show was put on for all the members of the football team. I would not want to describe exactly what sort of show it was.

An Honourable Member — How old were you?

Mr HULLS — I was 18 at the time.

Mrs Elliott — What occurred in the bus?

Mr HULLS — I should have thought that, given her football experiences in a former life, the honourable member for Mooroolbark would know very well what occurred in the bus! It was a big fundraising night for the Mornington footy club. We ended up at the club and all sorts of things happened. The bill may inadvertently capture those events that can be run only if a licence is obtained under the relevant prostitution control legislation. I ask the Attorney-General to closely monitor the legislation to ensure that it does what it sets out to do — that is, shut down illegal brothels, get the shonks — —

Mrs Wade — I will consider providing an exemption for the Mornington Football Club!

Mr HULLS — The Attorney-General says that she will consider providing an exemption for the Mornington Football Club. I am sure the people at the football club will appreciate that. I will send a copy of *Hansard* to the club and tell the members it's business as usual so far as their fundraising events are concerned.

I hope the Attorney-General monitors the legislation to ensure it achieves the purposes for which it was drafted. Activities such as peepshows should not be included in the wider definition of 'sexual activity'. For example, one need look only at an event called Sexpo, which was held recently at the Melbourne Exhibition Centre. People paid money to attend an event that contained displays of sexual activity as redefined under the bill. Events of that sort could well be caught by the bill, and as a result organisers may be required to obtain the relevant licence under the prostitution control legislation. The bill could give rise to all sorts of inadvertent problems.

I conclude by saying that the opposition applauds the Attorney-General for the intent underlying the bill. However, the broadened definition of sexual activity needs to be closely watched. I would ask the Attorney-General to ensure that organisers of the naive and childish fundraising events that have taken place in the past are not required to go through the rigours of obtaining licences under the prostitution control legislation. The opposition acknowledges the intent underlying the bill but asks the Attorney-General to closely monitor the matters it has raised.

Dr DEAN (Berwick) — Firstly, I will respond to several of the matters raised by the honourable member for Niddrie; and secondly, I will comment more generally on the broad principles underlying the bill. I have never met Mr Hann, to whom the honourable member for Niddrie referred, so I know nothing about him. Although I certainly do not agree with his views, I agree with the old saying, 'I vehemently disagree with everything you say but will fight to the death for your right to say it'. Although it is important to express disagreement, when that turns to mockery it reaches the intolerant stage and needs to be checked. Mr Justice Murphy was well known for his tolerance of a wide range of views. There are many migrants and others in Australia who have views similar to those of Mr Hann. As I said, although I vehemently disagree with those views I do not mock them.

I hope I do not descend into taking a boys-own approach to the topic, because it is too important for that. The honourable member for Niddrie raised what he called childish issues affecting bucks parties and other events that often involve the exploitation of women. Because many of those activities are highly offensive to women, a balance must be maintained. Although it is true to say that the women who engage in those activities do so of their own volition, we do not know why particular decisions are made, so again it is important to keep the need for balance in mind. Most honourable members in this place are males, and they should accept that females have a different perspective on those matters. If Victoria is to become a modern society, men must be vigorously cognisant of the female perspective. We are getting a hell of a lot better, but we have some way to go.

The honourable member for Niddrie raised the issue of insufficient licensing inspectors. I remind him that it was the former Labor government that introduced licensing and then, having introduced it, decided not to implement that act, a fact that has not received the publicity it ought to have received.

It was probably one of the greatest debasements of the two houses of Parliament ever to take place in living memory. After the act and the amendments to the licensing provisions were accepted and passed by the upper house, the former Labor government decided to proclaim only the portions of the act that did not include the licensing provisions. In other words, the two houses of Parliament accepted a particular stand on the licensing issue, but only those parts of the act that the former Labor government particularly wanted were proclaimed. The Kennett government's proclaiming procedures mean that if particular amendments are not proclaimed within a certain time the whole act fails. That is a guarantee that this government will never do what the former Labor government did.

I pick up the point made by the honourable member for Niddrie that a consequence of the bill may be that bucks nights become a thing of the past. I remind the honourable member that the bill concerns people engaged in the business of prostitution, not people who run bucks nights. Because the people who run bucks nights are not engaged in the business of prostitution they will not be caught by the legislation. The people who perform at bucks nights will probably be licensed escort agents, and as such they will not be caught by the legislation. The fears quite rightly raised by the honourable member for Niddrie are not well founded.

The question one must ask is: why legislate to cover sexual activity at all? All governments legislate a range of sexual activities. Governments bring in criminal statutes that deal with specific sexual offences. Victoria has legislation that covers pornography. It has legislation that deals with prostitution. Even the Equal Opportunity Act deals with discrimination on the basis of a person's sex. Sexuality is legislated all the time, but one must ask why.

I tried to think the issue through, and my conclusion may or may not be correct — I believe sexuality is the absolute cornerstone of our existence. One of the most important drives for the human race or any other living organism is the need to propagate. That is the most important thing any species or group of animals must do to exist. Of course, sexuality is bound up in that need to propagate. It is not surprising that sexuality affects absolutely everything we do.

There is constant dichotomy between rationality and instinct, objectivity and emotion, and mind and body. It is important to focus closely on sexuality because it has such a powerful impact on the way we dress, the way we talk, the actions we take and so forth. Different human societies have reacted to sexuality in entirely different ways. All human societies have built up complex sets of rules and norms around sexuality, but the interesting thing is that the range of those rules and norms is enormous. The rules and norms of one society may be very restrictive, so that even the mention of sexuality is taboo. Some groups and societies may be very open, so that virtually nothing is taboo. That tells us that there are no absolute rules about sexuality. There is no right or wrong. Each society must work out how it will handle sexuality.

As societies become more urbanised and densely populated, the tendency towards aberrations of this very powerful force within each one of us that we call sexuality grows. The way urbanised societies deal with those aberrations differs quite a lot. Sexual aberrations take all sorts of forms including crime — that is, the criminal element that exploits the sex drive for its own profit; organised exploitation not only of females but also of males; violence that can arise from the powerful force of sexuality; and perversion.

When I say 'perversion' I am not talking about those acts that make some people uncomfortable — that is not what perversion is about for me. Perversion is about cruelty, exploitation, assault and violence. All those things need to be considered as a consequence of human beings being forced to live together in an urbanised group and of the natural forces within each of us that lead us to express our sexuality.

I will touch upon another issue which is slightly off to the side but which I particularly want to mention. People often say that the rules, regulations and norms concerning sexuality act as a means of protecting the young. I must say I have mixed thoughts about that. The rules and regulations concerning sexuality including perversion, cruelty and violence, are in place to protect both the young and the old. Special rules to protect the young are justified on the basis that because that part of a human being's life is so important young people should be educated about it so they have a healthy understanding of sexuality. Society has an obligation to provide that education. The quid pro quo for introducing rules dealing with sexuality for the young is that society has an obligation to ensure that they get that healthy sex education.

That is enough on the general principles. I have spoken about the balance that every society tries to maintain, but how does this bill help to maintain that balance? We as a society have decided that prostitution is an activity that should be licensed.

The purpose of licensing something is to bring it out into the open and let everyone see it and accept it for what it is and to make rules and regulations about it. When prostitution is out in the open the community can be protected against aberrations such as crime, violence and health problems. The Labor Party will always be condemned because it did not proclaim that part of its legislation that was designed to bring the whole thing out into the open and introduce licensing. The Labor Party can never point the finger at the coalition on licensing, because it behaved incredibly badly.

To bring prostitution out into the open the government enacted the licensing provisions and as a consequence allowed the inspectors referred to by the honourable member for Niddrie to walk into brothels to make sure that people are protected, that women are not exploited, that violence is not part of the deal and that crime is

kept at bay. All of that can now be done. Given its record the Labor Party has no right to criticise.

Why is the government introducing this new legislation? Whenever new and groundbreaking legislation is introduced, particularly if it includes licensing procedures, it is necessary to wait for 12 months to see how it works. I state openly that the government cannot bring in a brand-new piece of legislation and expect it all to be perfect; nor can any other government. It just ain't gonna be so!

So, what to do? Bite the bullet, be brave about it; introduce it and then watch it. The government has watched it and seen certain things that need to be tightened up. For example, the proprietors of brothels were running institutions which they called massage parlours but which were of course brothels. When they were prosecuted they simply said they did not know what was going on in the brothel. The police knew, the sex workers knew, and everybody knew that the proprietor knew. Unfortunately, however, proving in court that the proprietor knew was difficult.

The Attorney-General and the government have introduced a very creative solution. That part of the legislation has been left as it is — that is, it is proved in court that the proprietor knew, and then the sanction is a heavy fine of up to $60 000. To get over the other problem — proving that the proprietor knew — the government has chosen to introduce a new provision with a lower fine of up to $36 000 and to reverse the onus of proof. Under that provision if all of the facts show that prostitution was taking place, it is for the proprietor to prove that he or she did not know.

One must be very careful about reversing the onus of proof and placing the burden in the other direction; but the quid pro quo for doing it is to lower the fine. To call on someone to prove his or her innocence imposes a heavy burden, so the fine has been reduced to provide some balance.

In referring to floor shows the honourable member for Niddrie read out the definition of sexual services, so I will not do that again. He made it sound very complicated. It is in fact not complicated. Quite often words are complicated but the principles and understandings behind them are not. Some people believe lawyers are paid to deliberately disguise the meaning of things. Perhaps a finger can be pointed in that direction. In this case, however, the definition of sexual services is clear. If the audience participates in the sexual acts that are part of so-called peepshows or floor shows, the house is a brothel and should be licensed.

It is important to remember that the government is not saying that activities of that kind cannot occur; rather, it is saying that the whole philosophy behind the bill is that prostitution and brothels need to be brought out into the open and licensed so that they can be controlled. If the activity is effectively prostitution, and everyone knows that it is prostitution despite the facade, it has to be licensed. Everything else flows from that — the health inspectors, the inspections relating to crime, and so on. It is a simple process.

It is true that the words in the definition are complicated and may well cause some arguments, but the real argument is an old one: does the government have the guts to take the step and try to correct the situation, or does it find it all too hard and do nothing because there may be some argument? That question characterises the difference between the present Victorian government and the former Labor government. This government does not lack the courage to go ahead and do something that is right, even if it is difficult. It may be difficult to find the right words to ensure that lap dancing venues and the like are identified as brothels when they should be, but that is no reason for not attempting to do it. The government will go ahead and attempt to clarify the matter and then keep an eye on the situation, as it always has done, to make sure it works.

In summary, the government should be congratulated on reversing the extraordinary process the Labor Party followed in government when it failed to proclaim the licensing provisions of its prostitution bill and on pursuing its philosophy of making sure that legislation must be made to work no matter how hard it is to achieve that.

Mr HAERMEYER (Yan Yean) — I endorse the arguments so sensitively and intelligently put by the shadow Attorney-General in his contribution to the debate on the bill.

Prostitution laws in this state were dramatically overhauled by the previous Labor government. It brought prostitution laws into the 20th century and more or less into kilter with popular attitudes, behind which they had fallen over a long period.

Prostitution is known as the oldest profession. It has been around for many thousands of years. In the past leaders in society have believed that it could be regulated out of existence — that if there were laws prohibiting it, it would somehow go away — or that at least they would be living up to their moral obligations by prohibiting it. However, for a long time people have known that the prohibition of prostitution is a folly, much like the prohibition of alcohol.

The previous Labor government deserves a great deal of credit for bringing the laws into the current day and age. Prostitution laws, like any laws, have to evolve over time. As with any groundbreaking legislation, at times inadequacies have appeared in the prostitution control legislation and people have tried to find and exploit loopholes in it. That action has brought about the situation referred to in the *Age* articles by Mr Mark Forbes, who must take much of the credit for prompting the introduction of the legislation. Mark Forbes, although much castigated by members opposite, is one of the best investigative journalists in the state. Notwithstanding the sarcastic and cynical criticism of Mr Forbes by members opposite, the legislation proves they take him a bit more seriously than their rhetoric might suggest.

As the honourable member for Niddrie pointed out, each week some 60 000 men visit brothels, yet I do not think he could even hazard a guess as to how many women visit brothels each week. It is overwhelmingly one-way traffic, and although some must be travelling in the other direction, I am not sure of the extent or nature of it.

As the shadow Attorney-General said, the opposition does not oppose the bill. As has been mentioned, the industry has had a proliferation of unlicensed operators and the bill proposes to increase the effectiveness of prosecution of such operators. Currently legal operators pay significant amounts of money for licences and go to great lengths to establish premises that satisfy the legal criteria and thereby qualify as legal establishments. They are abiding by the rules.

In the health area they are ensuring that proper health standards are maintained — extremely important in this type of industry — and in the planning area they are ensuring that brothels are established in areas that are appropriate — or at least not inappropriate — for the establishment of such premises. People rarely want brothels in their localities. I have come across circumstances in which even industrial estates have opposed brothels setting up in the area. It becomes a vexed question. Planning concerns are significant, and it is important that planning considerations be taken into account. Legal operators must satisfy planning laws in the establishment of legal brothels.

The most poignant issue alluded to by Mark Forbes in his articles was probity and people with previous criminal histories effectively managing or running through various devices not only a brothel but a number of brothels. It is of extreme importance that organised criminal elements be kept out of Victoria's legalised brothel industry. The effects of dangerous and corrupting elements operating in the brothel industry have been seen in New South Wales and Queensland. Organised crime is attracted to industries such as brothels, illegal drug dealing, and so on. It is important that such people are kept out of the brothel industry — that it be kept clean. That can be done by ensuring that the industry adheres to certain standards and does not become a breeding ground for organised crime.

To allow illegal operators to go on in the way they have been would make licensing somewhat meaningless. The operators of legal or licensed brothels are entitled to ask questions such as, 'Why are we adhering to the law? Why are we paying good money for licences? Why are we going to great lengths to meet health, planning and probity criteria, when illegal operators are able to operate with seeming impunity?'. If legalisation is to work and not be meaningless it is important that the law be effective and be enforced.

The bill seeks to deal with the proliferation of certain physically interactive forms of live sexually explicit entertainment. The honourable member for Niddrie colourfully dealt with some of those issues, particularly in relation to bucks nights, and so on. The issue I wish to deal with, which I doubt the bill adequately addresses, concerns massage therapists. Recently I have been approached by representatives of the body that governs massage therapists in the state. The therapists are extremely concerned about illegal operators using massage therapy as a front to establish illegal brothels or premises for the performance of certain sexual acts for payment. They are extremely concerned that their industry of legitimate massage therapy is being stigmatised and de-legitimised.

People running illegal premises call them massage therapy centres, firstly, because they are less likely to attract the attention of council by-laws officers and police.

The ACTING SPEAKER (Mr Maughan) — Order! In accordance with sessional orders, I am now required to interrupt the proceedings of the house.

Sitting continued on motion of Mrs WADE (Attorney-General).

Mr HAERMEYER (Yan Yean) — I am glad the minister is so riveted by my contribution.

As I was saying, illegal operators are using massage therapy as a front for illegal premises where sexual activities are performed in return for payment. The second reason they do so is that some people probably feel a little more comfortable and a little less inhibited walking into premises with a sign saying 'Massage

therapy' than a place with a red light out the front saying 'Brothel'.

The Association of Massage Therapists has a legitimate cause for concern. I was told of an under-aged person to whom a massage therapist was recommended. He walked into the place and much to his amazement was given — if you will excuse the expression, Mr Acting Speaker — a hand job. That may be somewhat amusing, but it creates legitimate concern among massage therapists and goes to the issue of whether people can just call themselves massage therapists. The bill is deficient because it does not address the regulation of massage therapy.

The massage therapists who approached me were concerned that they might somehow be in contravention of National Competition Council guidelines if there were an attempt to register their association or create some sort of governing body, although I am not sure that that is necessarily the case.

There is a need to regulate massage therapy, to define massage therapy and to recognise those who are properly trained and accredited in massage therapy. If that were done people could be sure when visiting massage therapists that they were going into premises of accredited, properly trained and qualified professionals.

The bill addresses the use of bodies corporate or subleasing arrangements by persons who are not fit and proper to become involved in the industry. That is an important area of the bill because those devices have been used by people who would not normally meet the probity criteria to get into the industry. The loopholes have been exploited, and it is important that the government ensures that people with criminal histories are not able in any way or by any device — whether it be a body corporate or an associate entity — to have controlling interests or any interest in brothels.

It is also important to ensure diversity of ownership. The bill restricts ownership of legal brothels to one per person or one per entity, so no one person may own more than one licence. That is extremely important in preventing organised crime from gaining control of the industry in the way they have attempted to control it in New South Wales and Queensland. That has a corrupting influence on the industry and can have a corrupting influence on the criminal justice process. A look at the royal commissions into the police forces of New South Wales and Queensland reveals that much of the corruption in those states had its genesis in the illegal brothel industry.

It is important that Victoria avoids both the accumulation of brothel licences and certain people gaining so-called control of the industry, because that has the corrupting effect I spoke of.

The opposition does not oppose the bill, which is a step forward from the groundbreaking legislation introduced by the previous government. However, there are some shortcomings in the bill which I ask the government to consider in the not-too-distant future.

Mrs ELLIOTT (Mooroolbark) — Once again it is a pleasure to know that the opposition is not opposing the legislation, in this case the Prostitution Control (Amendment) Bill. I would like to say at the outset that I think all honourable members would have appreciated the very sensitive speech by the honourable member for Berwick, which addressed the deeper underlying and in some cases philosophical issues relating to prostitution.

As the honourable member for Niddrie said, prostitution is probably the oldest profession of them all. In literature, in song and in real life the legend of the whore with a heart of gold has been persistent — Mimi in *La Boheme*; Camille; Lillie Langtry, whose favours Edward VII enjoyed when he was Prince of Wales and who came to London with one good black dress; and another prostitute of the time called Catherine Walker, who went under the name of Skittles and used to ride a very fine horse around Rotten Row. In the current play at the Victorian Arts Centre, Eugene O'Neill's *Long Day's Journey into Night*, the elder brother in the family visits the local brothel and chooses Violet, the biggest and ugliest prostitute, because he feels sorry for her, and comes home to recount the experience to his brother. In one of the great novels of Australian life, Ruth Park's *The Harp in the South*, Hughie, the father, used to go and seek the comforts of the prostitute down the street when Mumma's scolding got too much for him. However, there is a darker side to prostitution, and that is what the bill addresses.

The reasons women go into prostitution are varied. Many of them are university students endeavouring to pay their fees and many of them are mothers with children. Undoubtedly there are those who choose the life because they like it and because in many cases it is well paid. Women are subject to health risks in licensed brothels, and particularly in unlicensed brothels. They are under considerable pressure to indulge in unsafe sexual practices — that is, sex without condoms — and they can be subjected to violence and exploitation.

As a woman I can only speculate as to why men go to brothels. Some men probably like to indulge in particular fantasies, and many brothels specialise in and

cater to those fantasies. Some men enjoy the feeling of power they have when a woman is paid to attend to their needs. It is often referred to in literature that some men go to brothels simply because they can pay someone to listen to them, and they do not indulge in any sexual activity. Many go because it means sex without commitment. In France adolescent men were traditionally taken to brothels by their fathers or older people to experience sex for the first time.

The bill is designed to bring unlicensed brothels under the Prostitution Control Act and provides strong sanctions against them. The risk of organised crime becoming involved with unlicensed brothels, for either money laundering or drug trafficking purposes, is very real.

The second part of the bill deals with what is really competition to licensed brothels in the form of various sorts of live entertainment. Accompanying an article in the *Age* by Mark Forbes, which many members have referred to, is a response from the manager of the Boardroom in South Melbourne, Samantha Roberts-Cobb, which states:

> We pay astronomical licence fees, we undergo police checks, we operate as a legitimate business, however we have heavy legislative regulations placed upon us.
>
> Also, I cannot lawfully advertise for any staff.

Ms Roberts-Cobb goes on to say that the illegal brothels are heavy competition for her establishment, which operates within the law.

One aspect of the bill I am particularly pleased about — and I was not part of the relevant bills committee — is that it empowers the Governor in Council, through the Summary Offences Act, to regulate the advertising of sexually explicit entertainment — the 'other forms' that do not come under the act. Legal brothels are very restricted in the way they can advertise, but lap dancing venues have been able to advertise in an unregulated way. From time to time constituents write to me or ring me with concerns about the number of advertisements in local papers, which are obviously read by many people, including children. The advertisements graphically describe the services offered. Those advertisements may not come under the legislation, but the Governor in Council will have power to regulate them.

It is disturbing to think that people who have been convicted of offences, particularly in the area of child prostitution, are able to come out of gaol and immediately own and operate brothels. That is also the case with people who have flouted the regulations by operating more than one brothel through various forms of concealing that fact, including different strata titles and other legal but opaque means. Trouble arises when criminal elements become involved in prostitution.

The bill is designed to ensure that operators can operate only one brothel, that brothels are inspected regularly, and that where there is doubt the onus of proof is on owners to prove that they did not know sexual services were being provided in their buildings or by their businesses. The police will no longer have to try to prove through the courts that particular places are being used to provide prostitution services, which was a complaint of the police force.

I notice that when advertising in local papers genuine masseurs must state that they provide non-sexual massages. It must be difficult for them when people suspect that legitimate massage businesses are a front for prostitution. The honourable member for Niddrie seemed to be in an extremely good mood, but as the honourable member for Berwick stated, he was making a rather boy's own omnibus of the bill when it has a serious intent. As the honourable member for Berwick also stated, the Attorney-General was concerned that the original legislation was not working and that there were too many illegal brothels. Some people say that there are more illegal than legal brothels, and the government has taken steps to tighten up the situation.

The government and the Attorney-General did not respond to the article by Mark Forbes; the genesis of the bill was long before the *Age* became involved. Nevertheless, Mark Forbes and the *Age* did provide a service in highlighting the problems in the prostitution industry.

I commend the Attorney-General and her bills committee for the great deal of time and thought that has gone into the bill to make sure it covers the activities it should while not creating unintended consequences for people running legitimate businesses. As a previous speaker stated, it is difficult to get these things right. The bill deals with an area about which people feel emotional, and as the honourable member for Berwick stated, people have a right to have their own opinions about issues that have a moral aspect, such as prostitution. People have a right to have their opinions heard, but in a society that has become increasingly tolerant and liberal in the small-l sense the government did not want to drag in businesses that were not providing explicit sexual services. It wanted to ensure that those businesses under the aegis of the act were properly regulated. It is a good bill and I am pleased it has bipartisan support. I wish it a speedy passage through the house.

Mr SAVAGE (Mildura) — I am pleased to have an opportunity to contribute to debate on the bill. I differ from the previous speaker's analysis that there are aspects of prostitution that are in some way romantic. My experience in my former life contradicts that. I am pleased to support the amendments but I am not persuaded that they will in any way stop or control the sex industry. Even with my background I found the new definition of sexual services most enlightening and somewhat different from what it used to be. Despite the amount of legislation controlling prostitution, the industry is quite clearly out of control.

It is interesting to note that the bill is more than half the size of the original act, which is an indication that the legislation is not keeping up with the changes in the prostitution industry. The objects set out in section 4 of the Prostitution Control Act provide some enlightenment as to its purpose:

> (b) to lessen the impact on the community and community amenities of the carrying on of prostitution-related activities ...

It is important to refer to the purposes of the original act because it failed to deliver. The current round of amendments is proof of that. In some respects the act exacerbates the problems rather than solving them.

For some years now Mildura has had a number of prostitutes hawking their wares under the guise of licensed escorts under the Prostitution Control Board. They advertise their presence daily.

It is a tragedy that newspapers are forced to accept that type of advertising. It is another example of Parliament's deluded belief that prostitution can be controlled by legislation.

Another sad aspect for Mildura is that there has been a successful application for a brothel licence, despite the fact that there were 400 objections to it. The approval was based on the 20 000-people rule, which states that applications for brothels in country towns with populations over that size will be successful and the only reason for refusal is on town planning grounds.

As we all know, if the town planning requirements are met it is difficult to stop the process. I want to know why in the community in which I live and in which I am raising my children residents cannot have the democratic right to choose whether or not they have a brothel. I am not sure the government has the superior intellect that allows it to make those decisions for me.

I know we have been down this path before, but I will keep raising it and arguing against it while I am in this place. It is an undemocratic concept, and it should be changed to give communities the right to make a clear choice. It is a city-based agenda that does not fit too well in country communities.

Section 4(d) of the principal act seeks to ensure that brothels are not located in residential areas or in areas frequented by children. The current successful application in Mildura means the brothel will be located between two family businesses where children are periodically present. A short distance away is a taxi control centre, which is manned after midnight by 15-year-old girls.

Back in 1996 Mildura had a visit by the deputy registrar of the Prostitution Control Board — I presume he is still employed there — a man by the name of Gary Stocks. Mr Stocks took it upon himself to appear in the local newspaper with a big headline saying 'Brothel establishment possible in Mildura'. The article states:

> Mildura would be a prime location for a brothel because of its itinerant population increase during harvest, according to the Prostitution Control Board (PCB) Deputy Registrar, Gary Stocks.

I have to question Mr Stocks's right to make those remarks just because he is the deputy registrar of the Prostitution Control Board — or is he really its sales manager? He should refrain from undertaking those sorts of sales promotions outside Melbourne. However, his prediction has become a reality. Recent events have highlighted some clear and unequivocal difficulties facing legislators in controlling prostitution. On many occasions the argument proffered is that by legislating control of prostitution it is possible in some way to minimise drug use, exploitation and criminal involvement. Some of the amendments made by the bill are no doubt driven by the sex industry, which is licensed and has been mentioned by previous speakers. I am not unhappy with the changes, but we have overlooked some of the problems inherent in the act.

The extent of the illegal immigrant sex slave industry is completely unknown. Recent federal government figures show that approximately 50 or 60 such deportations take place annually — 54 people were deported for working illegally in brothels in 1996; and in 1997 it was 67. It is a small number when one considers how many illegal immigrants may be employed in brothels, and we will never know the true figure because they are usually kept in close confinement. They will not be out there complaining about their unfortunate lifestyle because if they do they face double jeopardy — their relatives are under threat in their homelands and they risk being deported.

Honourable members should realise that Melbourne has certainly come a long way from its former wowser-like image. An article in the *Herald Sun* of 2 March under the heading 'Melbourne is now sin city' states:

> Melbourne has outstripped Sydney and its notorious red light district of Kings Cross as the nation's capital of sex and sleaze, police said yesterday ...
>
> Melbourne's insatiable appetite for sex and titillation has led to a boom in illegal brothels, with an estimated 150 operating alongside schools, homes and food outlets in suburbia.
>
> Each week about 60 000 Victorian men spend up to $7 million on prostitutes, with the largely legalised industry turning over about $360 million a year.

That is an incredible amount of money, and it is an incredible amount of illegal activity. I am wondering whether we can stem the tide. One can only hope we can, but I would like honourable members to reflect on some of the problems that face country areas.

The government deserves commendation for what it has done in these amendments. I only hope they bring the industry back under control, and I hope there is a vigorous application of the act so that the description of Melbourne I have referred to can be taken off the headline pages of the *Herald Sun* and put it back into history. I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — I support the bill. It is a good move by Parliament to widen the areas that fall under the control of the Prostitution Control Act. However, we are at the point where soon we will have to change the name of the act because the legislation covers a far wider and much broader range of activities than the community commonly understands to be involved in prostitution.

For women the legislation is very important. Many women in this state, although not all of them, believe tabletop and lap dancing are offensive, that they can cause untold damage to sexual activity in the community, that they pose significant health risks and that, as police statistics show, they increase the risk of violence to and the exploitation of the women outside those venues, either in the immediate vicinity or not far removed from them.

If a male goes to a prostitute there is a degree of sexual gratification that cannot be obtained at tabletop dancing venues, and that results in increased incidents of abuse and violence. It is important that people are protected, and the opposition hopes the bill will increase in some small way the level of protection for women who do not wish to be involved in the prostitution industry.

A number of speakers have commented on the *Age* article, and there is some suggestion that the bill is before the house because of those articles. I am sure Mark Forbes would value the belief in him shown by some members of this house.

It is important to place on record and acknowledge the work of some wonderful individuals who helped prepare the July 1997 final report of the Prostitution Control Act Advisory Committee. The members of the committee were Ms Judith Dixon of the Victims Referral and Assistance Service; Ms Alison Arnot-Bradshaw of the Prostitutes Collective Victoria; Ms Pauline Burgess, a community representative; Detective Sergeant Simon Clemence of the Victoria Police; Mr Geoffrey Code of the Office of Planning and Heritage; Sister Rosemary Crumlin, a community representative; Ms Nicole Richard of the Victorian Escort Agencies Association; Ms Maryann Phoenix of the Miscellaneous Workers Union; Ms Debra Saad, a brothel manager; Lieutenant Colonel Sonja Southwell of the Salvation Army; Ms Sue Thompson, an escort agency owner and operator; and Dr Chester Voon of the Department of Human Services. Those people provided a wide range of advice to the government.

Much of the committee's advice is summarised under the heading 'Summary of advisory committee's recommendations' in section 1.18 at page 22 of the report. The report is voluminous but six key points are picked up in the current bill. The first recommendation is picked up in the amendments to section 3 of the principal act, the definitions section. The committee defined sexual activities as activities:

> ... which would be considered indecent conduct in a public place such as nude performers stimulating a patron in a lap dance, and nude performers bringing the vagina, anus or breasts in close proximity to the faces of patrons or draping their legs over patron's shoulders.

That recommendation has not been picked up verbatim, but the spirit of it has.

The second recommendation states, in part:

> Any licensed premises providing live sexually explicit entertainment be required to have a live sexually explicit entertainment approval ...

That has also largely been picked up in the bill.

The third recommendation was that the minister declare areas in which no live sexually explicit entertainment approval may be granted. The provisions, whether they refer to premises being 100 metres or 200 metres from schools or churches, remain in the bill for tabletop dancing venues and premises offering services that

come within the wider definition of sexual services. That was the key point in a brothel application that was made in the electorate I represent. The bill refers to access to a brothel, and the access is not as the crow flies but based on transportation. The proposed brothel I referred to was one site removed from a drive-in theatre and backed on to a children's play area. Parliament needs to seriously consider whether measuring distances according to how the crow flies is in some cases worthy of consideration by the tribunal. It was highly relevant to my constituents.

The recommendations of the advisory committee refer to options for amending planning schemes. The report states:

> Options for amending planning schemes be considered with a view to ensuring that sexually explicit entertainment is not permitted to be established in residential areas or sensitive areas ...

I believe the Attorney-General has picked that point up. The sixth recommendation states:

> Venues staging sexually explicit entertainment be subject to the same advertising restrictions as other segments of the sex industry in relation to content of advertising ...

When I examined the report I was surprised to see advertisements that had appeared in the *Herald Sun*. Obviously I have not been studying that newspaper closely enough as I was unaware of such advertisements. The detailed report warns the community and the Parliament of the need to be mindful of how sexually explicit shows are advertised. I hope that when regulations are drawn up pursuant to proposed section 39 of division 4 of the Summary Offences Act the community is afforded some protection, while allowing those who wish to purchase such services to locate them.

The Prostitutes Collective Victoria has spoken with both the government and the opposition about some of its concerns. In making laws and regulations there is a need to be mindful of the state's ability to police those measures. Without that the act is pointless.

I hope community safety, and particularly the safety of women who do not work in such facilities, is enhanced by the bill. I also hope the bill is adequately policed so that the health and safety of those who do work in those facilities is maintained.

Ms McCALL (Frankston) — I strongly support the bill. The northern boundary of my electorate contains a brothel, and a nudist beach exists on the southern boundary. I have had several lengthy conversations with Pauline Burgess, who was mentioned earlier as a member of the review panel of the Prostitution Control Act. Her contribution to the comments and issues raised in my electorate was most helpful.

The bill deals with two areas of the Prostitution Control Act. The first is the endeavour to reduce the number of illegal brothels and the second is to redefine sexual services. As the honourable member for Pascoe Vale mentioned, prostitution is a word with many connotations throughout history and literature. It is defined both as the oldest profession in the world and as a commerce, trade or business. One could therefore argue that the Prostitution Control (Amendment) Bill is a fair trading bill and not necessarily a women's issues bill.

As a fair trading bill it is appropriate for the government to maintain the line that those who practise within the law do so on a level playing field. Over the past few months it has become apparent that that is not the case. Because of the nature of the services provided by brothels through the provision of sexually explicit entertainment the number of illegal brothels has increased. The bill seeks to reduce the likelihood of illegal brothels.

Without getting into the boys-only stuff I will endeavour to define illegal brothels. Under the current Prostitution Control Act a brothel has no liquor licence and no alcohol is provided on the premises. One assumes that customers arrive at brothels in relatively sober frames of mind, pay sums of money, and one would argue obtain sexual gratification. They get what they pay for and walk way. However, with sexually explicit and live entertainment — I do not refer to strip shows or the Mornington football club — there has been a massive increase in tabletop dancing.

I have strong personal views about tabletop dancing and suggest that the bill has not gone far enough to eliminate it. However, honourable members are not in the middle of a morals argument about whether they approve or disapprove of people's behaviour. Honourable members must produce legislation that provides a level playing field for those who comply with the law, which is there to protect them, whether through occupational health and safety issues or the avoidance of the exploitation of women.

As I said, customers go to brothels, pay their money and, to use a well-known phrase, take their choice. However, with sexually explicit entertainment, which is normally held in licensed venues, customers arrive expecting to be entertained. Unlike the honourable member for Niddrie, I have visited such a venue and can speak from experience! It is not an experience I

wish to repeat but I have been there. People drink copious quantities of alcohol. The entertainment at those venues is sexually explicit. One could argue that sexual gratification is provided by peepshows but may not be provided by lap dancing. People leave the venues tanked up but not having had the sexual gratification they thought they would. That has happened in some tabletop dancing venues. They are indirectly providing a sexual service and are therefore illegal. The Attorney-General's second-reading speech states:

> Operators of tabletop dancing venues who wish to continue to provide lap dancing or similar types of sexually explicit entertainment will be forced to choose between surrendering their liquor licence in favour of a licence under the Prostitution Control Act 1994 or providing entertainment that falls outside the refined definition of 'sexual services'.

That is a great step forward.

An honourable member interjected.

Ms McCALL — I suggest more money can be made from the liquor licence, so they might well stay with that and be forced to modify their behaviour. You never know! I support the bill because it seeks to address the two areas of illegal brothels and the provision of sexual services. It recognises that prostitution is a part of society whether people approve or not. It is the oldest profession. I recently chaired the women's action plan consultative committee and travelled around Victoria conducting forums with several of my backbench colleagues. One of the issues foremost in women's minds was safety and wellbeing. Several people raised issues about sexually explicit material, sexual services being offered over the telephone, and a whole raft of other matters, including advertisements. I am pleased to see the legislation is beginning to address many of those issues.

No piece of legislation introduced by any parliament of any shape, size, colour or description can ever claim to be totally perfect at the first shot. The Prostitution Control Act, which was introduced in 1994, was a good start. This bill is the next step in the process. It is another groundbreaking piece of legislation, and I commend the Attorney-General for her intestinal fortitude.

I am pleased to have served on the bills committee and to have chaired the Women's Action Plan Consultative Committee, which heard about the issues in the marketplace. I am pleased to have spoken to Pauline Burgess, who served on the Prostitution Control Act review panel. Having visited a number of venues, I think the bill is a very good step along the path towards redressing the balance.

Ms GILLETT (Werribee) — May I say at the outset that I concur with the suggestion made by the honourable member for Pascoe Vale that at some appropriate time in the future different words should be used in the title of this bill to better define what it is that we are trying to control.

I appreciate that government members have thought deeply about the significant issues dealt with by the bill and that they have set up a review panel that consisted of, as the honourable member for Pascoe Vale has said, a rather remarkable group of men and women who represented an enormous diversity of community views. The review panel reported in great detail its views on the reforms necessary for the control of prostitution in Victoria.

I would like at the outset to declare my own bias. I have always held the view that prostitution creates an environment in which both parties in the marketplace are vulnerable. It is a difficult area. It is my strong view that not only women but also men are exploited by prostitution. For a variety of reasons many men do not raise their concerns or talk about why they feel vulnerable in the circumstances surrounding the act of prostitution. It is my view that prostitution is a market. If labour is a market, prostitution is a market, and two parties are involved in the transaction. Some circumstances involve prostitutes, whether male or female, being the exploiters and others involve the people who use the services of prostitutes, male or female, being the exploiters.

There is absolutely no way the circumstances surrounding prostitution are either black or white, and neither gender can claim to be the exploited or the exploiters. It is an issue that requires an enormous consideration of a wide range of views, and the great contributions made by the people on the review panel are reflected in the bill. None of us in this place should be ashamed or reluctant to admit that prostitution is a market, but the issue is too serious for the government to simply apply an economic rationalist view of a marketplace. Although the government applies that view to every other market, I am pleased it has not done so on this occasion.

Prostitution is already privatised because the state does not own any of the resources, but if the government were to apply the same ideological view that it applies to every other issue it would claim that, as prostitution is a market, the market should decide its limits. It is unusual that that is not the government's view this time. On this issue the government takes the high moral ground and claims there is a need to regulate a marketplace in which both genders buy and sell.

The Attorney-General seems to be a bit confused about the argument I am putting to her. Many speakers have said we need to take a good look at a huge problem that needs to be resolved. After more than 2000 years of prostitution the government says the problem has to be fixed. That is not my view. My view is that prostitution — or whatever it should be called as we approach 2000 — is an issue that does not need to be fixed, it needs to be understood. The issue cannot be understood by looking at it as though it were monochromatic — it is not black or white, and it is not limited to only males or only females.

Although the bill will not be opposed by the opposition, I believe a very narrow view is being taken of what is going on in a large marketplace. I urge the government to have a good look at the review undertaken in July 1997. It was a good review, and I suggest the government should give much broader terms of reference to the people who undertook that good review. The government should take off its blinkers so it can see the phenomenal experience of the people who served on the 1997 review committee, and it should ask them, 'What do we do for the future?'.

We should get rid of the words 'prostitution' and 'control'. We should start talking about understanding and how we can deal with the far broader issues surrounding an industry in which there is an enormous capacity for exploitation of all of the people involved.

Mr McLELLAN (Frankston East) — I do not propose to speak for long on the bill because I do not think it is worthwhile legislation. I wonder what it aims to achieve. One can only assume there has been an enormous lobby of so-called professionals in the industry attempting to stamp out the rank amateurs — that is, the young kids out there prostituting themselves for the price of drugs. It seems that that is the aim of the bill.

I would have thought that in amending the act to bring things into line one would make it enforceable, but half if it appears to be unenforceable. It will make no difference whatsoever to the way the industry is operating out there at the moment. I will be very surprised if the illegal brothels will even slow down. They have been in business for many years, and I do not believe anything will change.

I have heard a lot of discussion about lap and tabletop dancing. The newspapers, particularly down our way, have dealt with the matter at length. About a year ago I proposed to the Attorney-General a simple way of controlling the industry. I suggested a lewd and obscene entertainment bill. It could be very short. It would make illegal any totally nude dancing or other erotic performance. The genitals of the performer, whether male or female, would have to be covered, and heavy fines would be imposed on anyone who allowed premises to operate with totally naked performances. That seemed to me to be the way to go. The idea was not considered, however, because it was thought that it would not have been approved in the party room. I find that hard to believe.

The industry exists. It is out there, and includes a lot of illegal venues. Trying to control it through licensing is like grabbing the horse by the tail. Controls should be applied head-on. The act of dancing totally nude should simply be illegal, and managers of premises should be required to ensure that dancers' genitals are covered. Heavy fines should be imposed on people who allow total nudity in their premises.

I think we will be back here in less than 12 months amending the legislation once again.

Mr LEIGHTON (Preston) — I support the legislation and wish to highlight two areas of concern: resources, particularly inspectors; and gay saunas. First of all, however, I wish to make a few general comments.

In her second-reading speech the Attorney-General made the point that total prohibition does not work. That is certainly the case in a number of areas of human activity. Even if Parliament were inclined to say, 'There shall be no prostitution', it would not follow that there would be no prostitution. As a matter of principle, two consenting adults doing something in private that causes no harm to themselves or to others is not a matter for the state to interfere with or to make illegal. For a variety of reasons the state is much better employed in regulating the activity.

First, the health of both the clients and the workers should be considered, and control of STDs and AIDS, in particular, should be attempted. The second area of appropriate controls is planning. The principal act provides that brothels may not be located in certain areas, such as within 100 metres of residences or within 200 metres of children's services. Third, criminal activities in brothels should be minimised and workers should be protected from exploitation. Newspaper reports have shown that some workers are nothing more than slave labourers. Workers in brothels need to be protected.

In 1995 an application was made in the Preston electorate for planning approval for a brothel in an inappropriate location. Through the council and the

Administrative Appeals Tribunal the Labor Party fought with the applicant on the definition of a residence, on whether the site was within 100 metres of a residence, on what a children's service is and on whether there was a children's service within 200 metres of the proposed location. Eventually the application failed. The Labor Party won because just under 200 metres away was a Hungry Jack's playground that was deemed to be a children's service. At the same time, however, an illegal brothel was operating merrily just down the road.

The point I am making and the reason I am supporting the bill is that we must do more to prevent the activities of illegal brothels and the involvement of criminals that goes along with them.

I highlight three areas of concern. The first is the provision of resources, particularly inspectors. The bill does not go far enough in codifying the role of inspectors and elaborating on their activities. In Victoria at present we have only three inspectors, all nurses from the Department of Human Services. Their primary role is as contact tracers — that is, they trace the contacts of people who, for example, have an STD or who are known to be HIV positive. The three nurses previously went into gay saunas and took blood samples. It is interesting to note that during the height of the AIDS epidemic more HIV-positive cases were detected through blood taken in gay saunas than through blood taken in STD clinics.

Because the three Human Services workers are nurses and come from health backgrounds they are asked to undertake other inspectorial functions. The area is greatly under-resourced. There has been a reduction in policing. There are only three Human Services workers and there is no longer a Prostitution Control Board. Instead there is a Business Licensing Authority, which also deals with a number of other industries, such as motor car traders and travel agencies.

If the regulation of the industry is to work effectively there is a need for more people to carry out an inspectorial role. It follows that after the bill is passed more inspectors will be needed from a number of disciplines, such as environmental health and occupational health and safety, with some background in law, policing and vice. It will be interesting to hear the Attorney-General's response on what the government intends to do in the inspectorial area.

I will conclude by outlining my concerns about gay saunas. Some homosexual men are comfortable with their sexuality and are open about it. Others are not, and tend to be more discrete in their sexual practices. Gay saunas offer such men one relatively safe area for their sexual practices. The concern I have is with the concept of an admission charge constituting payment for sexual services. Although proprietors of gay saunas may not promote sexual services, the fact that they collect entrance fees means that gay saunas can fall within the definition of premises providing sexual services, and the activities taking place therein would be illegal.

The irony is that although police who patrol areas such as public toilets and parks gently point out to some gay men they come across that they would be much better off going to gay saunas, where the practices are safe and they would not be bashed — there have been some cases of men receiving severe injuries — and although Department of Human Services send in workers to do contact tracing, counselling and educating, the bill may well make gay saunas illegal. It would be unfortunate if gay men who want to be discrete about their practices were forced back to parks or public toilets — it would be bad for their physical safety and their health. I would like the Attorney-General to respond on how the government intends managing that issue.

Those are the two areas about which I am concerned. Overall I welcome the legislation because career criminals must be taken out of brothels, and in the area of tabletop dancing — perhaps more appropriately called lap dancing — —

Mr Batchelor interjected.

Mr LEIGHTON — Yes, and I am not referring to my notebook computer — unfortunately it could perhaps be better referred to as lap-top dancing. Such venues have overstepped the entertainment mark by providing sexual services and it is appropriate that Parliament require a line to be drawn between the two. The legislation is welcome in those areas, but I am concerned about the future of gay saunas and about resourcing.

Mrs WADE (Attorney-General) — I thank all the honourable members who have contributed to the debate, although we would have been finished a lot sooner if some people had been brief. It has been one of the more interesting debates I have heard in this chamber and has ranged over a fairly wide area.

I was particularly struck by the comments made by the honourable member for Mildura that Melbourne appears to have lost its wowser image. I do not know that Melbourne has ever had a wowser image, but it reminded me of the long association the house has had with the prostitution industry, particularly with the loss of the chamber's second mace. I was rather surprised

that so far as I noticed nobody mentioned that during the debate.

The Clerks kindly provided me with a copy of the booklet entitled *Who Stole the Mace?* The second mace of the Parliament, which was made of solid gold, went missing on 9 October 1891. It has variously been said to have ended up at a couple of establishments in Little Lonsdale Street, one known as Boccaccio House and run by Annie Wilson, and another run by Madame Brussels. At page 15 the booklet states that by January 1893:

> The stories ... surrounding the theft of the mace severely embarrassed the Parliament and, more particularly, members of the Legislative Assembly. The role of the press was especially galling ... journalists now openly mocked the Parliament.

So it is not unusual to talk about the industry in the chamber.

The prostitution legislation has an interesting history. As a number of members have said, the decriminalisation of prostitution in legal brothels was introduced by the previous Labor government. However, that legislation had an unfortunate aspect. It introduced both a planning system and a licensing system. When the bill went to the upper house the licensing system was strengthened by the opposition members — the coalition members — and the Council's amendments came back to and were passed by the Assembly. Unfortunately the Labor government subsequently proclaimed only those portions of the act it was happy with — the licensing provisions were never proclaimed. As a result the decriminalisation in legal brothels occurred with only planning controls in place and the licensing controls that were intended to keep the criminal element out of the brothel industry did not come into operation.

When the current government came to office in 1992 it was forced to revise the legislation to ensure that licensing could take place. Since then it has followed the practice of ensuring that if legislation is not proclaimed it will come into operation on a specific date so the sort of fraud the Labor government practised on Parliament cannot occur in the future.

I will refer briefly to a number of things that were raised in the debate. A number of opposition members attributed the legislation to the journalist Mark Forbes. I was pleased that the honourable member for Pascoe Vale referred to the excellent work that has been done by the Prostitution Control Act 1994 Advisory Committee. That standing committee — an excellent committee — continues to advise me on occasions, and I attend some of its meetings. A lot of the work that went into the bill can be traced back to the December 1997 report of the committee. A number of officers from both the Attorney-General's and fair trading areas are present in the chamber tonight. I think they would have been surprised to hear Mark Forbes getting the credit for the legislation over which they have slaved for a long time.

The honourable member for Niddrie talked about the new definition of prostitution and asked me to continue to monitor the widening of the definition to ensure there would not be what he described as huge and unforeseen ramifications. He spoke about a number of different issues, including peepshows. I am not sure how many members of the house have attended a peepshow. I personally have not. My understanding of a peepshow is that it consists of an entertainer or entertainers who may be having sexual intercourse or may be involved in masturbation. The entertainer or entertainers are surrounded by a number of booths containing tissues and waste paper baskets and screens which, when observers pay money, are lifted up so the observers can observe the activity and do whatever they like.

I believe that is a prostitution service and a sexual service. It is therefore appropriate that the planning and licensing controls in the Prostitution Control Act should apply for the same reasons that they apply to brothels. The government does not want people with criminal records providing those sorts of services. That lends itself, for instance, to the exploitation of the people involved and to the possible blackmailing of the customers. Some sort of licensing activity is therefore appropriate. I disagree with the honourable member for Niddrie, who said that the government did not want to catch up with that type of activity.

The honourable member also talked about bucks nights and footy club fundraisers and strippers coming out of cakes. I make it clear that the bill does not cover strippers unless other aspects of the definition apply.

Mr Hulls interjected.

Mrs WADE — Yes, you did. I wrote it down.

Mr Hulls — Did I?

Mrs WADE — You did. If it is purely a strip, it is not covered by the bill, unless there is interaction between the stripper and the members of the audience. It could be that members of the audience are encouraged to masturbate, or it could be that members of the audience are invited to come up and take part in a sexual activity — in which case, it would again be appropriate that the bill apply, for reasons similar to

those I gave before. It would be possible for those sorts of activities to take place legally if the person providing sexual services was covered by an escort agency licence.

The issue of sex slaves has been of considerable concern to me. My office has been in constant contact with Senator Amanda Vanstone's office on the issue of whether sex slaves are working in Victoria. The recent raid described in the newspapers involved the Victoria Police as well as the federal police and immigration authorities. However, my office has found it difficult to get any information from the commonwealth government. I have asked the commonwealth on numerous occasions to let my office or the appropriate authorities know whether any legal brothels are employing people who are in breach of immigration regulations or who are thought to be sex slaves. I found it difficult to obtain that information, but I trust that the vice squad is getting information on whether such persons are operating in Victoria.

The honourable member for Yan Yean suggested that the bill does not deal adequately with people who describe their premises as massage therapy centres but who are providing sexual services. In most cases those people operating brothels illegally would be dealt with on that basis and not because they were using the term 'massage therapy'. I do not imagine a legal brothel would use that sort of term, but if it did it would be dealt with through the licensing system. I encourage genuine massage therapists to create an industry group so that they can provide advice to the general public on which organisations are providing appropriate services and which organisations should be avoided.

The honourable member for Mildura raised an issue about towns being able to prohibit brothels, which was debated when the Labor government introduced its legislation in the 1980s and when the government introduced its previous prostitution control bill. That was looked at in detail, and honourable members will find the reasons why it was not adopted set out then.

The other matter that was raised was that there is no longer a prostitution control board. That is due to the reorganisation of all the industry licensing systems in the Office of Fair Trading and Business Affairs. The people who made up that board are still operating, but under different names. The former chairman of the prostitution control board is now a member of VCAT, which deals with those aspects of the jurisdiction that are appropriate for the tribunal. The deputy chairman is in charge of the Business Licensing Authority, which deals with business licensing issues in exactly the same way as they were dealt with by the prostitution control board. The bill authorises Office of Fair Trading and Business Affairs inspectors to inspect brothels. Health inspections of brothels are also carried out.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mrs WADE (Attorney-General).

ADJOURNMENT

Mrs WADE (Attorney-General) — I move:

That the house do now adjourn.

Northern Pacific seastar

Ms GARBUTT (Bundoora) — I refer the Minister for Conservation and Land Management to an issue concerning the need to protect Port Phillip Bay from the spread of the Northern Pacific seastar. I ask the minister to take the action recommended in the 1997 report on hull fouling and ballast water by the Environment and Natural Resources Committee of Parliament to stop the spread of this exotic marine organism and prevent such invasions from happening again.

I have received press reports on the spread of the Northern Pacific seastar in Port Phillip Bay. The most recent report is of great concern, as the seastar has now been found at the boat ramp in the Patterson River at Carrum. The advice I have is that there are now 12 million Northern Pacific seastars in Port Phillip Bay, mostly at a depth of 17 to 22 metres between Hobsons Bay and Beaumaris. That is one of the greatest threats to the ecology of the bay in Melbourne's history.

The starfish had been found in small numbers from 1997, but no small young individuals had been discovered until 1998. There were probably only a few thousand in the bay in 1998, but now there are 12 million. They are all less than a year old, and the possibility that they will take over most if not all of the bay is alarming. The seastars eat nearly everything that lives on the sea floor, whether it be worms, heart urchins or bivalves, and have the potential to devastate the fishing industry along with the bay. Northern Pacific starfish have very few predators; however, they will have a huge impact on the abundance of fish in the bay.

The Environment and Natural Resources Committee made numerous recommendations on the issue to the minister, including, most importantly, a recommendation to establish a Victorian ballast water management system to prevent any further incursions and a Victorian incursion management plan, including a rapid response plan, to eradicate the organisms immediately. Those recommendations have not been implemented. The department has done nothing and has therefore let the predators increase from just a few last year to 12 million now. The thought that they will take over the bay, ruin our fishing industry and devastate the entire marine ecology of the bay is alarming and should be enough to make the minister act.

Roads: cattle underpasses

Mr RYAN (Gippsland South) — Through the Minister for Transport, I raise a matter for the attention of the Minister for Roads and Ports in another place. The issue concerns guardrails abutting cattle underpasses on state roads. The construction of cattle underpasses is an excellent initiative that many farmers are taking, particularly in the dairying regions of Victoria, because moving herds of cattle across state roads where traffic needs to be accommodated is difficult.

Anything up to 1000 cows can be moved across a road a couple of times a day. It is a different situation from that of the days of yore when perhaps only 100 cattle would cross the road. The establishment of cattle underpasses provides a safe mechanism for moving stock across the road or under the road and avoiding accidents.

There is some confusion over a constructive initiative the Minister for Roads and Ports brought in two or three years ago. The scheme requires farmers who construct underpasses to erect guardrails to protect passing traffic from damage that might occur if a vehicle were to run off the road and into the area where the underpass has been constructed. The confusion arises because although a subsidy of $5000 is available to the farmer for the construction of the guardrail, the scheme doe not make clear where ownership and responsibility for maintenance of the facility lie.

The uncertainty is particularly pertinent to my constituents Alex and John Hooper, who operate a property called Winnindoo on the Heyfield–Rosedale Road at Denison, not far from Sale. The area is prime dairying country and Mr Hooper and his son are keen to construct an underpass, but they are being impeded in that endeavour by their concern about ultimate responsibility for the guardrail. They do not contest the need for the construction; it is a question of who bears the responsibility once it is there.

The minister's advisers have told me that the state of Victoria should ultimately bear responsibility. I ask the minister to clarify the position because the scheme is a constructive initiative that is of benefit to all Victorians, particularly those who live in country Victoria. I need the issue clarified so that I can confirm the position to my constituents.

Central Gippsland Institute of TAFE

Ms KOSKY (Altona) — I raise a matter for the attention of the Minister for Tertiary Education and Training and ask him to take immediate action to ensure that all sessional staff at the Central Gippsland Institute of TAFE are paid within 60 days of work being undertaken. I raise the issue because of major concerns at the institute about sessional staff not being paid for up to six or seven months after work has been completed.

A letter that has been leaked to me by one of the sessional staff in question refers to:

> ... concern at the Gippsland Institute of TAFE's failure to pay its creditors within an acceptable time period, and moreover the perceived impropriety of the accounting system employed by the institute as I understand it.

The staff member had undertaken a one-day workshop in September last year. He filled out the necessary forms to obtain payment, but as of 10 March this year had not received it, despite regular formal reminders to the college. Some six months after completing the work he still had not been paid.

The letter also indicates that the incident is not isolated and that other sessional staff have experienced the same sorts of difficulties. One person received payment only after writing to the local member and kicking up a fuss. That person advised the staff member in question to take the same action.

Another person waited seven months for payment after completing work. He has also been informed that cheques are written and dated to satisfy audit requirements but are not forwarded. That practice satisfies the auditor and falsely inflates the institute's balance sheet. One wonders what the balance sheet would look like if all the creditors who were owed money for more than 90 days were taken into consideration.

The person was finally paid on 11 March, the day after he wrote the letter to the college council, by a cheque dated 25 January. That supports his advice that cheques

are written out, put in a desk drawer and forwarded only if someone makes a fuss.

There is a major problem with the current financial situation of the Central Gippsland Institute of TAFE, despite the minister's claim that everything is okay. I ask him to take immediate action to ensure all sessional staff are paid.

Focus on the Family Australia

Mr LUPTON (Knox) — I raise a matter for the attention of the Minister for Health through the Minister for Youth and Community Services. I draw to his attention the fact that just before Christmas an organisation called Focus on the Family held a seminar in the City of Knox on how to drug-proof our children. Some 270 people, all of whom are parents, attended the function, and from the interest they have shown it is apparent that parents in Knox believe there is a need to become more aware of how to look after their kids to fight this terrible curse.

Focus on the Family concentrates on training parents in how to protect their children from both legal and illegal drugs. The program is easy, straightforward and commonsense. In the three months following the launch prior to Christmas some 3000 parents throughout Australia were trained in how to drug-proof their kids. In Knox interest has been shown by the Rowville Baptist Church, the St John the Baptist Catholic Church and the Knox Baptist Community Church. People have lined up to learn how to drug-proof their children and have shown a great deal of interest. Regrettably the training costs are considerable and although Focus on the Family has provided several hundred thousand dollars there is a shortfall in what is needed to drug-proof the kids of Victoria.

I ask the minister to provide funding to enable the organisation to train three groups of parents to try to fight this terrible curse. The emphasis by Focus on the Family is obviously on parents, and the parents in Knox have shown that they are concerned about the drug issue by the way they turned up to the seminar and through the number of people who enrolled and showed an interest. Approximately 180 of the 270 parents who attended the seminar enrolled in the course and want to be involved in counselling and assisting. I ask the minister to contribute to the program to enable more Victorian parents to be trained in fighting the drug scourge.

PTC: Oakleigh land

Mr BATCHELOR (Thomastown) — I raise a matter for the Minister for Transport relating to the boundary of Public Transport Corporation land and Haughton Road, Oakleigh. The boundary of the railway land is a lengthy, unkempt, visually brutal area that confronts the families who live on Haughton Road. I ask the minister to examine the bus stops along that strip of land, which are often overgrown by trees and shrubs that pose safety concerns and difficulties for approaching buses and cars. The areas for waiting passengers are often on uneven ground, which poses a risk to passengers getting on and off buses. The risk of falling over is great. The area needs proper bus stops with adequate lighting to provide better visibility, and better paving is required.

I ask the minister to examine this matter. It is fair to say that there are a whole raft of interrelated issues of concern to local residents in this area. The Labor candidate for Oakleigh, Ann Barker, has raised many of these issues in her usual tenacious fashion, and we ask the minister to raise them with the Monash City Council. In reality it needs a multiportfolio response because Ann Barker has raised matters relating to areas of public transport, roads and local government, interestingly all within the Department of Infrastructure. Perhaps the minister, through the Department of Infrastructure and the Monash council, could systematically address those issues of concern.

We need a thoughtful, coordinated and active approach rather than a piecemeal one. That is best undertaken by coordination through a central agency governing all those areas of concern. Perhaps the minister could get the Department of Infrastructure to achieve that. The opposition asks him to examine these problems as a matter of great urgency.

Sandringham foreshore development

Mr THOMPSON (Sandringham) — I raise with the Minister for Planning and Local Government multi-unit and high-rise foreshore development in Sandringham.

A number of years ago Edmund Burke used the line that he who protests the loudest may not necessarily have the welfare of the people most at heart. There have been a number of examples of that happening during public meetings in my electorate over the past four years. In the midst of many genuine concerns a number of people have endeavoured to elevate the issue for pragmatic political advantage based more on opportunism rather than idealism. According to the

ALP's web page, which I obtained from the library this evening, the party cites among its achievements in government the fact that:

> The wowser state began to loosen up ...
>
> Housing regulations were also liberalised to allow dual occupancy and medium-density development and increase the range of permissible building materials and styles.

Then later on in the document it notes under the heading 'Labor's achievements in government in Victoria — —

Mr Batchelor — On a point of order, Mr Deputy Speaker, the adjournment debate is about raising matters of government administration. Although it is interesting to observe the honourable member for Sandringham's expertise in looking up the Labor Party's web page, it is hardly a matter of government administration. I ask you to make him deal with matters that are of government administration, not matters of political interest.

The DEPUTY SPEAKER — Order! The Chair was listening intently to the honourable member for Sandringham. The honourable member for Thomastown was a bit quick out of the blocks. The honourable member for Sandringham knows well that he needs to ask the minister to take action on a particular issue and I am sure he will do that.

Mr THOMPSON — It is a reasonably small document, but it goes on to list under its achievements in office:

> Dual occupancy and medium-density housing codes developed.

The ALP candidate for the seat of Sandringham in a letter to the local newspaper notes:

> Residents have had to put up with huge multistorey developments built almost to their boundaries. This is bad planning. The loss of trees and the clear felling of blocks is bad planning. The spread of multi-unit developments all over our suburbs shows that good planning just isn't happening.

The Labor Party cannot have it both ways. Is it an initiative of the ALP which, according to its web site, is one of the achievements it claims in office? The matter I wish to raise with the minister relates to a number of concerns raised within my electorate regarding high-rise development on the foreshore, and responsibility for medium-density development and whether the Labor Party is rightfully claiming an initiative in a number of areas which I have had the responsibility of trying to rectify, and one example is dual occupancy. I ask the minister to ascertain whether this point can be clarified for the benefit of my constituents.

Waverley Park: closure

Mr PANDAZOPOULOS (Dandenong) — I raise with the Premier, once again, the issue of Waverley Park. In September of last year in this place the Premier, obviously feeling the blowtorch from residents of the south-eastern and eastern suburbs and Gippsland, on the Waverley Park issue, asked the honourable member for Wantirna to provide a dorothy dixer for him, to which he replied:

> I'd like to save AFL park.

The Premier said he would report back to Parliament about the negotiations within the Australian Football League. That was eight months ago and we haven't had a report. Although this is the last week of the autumn session, there is still an opportunity for the Premier to comment.

I made an application under the Freedom of Information Act seeking documents including letters, submissions and faxes, relating to representations made by the Premier to the AFL over the closure of Waverley Park. The government has now decided that it will not disclose the two remaining documents which are advice to the Premier on the Waverley Park issue. I wonder what the Premier has to hide on this issue.

A month ago an article in the *Sunday Herald Sun* stated that the Premier had been taking action, but the documents reveal that no action has been taken — no letters or submissions have gone to the AFL on the matter. The documents reveal that the Premier has done nothing. The question is: why hide? I understand that the advice the Premier has been receiving, and which he does not want to disclose, is that he should do nothing — make some early positive noises about it and eventually the whole issue will go away.

But the issue will not go away. The residents in the region want to know what action the Premier is taking. They want to know whether the government has a rescue plan for Waverley Park. The Premier cannot just say, 'I'd like to save it. I will make the representations', and then do nothing and try to hide documents weeks before an election, forcing the opposition to go to the Victorian Civil and Administrative Tribunal to get access to documents that contain secret advice to the government.

Therefore, I ask the Premier to take up the opportunity, eight months after his promise that he will do so, and

advise the house of the action he has taken and of his plans to save Waverley Park.

High Street Road: upgrade

Mr WELLS (Wantirna) — I raise with the Minister for Transport, who is the representative in this house of the Minister for Roads and Ports, the need to duplicate High Street Road from Cathies Lane to Gallaghers Road in Glen Waverley. I have raised the matter on a number of occasions, and it is strongly supported by the member for Glen Waverley, who also feels that that piece of road needs duplicating.

Before 1992 the Wantirna area was infamous for the number of goat tracks it had running north-south and east-west, carrying huge amounts of traffic. The one that we keep reminding the Labor Party of was Wellington Road. In 1988, the Royal Automobile Club of Victoria conducted a survey of the most congested roads in Melbourne, and the worst was Wellington Road. What did the Labor Party do in 1988? Nothing! It changed the name of the road to Monash Highway and continued to do nothing. When the coalition took office in 1992 it said it would fix Wellington Road. The government did that and it was opened before the 1996 state election. It was another election promise delivered.

Recently the duplication of Boronia Road has been completed, and Stud Road running north-south, even though it has a number of traffic lights on it, at least is functioning reasonably well. About four weeks ago the Minister for Roads and Ports announced that the government would duplicate Kelletts Road. It would appear that in a short period — six and a half years — the road network in Wantirna is actually working. The government is duplicating High Street Road from Stud Road to Cathies Lane, but then it becomes a bottleneck from High Street Road from Cathies Lane to Dandenong Creek and Gallaghers Road. It would make sense in the very near future to duplicate that section because at one point it is duplicated, then it becomes a single lane, and then it is duplicated again all the way into the city. That will continue to cause a bottleneck while motorists are moving from a duplicated to a single-lane road.

It is also creating problems because many of the estates in the area are gridlocked. When residents try to turn out of them on to a single-lane road they find it is extremely difficult to do so. There is a lot of frustration in the area. I ask the minister to give the duplication of the road serious consideration so I can report back to the residents with, I hope, some good news.

Drugs: western suburbs

Ms GILLETT (Werribee) — I ask the Minister for Youth and Community Services to advise what action he will take to ensure that adequate provision of specialist methadone treatment for young people is available in Melbourne's western suburbs.

A constituent of mine who is about to turn 16 years of age has experienced a horrendous time during the past three years. The young man and his youth counsellor visited me recently and we have worked on various avenues to assist him. He is a delightful, determined and courageous young man. He currently travels from Werribee to Footscray by train each day to access his methadone treatment at the specialist methadone treatment centre of the Western Hospital's drug and alcohol department. He has been doing that since August of last year without fault or failure. He is assisted by his mother, who drives him to and from the hospital on her days off from work so he does not have to catch the train.

During his development from a young child into a young man my constituent is finding the issues he has to deal with such a burden that it is excruciatingly difficult for him to make the journeys and all of the other adjustments he needs to make in his life to obtain the requisite treatment to give him some capacity to develop his own future.

I ask the minister to advise what provision he will make through Turning the Tide or some other program in his department to make sure that this young man does not have to face new obstacles in addition to those he has obviously overcome in his past three years.

J. and N. Tangas Pty Ltd

Mr MAUGHAN (Rodney) — I raise an issue for the attention of the Attorney-General concerning false statutory declarations signed by John Tangas and Janet Boswell on behalf of J. and N. Tangas Pty Ltd of Wood Street, Long Gully, formerly of Richard Road, South Melton, and now of 281 High Street, Golden Square. J. and N. Tangas was the principal contractor to the housing ministry for the maintenance of public housing properties in the Bendigo–Rochester area.

A number of subcontractors — painters, electricians, plumbers, carpenters and suppliers of floor coverings — were not paid for the work they did. The contract between the ministry and J. and N. Tangas was taken over by the department on 26 August 1998 and Tangas is now in liquidation. I am aware of debts totalling at least $250 000.

In order to receive payment from the housing ministry, J. and N. Tangas signed statutory declarations declaring that the subcontractors were paid up until a specified date. I have reason to believe that that was not the case and that the statutory declarations were signed in the knowledge that they were false. Three of the subcontractors are constituents of mine and are owed money as follows: Prigg and Williams, $83 000; Jack Hewitt, painter, $15 000; and Doug Mitchell, $10 000.

Under freedom of information legislation I have obtained three statutory declarations signed on behalf of Tangas. The subcontractors concerned deny that they were paid in full as indicated in the declarations. I have reason to believe that there is no checking of the validity of the declarations and that the principals of J. and N. Tangas have deliberately signed false declarations.

I ask the Attorney-General to investigate the matter with a view to lodging prosecutions against Tangas and Boswell if they are found to have signed false statutory declarations knowing them to be false.

Land tax: family trusts

Mrs MADDIGAN (Essendon) — I ask the Treasurer to investigate the situation whereby land tax is being paid on family homes when the family home is in the name of a family trust. A family in my electorate has been charged $600 in land tax on the family home because it is covered by a family trust. The intention of the land tax legislation is that land tax should not be applied to the family home. However, because of the nature of the financial arrangements they have in place, some families are suffering an inappropriate extra penalty. It was not the intention of the current government or the previous Labor government that land tax should be paid on the family home. There is a need for a slight amendment to the legislation because the current system is unfair.

Responses

Mr HONEYWOOD (Minister for Tertiary Education and Training) — Contrary to the claims made by the honourable member for Altona this evening and on previous occasions the Victorian TAFE system is overall extremely financially healthy. According to recent reports of the Auditor-General the current assets in the Victorian TAFE system exceed current liabilities by more than $60 million.

The institute in question, the Central Gippsland Institute of TAFE, has reported an operating surplus for 1998 of $827 000, as audited by the Auditor-General. Further, as the honourable member for Altona would well know, the institute is reporting a projected 1999 calendar year operating surplus of $513 000. In 1998 the institute received recurrent funding from the state government totalling $11 920 000. I am proud to advise an increase this year to $12 140 000. The budget is going up and the institute's operating surpluses are going up.

Let me get to the nub of the scaremongering by the honourable member for Altona, which is doing nothing but make the institute look bad in its local community. All permanent teaching staff at the institute are paid on a fortnightly basis. Thus the vast majority of staff have no payment problems. However, as with all TAFE institutes some consultants and contractors are paid by invoice, including sessional teaching staff employed through labour hire companies. The institute's policy is to pay within 30 days after receipt of the invoice from the labour hire company.

I am advised by the director of the TAFE institute that last year two incidents occurred, one of which was raised by the honourable member for Altona, involving sessional teachers who were not paid promptly. The reason for one was the delayed submission of an invoice by the labour hire company, which has accepted the blame for not submitting it to the TAFE institute within 30 days. The other claim involved a processing error, which the institute has admitted to in correspondence and in public detailing of the matter. Their cases involved only two of the hundreds of teachers employed by that TAFE institute, the vast majority of whom regularly receive their fortnightly pay. Unfortunately a labour hire company did not do the right thing by its staff in not submitting invoices to the TAFE institute for timely payment.

As I said, the honourable member for Altona is doing a disservice to the Gippsland community and its valuable TAFE institute by continuing to defame the staff and denigrate an institute that is very much a part of the local community.

Mr MACLELLAN (Minister for Planning and Local Government) — The honourable member for Sandringham raised a matter concerning heritage issues and planning controls in Brighton. Several points have been made by objectors who are anxious to persuade the City of Bayside to adopt a more rigorous definition of heritage and to introduce appropriate planning controls for vegetation and inappropriate development in the near-foreshore areas.

Pressure is coming from a community group the members of which are seeking to dramatise their campaign by inventing proposals that they hypothesise

might be proceeded with, with the aim of seeking a negative community response. The group suggests that it is proposed to build a 20-storey high-rise tower near Green Point. So far as I know the council has received no application for a 20-storey building at Green Point. As I have pointed out to the objectors, it is my belief that the council would not approve such a development, and neither would the government.

However, that has not satisfied the protesters, who now say there is a proposal — indeed there is — concerning a building called Lauriston, which was designed and owned by Mr Charles Webb, who was a notable architect of early Victorian buildings. If Lauriston is not protected by the appropriate heritage controls, that is a cause for regret, and the matter should be taken up by the City of Bayside. The anger, if any, of people who are anxious to avoid what they see as inappropriate work leading to the redevelopment or demolition of heritage properties should encourage the council to introduce appropriator heritage controls to protect significant heritage buildings.

The same group is protesting about dual occupancy and medium-density housing. I understand that the Labor Party's web site boldly claims that dual occupancy and medium-density housing are two of its great achievements. The government is indebted to the web site for the information. We have the print-out, so if it is changed we have the original. As the honourable member for Sandringham knows, the Labor Party introduced as-of-right dual occupancy — that is, dual occupancy that was not subject to any protest or objection by neighbours.

When I became Minister for Planning and Local Government as-of-right dual occupancy was the rule. It was a remarkable achievement by the Labor Party, and it is even more remarkable for it to be boasting of it in the terms in which it currently does! I do not know whether the Save Our Suburbs group is aware of what the Labor Party has on its web site, but I am sure its members will be fascinated to know that the Labor Party regards as-of-right dual occupancy as one of its great achievements. I might add that one of the great achievements of the coalition government has been to abolish as-of-right dual occupancy and make it subject to planning permits, as it should be.

That is now in the hands of local councils, which can refuse to permit dual occupancy and medium-density housing — and that is a good thing. So far as I know there are no proposals for dual occupancy or medium-density housing either on the Lauriston heritage building site or at Green Point. The honourable member for Sandringham rightly makes the point that if the good councillors of the City of Bayside put in place an appropriate heritage overlay and an appropriate vegetation overlay to protect significant vegetation, the locals will have far less cause for complaint and planning will be greatly improved in that municipality.

Dr NAPTHINE (Minister for Youth and Community Services) — The honourable member for Werribee raised a matter concerning the adequate provision of methadone in the western suburbs. The matter is under the control of the Minister for Health, and she asked me to pass her concerns on to him. I share her concerns about the issue. It is important to provide appropriate methadone outlets throughout Victoria for heroin addicts because it has been an effective treatment for a number of people. In Warrnambool recently I launched a book *Between a Rock and a Hard Place*, which looks at the provision of additional methadone outlets throughout rural Victoria. I am sure the Minister for Health will address the issue raised by the honourable member for Werribee.

I might say in passing more strength to the arm of the young man who since August last year has been travelling some distance each day at some personal inconvenience to receive his methadone from Western General Hospital in Footscray. I wish him well in his efforts to use methadone to control his heroin addiction. The government, through the Minister for Health, will encourage general practitioners and pharmacists to become involved in methadone programs, not only in the western suburbs but throughout Victoria.

An honourable member interjected.

Dr NAPTHINE — It is important to take a bipartisan approach to this important issue.

The honourable member for Knox raised for the attention of the Minister for Health a matter concerning the prevention of drug use. The government strongly supports the honourable member for Knox in his efforts to help families and young people deal with the drug issue, including the prevention of drug use.

The honourable member spoke about Focus on the Family Australia, which is a non-profit organisation based in New South Wales. It has developed a program called How to Drug Proof Your Kids, which involves a series of meetings with parents to assist them with drug problems. The program is supported by a published guide that deals with both legal and illegal drugs and contains sound advice on good parenting techniques. It is no surprise that many parents in Knox are interested and want to become involved in the program.

I am pleased to advise the honourable member for Knox that I have received advice from the Minister for Health that in the 1999–2000 financial year some $20 000 will be provided for drug addict rehabilitation, research and three training programs. A report on the program, including all results and findings, will be provided to the Department of Human Services for evaluation.

Mr COOPER (Minister for Transport) — The honourable member for Essendon raised a matter concerning land tax on family homes owned by family trusts. I will bring that matter to the attention of the Treasurer.

The honourable member for Rodney raised for the attention of the Attorney-General a matter concerning a statutory declaration sworn by a couple living in Golden Square in which they stated under oath that subcontractors had been paid for their services when in fact they had not. I understand the seriousness of the matter, and I will ensure that it is promptly brought to the Attorney-General's attention.

The honourable member for Wantirna raised a matter for the attention of the Minister for Roads and Ports in another place concerning the duplication of High Street Road between Gallaghers Road and Cathies Lane. I will bring that matter to the attention of the Minister for Roads and Ports in another place. I am sure the minister will look at it promptly.

The honourable member for Gippsland South also raised a matter for the attention of the Minister for Roads and Ports concerning guardrails for cattle underpasses under state roads. As the honourable member for Gippsland South pointed out, it is an important issue. I will ensure that the Minister for Roads and Ports addresses that matter and gets back to the honourable member for Gippsland South.

The honourable member for Bundoora raised for the attention of the Minister for Conservation and Land Management the Northern Pacific seastar infestation in Port Phillip Bay. I notice the honourable member for Bundoora is not in the chamber. I would have thought she would have remained in the house. Although I will not continue with the response, I will bring the matter to the attention of the Minister for Conservation and Land Management. I am sure the minister will get back to the honourable member for Bundoora on the issue.

The honourable member for Dandenong raised a matter for the attention of the Premier concerning AFL park, and I will bring that matter to his attention.

The honourable member for Thomastown raised a matter concerning Public Transport Corporation land in Haughton Road, Oakleigh, and a strip of bus stops that he says are overgrown by trees and shrubs. The matter was drawn to his attention by the Labor Party candidate for Oakleigh. I am more than happy for the matter to be looked at in some detail, and I will get back to the honourable member for Thomastown.

However, I point out to him that, firstly, as he should be aware, the government recently announced a $76 million funding boost for buses. That is the first funding increase for buses in nearly 20 years, and it should encourage him to believe that where there is a need for action to be taken with bus stops or any other issues relating to buses, funding provided by the government will enable those important things to be done.

Secondly, I point out to the honourable member that some areas in Haughton Road have remnant indigenous vegetation that is protected. I do not know whether the Labor Party candidate for Oakleigh is aware of that. As someone who is not a resident of Oakleigh, she is probably not aware of it. I do not believe the green credentials of the Labor Party candidate for Oakleigh would be boosted by her seeking to have remnant indigenous vegetation ripped out.

It may not be in the particular area referred to by the honourable member for — —

Mr Batchelor interjected.

Mr COOPER — No, I don't, but I will have a look at it and when I get back to you, you will soon know!

If this is remnant indigenous vegetation that your candidate is asking to have ripped out, not only will it not be ripped out but she will be ripped out! We will make sure her views are well known in the electorate of Oakleigh. I will have the matter investigated and get back to the honourable member for Thomastown.

Motion agreed to.

House adjourned 12.03 a.m. (Tuesday).

Wednesday, 26 May 1999

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

PETITIONS

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

Austin and Repatriation Medical Centre

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

The humble petition of undersigned citizens of the state of Victoria sheweth we strongly object to the decision by the Kennett government to privatise the Austin and Repatriation Medical Centre and call on the government to protect the memorial gardens, the Red Cross Centre and the local residential area from the effects of the massive development.

Reports that the development will accommodate the Austin and Repatriation hospitals, Larundel psychiatric hospital, Mercy Private Maternity Hospital, medical and research institutes, seven universities and TAFEs, a motel-hotel, multistorey car park, a possible shopping centre, various ancillary services, and possibly the Royal Talbot Hospital, are of grave concern as the proposal will have an impact on the residential area surrounding the hospitals, local businesses and shopping centres.

Your petitioners therefore call on the state government to:

reconsider its decision to privatise the medical centre;

protect the Red Cross Centre, bowling green and memorial gardens from any future works;

ensure that the original Austin hospital site is retained for community usage and not sold.

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

By Mr LANGDON (Ivanhoe) (16 signatures)

Austin and Repatriation Medical Centre

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

The humble petition of undersigned citizens of the state of Victoria sheweth strongly object to the decision by the Kennett government to privatise the Austin and Repatriation Medical Centre and call on the government to protect the local residential area from the effects of the massive overdevelopment.

Reports that the development will accommodate the Austin and Repatriation hospitals, Larundel psychiatric hospital, Mercy Private Maternity Hospital, medical and research institutes, seven universities and TAFEs, a motel-hotel, multistorey car park, a possible shopping centre, various ancillary services, and possibly the Royal Talbot Hospital, are of grave concern as the proposal will: further increase traffic, impact on our residential amenity and devalue our properties.

Your petitioners therefore call on the state government to:

reconsider its decision to privatise the medical centre;

protect the Red Cross Centre, bowling green and memorial gardens from any future works;

introduce measures to protect the local area from any ill effects of the massive overdevelopment of the repatriation site.

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

By Mr LANGDON (Ivanhoe) (10 signatures)

Austin and Repatriation Medical Centre

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

This petition of certain residents of the state of Victoria notes with concern the decision by the state government to privatise the Austin and Repatriation hospital. Privatisation puts public health care at risk. Moreover, the North Eastern Health Care Network report on privatisation rejected the government's proposal for privatising the Austin and Repatriation.

The Red Cross Centre, memorial gardens and bowling green at the Repatriation hospital should also remain in their current locations, properly honouring those who have served Australia in war.

Your petitioners therefore request that the state government reconsider its decision to privatise the Austin and Repatriation hospital, and act to ensure that access to the hospital continues to be on the basis of health, and not wealth.

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

By Mr LANGDON (Ivanhoe) (205 signatures)

Planning: review

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

The petition of the undersigned citizens of Victoria call on the state government to review the current planning system and the *Good Design Guide* to ensure:

urban amenity, neighbourhood character and heritage values are protected from inappropriate developments;

the building and demolition permit system operates effectively with proper enforcement controls and that all demolitions must have planning permits;

ministerial powers are properly defined to ensure that the minister's power cannot be used to undermine good planning processes and that there is a greater accountability to Parliament and the community;

that residents have the right and are encouraged to participate in urban planning and are able to defend that right;

that council planning powers are properly defined and protected, which will create appropriate working partnerships with all involved;

a stronger environmental planning practice and that the protection of the natural and urban environment, heritage, and vegetation, are at the forefront of decision-making;

that the problems of appearance, site coverage, overshadowing, setback, quality design and noise are addressed;

local governments are allowed greater freedom in introducing local variations.

Your petitioners therefore pray that the current system be thoroughly reviewed as it cannot be fixed by the current cosmetic changes.

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

By Mr LANGDON (Ivanhoe) (100 signatures)

Police: Heidelberg stations

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

The petition of the undersigned citizens of Victoria call on the state government to honour its 1996 election campaign promise to increase the number of police in Victoria to 11 000. Reductions in police numbers have placed at risk community security and safety.

It calls on the government to increase safety and security in the community by:

providing Heidelberg West police station with its entitlement numbers of 1 senior sergeant, 2 sergeants and 10 senior constables/constables;

guaranteeing the survival of Heidelberg West police station;

honouring the government's commitment to improve the Heidelberg police station, ensuring adequate conditions for police;

preventing police being seconded away from Heidelberg and Heidelberg West police stations by providing sufficient police numbers at all stations;

taking action to reduce police response times;

providing resources to enable police to undertake crime prevention in the community;

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

By Mr LANGDON (Ivanhoe) (190 signatures)

Keilor–Melton Road: noise controls

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

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

We, the undersigned residents of Taylors Lakes hereby request that sound barriers be installed along the Keilor–Melton Highway from the lead-up of the roundabout towards Melbourne up to the overpass on the Calder Highway.

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

By Mr SEITZ (Keilor) (38 signatures)

Planning: Keysborough green wedge

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

The humble petition of the undersigned citizens of Victoria showeth that the Mordialloc Main Drain flood plain is a major feature of the Keysborough green wedge. And, that the introduction of urban residential 1 zoning within this flood plain area will facilitate a major urban conversion that is in conflict with the principal finding of the south-eastern non-urban study that the concept of the green wedge is supported and be maintained.

Your petitioners therefore pray that the policy of confining urban development to growth areas, separated from each other by permanent green wedges of open country will be retained as the basis for future development.

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

By Mr LEIGH (Mordialloc) (325 signatures)

Laid on table.

Ordered that petitions presented by honourable member for Ivanhoe (Planning: review and Police: Heidelberg stations) be considered next day on motion of Mr LANGDON (Ivanhoe).

LAW REFORM COMMITTEE

Criminal liability and self-induced intoxication

Mr ANDRIGHETTO (Narracan) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

ECONOMIC DEVELOPMENT COMMITTEE

Government-funded national broadcasting

Mr BATCHELOR (Thomastown) presented report, together with appendices, minority reports and minutes of evidence.

Laid on table.

Ordered that report, appendices and minority reports be printed.

PAPER

Laid on table by Clerk:

Auditor-General — Report on Ministerial Portfolios, May 1999 — Ordered to be printed.

PUBLIC TRANSPORT: PRIVATISATION AND AUTOMATIC TICKETING

Mr BATCHELOR (Thomastown) — I move:

That this house condemns the government for initiating policies for the fragmentation and privatisation of Melbourne's public transport system and its bungling of the introduction of the Onelink automatic ticketing system.

There is clearly a level of expectation in the house when we come to debate one of the biggest disasters the Kennett government has presided over — the automatic ticketing system — and the next biggest disaster the government is trying to initiate — the privatisation of our public transport system.

It is with no pleasure that I move this motion, because Melbourne used to have a great public transport system. It had a multimodal ticketing system, but that is now under threat from both the automatic ticketing system and the privatisation proposal; and our extensive public transport network, particularly the fixed rail system, is also under threat as a result of privatisation.

To analyse how these two important issues are interrelated one need look no further than the fact that the automatic ticketing system was the government's first major attempt at privatisation in transport. Other privatisation programs were entered into before the privatisation of the ticketing stream, but the automatic ticketing system was the first major privatisation program the government entered into in public transport, and it has been a disaster from day one.

On 6 January 1993 the government announced that automatic ticketing machines would be introduced as part of a process to change the ticketing system, and it has been a disaster from that point on. From 1993 to now hardly a week has gone by when the problems of the automatic ticketing contract, the system itself, and its use and application across the public transport system have not been in the papers. It has been so controversial because it is appalling for people who use public transport, for the government and for the administrators of the public transport network.

The reasons for that go right back to the very beginning when the government was first elected and rushed to introduce ideologically driven changes that were to be delivered irrespective of their cost to the community and to the public service.

The privatisation of the revenue stream of our entire public transport network was the first manifestation of the ideological disaster that has beset the government, and as we speak we are on the threshold of another privatisation disaster in public transport.

On Monday of this week bids closed on the final contracting out or franchising of passenger services, and the government is now evaluating the bids in an attempt to get rid of and privatise the public transport system.

When it was originally proposed the automatic ticketing system was supposed to be world-leading technology and world best practice and delivery, as well as being designed to save millions of dollars. But on all counts it has been a failure. It will go down as a lasting shrine to the disaster of privatisation of the revenue stream. It is the Kennett government's biggest lemon.

The difficulty for the current Minister for Transport is that he was handed the problem and has had to take ongoing responsibility for it, but the real blame for the disaster lies fairly and squarely with the Premier.

It was the Premier who allowed this project to go ahead. At various times he has threatened to cancel the contract, but after making a few threats that have turned out to be idle he has effectively rolled over like a puppy and acquiesced. They tickled his tummy and he forgot all the threats and forgot to safeguard the interests of Victorian taxpayers, the Victorian public transport network and the people who use it.

It is interesting that we are having this debate today, not only in the week when the government is planning to privatise the remainder of our public transport system but on the day the Auditor-General released his report on ministerial portfolios. It was the Auditor-General who last November succinctly put together a special report — no. 59 — on the automatic ticketing system,

which outlines, chapter and verse, the disaster it has been for our public transport system.

I will come back to that November report, but what is particularly relevant and timely is the tabling of the Auditor-General's report on ministerial portfolios only a few minutes ago.

In that report, on which the ink is barely dry, he makes some damning findings on the impact the Onelink disaster has had on our public transport system. The Auditor-General has identified fare evasion on train services as being as high as 6.7 per cent on weekdays and nearly 17 per cent on weekends.

Fare evasion on tram services has been reported as 5.8 per cent on weekdays and 10.3 per cent on weekends. The Auditor-General further states that during the period November 1998 to February 1999 approximately 240 automatic ticketing system items, mainly ticket dispensers, were damaged by corrosive liquid attacks at 142 metropolitan rail stations, and 39 dispensers were damaged by other means. During that period the Public Transport Corporation paid $3.4 million to security firms it engaged to protect the ticketing machines — a further cost borne by Victoria's taxpayers in the long, sad and sorry saga of automatic ticketing.

The house has debated the issues surrounding automatic ticketing, the Onelink debacle and privatisation and now the Auditor-General's report highlights the disaster that began on 6 January 1993. The Auditor-General has reported on the abject failure of the system, its cost in lost revenue through fare evasion, and the cost to taxpayers of additional expenditure of some $3.4 million for security guards that was necessary because despite the government's promises that the ticketing machines would be vandal proof, that proved not to be the case.

No-one supports the vandalising of the machines, but the previous Minister for Transport made great play of the fact that the machines would be vandal proof and the government used that as a factor in justifying the removal of staff from railway stations. It is sad that taxpayers have had to pay out an extra $3.4 million for the hire of security guards because the government failed to deliver a system of automatic ticketing that would meet the standards that were stated publicly at the outset. The $3.4 million could have been better spent on a range of services — perhaps in providing additional customer service officers — within the overall public transport system. It is a failure of huge proportions.

It may be asked how and why all of this happened. It is one of the great political mysteries of the government's reign. The Auditor-General's report of November 1998 provides an insight and I will go through some of the conclusions. If I went through all the conclusions in detail I would be still talking and making shocking revelations at midnight tonight because there are so many. Some will be mentioned at a later date, but it is important to understand the context in which all the mistakes and blunders occurred, because if that is not done there will be a failure to understand why the government tolerated it.

Why did the Premier not cancel the contract when he first said that he was going to? The Auditor-General said that one of the most fundamental problems was the absence of a robust cost-benefit feasibility study to support the original decision to fast-track the development of the system. When the government was making primary decisions on how the ticketing system should be developed and progressed someone within the government made a decision that it had to be done quickly and was prepared for the government to carry the financial risks of doing so. The Auditor-General points the finger at that as being the cause of many of the problems. If the government had followed the normal practice and had done a proper and robust feasibility study many of the problems might have been identified, appropriate checks and balances could have been set in place to prevent them emerging subsequently, and it may have come up with a different decision.

For some inexplicable reason the government made a political decision not to carry out such a study but to get on with it at all costs, without concern about its cost to taxpayers or its cost through the loss of jobs of individual workers in the public transport system. There was no regard for the final outcome to Victoria's trams, trains and buses becoming part of a system that would be not only hated but also vilified and viewed as a complete waste of money.

The Auditor-General also reports that another major problem that stemmed from the fast-tracking decision was that the government ended up being totally reliant on Onelink for the preparation of a detailed system of specifications and the management of all aspects of the system's development and implementation. The government decided to proceed without doing a cost-benefit analysis and handed over to Onelink all of its responsibilities.

Those are the fundamental responsibilities of the detailed system specifications. The government claims Victoria's ticketing system has not been tried anywhere

else in the world. The government asked its preferred tenderer to develop the specifications. It then asked the preferred tenderer to manage the implementation and all aspects of the system's development. It was not only a recipe for disaster, but a disaster waiting to happen. It happened because the government walked away from its responsibilities. The government found the process too hard to follow through to protect the interests of both the taxpayers and those who were administering the public transport system.

Because of a sloppy political decision the government pressed the panic button, or the fast-drive button. By doing so it threw all responsibility out the window. It thought it could get away with it but the Auditor-General exposed its culpability.

The Auditor-General's report comprises almost 150 pages. In the third paragraph on page 3 he states that the problem is the government's fault because in the initial planning stages, when all the care in the world needed to be taken, the government was thinking about something else. It was a too-hard ask that required detailed work, and the government could not do it. The government has let down all Victorians. On page 4 of his report the Auditor-General outlines the consequences by pointing out a series of occasions when the contractor — Onelink — failed to meet a series of commissioning targets because of weaknesses in system planning.

At an early stage of the development the government realised it was in both deep water and quicksand, and it was sinking quickly. However, it did nothing except acquiesce time after time to Onelink's requirements. It allowed the company to continue developing the system which, if any faith was to be had in the original tender specifications, was to be proven and reliable. The Auditor-General said the original tender specifications were cast aside and the government allowed Onelink to redesign its own tender specifications after the tender process was finalised.

The final commissioning of the system has only recently occurred but there are still unresolved issues and the system is causing major problems for commuters. According to the Auditor-General, as early as October 1994 the Public Transport Corporation expressed concern about Onelink's ability to meet the agreed commissioning targets. Why then did the government proceed with the farce that followed over the years?

The Premier, successive transport ministers and various government representatives have stated that the government would be tough with Onelink and that it did not know about the problems. However, it knew about the problems, and it was not tough on Onelink. The government has perpetrated a huge and ongoing lie against Victorians. It has deceived the Victorian travelling public, and the Auditor-General's report exposes that deceit. Public transport commuters, whether they travel by train, tram or bus, all say the ticketing system is an abject failure.

It is a failure that will continue to cost taxpayers millions of dollars. The Auditor-General's most recent report on ministerial portfolios discloses that the taxpayers have had to pay for security guards to guard equipment. During the debacle many contractual changes have occurred and the cost to the taxpayers is increasing. The original cost was some $330 million. Because of the power Onelink obtained over the government in the original contract the company has contractual arrangements that could see it receive some $35 million extra. It is highly likely, almost odds-on, that that amount will have to be paid.

It does not stop there. The gravy-train of expenditure waste the government has presided over will not stop at $360 million to $370 million because other changes have taken place since then. The Auditor-General has alluded to the very real possibility that additional claims will be made and Victorian taxpayers will have to meet the cost of those claims.

The opposition would like the Minister for Transport to advise the house how much he expects the final cost to be. The government has tried to suggest that the system will cost taxpayers $330 million.

At the opposition briefing during the initial stages of the project in 1993 or 1994 the department bureaucrats said the expected total cost was around $400 million. It should come as no surprise to honourable members that the most senior person in the Department of Transport, who is in charge of finances, at that time advised the opposition that the total cost would be around $400 million.

Since then the government has acted out another lie — it has said the cost of the project to Victorian taxpayers would be limited to $330 million. The Auditor-General has exposed that lie, and the opposition wants a firm commitment from the government on the total cost. How much will the project cost? What are we up for? When will the government reveal to Victorians what the true cost in payments to Onelink alone will be?

Once it has answered those questions the government should get on with the task of identifying all the other social costs. Is the government able to add up the costs

of having to sack conductors and employ contract workers to collect fares because the machines could not do it? What were the costs of re-uniforming and retraining those workers? Those temporary contract workers were employed for so long to fill the interregnum between the sacking of the permanent staff and the introduction of the machines that they became eligible for redundancy payments. In effect, the government had to make redundancy payments twice. Why did it allow that to happen? Why was its planning so far off the mark that although they were still needed it got rid of long-term tram conductors and employed temporary workers not for two weeks, not for six weeks, but for years and years because of the failure of the automatic ticketing machines? The government knew in October 1994 that there would be a problem and that Onelink could not come up with the goods.

What about fare evasion? The special Auditor-General's report states that fare evasion on trams alone is costing taxpayers around $8 million a year. The Auditor-General established that figure by conducting surveys and carrying out an investigation. Why was the government not able to do that? Why was the government incapable of finding out what was happening and dealing with it? One needed only to get on a tram to see that people were evading fares hand over fist. Virtually no-one used the automatic ticketing machines, and even fewer people used the validating machines on the trams. It was widely known throughout the length and breadth of Melbourne that public transport had in effect become free because people were not buying tickets.

That is terrible, but it was widespread. If the government was not prepared to conduct a survey, surely one member of the government — perhaps the minister himself — would have been able to get onto a tram to observe the phenomenon that was costing Victoria some $8 million a year. That money is going down the drain every year instead of being collected and returned to the government coffers to be used for the provision of public transport services. In November 1998 the Auditor-General reported that fare evasion is absolutely chronic not only on trams but also on trains both during the week and on weekends.

The government allows money to be tipped down the drain because it has some infatuation with those stainless steel boxes called automatic ticketing machines on our train platforms and trams. It is a clear indication that the government prefers to waste money than to care about public transport users.

I suspect that when the government responds it will look backwards instead of dealing with the current issues, and that will be a clear admission that the government has bungled the situation, that it does not care about taxpayers' money and that it does not give a damn about what is happening to public transport. The government made a decision back in 1993, and it will implement that decision come hell or high water.

The Auditor-General's report last year contains the results of a survey of public attitudes to ticketing machines and documents people's experiences. According to the report the percentage of transport users who considered the quality of service had decreased since the introduction of the system was 48 per cent in August and 54 per cent in May — that is, the Auditor-General found that half the people using the system found the introduction of automatic ticketing machines had reduced the quality of the service.

Why go to all that trouble and pay out hundreds of millions of dollars — millions more than you originally planned — to sack thousands of workers and still fail to achieve a better outcome?

The Auditor-General also surveyed people's perceptions of how often ticket vending machines broke down. Forty-six per cent thought ticket vending machines were sometimes broken down and 37 per cent that validating machines were sometimes not working. That result should have been of major concern to the Public Transport Corporation, but it was not. The PTC simply allowed the process to limp along while most of its so-called customers were experiencing problems with the machines and half of them were finding that the quality of service had decreased.

Why spend all of that taxpayers' money for a system that costs more to implement, loses more revenue because it cannot cope with the sale of tickets, produces a lower quality of service for the customer and does not provide the information the government or the PTC needs for management purposes? The Auditor-General found that the PTC was incapable of providing accurate management information and that the privatisation process would therefore be adversely affected.

It certainly has been. The companies bidding for our trams and trains want to know what the revenue stream is, but the government cannot tell them.

Mr Robinson — They use guesswork.

Mr BATCHELOR — It is absolute guesswork.

Wouldn't you think the state-of-the-art, world's best technology — as the government boasts — would be able to do the basic and fundamental things? It cannot sell tickets properly, check tickets properly or tell the

government how many people are using the system or from where to where they are travelling. The information collected is not reliable enough for proper transport planning, so companies putting in bids cannot be convinced that ticketing information is accurate and reliable.

How does the government attempt to overcome that, Mr Acting Speaker? A system of manual surveys has been introduced. People are being employed to physically count public transport users and ask them where they are going. The ticketing system cannot provide that basic information. It cannot tell you how many people get on at Ringwood and get off in the city. That is extraordinary. Why do they bother to have a hi-tech system that cannot do that simple thing? One wonders whether it can even count the money accurately. It is a joke!

Today we will hear the government's weak and limp excuses for persevering with the system. The opposition welcomes the opportunity to hear what the minister will say about what has gone wrong and why.

A number of surveys have been carried out in addition to the surveys outlined in the Auditor-General's 1998 report, including some thorough and detailed research conducted by the honourable member for Mitcham. The *Herald Sun* has produced a series of surveys over the years. On 6 May this year, for example, it asked its readers whether they would like to see conductors returned to Melbourne's tram system, and 91.2 per cent of the respondents said yes. By inference, those respondents are saying conductors are better than stainless steel boxes tucked away in the corner. They do not want them because they are impersonal and do not produce the tickets people want.

Another *Herald Sun* survey asked its readers whether they were satisfied with the standard of service provided by Victoria's trams, trains and buses. Sixteen per cent said yes and 82 per cent said no. That result is not unconnected with the results I previously quoted. The ticketing system has been a disaster, not only for the government but for the people — and people are turning away from public transport as a result. People have negative attitudes to public transport. They are starting to think fare evasion is socially acceptable when clearly it is not.

Of the people who were asked whether they usually bought tickets when using public transport, 90 per cent said yes. I think most people want to buy tickets. The opposition would encourage them to buy tickets, as they ought to do. The more people who buy tickets and thereby contribute towards the cost of running the service, the better it will be for everyone — for the government, for the providers, whoever they may be, and for the taxpayers. Why would the government allow to operate a system that alienates the 90 per cent of loyal commuters who want to and usually do buy tickets? When one considers all the impediments the government has placed in their way, 90 per cent is a high figure.

The *Herald Sun* survey to which I referred reveals some interesting changes of attitudes. It reports that while 90 per cent of those surveyed said they usually buy tickets, nearly 30 per cent said that at some time or another they have chosen not to, and when they were asked whether they had ever carried an invalidated ticket with the intention of validating it only when checked, 23 per cent answered yes.

By its maladministration and preference for automatic ticketing machines the government continues to deliberately and systematically encourage the public transport system's loyal customer base to change their preference and become fare evaders. The outcome has been the emergence of a cultural change among those who regularly use public transport — that is, a significant proportion of the loyal customers who previously wanted to and usually did by tickets now do not buy tickets, or buy tickets and do not validate them. That is a disgrace.

As a result of government policy, public transport commuters are walking away from their obligations. Although it is hard to understand and cannot be justified, people see the government as letting them down year after year with public transport ticketing and ask why should they be the only bunnies who are buying tickets on public transport. Unless the government does something soon the problems that are now evident in public transport will continue for many years.

The *Herald Sun* survey reported a whole range of results. I will not go into those results now because I want other honourable members to join the debate. I recommend that honourable members go through the other illuminating and important results at page 4 of the *Herald Sun* of 6 May. For example, of the people who were asked, 'Will privatisation improve our train and tram system?', 62 per cent said they did not believe it would and 62 per cent thought it would not work. That leads me to the proposals for the privatisation of the public transport system.

The government has bungled the introduction of automatic ticketing and is now about to bungle the privatisation of public transport. Before the last election

the government promised that it would not privatise public transport, that it would simply corporatise it. The government lied through its teeth. It had no intention of honouring that promise. When the Premier thought he could expediently change the decision — after the election — he announced that the government would privatise the public transport system. After the initial announcement — after it got over its vindictive outburst — the government tried to justify the proposal by saying that privatisation would benefit Victorians because it would produce competition. It couched the reforms, the mass sackings and other changes it has brought about in public transport as being about its wanting to introduce competition. Nothing could be further from the truth.

It is of no interest or concern to someone who wants to catch a train from the city to Ringwood when a train will be leaving for St Albans and how much the ticket will be. It is not a competitive market. People who want to go to Ringwood will be concerned about other considerations, such as whether they can get there by bus or car and what it will cost in time and effort. The frequency of trains going to St Albans or the price of tickets to get there will be of no concern to those people. There is no competition. The only competition is in the people who want to travel to Ringwood deciding whether to take the train or another form of transport.

Nevertheless the government has persisted with the bizarre notion of competition. To try to put an institutional framework around the notion of competition it has decided to commit another heinous crime against public transport with its determination to break up the system. The government will tear asunder the coordinated and integrated network that is in place by breaking it up and flogging it off to different companies. Initially the government set up an institutional framework based on the Hilmer model through which it could separate the ownership and control of the infrastructure — the tracks and wiring — from the provision of the service. As the government worked its way through the ideology it came up against various pressures from interest groups and subtly and slowly changed the institutional settings in which privatisation will take place. That further demonstrates that the idea of competition and the benefits it will bring is an absolute fabrication.

The government has now put in place an institutional setting in which following privatisation the provision of transport services will be carried out on a regional monopoly basis. Transport services will be provided by private monopolies in specific transport regions or corridors. There is nothing competitive about that. Anybody who knows anything about how competitive forces work and about the impact of market forces when there is no real competition will know that the proposals will lead to higher prices and reduced services.

The government will bleat about its series of proposals, but when one looks at its so-called guarantees on the public record one sees that the guarantees have little or no substance. The real guarantees that should be there are not there. Furthermore the government is going on with the fragmentation proposal and is providing for the system to be further fragmented. Instead of there being single private entities out in the transport corridors, providers of services such as financing or infrastructure maintenance will be separated from the franchisee or operation provider.

Very soon the institutional settings in Australia will be not very different from the disastrous institutional settings in Britain under the Thatcher government. All honourable members will be aware of the rorts in Britain involving the rolling stock leasing companies, and now the government is proposing to introduce that sort of institutional setting in Melbourne. Once again taxpayers will be dudded, cheated and ripped off. Not only will the government stand by and let that happen, it will set up a framework to make it easy for private companies to behave in that way.

The privatisation process has not been completed, so it is not too late for the government to pull back from its proposal. It could and should do so, because breaking up the public transport system into separate private monopolies will produce the worst possible outcome.

Good public transport systems in major cities around the world are not based on fragmented systems. Even in places where private companies reign supreme, transport and planning authorities are envious of Melbourne's urban public transport network because it is coordinated and integrated. The government intends to throw that system out the window. It has taken a long time for the system in Melbourne and Victoria to evolve, and Victorians are about to see that jeopardised.

Worse than that is the secrecy with which the process is being undertaken. It is being kept secret because the government wants to politically exploit the outcome of the privatisation process and take credit for things it cannot and should not take credit for. Under the privatisation process the government has said to the bidders, 'You have to bid for the opportunity to take over the business, and to do so you must be prepared to do various things'. Some of the things the bidders are required to do relate to the provision of infrastructure.

Some of the requirements have been made public, but some have been kept secret. For example, as part of the tendering process the government has said it wants some of the rail infrastructure to be improved. The bidders have accepted that and will respond accordingly. Some of the proposed infrastructure improvements are good, and many are long overdue. Many more that have not been included should be included by the government at a later stage as part of its ongoing role in the privatised regime.

However, there are other requirements that the government wants private providers to meet that have not been made public — for example, the proposal in the privatisation of V/Line Passenger for the extra provision of rolling stock. When the idea of the Sprinter train was worked through by the Labor government, a long-term plan was set in place to increase the number of Sprinter rolling stock. The government has not continued that process and has instead allowed it to run down. As part of the tendering process the government wants the new operators of V/Line Passenger to provide not only the passenger services but the balance of Labor's plan for another 20 to 25 additional Sprinter trains. The government wants to implement the last part of Labor's plan and take credit for it. The opposition knows that that would be based on a falsehood, because no private operator will provide additional rolling stock for country Victoria unless it is eventually paid for by one means or another.

The government will set in place a series of complex and convoluted financing arrangements for the privatisation process. The merchant banks the government has included in the consortia will be given special powers and privileges under the Rail Corporations Act. The rolling stock leasing companies see dollar signs every time they see country public transport users, and they want to ring up higher and higher profits. Under some sort of fancy arrangement taxpayers will pay for the additional rolling stock over a longer period. The government will enter into the equivalent of a sale and lease-back arrangement. You should not doubt, Mr Acting Speaker, that in accordance with the voodoo economics of the privatisation process the government will finish off Labor's plan by providing additional services — extra Sprinter trains, for example — and try to take the credit for it themselves. Mark my words, honourable members will see that unfolding in the days and weeks ahead as the privatisation process is unveiled.

Public transport users face the real prospect that the privatisation of their passenger services will be a disaster for Victorian taxpayers, just as the privatisation of the revenue stream from automatic ticketing has been a disaster. The opposition has no faith in the government's ability to get it right and no faith in the government's ability to manage the issues. The Auditor-General has shown that the government got it wrong with automatic ticketing, and it will do the same with the privatisation of the public transport system.

The opposition asks the minister to tell the house in his response exactly how much the privatisation of the ticket revenue stream has cost, how much the automatic ticketing system has cost, how much Onelink will be paid, and how much the taxpayers and the Public Transport Corporation have had to pay for the government's years of mismanaging and bungling Melbourne's public transport system.

They are the reasons for the opposition's moving the motion. It would rather that there were no need to move such a motion, and it would rather that the state had a ticketing system which worked, which had the respect of the travelling public and which met the administrative requirements of those who plan our public transport system.

We would rather not be on the eve of another huge public transport catastrophe where those who bungled the first major privatisation have now got their inept hands on the rest of the system. The opposition dreads the outcome of that situation.

Mr COOPER (Minister for Transport) — The motion is in two parts: firstly, it refers to the privatisation of Melbourne's public transport system; and secondly, it refers to the Onelink automatic ticketing system. The honourable member for Thomastown covered both parts in some detail, but it is fair to say he spent more time on the automatic ticketing system part of his motion. I intend in my response to cover the gamut of his address and some of the statements he made.

In his opening remarks the honourable member for Thomastown said that Melbourne had a great public transport system that is now under threat because of privatisation. He then went on to say that the Auditor-General's report of November 1998 condemned the automatic ticketing system and that the report on ministerial portfolios tabled today by the Auditor-General added further condemnation. He then stated that the Auditor-General had said the automatic ticketing system was an abject failure. None of those statements is correct, and it is important that they be refuted.

I will turn to the honourable member's opening statement that Melbourne had a great public transport

system prior to the election of the Kennett government and will refer to statements made by organisations that have considerable credibility in the community. However, firstly I will address his statements in regard to what he claims the Auditor-General said about the automatic ticketing system.

The Auditor-General's report of November 1998 entitled *Automating Fare Collection* made four major statements that need to be put on the record. Firstly, the Auditor-General confirmed in the report in some detail why on a number of occasions the government had expressed concern and irritation over the well-documented and lengthy delays. It was not a secretive process. It was very much on the public record as a result of statements by the Premier, by my predecessor, the Honourable Alan Brown, and by me. The Auditor-General then went on to say, in contradiction of the statement by the honourable member for Thomastown when he said that the Premier should have cancelled the contract, that the government had pursued the correct course of action in working through the difficulties with the contract; and he noted that any act initiated to terminate the contract could result in prolonged and expensive litigation without significant benefit to either party.

The honourable member for Thomastown stated that the government had made an incorrect decision and said that the Auditor-General confirmed that. The reality is that the Auditor-General said something totally contrary. He stated that the government had pursued the correct course of action and that any action taken to terminate the contract could have resulted in a major risk of prolonged and expensive litigation without significant benefit to either party.

The honourable member for Thomastown then went on to say that the Auditor-General — he again quoted the Auditor-General incorrectly — stated that the system was hopeless and would never be right. The November 1998 report states:

> ... when final commissioning eventually occurs, operation of the automated system will place Victorian public transport at the forefront internationally in terms of technologically based fares collection systems.

The report further states that that:

> ... will strengthen the ability of the government to plan future directions of public transport in Victoria.

Rather than stating that the system was hopeless and would never be right, as was claimed by the honourable member for Thomastown, the Auditor-General made a totally contrary statement.

The honourable member for Thomastown went on to say that the contract entered into by the government is a disaster. He stated that it is an outcome-based contract and the wrong way to proceed. He pointed to the Auditor-General as his fount of knowledge. In his report of November 1998 the Auditor-General said something totally to the contrary. He stated that the contract had been sound in protecting the interests of the government and, therefore, the taxpayer.

The honourable member for Thomastown used the Auditor-General as backing for three major claims when the reality is that the Auditor-General made totally contrary statements. That is another indication that the honourable member for Thomastown is prepared to make statements in the chamber that are not true. Having discovered that the report on ministerial portfolios was being handed down today, the honourable member for Thomastown grabbed hold of some of the summary of findings at the beginning of the report and said, 'Well, here we have further confirmation of a total and utter disaster'.

The honourable member for Thomastown claimed that the level of fare evasion is a catastrophe. However, the report tabled today shows that fare evasion has declined. If the honourable member for Thomastown looks at table 3.3G at page 120 he will see that revenue is up — the Auditor-General has reported it as such. In the period July 1997 to January 1998 revenue was $104.9 million, and the figure for the same period in 1998–1999 is $142.7 million.

The claims by the opposition, the transport unions and others out there with barrows to push and other agendas on their minds, that the automatic ticketing system is not working and is having a disastrous effect on revenue are not true. Revenue is up. The final figures in the annual report, which will be tabled in the house later this year, will show that revenue has increased again this year. It will put the lie to the issues that the honourable member for Thomastown has raised. Today honourable members have heard nothing true from the honourable member for Thomastown — he has simply restated things he has said on many previous occasions — but today he has for the first time called in aid reports of the Auditor-General. It is unfortunate for him that the reports contradict what he has claimed. The Auditor-General has put the lie to the claims made by the honourable member for Thomastown.

The first part of the motion refers to the policies of the government. It states:

> ... for the fragmentation and privatisation of Melbourne's public transport system.

As I stated at the beginning of my address, the honourable member for Thomastown stated that Melbourne's public transport system is now under threat from privatisation and that previously Melbourne had a great public transport system. The honourable member has got it wrong again. However, it is not necessary for honourable members to take my word for that, and I refer to statements made by people with some authority. The 1992 report of the Economic Planning Advisory Council stated that the Public Transport Corporation was the worst-performing government business enterprise in Australia. The annual listing of the top 1000 Australian companies in *Business Review Weekly* rated the PTC as Australia's worst-performing transport company.

The Bureau of Industry Economics in its 1992 report on rail freight found the Public Transport Corporation to be the most inefficient rail freight authority in Australia:

> A 1991 Industry Commission report on rail transport stated that of all the major rail systems, the urban rail sector of the PTC showed the least evidence of achieved reform.

The Australian City Transit Association found Melbourne's bus and tram services to be the most inefficient non-rail public transport of any Australian state capital. This is the system that the honourable member for Thomastown described as being 'a great public transport system'. It is the system with which he would like to saddle Melbourne for decades to come — the system he says did not need reform. He also said that it did not need privatisation. The honourable member ran his flag up the mast and said that he and the Labor opposition are against privatisation. He said privatisation brings no benefits, that it is inherently bad and that it should not occur. He has urged the government to pull back. 'It is not too late' were his words.

I find that puzzling, particularly when I read an editorial in the *Age* of 24 January 1995 — a newspaper that is on record as not being a friend of the government — which states:

> The truth is that the Australian political party with the greatest record in privatisation is the ALP ... In Victoria the ALP is responsible for selling the State Bank, the State Insurance Office and Loy Yang B power station, along with a large number of specialist subsidiaries of the SEC and Melbourne Water, a share of the Portland aluminium smelter and thousands of hectares of publicly owned pine plantations.

It continues:

> These were not the actions of ideological opponents of privatisation.

Mr Brumby — What party is this?

Mr COOPER — The ALP — and thank you for the interjection. That last statement was quite correct: these were not the actions of ideological opponents of privatisation.

Therefore, in terms of the opposition's outlook regarding a reform program and its objections to the franchising of public transport by the government, it would appear the opposition is not ideologically driven and it is not a case of economic pragmatism. It all comes down to politics. Opposition members are saying, 'We oppose it because the government is doing it'.

This is the party that the current Leader of the Opposition said was a new Labor Party. He said it would look at and tackle all issues on their merits, but it has not occurred. It is the same old Labor Party, which opposes for the sake of opposing. It does not consider the benefits; it simply opposes for the sake of it.

The honourable member for Thomastown has not bothered to examine the issues. He has just said, 'This is wrong', based on his spurious claim that Melbourne had a great public transport system. However, he also said we should not talk about that system prior to 1992; we should just accept that it was a great public transport system based on his claim. The honourable member suggested that we not look back because if we did it would be a sign of weakness. But he said Melbourne had a great system, which is in absolute contradiction to the views of about half a dozen bodies of some significance in this nation.

Although the honourable member said he does not want to see any attention paid to what went on in the state prior to 1992, we need to consider the past to ascertain why reform is necessary. I do not intend to fall for the three-card trick put forward by the honourable member for Thomastown who said we should not be considering anything before 1992. I fully intend to examine the history of public transport because it sets the scene for the necessary reforms the government is now putting in place.

In the 1980s the public transport sector debt run up by the previous Labor government tripled. The system was losing $5 million a day. You do not have to be a rocket scientist to multiply that and discover that it totals about $1.8 billion a year. That is the 'great public transport system' that the honourable member for Thomastown wants back. In financial terms it was a living, walking, talking disaster — an absolute shambles.

During the 10 years of the Cain and Kirner governments the service area of the public transport

system was dominated by industrial chaos. Service reliability was continually undermined through regular strike days. Honourable members will recall how in 1990 Melbourne's trams blocked the city streets for six weeks. Collins, Bourke and Elizabeth streets were all blocked with trams. That was the symbol of Labor's great public transport system.

The honourable member for Thomastown was a member of the government during that time. He came to Parliament in 1991 and sat here silently supporting the government of the day. He spoke three times on public transport issues, from the time he was elected until the time his party was booted out in 1992 — once on an appropriation debate and twice on adjournment debates. Each time he complained about the lack of bus services in his own electorate. He was not prepared to stand up and say that something needed to be done — that the trams should not have been blockading the city. He would not do that when he was the state secretary of the ALP or when he was elected to Parliament as the honourable member for Thomastown.

At that time there were no public accountable service targets. The government of the day was not prepared to introduce them, to hang up its shingle on the wall and stand or fall by its performance as this government does. Certainly, there have been instances where the government has not met service targets; but it is prepared to stand up and be accountable in contrast to the previous Labor government.

As a result, in 1990 trams provided less than 90 per cent of scheduled services. Fares were also interesting. In one 14-month period during 1990–91 the Labor government increased fares three times by a total of more than 30 per cent. We had stagnant and falling patronage. Between 1988 and 1989 country and metropolitan services had decreased by 3.6 million boardings, and in 1990 tram patronage was the lowest since records began in 1911.

We had mismanagement, inefficiencies, rorts and union featherbedding that resulted in overstaffing. The operating costs per employee were 40 per cent higher than those of City Rail, the PTC's New South Wales counterpart. In May 1992 the Auditor-General reported that there was a need for corrective action by the PTC in the management of its workshops and in its vehicle maintenance practices. Inefficiencies and union rorts in the PTC were absolutely notorious and scandalous. I will give honourable members some examples of the sorts of things which were going on and to which not even a blind eye was turned by members of the Labor government of the day. They simply ignored the situation — their eyes did not focus forward and they turned their backs on the issues. The examples will probably seem unbelievable in this day and age, but they occurred during 1990 and 1991, in the days of the former Labor government.

Cleaners working on the Overlander and the Melbourne–Sydney express train service would not rotate between those trains. They would clean one of those trains but they would not clean the other. There was a short-handled broom man who would use only a short-handled broom and there was a long-handled broom man who would use only a long-handled broom. There was also a silver man whose job was to clean silver. They are examples of the types of work practices that existed at that time. When there was a track reconstruction and a bus replaced a tram temporarily, the union insisted that the bus carry a tram conductor.

Those are the sorts of rorts that went on. Honourable members would probably remember the famous photograph of the restaurant tram driving around Melbourne with a tram conductor sitting in the rear compartment reading a book or knitting because the union insisted that every tram had to carry a tram conductor regardless of whether one was needed. It was scandalous. It was costing jobs rather than creating them. It was the sort of thing which brought the whole system into absolute notoriety and which was epitomised in the phrase 'poor service, mismanaged finances and inefficiency'. Those are the things that categorised what the honourable member for Thomastown said was a great public transport system. It was a system that ignored the basics of giving Victorians what they wanted. Victorians wanted a reliable, clean, efficient and safe system. When the present government came to power in 1992 it started to deliver those things and patronage increased.

On Wednesday 5 May I was fascinated to read an article that appeared at page 9 of the *Herald Sun*. It states:

> The opposition said the real way to increase patronage was to have lower fares and increase the number of services.

It appears that the honourable member for Thomastown had a brainstorm and the lights came on for him. The comments in that article were made by a man who sat in this place silently and supported a former government that increased fares by 30 per cent in just over a year when Labor was in power. He seems not to understand that the number of services have been increased by the government and that fares have been frozen twice. There have been only two fare increases in the past four years and they have been kept below the level of increases in the consumer price index.

The honourable member for Thomastown appears to have one story for this place, another story when he is out with the media and yet another story for internal meetings with the ALP. One thing for sure is that he does not maintain any kind of consistent approach towards the provision of decent public transport in Victoria. He opposes reform based on nothing more than what he sees as a potential political advantage. That is reprehensible.

There is a need to look at the reform process and what the government has achieved since 1992, because despite claims that might be made by the opposition, the government has made significant progress in that area. It has taken hold of what was described as the most inefficient public transport system in Australia — probably in the world — and has changed that position dramatically. The government continued what the previous government started to do and significantly reduced numbers in the work force. It has also reduced by approximately $250 million per annum the cash subsidy for services provided and has significantly increased the number of services provided to public transport users. That is not the work of a bunch of people who do not know what they are doing.

The government has been universally praised by organisations around the world for the job it has done. The government had an enormous challenge on its plate in 1992. It had to restore not only the financial and operational integrity of the public transport system but also the credibility of the system with the community. In 1990 and 1992 many people said that there was no way they were ever going to get back on trains and trams in Melbourne because they had had enough of riding on a system that was dirty, unreliable and unsafe, particularly when fare increases were getting out of control.

The last Labor Minister for Transport, the Honourable Peter Spyker, endeavoured to address some of the issues. He recognised that the transport system could not continue its downward spiral and needed to be changed. However, Peter Spyker was a toady to the transport unions; he was a weak man who was not prepared to stand up to them. Consequently, nothing was done.

Mr Spyker endeavoured to address the graffiti issue. Train travellers knew all about graffiti, which was rampant on both the interiors and exteriors of trains. Graffiti was painted on the windows, walls, roofs and floors. If seats were not slashed they had graffiti on them. The exteriors of trains resembled moving billboards of pop art. Some were simply the tags of graffiti artists, but others were attempts at art. The graffiti clearly showed travellers, and even worse potential travellers, that neither the government nor the Public Transport Corporation (PTC) was in charge of the system. It sent the message that hoons and thugs controlled the system and that it was unsafe to travel on public transport.

Mr Spyker decided he would deal with the problem. He set out to show Melburnians that the government was fair dinkum about successfully combating graffiti. He called a press conference at either the Surrey Hills or Mont Albert railway station. The television, radio and print media were all there to hear Mr Spyker announce that the government had the situation under control. As he stood in front of the TV cameras proudly claiming that Melbourne's trains would no longer be covered in graffiti, a train rolled in behind him covered in it from one end to the other!

That was a symbol of Labor: promising something but doing nothing. The former Labor government could not deliver in any way. It watched the public transport system spiral downward into rot and decay. The system was unpopular, it had no credibility and it was expensive, unsafe and unclean — a total disaster. If ever there was a symbol of the Cain and Kirner governments, it was the public transport system.

After the Kennett government was elected in 1992 it proceeded with a reform process. The motion is an opportunity to give the lie to the opposition's statements, particularly those made by the honourable member for Thomastown, about Victoria's public transport system. I will put some specific highlights on the record.

In 1993 the government contracted out 80 per cent of the former PTC bus fleet to National Bus Company, which resulted in lower fares, increased services and reduced costs to the taxpayer. The contracting out of the final 20 per cent to Melbourne Bus Link in April 1998 is producing cost savings of 20 per cent and increased services. People in the eastern suburbs will tell you that contracting out the bus fleet to National Bus Company is the greatest thing that has happened in the area. National Bus Company decided it would not make its customers walk a kilometre or so to the nearest bus stop but would take its buses to them. That was an amazing initiative, one never thought of by the Labor government, whose attitude to public transport users was, 'Here is the bus; you come and get it. Even if you have to walk a kilometre and a half, that is your problem'. The National Bus Company bought Mercedes Benz minibuses and has used them to deliver better services. As a result those services have enjoyed a significant increase in patronage compared with the

services provided by the Public Transport Corporation's bus fleet.

Another of the government's specific highlights was the saving of the Upfield railway line, which the Labor Party endeavoured to close. The Upfield line runs through the heartland of Labor electorates, yet Labor's attitude was, 'You do not need a train service, so we will close it down'. I can safely say that the local community was outraged by that. Unfortunately, it was not outraged enough to do the right thing and elect decent people to this place; instead it continued to re-elect the drongos who tried to close the line down.

The Labor Party had nothing to do with the Upfield railway line remaining open. That was a Kennett government initiative, as was the $25 million commitment to upgrade the line to ensure that, for the first time in decades, evening and Sunday services are of a standard exactly the same as those on railway lines elsewhere in the metropolitan network. Not only was the Labor Party not prepared to deliver those services, it endeavoured to close the line down! It is ironic that it was a coalition government that went to the Labor heartland and said, 'We will keep your railway line, and we will spend $25 million to upgrade it to a standard that will deliver decent heavy rail services'.

That is something the Labor Party was not prepared to do. Even today opposition members blabber away — they are like birds chirping on a perch at the back of the chamber. The honourable member for Coburg supported the closure of the Upfield railway line — he certainly never said it should not close down — yet he is now prepared to have a go at the government for saving that railway line, which services his electorate. That shows the sort of hypocrisy that goes on in Labor Party circles. The opposition wanted the railway line to close down. If by some God-awful chance a lightning bolt suddenly hit and the opposition was transposed into government, the first thing it would do would be to close the Upfield railway line. That would be its contribution to Labor electorates.

Opposition members are a hopeless bunch of incompetents who simply oppose for the sake of it. It is the same old Labor Party, and its members are the same old bunch of whingers and complainers who do nothing and think of nothing. They have no policies and no ideas. They simply knock a government that is getting on with the job. All they do is knock, knock, knock. The only new things they think of are so stupid their own colleagues jump on them and tell them to keep quiet. In Labor Party electorates to the north of the CBD the Kennett government will be remembered as the government that saved the Upfield railway line.

The government also introduced private passenger rail operators into country Victoria. West Coast Rail was introduced into Warrnambool and Hoys Roadlines was introduced into Shepparton. Yesterday I advised the house about the services provided by West Coast Rail to Warrnambool. The Labor Party also wanted to close that line, which unlike the Upfield line extends through National Party and Liberal Party electorates. The Labor Party did not see a future for country rail services. The government saved the Warrnambool railway line, which as I speak is being upgraded — it is being continually welded — to provide a better service. If the honourable member for Warrnambool were in the house he would say by way of interjection, granted that it might be disorderly, that the government not only decided to keep the rail service to Warrnambool but also provided a better service.

That service also provided a benchmark for V/Line Passenger by showing that there were better ways of doing things. As a result, the levels of other country rail services run by V/Line Passenger picked up. There has been a significant lift in service delivery, which has been accompanied by significant increases in country rail patronage throughout Victoria.

That was one of the great decisions of Alan Brown, the then Minister for Public Transport, and the Kennett government. It showed that there is nothing to fear from privatising rail or other services. Privatisation brings benefits to the people who count: if you have the best interests of the commuters at heart, there is nothing to fear from improving services.

Apparently the Labor Party wants to go backwards. The honourable member for Thomastown said we should return to the great public transport system of the 1980s and 1990s. He wants to revisit the days of declining patronage, lousy services, high fare increases and people deserting the system. The government has proceeded the other way. It has introduced 20 new Sprinter rail cars at a cost of $60 million, and travel times to regional centres such as Ballarat, Bendigo, Geelong, Seymour and Sale have been significantly reduced. V/Line Passenger patronage is now reacting to those initiatives. It is at its highest since 1954.

Back in the 1980s everyone, no matter what his or her political views, would have said that was impossible. We all agreed that public transport was a thing of the past. People wanted to travel by car because they could not be bothered with trains, trams and buses. Most people held that view because patronage was declining not only in Victoria but worldwide. The government held the view that if the level of service was increased there was a good chance it would attract people back to

public transport. V/Line Passenger showed it could be done.

The government was prepared to have a go, and it was successful. As a result, during 1995–96, 1996–97 and 1997–98 more than 7 million people used V/Line Passenger services, and I suggest those increases will continue in following years. Patronage will certainly not decline. V/Line Passenger has reported a continuing increase in patronage, which is a tremendous result for the government. The government was prepared to have a go by improving services to try to attract people back to the service, and they have come back.

The government has invested $5.6 million in country railway stations, which has resulted in significant improvements to platforms, lighting and signage and the installation of remote public address systems and better car parks. Significant renovations have been made to country railway stations including Warragul, Melton, Ballarat, Geelong, South Geelong, Bendigo, Craigieburn, Seymour, Benalla, Wodonga and Morwell. A number of improvements have also been made at other smaller stations. The government is not only concentrating on the big stations, it is working its way through the entire public transport network.

In August 1997 the government introduced the rural stationeers program. I was delighted to be a part of that project. More than 35 country stations have now joined it. Local community and council groups are embracing the program by creating gardens and doing other work. Their contribution to the beautification of stations discourages vandalism and graffiti. The rural stationeers program is an extension of the extremely successful stationeers program in the metropolitan area. When communities are prepared to adopt ownership of railway stations and regard them as their own and as something they want to protect and enhance, the graffiti attacks we all find appalling are discouraged.

When I was opposition spokesman for public transport I used the Kananook railway station down near Seaford and I parked my car there. The station was covered in graffiti from one end to the other. Also, due to poor lighting in the car park a young woman was abducted from there and murdered. People were afraid to go to the railway station, and rightly so. The Honourable Peter Spyker was Minister for Transport at the time. I approached him on behalf of a community group at Seaford and asked him to arrange for the Labor government to provide members of the group with some paint so they could paint the station and look after it. To his credit Mr Spyker was happy to make the paint available. Over two weekends a working bee, in which I took part, painted the entire station. Since that time the station has not been as subject to graffiti as it was.

The government now has a 24-hour response to graffiti on railway stations. If someone reports graffiti just before midday, for example, the government guarantees that the graffiti will be painted over by midday the next day, if not before the first train. That is the key. It sends a message that the authorities, not the vandals, are in control of the system. Vandals can no longer threaten the viability of the system by decorating rolling stock and buildings with painted slogans. The government has done many such things and should be congratulated on them.

Mr Spyker's response to my request for paint for Kananook railway station was the genesis of the stationeers program. It is a pity the government of the day did not go on to establish that program. It did not see that the community had a role to play in the ownership of a railway station. Perhaps it was so shell-shocked by the disasters occurring all around it that it could not think of any initiatives to improve the system. In its heart of hearts it had given up on public transport throughout the state. What a shame.

The rural stationeers program is an extension of the metropolitan stationeers program and has been an outstanding success. The many devotees of *Hansard* who will read my words about rural stationeers should contact Keep Australia Beautiful, which is running the stationeers program, about their local railway stations. I am sure Keep Australia Beautiful would be delighted to have community groups entering the stationeers program in areas not currently covered. Honourable members who have railway stations in their electorates should consider that program. It is good for the community and — in the grossest of political terms — is good politics, too. The people will praise members who take a leading role in keeping the local railway station vandal free, or as nearly so as possible.

In question time yesterday I mentioned the government's expenditure on improving the standard gauge line between Pura Pura and Maroona. That line was built with Keating government funds provided under the One Nation program. Unfortunately not enough money was provided and the federal government did not go on with the job. The half-completed section of that important national railway line to Adelaide was therefore subject to significant speed restrictions, adding enormous costs to the transport of goods and inconveniencing passengers.

The Kennett government decided it would not wait around for someone else to put up their hand. It

allocated money to improve the line, and concrete sleepers were laid. That provided the necessary encouragement for the federal government to come forward with some additional money to lay new tracks on the new sleepers. That shows once again that the Kennett government has a commitment to the transport network, not only to roads.

The Kennett government commitment to rail continues and grows, and it should be emulated by governments around the nation. Australia cannot continue endlessly to provide funds to build bigger and bigger freeways for bigger and bigger trucks. We must make better use of our rail networks, particularly our national rail network. The Victorian government has taken the lead and will continue to do everything it can to encourage both the commonwealth government and the other states to place a similar degree of importance on the national rail network.

A further $5 million has been spent to provide dual gauge lines between Dunolly and Maryborough and a standard gauge line through to Ararat to enable grain from northern Victoria to be transported by either the broad gauge or standard gauge line to Geelong and Melbourne or the standard gauge line to Portland. That is a great initiative for country Victoria, particularly western Victoria. As I said, the government is spending a significant amount of money on the Geelong–Warrnambool line and the standard gauge track between Pura Pura and Maroona is also being upgraded.

As I announced to Parliament yesterday, the government has constructed a standard gauge platform at North Shore at a cost of $130 000. The platform will enable Geelong passengers to directly access additional interstate rail passenger services. Rather than having to come to Melbourne to get on standard gauge services to Adelaide, they will be able to get on at Geelong. Importantly the platform will greatly benefit the Geelong tourism industry because it will attract to Geelong people coming into Victoria from the west.

In conjunction with the New South Wales government, the Victorian government has carried out major upgrades of standard gauge platforms at Benalla and Wangaratta at a cost of $127 000. That has been done with the view of yet again providing better services for people in country areas by enabling them to access the New South Wales XPT passenger trains that run between Melbourne and Sydney.

Another major initiative of the government on which it has been universally congratulated was the sale of V/Line Freight to Freight Victoria for the huge price of $163 million. The sale received congratulations and unequivocal support from the honourable member for Morwell; and the government was delighted to receive his support. He was the only Labor member of Parliament who was prepared to look at the sale of V/Line Freight without wearing a political hat. Not only was he prepared to say it was great news for country Victoria but he was prepared to be quoted as saying it by the local Latrobe Valley newspaper.

The honourable member for Morwell should be congratulated on his attitude. It shows that despite most of those on the other side of politics wanting to oppose all the time the odd one or two on the opposition benches are prepared to consider some issues fairly and squarely. The honourable member for Morwell has been prepared to stand up and be counted, on this issue at least.

The government has also increased to 61 the 35 premium stations that had been established by Labor. The 61 premium stations will be completed by the end of June this year. They will be staffed from the first train to the last seven days a week and will have full booking office facilities. Approximately 80 per cent of metropolitan rail customers use premium stations. The stations have been specifically targeted to cater for the bulk of customers of both Bayside and Hillside trains. More importantly, all metropolitan stations have been upgraded with improved lighting, closed-circuit television coverage, free-call audio-communication links, emergency assistance and public telephones. The cost of the entire station upgrade program is approximately $55 million.

I have mentioned the abduction of Sarah McDiarmid from the Kananook railway station back in the early 1990s. The abduction was able to be carried out because of poor car park lighting and poor security in the station area. As honourable members will know if they have driven around and looked at them, stations are now lit up like daytime during the night. On a number of occasions the closed-circuit television coverage has enabled the Victoria Police to apprehend people who have committed crimes. Some crimes have been of a relatively minor nature but one crime, a well-publicised instance, involved a murder. The closed-circuit television coverage has been well worth while.

Currently $24 million is being spent on improvements to Flinders Street station, including the installation of escalators and lifts to all platforms to increase access. The lift is an important part of providing access because it enables people with disabilities, or people who are not as quick or steady on their feet as most, to use the

station with full confidence. The program currently under way will result in a major improvement to the station. Re-levelling of all the platforms will enable people in wheelchairs to easily access trains without having to be bumped up or down according to the level of the platform. The lifts will enable people in wheelchairs to get to the concourse and out into Flinders and Swanston streets without having to be pushed up ramps with inclines that are too steep for most people in wheelchairs to tackle by themselves.

At the same time the rationalisation of the Jolimont rail yard is under way at a cost of $123 million. The changes will improve train maintenance procedures and running times between Richmond and Flinders Street. The rationalisation has included the removal of 41 rail sidings from Jolimont and the freeing up of 10 hectares of land for public use as part of the Federation Square project.

The roofing of the Flinders Street railway yards has been spoken about for generations. Possibly back as far as the 1920s and 1930s people were talking about what a good thing it would be to put a roof over the yards. The government is doing the job with money provided through the Centenary of Federation program. It will be of tremendous benefit not only to rail passengers through improved transit times but also to the city and state generally and to the environment. The 10 hectares of land that will be released to be used as a park for the public will be a terrific asset to Melbourne.

I remember when the tennis centre was built by the Cain government. When the then Premier was asked about the alienation of the parkland on which the tennis centre is constructed he said as part of his commitment, 'I promise to replace that parkland'. Neither John Cain nor Joan Kirner kept that promise — and I suggest they had no intention of keeping the promise. Since then the land has been sitting there as another reminder of the broken promises of the Cain and Kirner governments. This government is now restoring 10 hectares of parkland to Victorians through its rationalisation of the Jolimont rail yards. It is assisting and restoring not only the state and the environment but also the credibility of Parliament and the leadership of the state by allowing the broken promise of John Cain not to remain unkept forever and a day.

The honourable member for Cranbourne was delighted when the electrification of the Dandenong–Cranbourne rail service was implemented at a cost of $27.1 million. Some federal funding went into the project but it was the Victorian government that got the funding. In a move that was typical of federal Labor governments, the former federal government was not prepared to hand money over. The Kennett government had to go out and get it, and the people of Cranbourne have been the beneficiaries.

Honourable members interjecting.

Mr COOPER — Members on the other side of the house whinge and say, 'Oh, it was a Labor government that did it. This government has nothing to give itself credit for'. However, they did not go out there and ask for the funding. It did not just arrive. It arrived because of the representations of and work done by the Premier, Jeff Kennett, at Premiers conferences. As a result the government can claim that the electrification to Cranbourne would never have occurred without its being in office.

The same situation occurred with the City Circle tram service, which has been a great success. Federal funding was used to provide the rail link between Flinders Street and Bourke Street.

It was the government's pushing through of that idea that has created a major international success. The City Circle tram carries more than 3 million passengers per year, a number that is increasing every year. The service has won tourism awards, and it has resulted in letters being written to me and the Minister for Tourism congratulating the government on its significant initiative.

All honourable members and all Victorians know that when they travel overseas and want to look around a strange city and have it explained to them they have to pay to get on a bus or some other vehicle. In Melbourne visitors are able to travel on a free tram service with a free on-board commentary — and that service is provided by the Kennett government. It is to the credit of the initiators of the service — the government, Jeff Kennett and Alan Brown — that the service is not only there but doing so well.

Tram services have been extended to Airport West, East Burwood and Mill Park. The government has introduced the Nightrider after-midnight bus service on nine routes, providing around-the-clock public transport in Melbourne — another major initiative. The patronage of the Nightrider service has increased out of sight. Nobody expected it to be as successful as it has been. Services have been increased a number of times because of its popularity, and the government will continue to respond to the community's public transport needs.

The Nightrider bus service has been not only a major public transport initiative but also a major safety initiative. Parents are now able to feel comfortable —

or perhaps I should say more comfortable — about their youngsters being out in the city, particularly on festival nights, knowing they can get home safely and without any trouble. Passengers can use the phones on the bus to ring their parents or book taxis so they can be picked up at the stops nearest their homes. One of the major planks of a public transport system involves safety, security, cleanliness and reliability. They were the things people were looking for during the 1980s and early 1990s — but they were not getting them. As a result, Melbourne's public transport system was decaying.

The government has initiated a major reform program to change public transport from a system into a service. It has set out to do the things it believes will result in a significant increase in public transport use. Patronage has already increased by 10 per cent in the past five years, and the government believes it has not even scratched the surface! Its target is to increase public transport patronage by a minimum of 50 per cent over the next 10 years or so.

I believe the government will be able to achieve that target inside 10 years because of the franchising process that is about to be put into place. The new operators will not be mucking around. They will want more backsides on seats, because it is from increased patronage that profits will flow. The operators will not be just sitting around watching the grass grow, they will be out there seeking new customers, and they will be able to do that only by providing better services and giving people what they want. It was with that in mind that the government was keen to ensure that the contracts signed by the franchisees covered the important interface areas between the system and the customer. If the guarantees were not part of the contracts, nobody would have had surety of supply.

Honourable members have heard about all the so-called problems of privatisation. The problems in the United Kingdom have been referred to, and I am sure that given the opportunity honourable members opposite will try to re-run them. Opposition members say, 'Rail privatisation in the United Kingdom has been an absolute disaster'. As with the quotes the honourable member for Thomastown purported to give from the Auditor-General, the truth is different. Rail privatisation in the United Kingdom has seen significant improvements in service and patronage. That has also been the experience in New Zealand, and closer to home the same results have been achieved in Melbourne with the National Bus Company and in country Victoria with the two private rail operators.

In the United Kingdom patronage is increasing by 7 per cent a year and is forecast to rise by a massive 10 per cent a year over the next three years. Patronage in the UK is already at its highest level since 1947, and the private operators are running an additional 115 000 services this year alone. More than $A40 billion will be invested over the next five years to improve the network and correct the under-investment the new operators inherited from British Rail. All those improvements have been achieved with reduced government subsidies. Over the first seven years of the UK franchise system the government subsidy is set to fall by 60 per cent, largely because of improved marketing and rising patronage.

The United Kingdom example proves that rail privatisation can be successful. All honourable members will appreciate that because of the size and complexity of the system the United Kingdom privatisation was a lot more complicated than the process that will be put in place in Victoria. Nevertheless, the government has paid attention to what has happened in the UK, because there are lessons to be learnt from it.

One of the lessons is the need to ensure that guarantees for passengers are part of the contracts. They will not be guarantees sitting on their own that can be ignored by the franchisees, as the honourable member for Thomastown claimed; they will form part of the contracts. Penalties will apply if the franchisees do not perform, and the contracts will also include incentives to reward the franchisees if they perform well above the guarantees.

The important thing for Victorians to understand is that in franchising out public transport services the government will write passenger guarantees into the contracts. They will include guaranteed improvements in train and tram services and a guarantee that fares will not rise above the rate of inflation. That gives the lie to the claim repeated today by the honourable member for Thomastown that operators will be able to increase fares at a whim. There is not a skerrick of truth in that allegation; it is simply untrue. Fares will not rise above the rate of inflation, and that guarantee will be part of the contracts.

The contracts will also include a guarantee that concessions will remain. That demonstrates again that honourable members opposite who continue to push the lie that fares will rise above the rate of inflation and concessions will go out the door do not know what they are talking about. If they do know what they are talking about, they are lying, because those things are already guaranteed in the contracts. Tickets will continue to be

valid for all trams, trains and buses. Access to timetable information will be made easier, and tram and train performance will be rigorously monitored.

The government has ensured that under the contracts the franchisees will have to meet stringent customer service performance standards — unlike the Labor Party, which was not prepared to put up any kind of accountability standard. It chose to ignore the problems. It let patronage spiral down to nothing while saying it was doing a good job. Despite that, a few years later it claimed, as the honourable member for Thomastown did again today, that Melbourne had a great public transport system!

The honourable member for Thomastown cannot help himself. He is a person who has not learned his lesson. He simply does not understand that you cannot continue to make phoney claims in this place and not get caught out. Virtually every time the honourable member opens his mouth in this place he is caught out twisting the truth or misrepresenting the facts — and he has done it again today in making spurious and false claims about the Auditor-General's report. No doubt the honourable member for Mitcham, who is frothing at the mouth like some little kid, will want to repeat the same claims. He is just a baby; he does not understand, either. He simply wants to indulge in a dummy-spitting exercise. He thinks he is leadership material, so he is anxious to get to his feet and show us what a big man he is!

Every time he does that he makes a gig of himself as well. He is part of the group that David White once described as the morons in the Labor Party. Opposition members come in here continually showing the public that they do not understand the issues, they have not learnt lessons from their 10 years in government, and they are prepared simply to return Victoria to the bad old days of Labor.

That is not what the government is on about and certainly not what the people of Victoria are on about, as will be shown when the election is held. Opposition members will be sentenced to another four or more years in opposition. They will be able to reflect on their weakness and stupidity, their bias and bigotry, for at least another four years on that side of the house.

I return to the guarantees. The punctuality and reliability performance results will be published, which was not done under the Labor government. The government publishes that information and will continue to do so. Passengers will be compensated for poor service — and there's a first! Do we hear anybody over there complaining about that? No! They never would have thought of doing it. The poor damn passengers out there left lagging behind because they are not getting the level of service they are entitled to are entitled to compensation, and the government will see they get it.

Crowding levels will be monitored and controlled; personal safety and security have been improved; access for people with special needs will be improved; Melbourne's heritage trams will continue to operate; and complaints will be answered promptly and acted upon. The government has put all this on the table, and it has been out there for months. We have told people what we are on about. The Victorian public and commentators have had a chance to look at the situation and provide us with their views; they have been prepared to stand up. An article by Stephen Bartholomeusz of the *Age* in February states:

> The new operators of the public transport system will have the flexibility to offer additional services and pricing structures — either discount or premium fares — and to add services to the existing timetables. In other words, they will have considerable flexibility to shift the system from a central and very bureaucratically driven system to one that is more customer focused and influenced.

Frank Zumbo, from the School of Business Law and Taxation, University of New South Wales, wrote an article in the *Australian Financial Review* in April which states:

> Not only is the government maximising the value it gets out of the soon-to-be privatised public transport system but, more importantly, Victorians will get the benefits of privatisation — a modern system with new trains and trams — without pressure on the state budget.

In February I received a letter that was sent jointly by VCOSS, Environment Victoria and the Consumer Law Centre. They are hardly organisations that are pals of the government. What did they say? They stated in their letter to me:

> We believe that the government's passengers charter indicates a willingness to ensure that consumer protection and improved services for passengers will flow from privatisation. The charter has many positive features ... We believe the charter develops a set of guarantees that will help ensure the privatisation of the public transport system delivers improved outcomes for passengers.

I do not hear a peep from members on the other side. Their own people wrote that letter and said the system will deliver improved outcomes. However, if one believes what was said by the honourable member for Thomastown, this will all be a disaster. Opposition members would not know. The honourable member for Geelong North should just sit quietly; we all know he is a dill. The honourable member did not bother turning

up at North Shore for the opening of a platform in his electorate. He does not work on Sundays. Everyone else was there — the only person missing at the major announcement in the electorate of Geelong North was the honourable member for Geelong North. It was 11 o'clock on a Sunday morning; perhaps it was a bit early for him.

The honourable member for Thomastown has reiterated the same tired old stuff that we have heard before. We heard nothing new and certainly no policies or platforms of his own. It was another indication that the opposition opposes for the sake of opposing. It opposes everything because it is about politics, not because of the platform or reform involved, or because it is in the best interests of the travelling public, the taxpayers of Victoria or anybody else. The opposition is rooted in the past. It says that so far as it is concerned its job is to oppose whatever the government does, regardless of whether it is beneficial. Opposition members do not think beyond politics.

The speech by the honourable member for Thomastown was a blazing example of the lack of talent, incompetence and laziness not only of the lead opposition speaker but of the entire opposition. This is a motion without any shadow of credibility, and it deserves to be rejected.

Mr ROBINSON (Mitcham) — Contrary to what the minister has been saying for the past hour and a half, which bore very little resemblance to the wording of the motion, the motion deserves support. The introduction of the automatic ticketing system in Victoria, and in Melbourne in particular, has been nothing short of a disaster. It is not just the opposition, the Public Transport Users Association (PTUA), the Auditor-General or the transport unions making that assertion. It is not just the government MPs who were responsible for a quarter of all the complaints that the minister received about the ticket machines in correspondence early last year. Importantly, it is the passengers themselves who are complaining. I will mention some of the complaints I have received in the electorate of Mitcham.

Firstly I congratulate the honourable member for Thomastown and the *Herald Sun* staff for the outstanding work they have done in highlighting the deficiencies in the Onelink ticketing system and the manner in which the government has botched the introduction of the system. The problems with the system are legion and it is difficult to know where to start. In the past hour and a half the minister provided a lesson in a period of history that ended nine years ago and talked about a passenger charter that will come into effect at some time in the future. He did not address any of the deficiencies of the ticketing system. If we looked at them in any detail, as the honourable member for Thomastown indicated in his contribution, we would be here until well after midnight.

The problems with the system began in its infancy, back in 1993. The Auditor-General highlighted that fact in his special report no. 59 last year when he dealt with material from the chief executive officer of the PTC to the secretary of the then Ministry of Transport showing that arrangements were being planned for staff officers of the PTC to travel abroad to study the way international ticketing systems had been configured. The advice that had been received by PTC staff was:

> ... it will be necessary for team members to depart no later than mid-November 1993.

The Auditor-General's report found that the 17-day overseas visit to inspect sites was not undertaken by the PTC officers until 30 May 1994. The opposition found out through questions on notice that the total cost of the trip for the three officers was $28 194.21, which was borne by the PTC. This allowed the three PTC officers to travel on separate itineraries between 29 May 1994 and 21 June 1994.

The Auditor-General's special report last year found that that money and the trip provided almost no benefit to the people of Victoria because the government's time lines for signing the contract meant it was too late to be of any meaningful assistance.

It is no wonder good money has been thrown after bad for several years and we are in our current position. The cornerstone of this fiasco is the decision to both automate and privatise almost simultaneously. That necessitated the introduction of validation machines that are designed to record every single trip in the system. The validation machines are prone to malfunction; they do not work well, to which countless commuters could testify. That has had the first effect of lowering the bidding price for the business units because no-one worth his or her salt in business would be prepared to pay top dollar for a franchise where critical information is collected by machines that have defective information technology.

That has been shown by report after report on the automatic ticketing system, so taxpayers will be done over again with the bids that are lodged because the bidders will build lower prices into their tenders because of the deficient IT in the validation machines.

The validation machine defects have encouraged the government to hire its 'storm troopers' — the people

who are harassing commuters across the system, insisting that the commuters cannot be right when they claim that validating machines are not working.

Not long ago a 14-year-old girl was detained for half an hour at a suburban station by more than one PTC officer who refused to accept her explanation that a validation machine was not working. She was traumatised by the experience. It turns out that the PTC decided not to proceed with the transport infringement notice. It has never explained to her that its staff got it wrong, but of course they did. Similar things have happened in many other cases.

We will wait with some interest to see whether the tactics of the PTC gorillas constitute a form of illegal detention, and I suspect there will be a number of cases before the courts in the not-too-distant future that test that point.

The second significant deficiency with the way automatic ticketing systems have been introduced relates to the ticket agency network that has been established. Trying to pin down the government on the criteria on which it has established agencies across Melbourne in the past 12 to 18 months is like wrestling with a column of smoke because there are no apparent criteria and there are certainly no consistent criteria. Suffice it to say that Onelink's efforts in setting up an agency network across Melbourne have been pathetic.

The minister finally recognised that in newspaper comments in February this year, when he detailed the abject failure of Onelink to deliver the goods.

Anyone setting out to design a ticketing agency network ought to make the cornerstone of that network convenience for the people who use the system regularly. It is no surprise that newsagencies would feature prominently in such a network because when people are travelling to train stations to catch a train the places they visit more frequently than any others are newsagencies, most of which are located close to railway stations.

But if you refer to the views of the Victorian Authorised Newsagents Association on its dealings with Onelink and the PTC about the establishment of the ticket agency network you find there is no consistency of criteria.

I will relate to the house a number of experiences of different agencies over the past year. In the Mitcham electorate the Nunawading newsagency had a verbal understanding with Onelink that it would be set up as a ticket agency. That understanding endured for nine months. The station is right over the road from the newsagency, so it is obviously a convenient spot to sell tickets.

However, in August last year the PTC pulled the plug. The newsagency had been dealing successfully with Onelink, only to have the PTC come along and insist that the agreement could not continue. However, the fact that it was never the case did not stop Onelink from advertising across Melbourne for several months that you could buy your tickets at the Nunawading newsagency.

The newsagency at Eaglemont is also conveniently located near the station, and it was selling $120 000 worth of tickets a year, on which the commission amounted to about $6000. After the newsagency had been selling tickets the PTC again pulled the plug. It was only through the strong representations of the local member for Ivanhoe, who does an outstanding job, that the PTC reinstated that agency.

The Pascoe Vale newsagency signed an agreement for a contract with Onelink only to have the PTC pull the plug yet again. The agency operated the station kiosk at Pascoe Vale but was never allowed to sell tickets from the kiosk.

By contrast the Syndal newsagency was doing a roaring trade in ticket sales through its kiosk on Syndal station, courtesy of machines that just kept breaking down.

There has been absolutely no consistency in the agency system, and the frustration at Nunawading is enormous because when the machines break down, which happens frequently, and there are no staff to sell tickets in the morning — although the government claims the station is staffed on a half-time basis — passengers instinctively go across the road to the newsagency, only to be told that the government has refused to allow that agency to dispense tickets.

One can imagine the frustration as commuters go over there seeking change when the ticket machines are not working, only to be told by the newsagency that after a while it simply does not have the capacity to provide change.

One of the other features of the way the Metcard ticket agency system has been established is that newsagents are required to operate on 14-day terms, in contrast to the 21 days that applied with scratch tickets. That has put enormous pressures on newsagencies.

The government stands condemned because it has failed miserably to establish a convenient system.

The third deficiency with the way the government has introduced the automatic ticketing system is the machines themselves. I am reminded of a television program that was popular when I was a boy called *Lost in Space*, in which Dr Smith went around making clever little snide remarks about the old robot. One of his remarks was, 'This cantankerous contraption!'. Dr Smith would have a field day with Onelink's ticketing machines.

I will run through some of the criticisms of the ticketing machines. The first is that they are substandard. Everyone in this place and everyone who uses them regularly knows Onelink has failed to deliver the best possible ticket machines.

They are also confusing for people who are not frequent train travellers. They are slow. It is not uncommon for people lining up to buy tickets to have two or three peak-hour trains go through the station while they are waiting, and that encourages people to evade fares because they cannot afford to wait so long for their tickets.

Another criticism is that they are not vandal proof, as has been clearly demonstrated in the past few months. That is extraordinary because the government intended that the machines be located on stations that were largely unstaffed, yet it did not take the proper, prudent steps to ensure that the design of the machines meant vandals could not render them inoperable. The government woke up to the facts far too late.

Then there are associated issues, such as the emptying of coins from machines, which the government was perfectly happy for many months to schedule right at the time when it suited passengers least — peak hour. In Mitcham the security firm would come along, there would be a queue of passengers waiting at the machine, and the security company officers would take 15 minutes to empty the machine.

The machines are horribly unreliable and that has been proved time and again. In the answer to a question on notice last year the minister advised that the machines installed in the vicinity of the Mitcham station were operating at something like 99 per cent efficiency. That simply was not backed up by the anecdotal reports. I pointed that out to the minister and he responded in a subsequent question on notice last year that there had been a typographical error in one of his earlier answers. If all stuff-ups in this system could be attributed to typographical errors it would be more convenient for the minister.

It is worse than that. I refer to the Auditor-General's constant references to the problems with the information that Onelink was providing. I refer to point 7.8 at page 90 of special report no. 59 of November 1998. It states:

> At the date of preparation of this report, the PTC had not given its approval to the performance reporting system proposed by Onelink due to ongoing concerns about the integrity of the performance information generated by the system.

All of last year Onelink was providing the government with dodgy information and the government was quite happy to go out and tell the world that the system was working well. It was not.

The minister would have been aware from March 1998, when the Auditor-General conducted a review into the ticketing system, that the information being supplied by Onelink was faulty and that the reliability data was unreliable, yet he never once sought to qualify any information or advice he provided either in this place or in communications with the many people who were complaining about the public transport system. He was quite satisfied to sit on his hands, hope the problem would go away and sprout untruths — and that is exactly what he did. That was a gross abuse of his position. There was a time in the minister's career where he might have been concerned about that, but in this day and age it does not seem to trouble him at all.

It seems to get worse than that. Item 7.18 at page 92 of the November 1998 report refers to the PTC's incident database that was established in May 1996, well before the ticketing machines were introduced. The database was recording all sorts of information, including reports of ticketing machines and equipment that were out of service and those that were not functioning correctly. The Auditor-General's report deals with the intention of that database. It states it was used:

> ... as a means of cross-checking the detailed information in relation to equipment faults provided by Onelink.

That database was up and running and recording information from the first day that ticketing machines were installed on Melbourne stations. If the minister had been up to the task he would have known that the information Onelink was providing in response to questions from both members of Parliament and the general public was dodgy and did not stack up with the information that PTC's own incident database was providing to him. The minister was happy to continue misleading Victorians by promoting the illusion that the system was working well.

The minister was happy to write back to some of my constituents. Five months after the introduction of the system Mr Gillies of Mitcham was told that Onelink was achieving a high performance standard. Onelink was not producing and achieving a high performance standard — that was a deliberate fabrication. The minister would have had information available to him that proved just the opposite.

Similarly, in answer to question on notice 422 the minister advised me as follows:

> I have been advised that the booking office machine availability averaged in excess of 99 per cent for the period in question.

That was between January and April. I will bet London to a brick that the PTC's incident database was telling the minister and anyone else who was prepared to look at it that those sorts of statistics were pure fantasy and that Onelink was not achieving anywhere near what it was claiming to achieve.

The minister has failed to understand that you cannot sell passengers a pup, which is what he has tried to do. Passengers quickly figured out the system's shortcomings. It is instructive to listen to some of the 300 to 400 responses I received to a survey I conducted on ticket machines across most of the Mitcham electorate — and the responses keep coming in. On the issue of ticket machines, Mr Fletcher — —

Mr Lupton interjected.

Mr ROBINSON — I am talking about the reliability of the ticketing machines. Mr Fletcher pointed out how confusing it was for elderly commuters. He had the experience of lining up behind older people who were not familiar with the machines and the ticket office staff member had on three occasions to explain to individuals how the wretched machines worked. It was hardly an exercise in efficiency. Mr Fletcher made the point that it would have been much easier and quicker had he been able to buy a ticket over the counter.

The Tacy family observed that monthly tickets often do not work because of normal wear and tear. The family estimated that 30 per cent of people cannot get their monthly tickets through the validating machines. Mr Carter suggested allowing zone 3 machines to dispense zone 1 and 2 tickets because he was in the habit of buying his Heatherdale to city ticket at Ringwood but could not do so once the machines were introduced. Numerous references were made in the responses to the inability of the machines to accept $50 notes. It is a glaring design weakness.

Mrs Price, who is a five-days-a-week traveller very eloquently summarised the situation when she said that the government should simply get rid of the machines. Ms Montes said the machines were very unreliable. Her response states:

> I would never trust them with the $110 it costs to purchase a monthly ticket.

How does the government expect people to have confidence in the system if a person is not prepared to put $110 in the machine for fear of losing it? Mr Meagher of Mitcham probably put the case more succinctly than anyone else when he said, 'ticket machines are a blight on our lives'.

I was moved by a response that came from a disabled student who states:

> Bring back the ticket office — service and security on our stations. I have had a fine from PTC because I could not validate my ticket 'cos it was broken.

He goes on to state:

> The machines have replaced paying people. No service with the new machines, only fines! I am disabled and a student so I get singled out regularly by inspectors.

Does the minister feel proud that his gorillas are picking on disabled students because the government refuses to accept that the machines are at fault? It wants to blame someone else so it picks on disabled students which is disgraceful.

The refunds issue also demonstrates the deficiencies of the automatic ticketing system. Thousands of refunds have been requested — many more than under the old system. Some 32 requests a day are made for refunds. Because of a stuff-up and a further glitch in Onelink's technology a passenger who purchased a $2.10 ticket that expires in 2070 received some recent publicity. A refund would be the last thing that person would request because he struck it lucky.

However, other people are lucky to receive refunds within four weeks. That was the experience of Mrs Nordman of Vermont. That is contrary to the government's claim in correspondence to a Mr Gillies that Onelink has a two-working day response time to process the majority of refund applications. One is lucky to find out which two days Onelink is working properly. The government claims it has a two-working day turnaround, but people in my electorate wait three or four weeks for the return of their money.

Comments by people who filled in my survey include a Mr Miller of Blackburn North. He was told by the PTC that it was not worth his while bothering about a refund.

Mrs Brunning of Nunawading said that 'the refund system is too clumsy' and that 'it is all in the too-hard basket'. Ms Moyle of Blackburn gave up in frustration because the refund forms were not readily available. Mrs Young of Blackburn said it was 'too difficult to get through on the telephone and it was not worth filling in the form'. Mr Whitten of Mitcham said that he 'tried to get a refund but with no success'. Ms Lim of Mitcham sought a refund but never received the promised form.

A practical suggestion was put forward by a Nunawading constituent. She made a mistake when purchasing her ticket. She purchased another ticket and experienced a long wait for service when requesting a refund form. She was refused a refund and subsequently took up the matter with Mr Bob Wilson from the Department of Infrastructure who showed some commonsense and issued a refund. She made the point that 'the whole process was unnecessarily cumbersome and time consuming, and the attitude of the authority was overbearing and unhelpful'. She also made the constructive point that, 'Tickets should also be available at retail outlets, which are open suitable hours and those outlets should be authorised to replace or refund tickets when necessary'.

That is a commonsense, practical suggestion that the minister would do well to write down. He will not receive any answers or practical suggestions from Onelink about how to improve the system so he should listen to people who use it every day.

Time will not allow me to detail all the system's defects on trams. There are not many trams in the Mitcham electorate but suffice it to say people are concerned about the system's operation. The most commonly referred to shortcoming of the system on trams is that one cannot buy a daily ticket on a tram-based automatic ticket machine.

Another concern is that ticket machines provide no handles for people to grip when the tram is stopping and starting and they are fiddling around with change. Consequently, several passengers have fallen or lost their balance. I have written to the minister on that point. As yet I have received no response, but he will probably dream up some creative answer or simply hope the forthcoming election overtakes him and he does not have to worry about replying.

The motion deserves support because the overwhelming evidence of the people who use the automatic ticketing system — ultimately they will determine its success or otherwise — is that it is a disaster. It is catastrophic in nature and is certainly a public relations disaster. The government has failed at every stage. The current Minister for Transport should not get all the blame. He was not lucky enough to have the London option presented to him on a platter. When the former Minister for Transport, Mr Brown, reads this debate while comfortably ensconced in London, he will give a wry chuckle and think how fortunate he is to be out of the hot seat. However, the buck stops with the current minister with regard to the government's continued bending over and accommodating Onelink when it has not deserved such treatment.

The debacle has cost taxpayers several million dollars. Revelations about the cost to taxpayers will continue through the Auditor-General's reports and other inquiries. The government has paid top dollar for a system that is not worth a cracker. It has failed the ultimate simplicity test — that is, it has succeeded in complicating a simple system. If the system is simple people will be encouraged to use it. Had it set out to deliberately complicate the system it could not have done a better job. It could not have achieved the disaster it has delivered to Victorians. The government deserves the condemnation in the motion in the strongest possible terms.

Mr ROWE (Cranbourne) — We can be assured from the polls that the honourable member for Mitcham has made his parting speech. He did not even make it as a one-termer, he is a part-termer. No wonder the people of Mitcham hold him in low esteem. His contribution to the debate involved referring to a lot of his inane letters. Instead of knocking the public transport system he should be promoting it and encouraging his community to utilise the excellent services that are now provided as a result of government initiatives.

Those initiatives taken by the Minister for Transport have provided additional train services on the Ringwood line, and the National Bus Company is providing a magnificent service in the eastern suburbs of Melbourne that has brought a bus within 400 metres of every door in the company's franchise area. No wonder the honourable member for Mitcham will be a part-termer. He has no vision for his electorate's future. We will send him the employment column.

The honourable member for Mitcham could do positive things for his electorate, including encouraging people to participate in the stationeers program. That absolutely magnificent program was implemented by the Minister for Transport, and my electorate has taken up the opportunity to improve Cranbourne railway station.

I pay tribute to Mr Frank Cloud, a founding member of the Cranbourne stationeers, who was tragically killed in

a motor vehicle accident in Berwick. Frank and his family did a magnificent job with the local community in beautifying the Cranbourne station.

Mr Cooper interjected.

Mr ROWE — Yes, he was a member of the Labor Party who refused to hand out how-to-vote cards in opposition to me because of the work I did, in conjunction with former transport ministers Alan Brown and Rob Maclellan, in delivering the electrification of the Cranbourne line.

Honourable members interjecting.

Mr ROWE — It is interesting to hear the interjections from the other side about the federal funding of the electrification of the Cranbourne line because that money was never provided. At the instigation of the former Labor government funding was provided by the federal government for Sprinter trains from Cranbourne to Dandenong. The former Labor government did not obtain funding for an electrified service; it merely obtained funding for Sprinter trains, which provide a part-time service. Government ministers of vision transformed a transport system that was not servicing Victorians by installing the electrified line to Cranbourne. That would never have occurred if the government had not been elected.

Cranbourne station is still undergoing a magnificent transformation. Because of the initiatives of the Minister for Transport we are now seeing the establishment of a premium station with all the facilities a growth area requires. It will be a transport hub that will service the people of my electorate for many years to come. When it comes to transport the government does not plan for the short term and does not make knee-jerk responses to union demands. The government plans for the betterment of the Victorian public transport service for decades into the future. We have taken a transport system and turned it into a transport service that Victorians can be proud of.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.06 p.m.

QUESTIONS WITHOUT NOTICE

Auditor-General: ministerial portfolios

Mr BRACKS (Leader of the Opposition) — I refer the Premier to the government's continual appeals against decisions to release information relating to government contracts and to the foreword in today's Auditor-General's report, which states:

> There appears to be a widely held belief, particularly prevalent among senior bureaucrats, that financial arrangements within the private sector should be shielded from parliamentary and taxpayer gaze.

I ask whether the Premier admits that his attacks on the Office of the Auditor-General and the Freedom of Information Act are at the heart of his campaign to ensure that Victoria is the secret state of the nation.

Mr KENNETT (Premier) — What a goose! That is a predictable question given that Ches Baragwanath is handing down one of his last reports, if not his last major one, before he retires on 31 July.

As regards the issues raised by the Auditor-General — —

Mr Batchelor — You hounded him out!

Mr KENNETT — The honourable member for Thomastown says the government hounded him out.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Thomastown's interjection adds nothing to the question.

Mr KENNETT — You could not have a more inane interjection if you tried. The Auditor-General has served this state well over a number of years. He has not been in good health ever since the Labor Party — —

Honourable members interjecting.

Mr KENNETT — He has not been in good health for a number of years. I well remember, Mr Speaker — —

Mr Batchelor — You stabbed him in the back!

The SPEAKER — Order! The honourable member for Thomastown will cease interjecting. The question has been asked. Interjections simply invite a longer, more broadly based answer, so members of the opposition will lose question time, as will all honourable members.

Mr KENNETT — I well remember that after we came to office in 1992 the Auditor-General came to me and said he was going to retire because of high blood pressure. He has stayed on during the intervening period, however, in order to serve the people of Victoria. I place on record the government's thanks for

the service he has given to the people of Victoria over the period this government has been in office.

Mr Hulls interjected.

Mr KENNETT — The boys of the opposition!

One part of the Auditor-General's report refers to contracts with private companies doing work with the government or tendering for state assets or contracts to run parts of services currently or previously run by the public sector.

Mr Bracks interjected.

Mr KENNETT — Like what?

The SPEAKER — Order! The Leader of the Opposition has asked his question. If he wants to ask another one, he will get the call next time. I am sure he will get it if he wants it.

Mr KENNETT — Just another brumby in the field, Mr Speaker!

One of the reasons for the changes is that governments, not just in Victoria but right around the world, are changing the way they do business. It started in this state in real terms with the Labor government, which privatised 11 per cent of Loy Yang B. Since then there have been ongoing changes that bring into play a different set of criteria that governments have not dealt with before. For instance, in the 1970s when the expansion of the Latrobe Valley was agreed to, it was the government of the day that undertook that expansion. When expansions of hospitals were undertaken, it was the government that provided them through either public cash or debt. Where you have — —

Honourable members interjecting.

Mr KENNETT — I can understand the opposition asking, 'Why is it now secret?' The reason is very different. It is because the companies this government is dealing with are involved in competition for projects not only here in Victoria but in other Australian states and many places overseas. Therefore, one has to understand and take into account the commercial confidentiality that would place those organisations at risk if some of that material were made available publicly.

I can understand the opposition being frustrated. As in all things in life, it is what the government delivers that is important, and whether it delivers better services and whether the community is getting better value for its money. It is generally recognised that over the past six and a half years in Victoria we have introduced — —

Mr Thwaites — Not by you.

Mr KENNETT — Sorry, what was that?

Mr Thwaites — Intergraph, a great job!

Mr KENNETT — Dear, oh dear. Mr Speaker, when is the Deputy Leader of the Opposition going to grow up? After three and a half years he ought to just grow up.

Honourable members interjecting.

Mr KENNETT — He continues to come in here, he rarely asks a substantial — —

Mr Hulls interjected.

The SPEAKER — Order!

Mr KENNETT — The honourable member for Niddrie says, 'Oh, you always get personal!'.

Honourable members interjecting.

Mr McNamara — Mr Sensitivity!

Mr KENNETT — Mr Sensitivity, the man who has the reputation with the women of Australia. You say I get personal!

Honourable members interjecting.

Mr KENNETT — Can I just say that in all the Auditor-General's reports we have received he or his predecessors have raised matters they wish to bring to the attention of the government of the day, the Parliament and the public. There will always be occasions on which there are differences of opinion on how certain things should be treated. The important thing is that the Auditor-General is able to do his job and to raise those differences publicly.

Mr Bracks — Not any more.

Mr KENNETT — What do you mean, 'Not any more.'?

Opposition members interjecting.

The SPEAKER — Order! I appeal to members of the opposition, particularly on the front bench, to cease interjecting. We would like to have some semblance of order in this Parliament.

Mr KENNETT — Over the past six and a half years this government has done and will continue to do what it believes is necessary in the short, medium and long-term interests of the people of the state. This government believes the processes it has put in place have prevented it from introducing new taxes, have reduced Victoria's taxation level to below that of New South Wales, have created the highest level of employment the state has ever had, and have now reduced the debt from $33 billion on the practices followed by the previous government down to under $6 billion. I happen to believe that is a very good outcome. I think the people of Victoria also agree with that.

Trams: Docklands

Mrs SHARDEY (Caulfield) — Will the Minister for Transport inform the house of improvements to Melbourne's tram network?

Mr COOPER (Minister for Transport) — Melbourne's tram network is something of which we can all be proud. I think all Victorians, particularly Melburnians, would be pleased to know that Melbourne still has a tram network, unlike other cities such as Sydney, where the government took the trams away many years ago and is now trying to re-establish tram networks, and Brisbane, where the same thing is occurring.

By June next year, at a cost of $17.3 million, a new tram track will be built in Melbourne's Docklands. It will run along Flinders Street west of Spencer Street, along Footscray Road to Victoria Harbour, and back across the new La Trobe Street bridge.

Trams are synonymous with Melbourne. It is fitting that one of the first developments in the newest area of Melbourne's city centre will be tram tracks. The trams will take people into the heart of Docklands. The precinct is expected to draw tens of thousands of tourists every year to Melbourne to visit attractions such as the theme park, the film studios, the Colonial Stadium, which is rapidly nearing completion, and waterfront shops, restaurants and cafes. The precinct will be the only place in Melbourne where trams will run along the waterfront. That in itself would be a major attraction. The total cost of the project is $17.3 million. The government is providing $1 million of that, and the balance is being provided by Docklands developers.

When the Colonial Stadium opens in February next year Yarra Trams will initially provide access to the stadium via the extension of La Trobe Street across the La Trobe Street bridge to an interim terminus at Victoria Harbour. But from June next year route 48, the North Balwyn city tram, will be extended to service the Docklands by continuing from Flinders Street along the new track and going back into the CBD along La Trobe Street as far as the terminus in Victoria Parade, East Melbourne.

In addition, the route 70 tram will be relocated. That is the tram that comes from Wattle Park into the city along Swan Street and Batman Avenue. The relocation is all part of the Federation Square development, which will include the creation of 8 hectares of new parklands along the Yarra River.

All honourable members will recall that when the tennis centre was built during the time of the Cain government the then Premier promised he would replace the parklands the tennis centre occupied. He did not keep that promise. The Kennett government is keeping that promise for John Cain. The 8 hectares of new parkland along the Yarra River will be a wonderful addition to Melbourne's environment.

The tram service currently operating comes from Wattle Park into the city along Swan street and Batman Avenue. When I commission the relocated tram service on 6 June this year the trams will travel along Swan Street but just after crossing Punt Road will cross to a new route between Melbourne Park and the rail corridor. They will then cross the new bridge being constructed over the railyards and turn left into Flinders Street. That is the Exhibition Street link, another excellent addition to the infrastructure of Melbourne. The relocations are two major enhancements of Melbourne's tram network.

The SPEAKER — Order! The minister has now been speaking for more than 4 minutes. He had more than enough time yesterday.

Mr COOPER — Just completing, Mr Speaker. As I was saying, the two relocations are major enhancements to Melbourne's tram network and will be welcomed by all Melburnians and all Victorians.

Auditor-General: ministerial portfolios

Mr BRACKS (Leader of the Opposition) — I refer the Premier to the Auditor-General's final ministerial portfolio report, which found that Victoria's hospitals are broke; the government's school computer scheme is a failure; almost half the Education Department consultants were simply handed out contracts without tender; the legal aid system is in crisis; the government has done absolutely nothing to fix credit card abuse; and the Melbourne Museum project has blown out by

almost $40 million. Does the Premier admit that this is the report Victorians had to have?

Mr KENNETT (Premier) — Is that the knockout punch? Is that what we have been waiting for all this time? That is it, is it? Goodness gracious me, that is exciting! What a great question. I bet you had your whole staff preparing that. I bet they have been working all day.

Mr Speaker, you have to think that — —

Mr Bracks interjected.

The SPEAKER — Order! I ask the Leader of the Opposition not to broaden the base of the question and waste time at question time.

Mr KENNETT — I am fortunate to have a great backbench behind me. I have so many on my backbench that they spill over onto the other side as well. If yours were a half-decent party, you would have been able to occupy your own side of the house!

The SPEAKER — Order! The Premier will address his remarks through the Chair.

Mr KENNETT — I am tempted to ask the Leader of the Opposition to ask his question again, as I have almost forgotten what he asked. What was it about?

Honourable members interjecting.

Mr KENNETT — A bit of everything? It was to do with the Auditor-General's report for the year ended 30 June. The first thing the Leader of the Opposition mentioned was hospitals and the Auditor-General's indication that they were in some difficulty. The government does not deny that.

Honourable members interjecting.

Mr KENNETT — We do not deny that.

Mr Thwaites interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition should learn to behave himself like a senior member of Parliament should.

Mr KENNETT — Mr Speaker, as the government continued last year to rebuild the state it put an extra $285 million into hospitals alone. In this year's budget it has put about another $85 million into hospitals, which is a large amount of money. That could be done only because the government has improved the state's economic base. I am not sure what the figure is today, but when I answered a similar question a couple of weeks ago the network system in Victoria was in surplus to the extent of about $33 million. It is now in surplus by approximately $20 million. The government has no qualms about the material on hospitals in the Auditor-General's report that was presented today. The figures for hospitals to the year ended June 1998 indicate, as I have just said, that there have been substantial savings.

In the other areas the Leader of the Opposition touched on — —

Mr Hulls interjected.

Mr KENNETT — Say it again.

The SPEAKER — Order! The honourable member for Niddrie will not say it again.

Mr KENNETT — They cannot help themselves. I believe the honourable member also mentioned education and some difference of opinion about the ratio of computers to children. My colleague the Minister for Education can answer that in detail.

Mr Bracks interjected.

Mr KENNETT — If the Leader of the Opposition wants me to answer it in detail, I will. Let me give an off-the-cuff reply — and I will just make sure I have the right piece of paper! I am happy to give the detail if the Leader of the Opposition wants it. I am advised that Victoria is at the forefront in Australia and worldwide in providing learning technologies and infrastructure in schools. Secondly, the audit review has found that the government has been proactive in its endeavours to provide state primary students with IT resources for learning. I am further advised that government funding has been provided for key programs such as computer subsidies; VicOne, which you are aware of, Mr Speaker; notebooks for teachers; and technical support in our schools.

I am further advised — and this comes from the inner sanctum of government — that the government is committed to achieving a 1 to 5 computer-to-student ratio across primary and secondary schools by June 2000.

Opposition members interjecting.

The SPEAKER — Order! Unless opposition members cease interjecting, I will have to call the next question.

Mr KENNETT — The present ratio is 1 to 6.5 — the best computer-to-student ratio in Australia and one

of the best in the world. The government is therefore on target to meet the commitment it has made.

The government has also provided $35 million in information technology subsidies over the past four years to ensure that that commitment is met. As honourable members will be aware, subsidies of $10.4 million, which is the final component of the $35 million commitment, have recently been made available to schools. That is expected to result in 25 040 new computers being installed in our schools over the next 12 months.

I hope that deals with the education component of the Leader of the Opposition's question. What was the third one?

The SPEAKER — Order! The question from the Leader of the Opposition covered a number of areas. The nub of it — and the question that should be answered — is, if I remember his words correctly, whether this is the report Victoria had to have. I do not think the question should invite the Premier to go into every detail of the lead-up.

Mr KENNETT — The Leader of the Opposition will appreciate that — —

Mr Hulls interjected.

The SPEAKER — Order! The honourable member for Niddrie can ask a question if he wants to, but he should not interject.

Mr KENNETT — The Leader of the Opposition will appreciate that Parliament receives a report from the Auditor-General at this time every year; it is part of his functions. We on this side of the house, as I think would the vast majority of Victorians, recognise that it is a very good report.

Honourable members interjecting.

Mr KENNETT — It is, as a very close friend of mine often says, a beautiful set of numbers.

Mr Hulls interjected.

Mr KENNETT — We are doing you slowly! You have been there for 6½ years, and you are going to be there for at least another 12 the way you are going.

As I said at the beginning, the government thanks the Auditor-General for his work on behalf of the Victorian community during the long period he has been associated with the job. We wish him well in his retirement.

Tertiary education: access

Mr LUPTON (Knox) — I ask the Minister for Tertiary Education and Training to inform the house of the results so far of the government's efforts to increase access to training and further education, particularly among people with disabilities.

Mr HONEYWOOD (Minister for Tertiary Education and Training) — As all honourable members are well aware, Victoria has been recognised by the Australian National Training Authority as having the best training and TAFE system in Australia. I know the honourable member who asks the question has a real commitment to training young people, and the beauty of TAFE is that it is available to all. It is available to anyone from a background other than an English-speaking background. For example, the government is currently doing great work at Puckapunyal with the 400 Kosovar refugees.

TAFE is available to people from different age groups, be they mature age students or young apprentices — and I note the record increase in genuine apprenticeship start-ups in the past year. Importantly, it is also available to people who have genuine learning disabilities, be they deafness or reading or language difficulties. Great work is also being done by my colleague the Minister for Youth and Community Services, who is committed to providing access to tertiary education.

I am informed by my department that prior to 1994 — including the years the previous government was in office — there were no reliable figures on the disability programs available in post-secondary education. However, if one compares the figures for 1994 with the figures for 1998 one finds that in those four years the number of people with disabilities who are receiving training at Victoria's TAFE institutes has increased by 87 per cent.

When Victoria first started keeping figures 5500 disabled people were accessing TAFE and by the end of 1998, 10 186 were being funded. I am pleased to inform the house that the number of hours of training — they are called student contact hours — undertaken by people with a disability has risen from just over 2 000 000 in 1994 to over 3 200 000 last year — a 56 per cent increase. The government has provided funding to the tune of $14 million per annum for TAFE students with learning disabilities to match that increase.

In addition, over the past 12 months the government has increased the disability support fund by $500 000 to

a record $1.7 million per annum — a 40 per cent increase. The money is used for equipment and learning support materials for students at the 19 TAFE institutes in regional Victoria and metropolitan Melbourne. The $30 million virtual TAFE campus, an Australian first, is a great boon for people with disabilities. People who have difficulty accessing local TAFE campuses because of geographical factors are able from the privacy of their own homes to log on with a password at the same cost of $1 per student contact hour. They can log on to 20 first-class diploma courses. People with learning difficulties often use computers, particularly if they are deaf or have problems with mobility. The TAFE virtual campus provides a wonderful ancillary tool for learning.

The government is proud that now TAFE is available to all Victorians, in contrast to the lack of data and maintenance of a program for disability support that characterised the previous Labor government.

Education: tender process

Ms DELAHUNTY (Northcote) — I refer the Minister for Education to the Auditor-General's report on the engagement of two companies that gained 14 contracts between 1994 and 1998 and earned over $540 000 without ever being subject to competitive quotes or tender. In one case the secretary's approval was not sought until after the expiry of the term of the contract. Given that the two companies are owned by Kevin Donnelly, who was recently named as a Liberal front runner for the seat of Kew, is this half-million-dollar man's way to Parliament being paved at the expense of our children's educational opportunities?

Mr GUDE (Minister for Education) — The last part of the honourable member's question was a bit rich. She referred to 'our children', yet she will not send her own children to government schools.

I am advised that in all cases reviewed by the Victorian Auditor-General's Office the policies and procedures issued by the Victorian Government Purchasing Board were adhered to. Where the engagements were not subject to competitive and public tenders, the appropriate justification and authorisations were obtained. At times services required by the Department of Education are of a specialised nature. Mr Donnelly is valued in education circles across Australia. His services have been used by Labor governments in Queensland and extensively outside this area. He has provided quality service and good advice that has assisted the Department of Education to deliver the best-quality education available to government school students in Australia — bar none.

The type of research that has been undertaken by the government has delivered quality outcomes for students. I cite as an example the sort of work that has been undertaken in research projects on literacy. Today at a conference Estelle Morris, the UK minister for schools, was pleased to acknowledge the leadership role the government has played in education, particularly in the early literacy years, and the fact that her government has been following through the programs and works undertaken here. It is those sorts of research programs that have been referred to in the audit report.

The government has nothing to hide; the opposite is the case. The government has an enormous amount of which to be proud. The people of Victoria should be grateful to the consultants and others in education who are delivering first-class outcomes. Standards are constantly being raised in areas such as literacy, numeracy, the quality of schools, the numbers of computers in schools and the number of teachers operating in schools. In every area Victoria has an enormous amount to be proud of. Without question Victoria is the best state in the land.

CONSTITUTION (REQUESTS) BILL

Introduction and first reading

Mr KENNETT (Premier) introduced a bill to request the amendment of the Statute of Westminster 1931 of the Parliament of the United Kingdom and the Commonwealth of Australia Constitution Act of that Parliament in connection with proposed constitutional arrangements to establish the commonwealth of Australia as a republic.

Read first time.

DATA PROTECTION BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) introduced a bill to establish a data protection regime for the public and private sectors, to amend the Parliamentary Committees Act 1968 and certain other acts and for other purposes.

Read first time.

ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL

Instruction to committee

Mr STOCKDALE (Treasurer) — I move, upon the Electricity Industry Acts (Further Amendment) Bill being committed:

> That it be an instruction to the committee that they have power to consider an amendment to schedule 4 of the Magistrates' Court Act 1989.

The purpose of this instruction is that an amendment to the Magistrates' Court Act 1989 can be regarded as being outside the scope of the bill as presently drafted, therefore an instruction for the inclusion of this new matter is required. The purpose of the amendment which is subject to this instruction is to include the indictable offences proposed by other amendments to be moved to the bill as ones which may be heard and determined summarily.

Motion agreed to.

GAS INDUSTRY ACTS (FURTHER AMENDMENT) BILL

Instruction to committee

Mr STOCKDALE (Treasurer) — Similarly with the Gas Industry Acts (Further Amendment) Bill, an amendment to the Magistrates' Court Act 1989 can be regarded as being outside the scope of the bill as presently drafted, therefore an instruction for the inclusion of this new matter is required. The purpose of the amendment that is the subject of this instruction is to include the indictable offences proposed by other amendments to be moved to the bill as ones which may be heard and determined summarily.

I move, upon the Gas Industry Acts (Further Amendment) Bill being committed:

> That it be an instruction to the committee that they have power to consider an amendment to schedule 4 of the Magistrates' Court Act 1989.

Motion agreed to.

WATER INDUSTRY (AMENDMENT) BILL

Introduction and first reading

Mrs TEHAN (Minister for Conservation and Land Management) introduced a bill to provide for the transfer to the state of the property, rights and liabilities of Melbourne Parks and Waterways, to repeal certain provisions of the Water Industry Act 1994 establishing Melbourne Parks and Waterways, to make further amendments to the Water Act 1989, the Water Industry Act 1994 and other acts, to provide for the repeal of the Wattle Park Land Act 1991 and for other purposes.

Read first time.

ROYAL PARK LAND BILL

Introduction and first reading

Mrs TEHAN (Minister for Conservation and Land Management) introduced a bill to make provision in relation to land at Royal Park.

Read first time.

CHINESE MEDICINE REGISTRATION BILL

Introduction and first reading

Dr NAPTHINE (Minister for Youth and Community Services) introduced a bill to make provision for the registration of and investigations into the professional conduct and fitness to practise of registered practitioners of Chinese medicine and dispensers of Chinese herbs, to regulate the advertising of Chinese medicine and herbal dispensing services, to establish a Chinese Medicine Registration Board of Victoria and a Chinese Medicine Registration Board Fund and for other purposes.

Read first time.

CRIMES (CRIMINAL TRIALS) BILL

Second reading

Debate resumed from 6 May; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — The opposition will oppose the bill. The Attorney-General was reminded some time ago, when a review of the right to silence legislation was under way, that the opposition would not stand idly by and allow the Attorney-General to dismantle the right to silence. It would not stand idly by and watch as this government attempted to take away a practice that had been in existence for years and years — that is, that a person charged with an offence has a right to remain silent when questioned by a police officer and at his or her trial.

The Attorney-General was subjected to public outcry when it was revealed that it was her intention to abolish the right to silence, and as a result a report was handed

down, much to the annoyance of the Attorney-General, saying that the right to silence, particularly pretrial silence, should not be abolished. Not satisfied with that outcome, the Attorney-General has now attempted to abolish the right to silence by stealth, through the back door. That is what this legislation is all about. The Attorney-General can moan and groan and object to the proposition I am putting, but that is the fact of the matter and it is why the opposition is not supporting the bill.

It is also important to note that the people at the coalface in criminal trials — the members of the Criminal Bar Association — have also expressed their grave concerns about the bill. They oppose the bill and make it quite clear that if enacted the bill will be unworkable, because apart from anything else appropriate legal aid is not provided to people in the criminal trial process at the moment, let alone the sort of assistance that will be required should this legislation be passed.

It is interesting that there is not enough legal aid available at the moment. In his report tabled only a few hours ago in this place the Auditor-General said in relation to legal aid:

> Although Victoria Legal Aid has no control over the commonwealth government's decision to reduce legal aid funding, the impact of the decision was to reduce the community's access to legal aid, which is in direct conflict with one of the VLA's primary objectives of providing the community with improved access to justice and legal remedies.

The Auditor-General went on to say:

> The audit review of a sample of legal aid applications reveals that generally there was no evidence on client files to support the decisions made regarding the merits test. As a result audit was unable to determine whether all aspects of the commonwealth and state merits tests had been appropriately applied.

So it is not just the opposition that has continually said that legal aid in this state is in crisis, that there is not enough funding. We now have the Auditor-General in his final report to this place making it quite clear that not enough legal aid funds are going into the system in this state, and as a result people are being denied access to justice.

You cannot just introduce a new system that changes the way criminal trials are conducted in this state and basically requires the disclosure of the defence to a large degree prior to the trial taking place without ensuring that the accused has appropriate legal assistance.

Under the current system there are not enough legal aid funds available. Under the proposed new system more funds will be required to ensure that people are not unrepresented at the pretrial procedure, yet the Attorney-General has done nothing to address that problem. The latest budget allocates an additional $4 million for legal aid, but that will be like a drop in the ocean when compared to what will be required.

I agree with the recommendations of the Criminal Bar Association that if the bill is passed, particularly without further funds and assistance being made available to people so they can be appropriately represented at the new trial procedure, the proposed legislation will be a farce.

Nonetheless, I understand that significant concern has been raised in the past about the conduct of criminal trials and the impact that long trials have on the criminal justice and legal aid systems. In determining what reforms, if any, are necessary it is essential that the right balance be struck between the rights of the accused, the victim, the community and efficiency. That balance is not achieved by making a trial fundamentally unfair because of legislated requirements that make the defendant assist the prosecution in his or her own conviction.

It would be extremely efficient if we had no trials at all — that is, if persons charged with offences were simply locked up, beheaded or placed in the electric chair. Although such a system would be extremely efficient, I hope not too many government members think it would be appropriate. There is a need to look at more than just efficiency and money-saving measures when considering the process of criminal justice because people's liberty and lives are involved. It is not satisfactory to have a system under which matters are rammed through courts to satisfy efficiency targets.

The submission of the Criminal Bar Association in respect of the bill argued that there is more to a criminal trial than merely efficient outcomes. It states:

> The practice of criminal law is about justice and confidence in the administration of justice. Central to this is the need for a system which is flexible and copes with the whole variety of human problems and circumstances. The system is fundamentally based on the acceptance by all parties of the outcomes, the decisions and the punishments imposed. The most 'efficient' way to maintain this acceptance is by ensuring the system has the flexibility to do its work thoroughly and fairly rather than just quickly. The risk is that the system of timetables, with sanctions for variation or delay will create a culture that values speed above those things that hold the system together.

Mr Andrighetto interjected.

Mr HULLS — I note the interjection. I will be interested to hear the contribution by the honourable member for Narracan, who is an ex-police officer, and to hear about the reforms from his perspective.

The association's report continues:

> It would be unfortunate if an accused or the community was left with the consolation that 'although the trial seemed unfair and not all that was important was dealt with, but at least we kept to the timetables and it was lovely and quick'.

I hope that the honourable member for Narracan, despite his background, would not agree that all we want is a system that is lovely, quick and convicts people regardless of whether they get a fair trial. I am quite sure that the Police Association, an organisation that the honourable member for Narracan is very fond of and one that I expect he will be seeing a hell of a lot of during the forthcoming election campaign, would not agree with such a system either.

We have to examine what we want out of our criminal justice system and identify what the bill will achieve, despite its intentions. The bill is fundamentally designed to force a criminal defendant to disclose his or her defence prior to the trial in order to have the key issues at the trial identified prior to the hearing. The case was put clearly by Mr Mark Pedley at a recent conference in Brisbane where he presented a paper designed to give the prosecution's position. It states:

> Our sentencing laws do not provide an incentive for a defendant pleading not guilty to limit the issues prior to the trial. There is no general sentencing sanction that enables the sentencer to take into account lack of cooperation in expediting the trial as an aggravating factor ...
>
> While prosecution and court practices can assist in achieving further efficiency, the critical reform which will result in a great leap in efficiency is the separation of non-contentious issues from the contentious issues prior to the empanelment of the jury.

Mr Pedley recognised that such a change would work only if the community believed that those changes would be reasonable and would result in a fair trial. The paper goes on to state:

> But changes to rules and procedure designed to separate the contentious issues from the non-contentious prior to the empanelment of the jury alone will not be the solution unless those changes are accepted as fair and those changes have the commitment of all participants.

In 1993 the Attorney-General attempted to make changes to the criminal trials process through the Crimes (Criminal Trials) Act, which is repealed by the bill. Section 4 of the 1993 act provides for a presentment to be served and filed 28 days prior to the listed trial date and for the accused to be required with 21 days of such service to serve and file a response stating the elements of each count that are admitted and those that are not. It also provides a sanction for failure to comply — that is, it can be used on sentence as evidence of a lack of remorse.

The County Court reported on the operation of those 1993 reforms in its latest report, page 19 of which states:

> ... section 4 has proved to be of negligible utility. A stronger sanction than that which is presently provided for non-compliance with its provisions is required. Further, the requirement to enunciate and thus identify the real issues which are in dispute needs to be spelt out more clearly.

In other words, through its annual report the County Court is asking for some form of procedure to enable the issues at trial to be more clearly defined. Currently there is a substantial build-up of cases pending trial. In July 1997 there were 532 cases awaiting trial, while in June 1998 that number had increased to 722, despite a marked increase in the number of cases being dealt with. It is perhaps for that reason that the court has requested reforms to assist in the processing of cases.

The Attorney-General has introduced reforms that strike at the heart of the Victorian criminal justice system. They establish a strict, timetable-based procedure that is enforced by clause 16. It will allow a judge to use any departure from those timetable procedures to comment on that departure — that is, the judge will be able to comment that a jury could accept as being related to the alleged crime a failure to adhere to the process outlined in the bill.

That is how critical the legislation is. If a person is unable for any reason to adhere to the pretrial timetable, the judge will be able to comment on such a failure and link it to the alleged criminal offence. That is an extraordinary procedure. The process that sets out the voluntary and compulsory disclosure regimes for both the prosecution and the defence is complex.

The voluntary aspect of the scheme relates to what have been termed post-committal conferences, which are established by clause 36(2) and which will take place after the committal only if both parties consent. At the conference, which would be presided over by a magistrate, each of the parties will be able to disclose the evidence that will be relied on, the evidence that will be disputed, the witnesses that will be called and the evidence that will be admitted without further proof. If an agreement is reached the magistrate will note the agreement and the parties will be bound by that agreement at the trial.

If the initiative was being introduced on its own the opposition would not oppose it. By itself the initiative is not inappropriate and contains some good aspects. However, the bill must be treated as a whole, because it operates as one overarching scheme that cannot be broken up.

The compulsory element is contained in clause 7, which requires the accused to provide copies of the defence response to the summary of the prosecution opening and the notice of pretrial admissions. That mandatory disclosure includes the acts, facts, matters and circumstances with which issue is taken and the basis on which issue is taken. In my view that compulsory requirement is tantamount to forcing the defence to put its case in its entirety prior to the trial.

The Criminal Bar Association has made several comments on that aspect of the legislation. It has said:

> Any disclosure prior to the closing of the prosecution case encroaches upon the fundamental principle that the defence should not be compelled to participate in facilitating his or her conviction.
>
> To compel the accused to provide detail of the basis on which issue is taken is to open the door to unscrupulous participants to influence the evidence of witnesses and tailor their evidence to meet the defence. One of the few weapons the defence has is the ability to cross-examine witnesses without the witness knowing precisely what the cross-examination is directed towards.

I do not know whether the Attorney-General has ever been an advocate in a criminal court. If she had, I am sure she would have taken a second opinion on the legislation. The Criminal Bar Association is dead right.

The defence has always had the ability to cross-examine witnesses cold, so to speak, without prosecution witnesses knowing what specific questions will be asked. There has always been that element of surprise, and the defence should have the ability to test the veracity of a particular witness. One of the best ways to test the veracity of a particular witness is to ask questions without notice.

We have all seen the charade that takes place in this place when dorothy dix questions are put to ministers by government members during question time. Ministers are fully aware of their answers before they even hear the questions. For instance, in question time today the Minister for Education had with him a written response to a question he was expecting from his own side. He was able to hand over that written response to the Premier when the Premier was asked a question on education. If that system is introduced into the criminal trial process the same sort of farce will take place. A defendant will be required to bare all, so to speak, prior to his or her trial.

We are not talking about a trivial small claims tribunal matter; we are talking about a criminal trial in which a person's liberty is at stake. An accused should be entitled to use every available weapon in his or her armoury — and there aren't too many weapons left for defendants these days. The defence should be able to put questions to a prosecution witness cold.

The fundamental principle inherent in the rules of evidence and the criminal justice system is that a defendant is innocent until the prosecution has proved its case and the defendant is found guilty of a particular offence. Although the identification of issues is helpful to the prosecution because it may highlight weaknesses in the defence, it is not necessarily conducive to a fair trial. In most cases prosecution witnesses are police officers. Police officers are generally well trained in cross-examination techniques, but defence witnesses are less experienced and often present less favourably in the witness box, not because they are guilty but because the task of giving evidence on oath in a witness box is extraordinarily intimidating. People from all professions experience that sense of intimidation.

I do not know whether the Attorney-General has ever had to give evidence on oath in the witness box. The Attorney-General is well educated, and although I do not want to praise her too much some may say she is a person who can present an argument and defend herself — I do not say such things but some people may. However, if she were whacked into the witness box, who knows what might happen? She might turn into a fumbling wreck. Giving evidence on oath in the witness box is a very intimidating experience, and I am speaking from experience because I have been cross-examined in the witness box. Like the Attorney-General I also have a legal background and I am well educated — I have practised law and represented clients before the court. I got most of those clients off — that is because they were innocent, but they had excellent representation as well!

Representing a client in a criminal trial or standing up in Parliament and speaking about legislation might appear intimidating to some, but I can say it is nothing like being cross-examined on oath in the witness box. I have been cross-examined about a whole range of matters on a number of occasions, and I have also cross-examined others. I can say that being cross-examined is a difficult experience, and defendants are at a distinct disadvantage.

One of the great levellers of the criminal justice system has always been the ability of a defence barrister to cross-examine a police witness without that witness being aware of the key issues the defence will raise in its subsequent evidence. A trained prosecution witness who is informed of the key issues of the defence will be able to tailor his or her evidence to break down the defence case. That would be an improper use of pretrial disclosure, but it is inevitable that some unscrupulous individuals will use it for that purpose. Some prosecution witnesses will use the disclosure provided by the defence for their own advantage.

I expect the parliamentary secretary will follow me in this debate, and I know he is also a trained lawyer. I do not know whether he has appeared in criminal trials, but if he has I would hope he would have the same commonsense about the procedure that any person who has appeared in criminal trials must have. Whether or not it is the intention of the bill, commonsense dictates that pretrial disclosures will be used by the prosecution against defendants. That compulsory disclosure regime will put the defendant at a disadvantage.

The bill also requires expert evidence be provided in accordance with a 14-day deadline. Such a proposal has some merit, considering the complex nature of expert evidence. The bill must, however, be examined as a whole. Parts of the legislation may be sensible, but the bill as a whole still loses the support of the opposition.

The bill provides for parties to disclose 14 days prior to the trial the questions of law that will be raised at the trial. The opposition does not necessarily have an argument with that. The bill also sets out trial procedures and the implications of failing to comply with them and with the act. For the first time a defendant will be required immediately after the prosecution's opening remarks to provide the defence in response to the prosecution. Any departure from such a process will enable the judge to comment on that departure and even ask the jury to infer guilt from it. That is the point at which the opposition believes the bill becomes unreasonable and unworkable, because it provides for a severe sanction for departing not only from the opening but from any obligation imposed by the legislation. The procedures I have been discussing are enforced by the fact that failure to adhere to them could be used to infer guilt in a defendant.

That seems extraordinary. A departure from the procedural aspects of a criminal trial could be used to infer guilt in an alleged offence that may have taken place years beforehand. The simple fact that a defendant has, perhaps through no fault of his or her own or because of inappropriate advice, failed to adhere to procedural aspects can be used to infer that person's guilt.

The Scrutiny of Acts and Regulations Committee is an all-party committee that has some good people on it, particularly the Labor members. I note that the chair of the committee is in the house at the moment. I compliment the committee. It has from time to time made important recommendations and comments about legislation. The SARC expressed some concerns about this legislation, stating that it was concerned about how clause 16 might operate:

> ... to the detriment of an unrepresented accused or an accused who receives legal representation prior to the trial but after the temporal limitations imposed by the bill have passed.
>
> The committee believes that the effect of the clause may diminish an accused person's rights at trial in circumstances where an adverse comment may be permitted by the trial judge when the relevant non-compliance or failure occurred at a time prior to the accused seeking legal advice, or in circumstances where the accused is unrepresented throughout the period in which pretrial procedural steps are required to be taken.

Don't forget that SARC is not a Labor committee, it is an all-party committee. The committee goes on to say:

> In such circumstances the committee is concerned that an adverse comment may be permitted when the accused may not have been fully informed of the consequences of failing to comply with the relevant pretrial procedures at the time the procedural step was required to be taken, and in any event may not have had the knowledge or capacity of proper compliance.

Once again the all-party committee demonstrates a greater understanding of the implications of the bill and the workings of the criminal justice system than the Attorney-General possesses. I congratulate the committee on its understanding of the criminal justice system.

If I could offer some gratuitous advice to the committee, particularly while members of it are in this place, I advise it to go away for a weekend with the Attorney-General and conduct a weekend seminar on criminal justice and how the system works. I note that the honourable member for Gippsland South is present. He was a partner in a well-known law firm whose name has been mentioned in this place in the past, so I will not give it another mention. Perhaps the honourable member could invite partners in that practice to come along too and conduct an all-weekend seminar on the criminal justice system. I am sure the Attorney-General would derive enormous benefit from it.

The SARC understands how the criminal justice system works and the flaws in this legislation. Unfortunately, however, it appears that the Attorney-General does not.

The Criminal Bar Association also comments on this provision:

> The bill permits inferences of guilt to be drawn if there is a departure from the written defence response or if there is a failure to comply with a requirement or order. A comment from the trial judge or prosecutor seeking such an inference can only be made in circumstances where that inference was open before the commencement of the relevant section of the bill.
>
> Recent developments in the law relating to the drawing of inferences demonstrating a consciousness of guilt have introduced great complexity and difficulty into the administration of criminal justice. The position has proved difficult enough when dealing with the behaviour of the accused.
>
> To permit an inference of guilt in the circumstances envisaged may require examination of instructions given to counsel.

The Criminal Bar Association continues:

> It cannot be helpful to the efficient conduct of criminal trials to fracture the relationship between council and client.
>
> There is a perception that the directions the judges are already required to give juries are often out of touch with reality and commonsense. Such instructions are commonly seen as excessively technical. To permit instructions to be given to juries inviting an inference of guilt from a failure or a departure will necessarily have to be given in an excessively technical manner and can only assist in bringing the administration of criminal law into contempt. Even if, in an extreme situation, the drawing of an inference of guilt is technically open it is preferable to administer the criminal law by reference to commonsense and not extreme technicality.

That is a commonsense approach to the criminal justice system. The Criminal Bar Association is questioning both the fairness and the workability of the proposed provision. It would seem particularly bizarre if a judge were to instruct a jury that the law required the defendant's representatives to hand over their defence to the prosecution 14 days prior to the hearing and that their conduct in not providing that defence until 12 days before the hearing could be used by the jury to infer guilt. Such an outcome would bring the criminal justice system into disrepute. The Criminal Bar Association points out:

> It would be a hollow triumph if the new provisions brought about quick and cheap trials that left the accused and the community uneasy as to whether it was fair. It would be worse still if the new provisions while claiming to establish new efficiencies simply made the process more cumbersome at the same time as undermining the fairness of a trial.

The final point that makes the system unworkable is the absence of proper legal aid funding to make such procedures viable. The whole system of pretrial procedures is predicated on the assumption that legal representation is available at every stage of the process. It would be impossible for an unrepresented defendant to hand up 14 days before the trial his or her view about what points of law would be contested at the trial and what issues would be disputed. That would be absolutely unreasonable.

The system envisaged by the legislation is predicated on significant work being conducted by a solicitor or barrister prior to the trial date. That would be severely limited by the guidelines on what amount of funded preparation a lawyer is allowed to make when conducting a legal aid case. That is how the current system works — there are guidelines about the amount of work a barrister or solicitor can do in a legal aid case. The pretrial procedure provided for in the bill will make it even more difficult. It is a particularly relevant point given that the Auditor-General has handed down his findings about the lack of availability of legal aid.

Opposition members agree that without properly funded legal aid the system envisaged by the Attorney-General would collapse. It would be unworkable, and as a result would be capable of leading to gross miscarriages of justice. The Auditor-General found there was no transparent process by which anyone could determine whether rejections of legal aid applications are being made in accordance with the guidelines. Under the proposed legislation such an outcome would leave unrepresented defendants fighting in a complex scheme, where their failure to comply with strict deadlines could be used against them as evidence of their guilt. That would be an alarming outcome and the Auditor-General has called for a wide-scale review of legal aid in Victoria to determine the impact of changes to legal aid guidelines on the provision of legal aid services in Victoria.

I take up the Attorney-General's earlier interjection that the government has put more funds into legal aid. As I said, the government's putting an extra $4 million into legal aid will go nowhere near addressing the problems that will arise as a result of the new system, in which people will be unrepresented. I hope the Attorney-General will take up the recommendations of the Auditor-General about legal aid and immediately undertake a wide-ranging review of legal aid in Victoria.

In its submission the Criminal Bar Association highlighted the lack of legal aid as a key issue. The submission states:

> The bill envisages that an accused will take part in a number of pretrial procedures which it is hoped will assist the trial to run efficiently. For example there are directions hearings to attend and compliance, the need to identify and argue legal issues prior to trial and the need to advise on and prepare documents on how the case is put or responded to.
>
> None of this can be done unless funding is available.
>
> For the system to work there would need to be an early identification of when it is that the trial is expected to begin with all the parties working towards this objective and expectation. If the trial does not begin on the expected date what costs will be indemnified under clause 24(5)?
>
> Under the current system if a trial is not reached counsel is thrown back on the market. Under the proposed scheme there will be no market to be thrown back upon; at least in the case of regular criminal trial advocates. Other counsel will be permitted to pending trials for the next week at least but in all probability for the next two to three weeks.
>
> How the new system can work on circuit is a mystery.

The submission further states:

> The fundamental requirement, before the envisaged system has any hope of working, is the recognition that adequate funds have to be provided to ensure that legal aid can meet the up-front costs of complying with the new procedures. If the theory is correct, and the early identification of issues together with the early resolution of legal argument results in improved efficiency in the conduct of criminal trials, then the government will reap substantial savings. But the process can only be tested by committing funds to adequately deal with the pretrial procedures. The success of the system requires the attention of experienced counsel committed to cases early in the process. The unrepresented accused cannot survive within this system. The real question then is whether the government is prepared to bite the bullet and provide the funds.

That is the real question. The opposition wants to hear the answer to that question before being prepared to support the legislation. The risk is far too great for it to support the legislation without a commitment that appropriate funds will be supplied to ensure that people will not be unrepresented in the pretrial process.

The opposition is not prepared to put fair trials at risk without there being a commitment by the government to increase legal aid. If it simply gave the nod to the legislation without there being increased funding for legal aid the opposition would be taking a great leap into the unknown. The changes might put people's lives at risk, fair trials may well be a thing of the past — that may be the case with the procedure unless legal assistance can be gained — and people could be either wrongfully convicted of offences or have longer sentences imposed on them simply because they were unable to meet the time limits set out in the legislation.

The opposition is not prepared to support the bill. It urges the Attorney-General to conduct a full, open and transparent review of legal aid in Victoria, as urged by the Auditor-General. The opposition gives an undertaking that once that has been conducted, and once the government gives a commitment to provide appropriate legal assistance to those who need it, it will revisit its attitude to what the government is attempting to do.

As I have said, the bill has some good aspects, but until the Attorney-General gets the whole package right the risks it entails will be far too great. As a result the opposition opposes the bill.

Mr RYAN (Gippsland South) — I am pleased to join the debate on the Crimes (Criminal Trials) Bill. The 1999 version of the legislation replaces the 1993 version, which has been in force for six years but which has never worked. It has not worked because, for a variety of reasons, the people associated with the conduct of criminal trials in Victoria see it as having no relevance to the purpose it was intended to serve. That is why the bill is before the house.

Before I refer to the bill in detail I will comment on one of the assertions the honourable member for Niddrie made at the outset, which was that the bill is backdooring the right to silence. That is a serious assertion to make, given all the details before the house.

I refer specifically to the report prepared by the Scrutiny of Acts and Regulations Committee, which I chair. I acknowledge the presence in the chamber of other members of the committee. In March this year the committee tabled a report on the outcome of its inquiry into the right to silence. The inquiry was based on a reference provided by the Attorney-General in November 1997. It was conducted in exemplary fashion and in a true all-parliamentary and apolitical sense. Although the inquiry was undertaken by a subcommittee, the results were considered by all nine members of the Scrutiny of Acts and Regulations Committee. Under the terms of reference the committee was invited to consider the United Kingdom Criminal Justice and Public Order Act, the provisions of that act being pertinent to the right to silence.

The committee took evidence from a vast range of people. It received approximately 60 or 70 written submissions, and over two days at Parliament House it heard oral submissions from those who wanted to speak to their written submissions. Importantly, 12 months ago the committee travelled to England for 10 days to examine the UK legislation. It also travelled to the Republic of Ireland, which has legislation similar to the Criminal Justice and Public Order Act. The outcome of that protracted and carefully conducted process is

reflected in the report that was tabled in March this year.

I invite the house to consider a couple of outstanding features of the report. The committee made four recommendations. One was that Victoria should not adopt the English model that was referred to in the terms of reference. Committee members took that view because they felt the UK legislation was born of an era, particularly in light of the activities in Northern Ireland, that Australians and more particularly Victorians have fortunately never experienced. The committee also felt that the sweeping changes encompassed in the UK legislation, which were part of a package of changes made across a range of spheres, would be inappropriate for Victoria in the absence of those wider changes. The committee also considered the issue of legal aid, which I will come back to.

I will not dwell on the other aspects of the inquiry at great length because I appreciate that the house is debating just the bill. However, I refer specifically to recommendation 3, the essence of which is the necessity to beef up the pretrial processes to enable courts to better deal with the trials that come before them.

I do not claim for one moment that the bill is based on the committee's report — far be it from me to say such a thing. However, I believe the process that gave rise to the bill was happening at the same time as the Scrutiny of Acts and Regulations Committee was conducting its inquiry. In the course of its inquiry the committee received a briefing from the Attorney-General's office on the way the bill was developing. Although there may be differences of opinion about the extent to which the bill reflects the committee's recommendations, it is important to state that the essence of the bill is supported by all honourable members. Members of the opposition may think some aspects are, as they would have it, beyond the pale. I gather that based on my listening to the honourable member for Niddrie and what I expect to hear from those who are warming up to speak as soon as I sit down. Although I recognise the differences of opinion on the bill, I believe it is fair comment to say that the general nature of what the government is seeking to achieve is accepted by everyone.

The bill is the product of a protracted process undertaken at the behest of the Attorney-General, who in 1998 formed a committee called the Criminal Trials Consultative Committee to review criminal trial proceedings in Victoria. The committee was chaired by Mr Justice Murray Kellam, who is a wonderful fellow and a prominent judge. It included members of the judiciary, the magistracy, senior criminal law practitioners representing both the prosecution and the defence, and representatives of other key stakeholders such as the Victorian Legal Aid Commission, or Victoria Legal Aid as it is now known, and the Victoria Police.

An inclusive consultative process formed the background to the construction of the bill. The committee wanted to achieve a position where legislation could be introduced that would solve two problems: firstly, the delay in bringing trials before the court, and, secondly, the protracted nature of trials once they got under way. The theme of the exercise was to try to solve those problems. The process was undertaken because, with the best will in the world, the 1993 act was not functioning. It had similar themes but was not functioning.

The bill seeks to increase the degree to which the judicial arm of the trial system has control over the process. As I have stated before in the house, I am a great supporter of giving a broad-based discretion to a judge to run the case in the manner the judge considers most appropriate. Having had many years experience in the trial system I believe the judges controlling our courts have the best capacity to run the cases before them. That is one of the basic ideas underpinning the legislation.

The 1993 legislation had a fundamental flaw in that it provided that the defence, although required to do certain things, was not required to reveal anything to the prosecution before the trial about the manner in which it would be defending the case. Consequently the prosecution had to be prepared for all manner of issues before the court. That brought about a convoluted process, about which there is no need to go into great detail, but by examining the issues one can see that if the prosecution were in that situation much more work had to be done than should reasonably should have to be done.

I understand that through initiatives such as Pathfinder and actions undertaken by the Chief Justice of the Supreme Court, Mr Justice Phillips, inroads have been made into that situation. The bill will give the court a controlling capacity in the way trials are undertaken.

The bill establishes three methods of regulating the issue of pretrial disclosure. One of them will be applied to the trial, and every trial will be managed by one of the three mechanisms. The first is the use of an optional post-committal conference; the second is the use of a standard exchange of information between the parties; and the third is individual case management where that

is thought to be appropriate. One of those three mechanisms will be used to enable the court to exercise control over the way the case comes before it.

Although the parties will have a significant capacity to do these things of their own volition within the time constraints and processes detailed in the bill, the court will be kept informed about the progress of the 'parties' disclosure and will be able to intervene where necessary for the purpose of clarifying the disclosure, seeking additional information or ensuring the parties have properly disclosed their case.

I support that notion for the reasons I have mentioned. It is important that in the end it is the courts that have the ultimate control of the way these matters come before them. I recognise that what is contemplated by the legislation will mean change. I have read the submission that was made to the committee by members of the Victorian Bar Council. I have the greatest respect for David Curtain and other members of the bar who were involved in the preparation of that submission.

The question of the management of the change in the way trials are conducted must be visited upon all participants. I accept that there is no complete corollary between the civil jurisdiction and the criminal jurisdiction, but in the civil jurisdiction many of the changes that are now being contemplated in the bill have in practical terms been in effect for eons. I refer specifically to the notion of expert evidence having to be revealed, as is contemplated by the bill, 14 days prior to trial. That has been part of the structure of the civil jurisdiction for a decade or more, since the rules of the Supreme Court were amended to enforce it. In the years when I was running civil trials one had to go through the process of getting expert evidence committed into the form of a notice, which had to be served upon your opposition within 14 days prior to trial. Leave was available to a party to make application to the judge to use the judge's discretion to permit that evidence to come in later if it were considered appropriate, but strictly the idea was to get the disclosure of evidence travelling between the parties so that when the case got to court people could conduct the trial on the basis of the issues that had been clarified.

That is the essential thrust of the bill. The main aim is to bring the issues before the court so that there is no delay when the court comes to deal with them and court time is used for the purpose of disposing of the trial. If jurors are involved they can spend their time in court dealing with the issues before them, then deliberate on the issues once they have retired. That would get away from a situation where a jury is sent out of the court on an ad hoc basis because points come up on a particular issue that should not be in dispute at that stage — in other words, they should have been resolved at the pretrial stage of the hearing before the jury was empanelled. That is the general tenor of the legislation.

I turn to the points raised by the honourable member for Niddrie because I am conscious that others want to make contributions to the debate. Firstly, the honourable member picked up on the recommendation that the Scrutiny of Acts and Regulations Committee referred to when it considered the bill. The committee reported that there was an issue concerning legal aid.

Needless to say, I support the committee's comment. It means that the case management issues must be dealt with. I understand that the Attorney-General can tell us about that aspect, but the point is that Victoria Legal Aid will have to modify the manner in which it deals with the trial mechanisms to ensure that the point raised by the committee does not arise. We do not want a situation where an unrepresented person is faced with strict time frames and must decide on a particular course of conduct without the knowledge and the skill required to do so.

For example, when it comes time to draw the notice in response to the prosecution brief, if a person is unrepresented it is a fair comment that such a person does not have the necessary skills and ability to draw the notice in a way that will do justice to the person. It will be important to ensure that Victoria Legal Aid modifies its mechanisms so that people are not discriminated against by the application of the bill in a manner that would lead to inappropriate outcomes. The government picked up the point made by the honourable member for Niddrie and the committee, and Victoria Legal Aid will have to make changes to ensure that happens.

If the person is represented at trial and if the person's legal representative believes there should be a departure from the fact that the initial notice was not drawn properly or may not have been provided at all, there is not a strict obligation on the judge to make any condemnatory comment on the accused. Rather I have complete confidence that a judge would recognise the pragmatic reality of what applied at the time.

Therefore I am confident that the concern can be met, and I am sure Victoria Legal Aid will be part of that process.

Stages are set out in the legislation so that a person who is to be tried will early in the process receive notice of

the necessity to make an application for legal aid. That is done to ensure that it is processed within a time frame that does not infringe upon the other time frames set out in the bill. But for all that the basic point is a fair one, and it is one to which we will need to have regard in the application of the bill.

There is a general notion that the right to silence is being backdoored. The Scrutiny of Acts and Regulations Committee tabled a report in March that as its essential feature maintained the rights that rest in individuals who are subject to criminal charge and ensured that the right to silence is properly accommodated.

The concerns expressed by the honourable member for Niddrie simply do not fit with the provisions of clause 16. I will not read the clause in its entirety, but it states that the trial judge or, with the leave of the court, a party to the proceedings is entitled to make a comment that the trial judge thinks appropriate on either a departure from the notice filed by the accused in response to the prosecution brief or upon the failure by the accused to file that notice at all. If any comment is to be made it must come from the judge or a legal representative, and it can come from a legal representative only with the permission of the judge. To consider an application to grant leave to a party to make comment the judge has to be satisfied that the proposed comment is relevant and is not likely to produce a miscarriage of justice. That is a key aspect of the provision and should give comfort to the honourable member for Niddrie, because if it is breached and a comment is considered not to have been given proper weight by the judge, the case will go to the Court of Appeal.

The next element of clause 16 is that a comment made by the trial judge or a party must not, in the case of a departure from the notice which has been filed by the accused, suggest that an inference of guilt may be drawn from the departure, except in the circumstances set out in the bill. It specifically provides that the comment cannot suggest that an inference of guilt may be drawn from the departure from the original notice. Further, if there has been a failure to lodge the notice on the part of the accused in response to the prosecution brief, again the comment must not suggest that an inference of guilt is to be drawn from that failure, except in the circumstances set out in the legislation. Those defences are in the bill, and they accommodate the concerns of the honourable member for Niddrie. If there is any breach the Court of Appeal will address it on its merits.

I recognise that there are elements of concern about the application of the bill. However, with the passage of time and the practical use of the legislation we will see that it does much to enhance the way criminal trials are dealt with in this state. As always, it is a case of balancing the essential questions of fairness and equity that must rest in the hands of an accused with the ever-present issue of the availability of resources. An enormous amount of work has been undertaken by all the stakeholders to make judgment on those issues. The outcomes are replicated in the bill.

The bill will work well. I congratulate the Attorney-General upon its introduction, and I urge its speedy passage.

Mr CAMERON (Bendigo West) — It is a pleasure to follow the honourable member for Gippsland South, but I was extremely surprised to hear him address the house on a legal bill without an advertisement for his old firm!

We all want to see criminal trials conducted in an efficient way, but the question is how we do that. Certainly if we can narrow the issue trials will be conducted in a more efficient way and the prosecution will not have to call so many unnecessary witnesses. One of the changes the bill will bring about is that prosecution witnesses will not have to give evidence that is simply irrelevant to the issue of whether or not the person is guilty.

The honourable member for Gippsland South is right in saying that we are all in agreement on the direction we should be taking, but the old saying that the devil is in the detail is relevant. That is where the problem arises. Clause 7 is where we come to something of a catch. The defence will now have to give a response a couple of weeks after the prosecution has prepared its case and handed it over to the defence. Subclause (2) states:

> The defence response to the summary of the prosecution opening must identify the acts, facts, matters and circumstances with which issue is taken and the basis on which issue is taken.

It is the words 'the basis on which issue is taken' that cause the most alarm, because they require a defendant to give his or her hand away totally.

We have all seen what happens when the other party is forewarned, and when the resources of the Crown are at the prosecution's disposal that poses a significant problem. An example occurs in the jurisdiction of the Family Court where affidavits of both sides are served on each party. People go to court knowing precisely what the other party is about to say, and as a result

people's versions of events tend to change to fit in with their knowledge. It is when people do not know what will be said and are not forewarned that one can get to the nub of the truth.

As someone who practised in the Family Court as part of a general legal practice, I can say that I thought that procedure was bad. It made cases longer, not shorter, and it did not bring about efficient administration of justice. I do not want to undermine the family law system, but I found that measure to be particularly annoying, and I do not believe justice was served. Clause 7(2) will have a similar effect, especially when the other party, the prosecution, has the resources of the Crown available to it.

Significant issues will arise about what happens if someone does not comply with the new defence disclosure provisions. That may come about because the person is not represented and is oblivious to all this or because the person has engaged legal practitioners at a later stage. I would like to know what will happen. The provisions of the bill mean that an inference can be drawn against the defendant in those circumstances.

The debate deals with the liberty of the subject and whether or not someone is guilty. The legal system we have all been brought up in needs to work well not only for the administration of justice but also to ensure fairness.

Comments have been made today concerning the need for legal aid to appropriately fund the system. If people have to go through the additional pretrial steps provided in the bill they will need legal assistance at an early stage because what is said or written at that time will be critical for them. In effect the framework of the house is being put up and it is to be fleshed out later, but without a good framework the house will fall apart later. The problem remains.

People on the street might say, 'It just doesn't happen because those who are charged with serious offences are represented early on in the piece'. I assure the house from my experience that that is not the case. On one occasion I received a telephone call from someone in the legal aid office in Melbourne advising that a man was on his way to Bendigo in the back of a police divisional van, that he would be in the cells later in the day and that he had to appear in the Supreme Court a couple of days later charged with attempted murder. Nothing had been done prior to that, apart from a few preliminary phone calls. Even people charged with serious offences can at times slip through the system. One might wonder what would have happened to that man under the proposed legislation because he would not have complied with all of the requirements. The matter was sorted out for him and he ultimately pleaded guilty to a lesser offence. He went to gaol for a lot less time than would have been the case if he had been tried and found guilty of the more serious offence. The final result was what justice demanded because he was punished for the crime of which he was guilty. I am concerned that under the provisions of the bill he may have ended up having to wear something of which he was not guilty and may have ended up in prison for a lot longer.

The inference of guilt where people have not complied with existing legislation has already been discussed by previous speakers.

Legal aid is a significant issue, but ultimately the community will have to rely on the wisdom of the judiciary to overcome the problems of the proposed legislation wherever it can, notwithstanding what the legislation provides. Victoria is fortunate to have good judges. In directing trials judges will often go out of their way to overcome bad legislation, although at times they are caught.

Victoria needs good legislation in this area. I urge the Attorney-General to consider amendments while the bill is between this house and another place so that the matters of concern can be addressed. Some fundamental issues in the bill need to be addressed and the bill should not be passed in its present form.

Mr SAVAGE (Mildura) — I have to admire the approach to crime and justice taken by the government, and the Attorney-General in particular. Committals and trials for too long have been the preserve of defence barristers, at considerable cost to the community. More importantly they have often been prejudicial to society in general and to victims of crime. The amendments proposed in the bill will go some way to addressing the imbalance between community interests and the entitlements of persons who are charged with serious criminal offences.

Recently I came across an account of criminal depravity that occurred in New South Wales. The article by Detective Inspector Bob Monk under the heading 'Eyes of Evil' is in the December 1998 edition of the *Australian Police Journal*, which is available in the parliamentary library. I will read some excerpts from the article. It is compelling reading and has significant relevance to the debate. It states:

> About 9.35 p.m. on 19 February 1992 ... a 24-year-old woman was savagely attacked in her Curl Curl home on

> Sydney's northern peninsula. The assailant used a short metal crowbar to inflict a number of grievous injuries upon her which included multiple compound fractures of both legs below the knee, a near severed left forearm and a fractured nose, cheek and jaw ...
>
> Veteran first-response police were stunned by the scene. The sight of the wet, sticky spray of blood on the walls and ceiling of the woman's home was chilling. They were amazed by [the female's] composure as she lay in a pool of her own blood, with both her legs and left arm dangling, looking for all the world like a broken Barbie doll. Though obviously in a state of shock, [the female] calmly told them what had happened only minutes before.

An unknown male person wearing a balaclava had broken into the female's home and set upon her with a wrecking bar, causing horrendous injuries. The suspect who had contracted with the assailant to perform the assault was her former boyfriend, Michael Mitchell, a 47-year-old Frenchman who ironically worked at the Australian Police Staff College at Manly as a chef-driver.

The article continues:

> Mitchell (alias Jon Michel Bertranou) had a lengthy criminal history with convictions for 'assault female' in Australia, as well as matters of dishonesty and violence using firearms in France, prior to fleeing to Australia. Warrants were in existence in France for his arrest for violence with automatic weapons. He was a former French Foreign Legion paratrooper, with expertise in firearms ... and with other weapons. He could also make and throw knives.

The assailant was a well-known Sydney nightclub bouncer, Thomas Wilson, who was already on bail for another assault.

The police inquiry stalled because no further information was available. Some months later an informant came forward and said that the ex-boyfriend, Mitchell, was unhappy with his victim's recovery and he wanted her brutalised again.

The informant set up telephone intercepts and an undercover operative was brought into the inquiry. The female, Cathy, was placed in the witness protection program. She was placed in a safe house where Mitchell, the original assailant, was allowed to sight her. I will again quote from the report:

> I sent Cathy out in full view of them to play with her dog. It was cruel, but it had the desired effect. Mitchell upon sighting her hobbling around on crutches, was ecstatic and couldn't contain himself. Using the prompts given him in the operational script, Ben —

the undercover operative —

> challenged Mitchell by saying that it looked more like Cathy had been in a car accident. Mitchell gloated, openly declaring that he caused the assault to be carried out upon her. He also boasted that it was what Ben could expect to be done to the fictitious person, 'Alex' by his professional friends who would be armed with crowbars. Mitchell's confessions were audio recorded.

Unfortunately, disaster then struck the inquiry when internal information from the police inquiry was passed on to the offender Mitchell and he became aware that his phones were tapped and that he was under surveillance. The attack did not take place and telephone intercepts revealed that Mitchell had received legal advice and was now claiming to be suffering from depression and mental illness.

Mitchell was subsequently arrested and his premises were searched. Prior to that the suspect Wilson had been arrested and was charged with being an accessory before the fact to maliciously inflicting grievous bodily harm, possessing prohibited weapons, including shortened firearms, and supplying prohibited drugs. The wrecking bar used in the assault was seized.

There were some further leaks from the police inquiry because the informant received a telephone call on his unlisted number from a male reminding the informant how easy it would be to find him and damage him.

After his arrest, Wilson declined to participate in a line-up even when it was suggested in writing that all the participants wear identical balaclavas, gloves and clothing. His legal counsel, Mr Cara, also warned him not to participate in any form of identification procedure. The legal committal commenced and Mitchell accepted a paper committal in the local court prior to proceeding to trial in the Sydney District Court. A paper committal is the same as a committal in this state where the defence is served with a hand-up brief. At that stage Mitchell was in custody serving a sentence related to drug and firearm charges.

During the committal, Wilson — the actual assailant — threatened the informant several times and pantomimed cutting the informant's throat and stabbing him. That was brought to the magistrate's attention, but he failed to acknowledge it. The magistrate, obviously under some arrangement with the defendant, subjected the police to a tirade of demeaning comments, innuendo and gestures. Mr Murray, appearing for the Director of Public Prosecutions (DPP), protested but the protest had no effect.

On 16 September 1993, over the objections of Mr Murray, Magistrate Heagney allowed Wilson unconditional bail while in the middle of a committal proceeding. Alarmingly, he also directed Wilson not to supply the police with his place of abode. Due to the threat imposed upon witnesses, including the informant,

the Crown appealed to the New South Wales Supreme Court on 25 November 1993 and bail was revoked.

On 16 May 1994 Mitchell was about mid-way through his trial in the Sydney District Court when the jury heard the telephone interception tapes, specifically the call between Mitchell and his friend Paul Jaffe. The call clearly demonstrated Mitchell's culpability for the crime. Without notice Mitchell stood up in the dock and cried in a broad French accent, 'I'm guilty'. Although he was offered a substantially reduced sentence he declined to give evidence against Wilson. In a back-flip prior to being sentenced Mitchell dismissed his legal counsel and on application to the New South Wales Court of Criminal Appeal was granted a retrial on the grounds that he may have been mentally ill at the time of the offence.

Mr Cameron — What has this got to do with the bill?

Mr SAVAGE — It has a lot to do with the bill; it highlights the fact that the trial process has been flawed on many occasions both in Victoria and New South Wales.

Mr Cameron — It has nothing to do with the bill.

Mr SAVAGE — It has; it is a relevant statement on the fact that the process has been hijacked by members of the legal profession.

At the end of the Local Court committal proceedings on 2 August 1994, in spite of Wilson being taken back into custody by order of the New South Wales Supreme Court, the magistrate dismissed the assault charge against Wilson and awarded the sum of $56 000 in legal costs against the informant. He also ordered the exhibits, including the crowbar, balaclava and personal diary to be returned to Wilson forthwith.

Subsequently the DPP overrode the magistrate's ruling and filed an ex-officio indictment against Wilson in the Sydney District Court for assault. Wilson was again refused bail due to threats posed to witnesses. A subpoena was served on Wilson's solicitor, Mr Cara, to produce the balaclava, crowbar and personal diary. Mr Cara was indignant and said he had passed the property on to a friend of Wilson's who, by sheer coincidence, had that day gone to Sicily. Events were further compounded by Wilson escaping from prison after a serious assault on several prison officers.

The end result is that both men were convicted, but the trial could have been made simpler if a process such as that proposed in the bill had been utilised — that is, certain events would be listed, certain opportunities would be given to the DPP, the Crown would save money and the victim would be saved from the agony and heartache of going through a process totally stacked against him or her.

I commend the amendments before the house. They go a long way towards addressing some serious defects in the criminal justice system. The comments made by the Attorney-General in her second-reading speech sum up the problem:

> The government has been concerned for some time about unreasonable delays in the presentation of cases and the inefficient conduct of trials. Delays and inefficiencies in criminal trials restrict access to justice and cause hardship to victims ...

How can you argue against that. I note that the formal aspects of proceedings will be reduced, which will mean a more efficient use of legal aid funding. The changes are minimal and will effectively improve the culture of trials.

The other aspect of the bill that needs to be considered — other speakers have also mentioned this — concerns legal aid. I can recall a case involving some people who were arrested as they were leaving an armed robbery of a bank. They were caught virtually red-handed, yet they pleaded not guilty. Tens of thousands of dollars of legal aid funding was spent defending those people, who were I believe indefensible and who had no chance of acquittal. That is a waste of resources, and it should not have occurred.

The Criminal Bar Association has a vested interest in maintaining the status quo, and I do not know whether its input to the debate has a great deal of relevance. It is more important to look at the overall effect on the community and the victims. What matters to the community is not necessarily relevant to the Criminal Bar Association.

I am happy to endorse the bill.

Mr CARLI (Coburg) — It is not surprising that a number of members of the Scrutiny of Acts and Regulations Committee are speaking on the bill because the committee examined the human rights and justice issues for a long time. Members of the committee have a number of concerns about the bill, including the need to protect the innocent and the vulnerable members of our community. We do not want to see mistrials, but we want to ensure that innocent and vulnerable members of the community are protected.

The opposition supports the notion of a more efficient legal system. That is not the argument. The problem is

that the bill is a poor piece of legislation because although it will have the effect of protecting against mistrials it may involve an extraordinarily large amount of legal aid expenditure. That sort of money is not available at the moment. The Auditor-General's report on ministerial portfolio released today says that Victoria Legal Aid is in crisis because it cannot meet current demands, let alone the demands that will be placed on it by the changes put in place by the bill.

The bill changes pretrial procedures by introducing specific time lines. In Victorian trials people on charges are not always represented by lawyers, and if they are that representation can be provided late in the trial process, often just prior the trial. That is a serious problem when introducing definite time lines and imposing requirements. If an accused does not meet those requirements it may be detrimental to his or her case, because the judge may make certain inferences about the defendant's motives for not disclosing information before the trial. That is a serious concern. Vulnerable people must be protected at trial.

When the Scrutiny of Acts and Regulations Committee prepared its report on the right to silence a number of members of the committee went overseas to examine the changes made to the right to silence in the United Kingdom, where people now receive legal aid from the very moment they enter a police station. That is the only way vulnerable members of the community can be protected. The committee was presented with an enormous amount of evidence to show that some people are vulnerable if they are not provided with legal protection early on in the prosecution process, particularly when they are forced to meet definite time lines.

Clause 5 deals with the conduct of directions hearings. At a first directions hearing a court may require parties to give estimates of the time expected to be needed for the trial; the number, availability and location of witnesses; details of legal representation and legal funding; and the special requirements of the parties and their witnesses, such as interpreters. That is an onerous requirement if someone does not have legal representation because it may be that they give inadequate information.

Clause 7 is even worse. It forces the defendant to respond to the prosecution's pretrial opening and also to the notice of pretrial admissions. It is an onerous requirement on defendants to prepare and present that material. The worst part about it is that they will have to get it right, because if they do not get it right they may face a penalty or other ramification that may affect their ability to receive a fair trial.

As we know, some people may not have legal representation at those stages of the prosecution process. They may not necessarily be represented when responding to the prosecution's opening or at the pretrial hearing, yet they will still be expected to meet that requirement.

The crunch, which comes in clause 16, is the ability of the trial judge to comment on a departure from the information provided or a failure to provide that information. When a defendant has been granted legal aid before the trial but after the pretrial meetings, that person may be given legal advice indicating that he or she should have been given other advice or information. At trial the defendant will have to present the trial judge with reasons why he or she departed from the pretrial submissions. That puts into question the whole relationship between the client and the lawyer seeking to advise the client, a relationship that must be tested before the trial judge. That test is an onerous requirement and one that is difficult to meet.

The judge can, in cases of failure to present pretrial material or departure from pretrial material presented, make appropriate comment on the defendant's failure to comply. That comment must be relevant and not likely to produce a miscarriage of justice. The problem is, however, that once the judge makes a comment it is easy for the jury to infer certain conclusions. The Scrutiny of Acts and Regulations Committee is concerned about that, not so much because the judge might say things that will create a potential for appeal or a sense of miscarriage of justice, but rather because of the inference that results from the judge commenting on the departure. It is hard not to have a jury think badly of a defendant who has changed the information he or she provided at the initial meeting.

The Scrutiny of Acts and Regulations Committee is particularly concerned, as indicated by the honourable member for Gippsland South, that the only way this provision can possibly work is if a lawyer is provided — through legal aid where necessary — from the pretrial procedures onwards. When that does not happen people who do not have expertise in this area of the law are going to muck up their cases. The provision is onerous, because people will require a great deal of information in an area in which they are not skilled. Furthermore, the defendants most affected will be the least skilled and therefore the most vulnerable.

In its letter to the Attorney-General the committee says:

> The committee believes that the effect of this clause may diminish an accused person's rights at trial in circumstances where an adverse comment may be permitted by the trial

> judge when the relevant non-compliance or failure occurred at a time prior to the accused receiving legal advice ...

The letter goes on to discuss the problem of the inability to reconcile the information provided at trial with that requested and submitted at pretrial meetings. That will occur in many cases. We do not have a legal system that ensures everyone is represented. Furthermore, this area of law includes the potential for those people to lose their liberty. The provision raises questions about fundamental rights such as the right to avoid self-incrimination. If the legislation is passed there may well be cases where people incriminate themselves simply because they do not understand the procedures.

These are issues fundamental to any decent legal system. We in Victoria must now put a question mark over our ability to maintain a legal system that is fair to all and protects the vulnerable.

Despite the very good speech made by the honourable member for Gippsland South, the government has not explained so far in this debate how it can resolve the problem. The honourable member for Gippsland South suggested redirecting legal aid funds to ensure that defendants are legally represented in those procedures. I do not think that is likely to happen because Victoria, in the opinion of practitioners in the field and according to the Auditor-General's report, does not have the required legal aid resources. The resources are simply not available. We should not be even contemplating those changes in our criminal law system without the necessary safeguards to ensure that all Victorians accused of such crimes have access to legal representation. That is a basic demand.

The issue was covered comprehensively in the final report of the inquiry into the right to silence. It stressed the importance of legal aid and of access to legal representation by all.

In conclusion, the opposition opposes the bill not because it wants the system to be less efficient but because innocent, vulnerable people, people with a limited ability to understand the criminal justice system, might unwittingly incriminate themselves or suffer adverse comments being made about them by trial judges simply because they do not have access to the information they need to protect themselves.

We should not even contemplate this type of legislation in Victoria until we have ensured, at the very least, that we have a legal aid system that can provide protection for the most vulnerable in our community.

Ms GILLETT (Werribee) — It is with pleasure that I make some brief comments on the Crimes (Criminal Trials) Bill. The opposition opposes the bill. The honourable member for Niddrie has explained in detail why the opposition opposes the bill. In the brief time available to me I will concentrate on one area of the opposition's disagreement with the proposed legislation.

While I support a number of the arguments of the honourable member for Gippsland South, who is the chairman of the Scrutiny of Acts and Regulations Committee, of which I am a member, I disagree with him slightly on one area — that is, how it fits in with reference on the right to silence the committee received from the Attorney-General.

The committee received the reference in November 1997 and reported to Parliament in March 1999. The committee's first recommendation is:

> The committee recommends that no changes be made to the law relating to pretrial silence. In the committee's view, it should continue to be the law that no adverse inferences may be drawn from an accused person's failure to answer questions put to him or her by investigating officials such as the police. Legislation based on the provisions of the Criminal Justice and Public Order Act 1994 (UK) should not therefore be introduced in Victoria.

When the committee received its reference from the Attorney-General it was unaware that a review of the Crimes (Criminal Trials) Act was taking place. The committee discovered only late in the day that a review was being conducted through the Department of Justice by the Criminal Trials Consultative Committee. I am not a cynic, but I should have thought it would be critically important to tell the parliamentary committee that was investigating the right to silence that a review was also being carried out on the conduct of criminal trials. The two areas are inextricably linked.

Again I am not cynical, but one of the many things the committee discovered when conducting investigations for its reference on the right to silence was that along with the changes in the UK — which had taken place to a much lesser extent; nonetheless, a link was established — and in Ireland there was a joint move to tidy up the process of criminal trials, an understanding that that needed to be done and a perception that the right to silence impeded the criminal trials process progressing in an efficient and effective, yet just, manner.

When the committee examined the issues it found that Victoria had absolutely no problem with conviction rates. All the things which were alleged to have been going wrong or producing some difficulties and which

would lead to the making of amendments to right-to-silence provisions simply did not exist in Victoria. However, the committee identified some enormous problems associated with the overall efficient and effective running of criminal trials. It found other ways to deal with the problems, and they are contained in its second recommendation. It states:

> The committee recommends that legislation be introduced which would allow the prosecution to reopen its case in order to meet a defence which was not disclosed until after the close of the prosecution case, and which the prosecution could not reasonably have anticipated.

That is the sanction for a mischievous or devious misuse of the right to silence, either pretrial or at trial but mostly at trial.

The committee looked at other ways of dealing with the problems associated with the efficient running of criminal trials. It found that the changes to the right-to-silence provisions would have some serious unintended effects. The unintended consequences were explained to and observed by committee members in detail when they spoke to many eminent people in both London and Dublin. The committee's finding is contained at page 10 of the report. Paragraph 2.5.3 states:

> Allowing adverse inferences to be drawn from silence would open a Pandora's Box of issues.

Paragraph 2.5.4 states:

> Allowing adverse inferences to be drawn from silence would create an unacceptable risk of miscarriage of justice.

The opposition argues that the same changes the committee was asked to explore in its right-to-silence reference are being legislated for in the bill. The Attorney-General is shaking her head, but it is my contention, fear and concern that that will happen. Again, I say I am not a cynic, but it worries me that the committee was not told that a review of criminal trials procedures was taking place while it was reviewing the right-to-silence legislation.

The committee discovered, particularly when it was in London, that because changes had been made to the laws pertaining to the right to silence of persons who were detained at police stations, legal representation was made available to anybody who was accused at that stage. In its first year of operation the legislation was estimated to have involved the expenditure of about £30 million. When the committee was in the UK the legislation had been in operation for a number of years and the cost was running at £90 million. I suggest that if that were multiplied by three the figure would be far more than the Attorney-General suggests would ever be put into legal aid.

I contend there is potential for the same situation to arise in Victoria if the changes provided in the Crimes (Criminal Trials) Bill are put into place. The opposition contends that there is a way for criminal trials to be made more efficient and more effective, but it must involve the preservation of justice. A process cannot be made more efficient, simple and straightforward if justice is not preserved. That is what gave me some concern when I heard the honourable member for Mildura suggest that there was a category of accused persons who were not entitled to any level of representation. That may be terribly efficient, but it is neither just nor fair, and should never be contemplated.

The case the opposition makes against the bill is simple. Unless the government is prepared to demonstrate that in creating a more efficient and effective process it is also prepared to guarantee justice the opposition will not recommend the process to anybody.

Mrs WADE (Attorney-General) — I thank all honourable members who contributed to the debate. I found it interesting to listen to each of the contributions. However, as I listened to the honourable member for Niddrie I asked myself, 'Is he looking for justice or does he see the criminal justice system as a game?'. The honourable member for Niddrie, some other opposition members, and some passages that were quoted from the submission of the Criminal Bar Association seemed to demonstrate a view of the criminal justice system with which I cannot agree.

The honourable member for Niddrie said that a defendant should be entitled to use every weapon in the armoury in his or her defence. From listening to him it seemed that he believes there should be no change to the weapons currently available. He also said that as a result of the bill defendants would be put at a disadvantage. I suppose it is true that there will be circumstances, although I do not think they will occur frequently, in which a defendant could be disadvantaged as a result of the bill. However, that will not happen in such a way that it will not involve a fair trial.

I will illustrate by way of example the difference between the honourable member for Niddrie's approach and mine. I ask the house to imagine the following circumstances in a rape case. Fourteen days before the hearing the accused agrees with the prosecution that he had sexual relations with the complainant but disputes that there was a lack of consent. Prior to the accused's disclosure the

prosecution arranges for the taking of a DNA sample to prove sexual intercourse had taken place, and the sample of the accused's DNA matches the sample taken from the complainant. However, prior to the trial the forensic expert who analysed the accused's DNA sample dies and cannot give evidence.

I would say that the accused would suffer no injustice from having made the admission prior to trial, because that element of the case was not in dispute. However, if the accused had not made the admission prior to trial, he might have fortuitously escaped conviction. It seems the honourable member for Niddrie and possibly other opposition members would see that as a fortuitous weapon in the armoury of the defence.

The honourable member for Niddrie also said that I had wanted to abolish the right to silence and that when I was thwarted by the recommendations in the report of the Scrutiny of Acts and Regulations Committee that was tabled in March this year I decided to go about it in a surreptitious manner.

Mr Hulls — A backdoor manner.

Mrs WADE — He said I decided to abolish the right to silence through the bill, and the notion was taken up by other opposition members. That is plainly not so. I refer to recommendation 3 of the Scrutiny of Acts and Regulations Committee's report on the right to silence:

> The committee is concerned about the apparent ineffectiveness of the pretrial discovery and disclosure provisions currently operating in Victoria under the Crimes (Criminal Trials) Act 1993, and therefore supports the work being undertaken by the Department of Justice to make this legislation effective.

The Scrutiny of Acts and Regulations Committee was referring precisely to the bill. It is not about the right to silence; it is about pretrial disclosure. The bill does not alter the accused's right to silence.

I have no difficulty with the recommendations in the Scrutiny of Acts and Regulations Committee report. I had no preconceived view about the outcome of its inquiry, just as I had no preconceived view about the outcome of the inquiry into self-induced intoxication and criminal liability, the report on which was tabled this morning. There was much community discussion and media coverage about the terms of references of both inquiries prior to their being referred to the respective committees.

In those circumstances it is important that the government conduct informed inquiries; examine what is happening overseas; give members of the community, particularly those with expertise in the respective areas, the opportunity to put their cases to a parliamentary committee; and not have preconceived ideas about the outcomes. In both cases the committee inquiries were the subject of public debate, and in both cases the government has been given professional reports. It is unfortunate that a couple of members of the Scrutiny of Acts and Regulations Committee have demonstrated today that they do not understand the committee's recommendations.

I will briefly respond to some of the issues raised by honourable members. A number of opposition members, particularly the honourable member for Bendigo West, agreed about the need to narrow the issues in criminal trials but did not agree with some of the provisions of the bill, which I will now clarify. The bill does not require the defence to give copies of witness statements to the prosecution. The defence is also not required, until the close of the prosecution case, to provide the names of witnesses, although the prosecution is required to give that information in advance. The defence is required to identify the issues in dispute, which is the basis for the form of the opening summary only.

I also refer to the issue of legal aid. In its report on the legislation the Scrutiny of Acts and Regulations Committee says it has written to me about the problems that could be encountered by an accused person who is not legally represented at trial or who alternatively obtains legal representation only shortly before trial. I will make a couple of comments about the provision of legal aid. Firstly, despite what one reads in the press there has been no reduction in the number of accused persons assisted by Victoria Legal Aid in County Court criminal trials. If I remember correctly, there has been a slight increase in the number of accused persons assisted by legal aid in trials in that jurisdiction.

Victoria's Dietrich legislation — the only legislation in Australia that comes to grips with the Dietrich decision — gives a trial judge the power to order that legal aid be provided in circumstances in which an accused person is not legally represented if the judge feels the accused person cannot get a fair trial without legal representation. No other state has gone that far. For some time other states have been considering ways of dealing with the Dietrich decision, but the Victorian government went ahead and introduced legislation shortly after the decision was delivered.

That legislation has proved to be successful. The courts are not slow to order that the VLA provide legal aid where they feel it is necessary — even in circumstances in which Victoria Legal Aid has felt that accused

persons have been well able to afford legal representation. Even when Victoria Legal Aid believes judges' orders are overly generous, it ensures that accused persons who need representation at trial receive it.

Victoria Legal Aid has been involved in discussion about the bill. I understand it supports the bill and believes it will be possible to ensure that people are well aware of the need for legal representation before a matter comes to trial. If accused persons are not legally represented at the committal stage, they will be advised at that stage that they should apply for legal aid if they require it, and that advice will be repeated prior to the exchange of the required information before trial.

As I said, if at trial a person is not legally represented, the trial judge can order that legal representation be provided. Whether any comment is made will be a matter of judicial discretion. As I have said on many occasions in the house, I have a lot of trust in the good sense and professionalism of Victorian judges. I believe they are well able to ensure that justice will be done, as they have in the past.

House divided on motion:

Ayes, 53

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Dean, Dr	Perton, Mr
Dixon, Mr (*Teller*)	Peulich, Mrs
Doyle, Mr	Phillips, Mr
Elder, Mr	Plowman, Mr A. F.
Elliott, Mrs	Reynolds, Mr
Finn, Mr	Rowe, Mr
Gude, Mr	Ryan, Mr
Henderson, Mrs	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	Tehan, Mrs
Lupton, Mr	Thompson, Mr
McArthur, Mr	Traynor, Mr
McCall, Ms	Treasure, Mr
McGill, Mrs	Wade, Mrs
McGrath, Mr W. D.	Wells, Mr
McLellan, Mr	

Noes, 28

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
Cunningham, Mr	Micallef, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Pandazopoulos, Mr
Garbutt, Ms	Robinson, Mr (*Teller*)
Gillett, Ms	Seitz, Mr
Haermeyer, Mr	Thwaites, Mr

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

INTERACTIVE GAMING (PLAYER PROTECTION) BILL

Second reading

Debate resumed from 6 May; motion of Mr STOCKDALE (Treasurer).

Mr HULLS (Niddrie) — The opposition does not oppose the legislation and realises that Internet gaming is an unfortunate fact of life. It is a matter of achieving the right balance between people's freedom to bet and protecting them by having appropriate regulatory regimes in place to ensure that gaming is conducted appropriately.

I do not want to rake over old ground in relation to probity checks, the casino tender process and similar issues. It is the view of many honourable members that if there were a choice between bricks and mortar casinos and Internet casinos, and it was possible to get rid of Internet gambling, most would choose not to have Internet casinos.

Over a long period there have been arguments in the house and the community about how the gaming industry is conducted and regulated in this state. The opposition has consistently said — and it does not resile from the fact — that the government has not appropriately regulated the gaming industry in Victoria. The government has become a promoter rather than a regulator of the industry. The Premier has continually acted as a de facto director of Crown Casino, thereby abrogating his responsibility to the wider community to regulate gaming. The opposition does not believe Victoria has even the basic structures right to properly regulate the industry, so it may come as a surprise to some that the opposition is not opposing this bill which attempts to regulate Internet gaming.

We do so because we are realists. We understand that it is virtually impossible to ban gaming. I understand that honourable members can access gaming and casino sites on their computers in Parliament House, and even in this chamber! I understand the honourable member for Preston — and this is not linked to what I have just said — will be making a contribution to this debate and will no doubt advise the house of his first-hand experience in this area.

The bill has come about as a result of a report of the Working Party of State and Territory Gaming Regulatory Officials in May of 1997. As I understand it, at that time gaming regulators throughout the country decided there would be an explosion in gaming opportunities as a result of pay television. They thought that would be the growing area of interactive gaming, and as a result they decided to establish a working party to look at the best way to regulate that type of gambling. However, instead of an explosion of gambling on pay TV there has been an explosion of gambling on the Internet.

If one examines the draft national regulatory model that was produced as a result of this working party in 1997, one can understand why it was important to examine the area. The report states:

> The range of potential new products is limitless. Examples could include:
>
> > Internet casino gambling where players use their personal computer to remotely access a 'virtual' casino and bet on simulated card, dice and gaming machine games.

The report indicates that in 1997 a number of those were already in existence. It states that examples could also include:

> Networked computer games played competitively for money or prizes;
>
> interactive TV quiz and game shows where people at home bet on themselves or other contestants;
>
> any current gambling products offered on your TV or computer on a 'click here' to enter basis;
>
> telephone gambling using handset number buttons to bet interactively with a remote computer; and
>
> telephone raffles conducted using 0055 and 1900 numbers where part of the cost of the phone call is put towards the cost of the prize.

Honourable members interjecting.

Mr HULLS — I note the interjection of the honourable member for Gippsland South about 0055 numbers. He might be surprised to learn that those numbers can be used for gambling!

The report indicates that state-based gambling regulation has to date been successful in minimising the use of unlawful and unlicensed gambling products in three ways. Firstly, it has been successful by allowing for intervention at some point in the transaction between the player and the gaming service provider. Apart from telephone betting with TABs or bookmakers, the provider had previously required a particular location where money changed hands or players placed their bets.

Secondly, it has been successful by prohibiting the advertisement of unlicensed products in the mass media such as television and newspapers. Thirdly, the availability of marketable and properly regulated and licensed products has helped to make gambling regulation successful. These measures have resulted in the vast majority of gambling taxes being retained by the state in which the player is also resident.

It is important to get the balance right. Once we realise that it is impossible to stop gambling on the Internet it is important to put in place structures that will protect the consumer. Earlier I mentioned the honourable member for Preston. Although he may not be an expert in gambling, he is a computer whiz compared with some of the troglodytes on both sides of the house. The honourable member advised me that you can access casinos via the Internet. He was kind enough to show me how he accessed one particular venue where he says he provided my credit card number!

The honourable member tells me that the particular casino he has accessed is based in Ireland. I am advised the web site contains a statement that anyone betting with this particular casino need not worry because it has received a licence from, of all places, Ecuador! I have nothing against Ecuador, but I would rather, if I am betting via the Internet, be betting with a reputable organisation that is properly regulated.

I notice the honourable member for Doncaster, who appears to have become a spruiker for Crown Casino, saying that the casino ought to be Crown Casino. I would be interested to learn whether he is advocating that Crown Casino should have the monopoly on Internet gambling in Victoria when he makes his contribution. As the honourable member would be aware, Crown Casino has argued that because it has a monopoly licence to conduct a casino in Victoria it should also have a monopoly to run any casino on the Internet in Victoria.

I expect that we have not heard the last of this matter. I expect that once licences are advertised, organisations like Tabcorp and Tattersalls will put their hands up and apply for a licence to conduct Internet gambling in Victoria. I expect that Crown Casino, which has been known to be fairly litigious in the past, would take legal action to protect what it believes are its monopolistic rights to conduct a casino in this state.

Regardless of the issuing of licences by the Victorian Casino and Gaming Authority, whenever that may occur, this matter could well be before the courts. It will be a matter of waiting and seeing what happens.

If a person is going to bet on the Internet as a player that person is entitled to be confident of receiving any possible winnings. That person is also entitled to the assurance of protection of privacy after handing over information such as credit card details.

Generally people would be advised to bet at appropriately regulated sites where proper probity checks of the operators have been undertaken rather than betting on games on their home computer at a casino which emanates from some Mickey Mouse country in the South Pacific and which might not have an appropriate regulatory regime. The bill attempts to protect players who decide to bet on the Internet.

An excellent report written by Jan McMillen and Peter Grabosky of the Australian Institute of Criminology, which deals with problems associated with the industry and looks at what legislation should do to protect players, appeared in the June 1998 edition of *Trends and Issues in Crime and Criminal Justice*. The article makes it quite clear that anyone who has a personal computer and a modem has a personal casino at his or her fingertips. The article states:

> Today, anyone with a personal computer and a modem can access Internet gambling sites in Australia and around the world.

Victoria can have legislation in place to regulate gambling out of any venue within its boundaries, but the Internet does not respect borders or boundaries and that is why it is a very difficult area to regulate or apply a prohibition to.

The article continues:

> A quick Web search with any standard search engine using the term 'Internet gambling' will yield an abundance of gambling sites, through which one can play a variety of games such as blackjack, baccarat and roulette, as well as wager on the outcome of sporting contests and participate in lottery draws.

If honourable members, including the former Leader of the Opposition, wanted to log in their passwords I am sure they would be able to bet on the outcome of the next election; and I am sure they would get reasonable odds about the opposition's winning. If I were to give them advice I would say, 'Get on now!', because there should be no doubt that as we head closer to E-day the odds will shorten. The Minister for Planning and Local Government is nodding his head. Opposition members wish him well in his retirement following the election. We hope that he has a long and successful career gardening or doing whatever he decides to do after the election.

The article further states:

> In only a matter of months, with the advent of interactive television, the potential will exist for any Australian to have all these forms of gambling in their home.

The industry is already starting to explode and will be huge in the new century. Estimates of the potential market for online gambling services vary widely. The article continues:

> ... there is little doubt that it could entail billions of dollars annually by the turn of the century. Notwithstanding the current Asian economic crisis, there are tremendous profits which await those entrepreneurs who can meet the gambling demands of the emerging Asian middle class, whose own governments may discourage gambling on their own soil.

The article points out that similar markets exist in America and Europe.

There are well-known downsides to such an explosion in the industry. The number of problem gamblers will grow. As a result of being able to gamble on the Internet many will experience the normal problems associated with gambling addiction, and there could be an increase in the number of family break-ups. There is also a potential for corruption to find its way into the industry unless a proper regulatory regime is in place. In some cases people could be offered inducements to fix particular gambling operations. Internet gambling is not needed to encourage doubtful practices in gambling on sport. All honourable members have heard of recent instances of alleged bribes in relation to cricket matches.

Mr Maclellan interjected.

Mr HULLS — The minister talks about factional brawls. It is interesting to note that the Liberal Party is just about to have its round of preselections. Opposition members will watch developments with great interest.

The article from McMillen states that a gambling site on the other side of the world may or may not be

legitimate. I do not know whether the site referred to by the honourable member for Preston is a legitimate site, but unless the industry is properly regulated it will be a problem. Maybe little can be done to prevent a provider of online gambling services from taking a person's money, shutting down and failing to pay the winnings, although the bill endeavours to address that. People must supply their credit card details if they want to bet on the Internet. But once your credit details are floating around in space anyone — —

Mr Perton interjected.

Mr HULLS — The honourable member for Doncaster gets my point. He will undoubtedly show honourable members his expertise.

Mr Perton interjected.

Mr HULLS — Some of us have a life! If a person on the other side of the world obtains your credit card number, it will be difficult to ensure the privacy of the details if no regulatory regime is in place.

Mr Perton interjected.

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

Mr HULLS — After reading the 'Spy' column one would think he has already had it! At least that is something on which we both agree. A government can do several things about Internet gambling. One approach is to attempt to ban it outright. Some American states have attempted to do that, although the legislation has sunk into the abyss because of elections. Another approach is the laissez-faire approach — do nothing and allow open slather without any regulatory regime at all.

The more sensible approach is by regulation. I am always keen to give credit where it is due, and I acknowledge that the bill endeavours to properly regulate gambling on the Internet. The government and the opposition both agree that it cannot be banned. Because consumers should be protected, a stringent regulatory regime should be put in place.

I turn to the specifics of the bill, which set out the terms and conditions covering the granting of a licence to conduct interactive gaming. Clause 18 states:

> 1. The Authority may grant an application for an interactive gaming licence only if the Authority is satisfied that —
>
> (a) the applicant is a suitable person to hold an interactive gaming licence; and
>
> (b) the applicant, if a natural person, is over the age of 18 years; and
>
> (c) each associate of the applicant is a suitable person to be associated with a licensed provider's operations.

The sorts of things to be taken into account in deciding whether a person is a fit and proper person to hold a licence are then set out. Clause 19 states:

> 1. In deciding whether an applicant is a suitable person to hold an interactive gaming licence, the Authority may have regard to the following matters —
>
> (a) the applicant's character or business reputation;
>
> (b) the applicant's current financial position and financial background;
>
> (c) if the applicant is not a natural person, whether the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;
>
> (d) whether the applicant has, or is able to obtain, appropriate resources and appropriate services;
>
> (e) if the applicant has a business association with another entity —
>
> (i) the entity's character or business reputation; and
>
> (ii) the entity's current financial position and financial background;
>
> (f) anything else prescribed under the regulations.

Clause 20 deals with the suitability of associates. I have had problems in the past with the Casino Control Act. The guidelines to be followed in deciding whether someone is a fit and proper person to hold a licence attempt to mirror those in the act. The Casino Control Act takes into account only whether a person has a criminal record.

Mr Maclellan — What else should be taken into account?

Mr HULLS — The minister asks what else should be taken into account. A casino has the potential to wield enormous power both in Victoria and overseas. I am sure the minister has been to places such as Las Vegas, and I am sure he has met with regulators who have told him — as I was told — that people associated with political parties, such as party treasurers, cannot be associated with casinos because of the huge influence casinos can exert on governments. In New Jersey, for instance, it is illegal to be the treasurer of a political party and a director of a casino.

As the minister would know — I can see his mind ticking over — Uncle Ronny's position would be illegal in New Jersey.

Mr Maclellan interjected.

Mr HULLS — That is a typical answer by the minister, who says Uncle Ronny does not want to be in New Jersey. He doesn't need to be in New Jersey. He has everything he wants right here in Victoria. Whatever he wants he gets. He just goes to the begging hole and the minister and the government fill it up time and time again.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Niddrie should return to the bill.

Mr HULLS — Other things that should be taken into account include business practices. Just because a person has not broken the law, it does not mean he or she is necessarily a fit and proper person to run a casino.

An honourable member interjected.

Mr HULLS — The business practices of individuals are taken into account. If ongoing inquiries about a person's business practices are taking place his or her licence will be suspended pending the outcome of those inquiries. The fraud squad is still investigating associates of Crown Casino. Gleem Pty Ltd, of which Lloyd Williams is a director, is still being investigated by the fraud squad. If that happened in New Jersey in the United States, Mr Williams would have his licence suspended — indeed Mr Williams would be exiled from the casino and told he could return only when the inquiry had concluded. That does not happen here. Despite the fact that an inquiry may be taking place, the government is more than happy to increase the size of a casino or the number of gaming machines and tables.

The minister asked what else should be taken into account. Apart from a person's criminal record, his or her business practices will also be taken into account. I draw the matter to the attention of the minister because the bill mirrors the Casino Control Act.

Some specific measures have been put in place to regulate credit betting. The bill makes it clear that a person cannot bet on the Internet on credit, and the opposition welcomes that provision. The bill also makes it clear that people who are under the age of 18 years cannot bet on the Internet and procedures will be put in place to ensure that does not happen. Of course some people will get through the loop, just as some people get through the door at Crown Casino or other venues where there are gaming machines. The provisions at least attempt to prevent people who are under age and may be considered to be vulnerable from becoming involved in the industry. I understand regulations will be put in place to ensure that appropriate checks and balances prevent under-age people betting and personal identification will have to be provided before a person can become a registered player. I also understand proof of that identification will also need to be provided to ensure that under-age people will not be able to place bets.

Currently proof of identification is required to ensure that people cannot bet at their own casinos. For instance, it is illegal under the current legislation for Ron Walker, Lloyd Williams or Kerry Packer to bet at their own casinos. I understand Mr Packer's takeover of Crown Casino was approved today by the Victorian Casino and Gaming Authority, which would make it illegal for Mr Kerry Packer to bet at Crown Casino. He can place bets at the Sydney casino only until such time as he takes over that casino as well. That requirement needs to be in place in this bill. For instance, if Crown Casino were granted a licence to conduct Internet gaming, in the opposition's view it would not be appropriate for Mr Williams or anyone associated with the licence to bet at that Internet casino in the same way as it is not appropriate for Mr Williams or his associates to bet at the bricks and mortar casino in Melbourne. That is why it is important for an appropriate registration regime to be put in place. The opposition will monitor that regime to ensure that it is working properly and to ensure that people are not getting through the loop.

One aspect of the bill which is of concern to me and which I raised at the briefing given to me by the minister's officers is that there is no provision that requires appropriate warnings about the risks of gambling to be given to potential gamblers on the Internet. I was advised that that requirement could be included in regulations and that it could be taken into account before the government granted a licence.

The Community Support Fund attracts some $100 million a year, and the first call on that fund is to assist people who have gambling-related problems. Although the taxation regime under the legislation taxes casino operators at 50 per cent, no provisions refer to the Community Support Fund. Therefore, it would appear that taxation revenue goes directly into consolidated revenue. Unless I am mistaken that would mean that any funding to assist problem gamblers will come out of the Community Support Fund, which as I said rakes in about $100 million a year from gaming machine revenue. The minister needs to give an undertaking that appropriate funds will be put aside to assist people who have problems associated with Internet gambling. I would also like an assurance from the minister that people who access an Internet site will

be warned that in all likelihood they will lose if they gamble, because that is the fact. Those people should also be able to gain access to assistance for gambling-related problems, including G-Line services, via the Internet. People can gain access to that sort of material at gaming venues because it is readily available in hard copy.

Before any Internet gambling licence is granted it is imperative that operators understand that providing information to assist people with gambling-related problems will be a term and condition of their licences. I hope the Casino and Gaming Authority will take up that matter and ensure that no licence is granted until it occurs. It will then become a condition precedent to the granting of a licence.

To conclude those few brief remarks, the opposition does not oppose the legislation but will be monitoring it closely. The opposition understands the reality that the gambling genie is out of the bottle and that we must make it our servant rather than our master. The legislation before the house attempts to do that.

Mr RYAN (Gippsland South) — It is no accident that this legislation is called the Interactive Gaming (Player Protection) Bill. The name sets the scene, as highlighted by the honourable member for Niddrie in his contribution to the debate.

The bill is intended to protect persons who find it appropriate to gamble on the Internet. Personally, I do not see why anyone would want to gamble on the Internet, but be that as it may there are people who do. The legislation is designed to ensure that Victorians who wish to participate by providing gambling facilities on the Internet obtain licences pursuant to the provisions of the bill and that consequently people who participate as players are protected.

I wish to emphasise that the proposed legislation is not intended to enhance gaming or gambling or to encourage it. Rather it is intended to protect people who want to play those games using the Internet.

The bill conforms to national scheme legislation, and the honourable member for Niddrie has referred to the history and development of the draft national regulatory model issued in 1997. The ministers of the Australian states and territories were partners in that development process, and what we see before us is legislation generated from the draft model. It has been implemented in various forms in some other states already and is in operation in Queensland, the Northern Territory and the Australian Capital Territory. The intention now is to implement it in Victoria. That is not to suggest that the bill is a duplicate of any other. There are variations on the theme, but the fundamental aim is to have similar legislation operating Australia-wide.

The current assessment is that there are about 300 gambling sites on the Internet. The honourable member for Niddrie rightly claims that trying to ban players from participating in Internet gambling would be a fruitless endeavour. A better approach is to establish a regulatory regime to ensure that players are protected. That is fundamental to the bill.

The bill creates an accreditation scheme for those wishing to operate under licence from within Victoria. A computer service providing Internet gambling and advertising that service from within Victoria will need to be licensed pursuant to the legislation.

It is crucial to the intent of the bill that players will know that the Victorian Casino and Gaming Authority will have a supervisory role in this form of gaming. The authority has been extraordinarily successful in its role and is integral to the operation of the industry. It is a statutory entity standing between the operator and the government of the day that was sensibly established by the Labor government when it introduced the initial legislation to permit casinos in Victoria. I have often congratulated the Labor Party on introducing that structure, and I take the opportunity to do so again.

Mr Hamilton — Congratulations accepted.

Mr RYAN — I thank the honourable member for Morwell. I am confident that the authority will fulfil the role designated to it under the legislation.

The licence application provisions are set out in the legislation as detailed by the honourable member for Niddrie.

I take issue with the honourable member, however, on his concern over the notion of suitability. He provided us with a rather far-reaching description of what prevails in New Jersey and expressed concern that the bases for qualification or suitability to hold a licence are too narrow. In his view business interests and other matters separate from whether the applicant has been convicted of a crime should be considered. I am bemused by that, because clauses 18, 19 and 20, and particularly clause 18, set out the conditions for granting an application for a licence. Clause 18 states that the applicant must be a suitable person and, if a natural person, over the age of 18 years, and it stipulates that each associate of the applicant must be a suitable person to be associated with a licensed provider's operations.

Clause 19 outlines the suitability of an applicant to hold an interactive gaming licence. It specifies that in deciding whether an applicant is suitable to hold an interactive gaming licence the authority processing the application may have regard to the following matters:

The clause then lists the matters to which the authority may have regard. They are:

(a) the applicant's character or business reputation;

(b) the applicant's current financial position and financial background;

(c) if the applicant is not a natural person, whether the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;

(d) whether the applicant has, or is able to obtain, appropriate resources and appropriate services;

(e) if the applicant has a business association with another entity —

(i) the entity's character or business reputation; and

(ii) the entity's current financial position and financial background; and so on and so forth.

Clause 20 refers to the suitability of associates and reiterates the same concepts to apply to associates. The Minister for Gaming in the other place has once again kept ahead of all the piranha in the tank, including the honourable member for Niddrie, because he has incorporated into the legislation provisions of the very sort the honourable member said should be incorporated. The honourable member can therefore be satisfied that the bill accommodates that aspect of the concerns he has expressed.

I agree with the honourable member for Niddrie that the bill basically lifts the probity provisions from the Casino Control Act and translates them into this legislation in their entirety. That is a wise thing for the government to do, because the provisions have functioned satisfactorily with the other legislation and ought properly to be in this legislation.

Clause 10 sets out strict compliance provisions. Punitive provisions stipulate the cancellation of a licence if compliance is not appropriate. I concur that that is sensible, for all the reasons the honourable member for Niddrie espoused. The reality is that the government needs to be careful about such issues.

Clause 31 provides for extensive investigatory powers to be vested in the authority. The fact is that licence-holders have nowhere to hide. Any person wishing to apply for and operate a licence must ensure full compliance because of the wide investigatory powers.

Clause 36 prescribes an 85 per cent return to players, which is a laudable provision. I am not one to play the machines, but I think generally they provide a return that is as high as or higher than the return provided by other forms of gaming.

Clause 37 provides for a supervision charge. It is intended that the expenses incurred by the authority in administering the act are able to be recovered from the licence-holder. Clause 38 deals with the taxation regime and provides for licensed providers to pay, in this instance, 50 per cent of gaming revenue received. That is a high percentage, but by the same token the licence-holder in this instance does not have to establish the sorts of infrastructure that must be established with a physical casino. We are talking here about cyberspace and the Royal Magic Casino, which can be accessed from a laptop — even as close as another seat in this house. Playing at the Royal Magic Casino is just a question of hitting the keys; the infrastructure is not needed. Not to be outdone, the Treasurer has ensured that the taxpayer is the beneficiary of a percentage of the revenue to the extent prescribed by the taxation regime I have outlined.

A licence-holder is not allowed to provide credit to players. That provision, which is contained in clause 45, is also significant. Clause 11 prescribes that players must all register and that no person under the age of 18 years is permitted to play. One may ask how that is supposed to be regulated. Through the provisions of the bill the authority has the capacity to look at all aspects, including all the software and hardware, of a licence-holder to ensure that the provisions are not breached. A licence-holder will need to ensure that all persons register and that they are over 18 years of age.

The honourable member for Niddrie also talked about Crown Casino. Thank goodness he has left the chamber — with due respect — because he will only get excited if I start talking about Crown Casino. Suffice it to say that Crown Casino's current licence does not entitle it, as of right, to participate in what is intended to occur with this bill. If it wished to provide the services contemplated by the bill, like anybody else it would need to make application and be licensed under the legislation. I clarify that point.

It strikes me that people want to play different forms of games. Why anybody would want to play roulette is beyond me. I have always thought it is like taking wheat off a blind chook. I simply do not understand why people would want to play it. The honourable

member for Niddrie also expressed some concerns about problem gambling. His concerns are justifiable, because people should be concerned about that area. This government is second to none not only in Australia but I think globally in providing appropriate levels of assistance to those who suffer the curse of problem gambling. It has made an enormous funding commitment of literally tens of millions of dollars to problem gambling during the time it has been regulating the industry. I am certain that will continue.

I note the point made by the honourable member for Niddrie about the provision of warning signs to players who participate in gaming on the Internet. That suggestion bears a fair deal of consideration. It is a reasonable ask and something I would be happy to recommend to the minister. The end result is that if people are foolish enough to play with some unregistered enterprise out in the Cayman Islands, they pay their money and take their chances. The worry is that the winners may never get paid. The basic notion behind the legislation is that people who deal with Victorian-based entities when participating in interactive gaming will be safe in the knowledge that they will be protected by this forward-looking legislation.

Mr CARLI (Coburg) — The bill is an important piece of legislation as Parliament attempts to come to terms with the digital revolution and the Internet. It is remarkable that casinos can exist in cyberspace and that at this very moment members in this house could be sitting there with their laptops gambling at one of the virtual casinos.

The technology behind interactive gaming is incredible, but it also creates a number of problems. The problems that occur right through the Internet relate to its being disorganised, anarchic and constantly growing. People want to be reassured that the transactions they enter into are safe. Whether they are gambling or buying products they want to know that their transactions will be safe and that they will not be taken for fools by some sort of scam.

Legislation that seeks to regulate the industry and provide the reassurance of data protection by the creation of electronic signatures is important in the process of securing economic transactions on the Internet. In that sense it is an important piece of legislation for gaming and gambling. It provides for organisations that register in Victoria a level of guarantee or quality assurance that ensures that people in Victoria or anywhere else in the world who gamble on these sites have a level of protection and recourse in law. The legislation will not bring about some sort of scam or tax haven; it will regulate the operations of virtual casino operators or gaming casinos on the Internet.

It is important because there is no way they can be filtered out or eradicated. They exist on the Net, and in a sense honourable members have to make a decision about how as a Parliament they treat those casinos.

The step the bill takes as part of the national regulation scheme will ensure that consumers are protected. People can rest assured that they will be able to safely gamble on those sites — although why they would want to do so defies explanation. Gambling on the Net is becoming big business. The government wants a piece of the pie for state revenue, but equally it wants to ensure that the players are protected — and that is what the bill will do.

Clause 13 seeks to ensure that a player's identity must be authenticated by the licensed provider before he or she can play an approved game. That is becoming an increasingly important part of the protection given to gamblers, but it is still not foolproof. It is still possible for people to steal other people's credit cards or identities and gamble away their money. The system still has problems, not only with gambling but also with e-commerce. Governments are still grappling with ways of ensuring that transactions across the Net are safe and that consumers and providers, whether they be casinos or people selling products, can be assured that the right person is being charged.

The Victorian system still has technical problems, and there are certainly issues to be addressed in ensuring that the accreditation system is foolproof. Although it is not at the moment, one can only hope it will be in the future. Debate is continuing about the destinations of electronic signatures and how that will affect the future of e-commerce. The bill also provides for the accreditation of gaming providers and prescribes penalties for those who try to exploit players. The bill will be good legislation for those involved in Internet gambling.

There has been a great deal of debate in Australia about censorship on the Internet, including ways of filtering out pornography. There is federal legislation dealing with those issues, but as I said it is difficult to find the means of filtering out things on the Net. The solution may lie in further regulation or in the provision of filters at the consumer's end. The latter seems to be a much easier option than trying to regulate the Internet service at the provider level, including the data that is transmitted throughout Australia.

If Victoria does not have appropriate legislation, Internet gambling will simply go overseas to places where players will not be protected, where scams may be rife and where people who may appear to be winning will never receive their money. That has already occurred and examples of it are well documented.

The bill will ensure that the people who gamble on Victorian sites are protected if they deal with accredited casino providers, and they can rest assured that strong enforcement measures will apply to those who defy the rules. In that sense the bill is good for the players and good for the industry. If Internet gambling is to emerge in Australia as an international industry, Victoria can become a international player.

Although gambling is not important in the lives of many honourable members — and they would not want it to be — it is important to many Victorians and it generates significant revenue for the government. If it is to become an industry, let Victoria take its share of the revenue. This important bill enables the government to continue to regulate the Internet while giving people maximum access to Internet gambling as well as a maximum level of protection.

Mr PERTON (Doncaster) — The house may recall that when Parliament was debating the bills that enabled the introduction of a casino and the introduction of machines, I expressed major reservations, including the need for caution.

Mr Hamilton interjected.

Mr PERTON — The honourable member for Morwell, who was in the house at the time, shared the same reservations. On the other hand, the bill is right and appropriate because it deals with something that is unstoppable and uncontrollable.

Mr E. R. Smith — Gambling!

Mr PERTON — In particular, gambling on the Internet. As the honourable members for Niddrie and Coburg said, Victoria has been one of the leaders not only in dealing with the issues that arise from the introduction of the Internet to schools and society in general but also in sensible regulation that will enhance electronic commerce in the state. Many other jurisdictions are not sufficiently well equipped to debate those issues. I refer the house to a speech made by Baroness Thatcher in June 1998.

Mr Hamilton interjected.

Mr PERTON — I know the honourable member for Morwell is a little ageist and sexist, but in her speech at the World Congress on Information Technology Baroness Thatcher said:

> The role of government, seeing that [the Internet] can be used for good or bad, is to try to implement a proper legal framework in which the restraints we impose are clearly defined and justified on the grounds of public policy and [that] they can be put into practice effectively. Now that is easier said than done! First, there are uses of the Internet, which although offensive to many people, could not be made illegal because there's not sufficient reason for so doing. There are things which you and I would call immoral. We would like to bound them. There's not sufficient ground for us to make [them] illegal, because that would be a constraint on freedom.
>
> Second, as not all legislators are fully conversant with the Internet, their remedies are sometimes not directed to the specific misuse, but they tend to be of a wider, more general nature, not the specific fault which we wish to cut out. They cut out a whole class of things, and indeed make far too much illegal, which is wrong.
>
> And the third difficulty, if you are trying to legislate for information technology, is it is many years, some would say light years, ahead of the capacity of law-makers to comprehend and then address the problems.

That is not a problem in Victoria. It may be true of the honourable member for Niddrie, who I understand has not yet undergone his Internet training; but it is certainly not true of members like the honourable members for Preston and Keilor, who are sitting using their laptop computers. Indeed, as the debate has proceeded the honourable member for Preston has sent me a couple of emails directing me to more Internet gambling sites I can look at.

The Victorian Parliament is unique in being able to deal with those issues, because the government has put the technology in front of members of Parliament and encouraged them to use it. I doubt that it could be said of any other Parliament, not only in Australia but around the world, that its MPs can immediately pick up on issues in the chamber without having to wander off to libraries or bring in material in hard copy.

International and national comment on this bill is very favourable. In an article recently published in Sydney entitled 'Australia "high-tech gambling leader"', the United States gambling industry leader, Frank Fahrenkopf, who is the American Gaming Association chief executive, said Australia was at the forefront in Internet gambling. He said:

> I can clearly say that the eyes of the world are on Australia. The Internet has become such an important part of every country, of world commerce, and Australia is at the cutting edge and that's what everyone is going to be looking at.

That is even more strongly supported by Ms Lily Kwong, who is an analyst at the Deutsche Bank. She estimates that the current market in Internet gaming is about $500 million. I have seen a recent estimate of hers that puts it at being close to $7 billion within three years. In an article in the *Australian Financial Review* of 4 May Ms Kwong is reported as saying that Australia could be highly successful at capturing a share of the Internet gaming market:

> Brand name is important and Australia is in the forefront of gambling regulation. Being one of the first reputable countries to legalise Internet gambling will give Australia a window of opportunity before others catch up.
>
> There is huge potential from countries where gambling is illegal or where there is difficulty in physical access to a gambling product. We believe this covers the bulk of the Asian population, which has a high propensity to gamble.

A favourable comment on the legislation appeared in the *Australian Financial Review* of 6 May in an article by Stan Beer, who is a respected commentator in the area. The article indicated that the Victorian legislation is appropriate because it does not try to tell the gambler that it is illegal to gamble on the Internet; it does not try to do the impossible.

It tries to do what we have tried to do in all of our Internet regulation in Parliament — that is, provide underpinning regulation that gives the consumer protection if he or she deals with a Victorian company. If that is the case with electronic commerce in general, it is even more appropriate in Internet gambling. If Victoria is seen as a place where a person can have an honest bet and be sure that the game is not rigged against the gambler and that he or she will receive a payout at the appropriate time, people will go there to gamble.

The point made by the honourable member for Gippsland South is correct. One of the problems with the legislation is that it picks up the national scheme, which provides for a 50 per cent taxation rate on gambling revenue. I suspect that the ministerial committee that met on the issue was a bit like the honourable member for Niddrie — relatively inexperienced in the use of the Internet and electronic commerce. They probably got it wrong and Australia will have to revisit that taxation rate.

Australia has been a leader in the field. When I first looked at this issue a year and a half ago Lasseter's casino, which is located at www.lasseters.com.au, was already being advertised as the first government-regulated casino. It has an excellent site and an excellent reputation. Less reputable sites are based in various Caribbean island states and South American states.

Most people know that Australians are great gamblers; we will not tolerate a cheat's game. We have that reputation around the world and there is a great likelihood that if we get the regulation right, international gamblers will use Victorian and Australian Internet gambling. That can only be good in terms of revenue, taxation and our enhanced reputation.

Mr ROBINSON (Mitcham) — I am pleased to follow the honourable member for Doncaster and pick up on the remarks he made at the end of his contribution. It is pleasing to see that he is more at home with Internet gaming activities than he is with on-course racing activities at Warrnambool. I encountered the honourable member for Doncaster last year at the Warrnambool racetrack and he was imbibing. He was having a great deal of difficulty sorting out how in the one race — I think it was the grand annual steeplechase, with which the honourable member for Warrnambool is well acquainted — the horses could start in one direction and finish in another. Some of us thought about trying to explain that to him but decided it was a hopeless task. It is pleasing that a year later when discussing an issue associated with wagering the honourable member has been able to bring himself up to speed in a much more productive way.

I commence my contribution by stating that, like many honourable members on this side of the house and many Victorians, I am inclined to support any legislation that has Lloyd Williams squealing in protest; it is a reasonably safe starting point in debating any bill. I note that when the introduction of the bill was being commented on in the *Age* on 6 May, Mr Williams stated that the 50 per cent rate of taxation was extraordinary and he warned that it could force operators out of the market. The *Age* article states:

> A 50 per cent tax rate on revenues? So they (the government) are a joint venture partner.

Mr Williams declined to comment further but obviously was keen to preserve his company's monopoly position with the casino. That has not occurred in the legislation before the house with virtual gaming, and all honourable members are encouraged by that fact.

On a broader front, the area that is the subject of the debate continues to present a challenge to state sovereignty. The bill takes account of the problems in the United States of America, where various states have determined that they do not wish to allow any

expansion of gaming, Internet or otherwise, only to have people from outside that jurisdiction devise procedures that will cater for most people. Recent media reports refer to Kerry Packer's interest in the United States in designing Internet gaming arrangements to cater for disenfranchised US gamblers who will be able to gamble on the Internet although restricted from gambling in a real form at home. This demonstrates the point that the Internet presents state jurisdictions with a challenge in that their sovereignty, through the communications revolution, can be overtaken and constantly challenged.

I willingly admit that I am a punter, but I am concerned about the developing non-wagering products. In this respect I do not entirely disagree with Ross Wilson from Tabcorp, whose name has come to light on a number of occasions in this place. The distinction between the traditional gambling activities, which have largely been based around horseracing and the more contemporary forms of gaming, is that the gaming forms, the casino and poker machines, tend to involve less social interaction. Ross Wilson put that distinction well in a recent article in the *Age* where he contrasted the two activities. The article, dated 4 March, states:

> Gaming is based on a rapid series of punters' spontaneous decisions, so betting turnover can escalate rapidly within minutes. When the betting is managed through a credit card, the accounts credit limit can be reached quickly.
>
> On the one hand, wagering usually incorporates some study of track form or team history and individual betting events take place over longer periods.

He could also have added that traditional wagering on horses and greyhounds tends to involve more social activity than gaming and poker machine playing. Internet gaming is the pinnacle of anti-social wagers and gaming because it involves someone sitting at home in front of a computer terminal; it does not involve social intercourse with others. To dress it up as something akin to traditional forms of gambling would be a serious mistake.

The other issue is that the Internet encourages — and this should not be facilitated — providers of gaming services to distance themselves from the client who might be damaged by the activities. One can contrast that situation with the traditional bartender who will not serve a drink to a client because that person is obviously drunk. With the new virtual forms of gaming the provider will know nothing other than essential financial information about the client. The provider is divorced from the person using the service and is not in a position to make an assessment, as has traditionally been the case with some of the more contentious social issues, of whether a person should be steered in that direction. It is therefore good to promote codes that encourage the provision of icons that enable a person to request counselling assistance or access counselling information.

That is an aspect of the Internet, the communications revolution and virtual gaming that we all ought to bear in mind.

I hope in summing up the minister will address the following point of concern. I understand from the second-reading speech that the player protection arrangements will in part hinge on the registration of players with the provider. I understand it will be a two-step process: firstly, the provider must be registered with the gaming authority; and secondly, once the provider is registered it can register players. That is all well and good. The registration of players will be determined by regulations that are to be formulated at some time in the near future. That is also all well and good. I understand the registration of players with the provider will involve a system not unlike that which applies when a bank account is opened. Prospective players will be required to establish a certain number of points to prove the veracity of their applications. Again, that is fine.

However, and this is my key point, a system is needed that will require people who are to be registered as players to make conscious, positive and deliberate decisions to do so. I suspect commercial pressures will work in the opposite direction. For example, it is extremely likely that Tabcorp will wish to establish itself as a provider of the service in question as a natural progression of its involvement in the gaming and wagering industry. It would suit Tabcorp to have its tens of thousands of TAB phone account holders, who at some earlier stage have been through the 100 point process that will be necessary to establish identity, automatically become registered players. That would suit Tabcorp because there is a synergy there — it has a client base and if it believes there is a profit to be made in providing the service it would want to do everything it could to bring as many players as possible into the registration scheme as quickly as possible.

It is not a big point. However, the minister would do well to provide an assurance that as a prospective provider Tabcorp will not be seeking through some sleight of hand to require people to choose not to become registered. I hope that Tabcorp will be required to provide an opportunity for people to make a positive and deliberate decision to become registered players, otherwise they will find they have become registered players without choosing to do so and may be tempted to use a form of gaming that will automatically provide

them with a lower return than the conventional forms of wagering and gaming.

I am not opposed to the bill. It is a step in the right direction. The Internet and its various applications are developments that the community has to keep up with, whether it likes them or not. The bill in its present form deals with those developments in an adequate manner as a first step.

Mr LEIGHTON (Preston) — I should say at the outset that I have had some fun in researching the bill, and a few honourable members have been corrupted in the process. I will not name them, but they have visited me and pressed the spin button on my computer. I am trying to show just how scary the technology is. I am speaking about a bill on interactive gaming and betting online, and while I speak my notebook computer is logged into a casino and the roulette wheel is spinning. The good news is that at the moment I am $US3 in front, although I was down for a while. I was able to email across the chamber to the honourable member for Doncaster the Internet address for the casino so that he could view it as well. It is frightening that one can speak on a bill on interactive gaming at the same time as one is online to a gaming institution. I was not going to disclose the name of the casino on my screen, but the honourable member for Gippsland South peeked over my shoulder earlier and placed on the record the fact that it is the Royal Magic Casino.

It is about a year since I have looked at the site — it has been lying dormant among my bookmarks — but I did so in preparation for my contribution to the debate. I noticed that it now has more information than previously. It is possible to click a button that says, 'Why you can trust us', which I did, nervously. A fascinating point is that the company is registered in Dublin, Ireland, its administration is located in Luxembourg and it proudly boasts that it is operating under an official gaming licence granted by the government of Ecuador. Honourable members can feel comfortable that it has a gaming licence from Ecuador!

However, I have not quite worked out the Internet address — the URL — of the casino. It has no country in its Internet address, which suggests it is an American company, but I am not sure how that works. In fact, in the section under the heading 'Why you can trust us', it proudly boasts:

> More important is that we have been around as a company for three years, and fully operational online for a year and a half.

It says the odds of winning at the Royal Magic Casino are some of the best on the Net:

> Our payout percentage is about 98 per cent.

I love the Internet; I am a heavy user of it. However, there is no way I could be persuaded to send this crowd my credit card number. Likewise there is no way the casino can know whether I am over 18 and whether I have sent them my credit card number or the numbers of the honourable members for Niddrie or Morwell. Therefore, although I play the casino game for fun, some people play it for real in United States dollars. Playing it for fun I am $US3 up, but they are not getting my credit card and I am not betting in real United States dollars.

Although it is clear that interactive gambling is becoming a real growth area, the potential for e-trade or e-commerce on the Internet is yet to be realised. Another document I obtained on the Internet is entitled 'Internet World'. It asks, 'Is a pay-off coming?', and states:

> It's a risk that could pay off. The market research firm Datamonitor says $10 billion could be gambled online in the year 2002, most of it in the United States. While that's just a small piece of the current $600 billion global gambling industry, it's a big jump over the current $530 million being spent at online casinos around the world.

So it is obviously a growth area.

An examination of the various views about whether interactive gaming should be allowed on the Internet reveals opinions ranging from anarchy — those who adopt the laissez-faire approach and say that there should be open slather on the Internet and no regulation — to the school of thought in the United States that gambling on the Internet should be prohibited. Some United States jurisdictions have banned gambling on the Net. I read of one example of a United States agent betting online in Missouri under a false name. When the online casino accepted his bet and was located in Pasadena it was charged with violating Missouri law.

I do not believe that either of the alternatives I have mentioned is desirable. It is far better to attempt to regulate this area of the industry to assist and give some protection to the people who are inclined to take their chances by gambling online. The opposition joins the government in saying that it is a sensible and balanced approach.

In another example in one afternoon a woman lost $70 000 online via her credit card. When Visa and Mastercard sued her she counterclaimed seeking an injunction to prohibit them from giving people online access to their credit cards for betting purposes. That

sort of outcome is nonsense and is not desirable. It is better to pursue the path proposed in the bill.

I have been interested to see references both to territorial applications — so that the legislation extends outside Victoria — and to the liability of persons who operate computer servers. In a number of areas the reach of the Internet is yet to be tested in the courts, and while I do not support regulation generally there is a need to understand that the presence of something on the Internet does not mean it is beyond the reach of the law. If I called somebody a crook in this place and then emailed the document to that person in the United States I could potentially be sued for defamation. A number of issues concerning the publication by Parliament of parliamentary committee reports and *Hansard* interstate are yet to be resolved. I suspect the same thing could happen with gaming.

Earlier I referred to the Royal Magic Casino site. If I were to put a link on my home page to that casino I wonder whether I might be in breach of the proposed legislation. I wonder if Vicnet allows people to access that casino in Ireland-cum-Luxembourg-cum-Ecuador, and whether if people do so knowingly they could be committing an offence. While the government is doing the right thing by trying to regulate the industry to the extent of protecting players, I feel there is a need for it to provide some control of and regulatory measures over operators from outside Australia reaching into Victoria.

The bill is sensible and I have enjoyed speaking in support of it.

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I thank the honourable members for Niddrie, Gippsland South, Coburg, Doncaster, Preston and Mitcham for their contributions.

The Attorney-General, who sat through most of the debate, noted a number of points that were made by the honourable member for Niddrie. I assure the honourable member that they will be brought to the attention of the Minister for Gaming in another place, the Honourable Roger Hallam.

As was mentioned by all contributors to the debate, the bill covers new territory and attempts to provide safeguards for people who engage in gambling on the Internet. Ultimately it will be tested by the courts, as is all legislation. The testing process is one reason why amendments are proposed to various acts from time to time. I will not take up more time than is necessary because I know that one person who has had a leading role in and a lot of responsibility for the preparation of the bill, Sylvia, is going out to a birthday dinner tonight. I know she wants to get away on time and enjoy that celebration.

I wish the bill a speedy passage. The sooner it is passed the sooner it can be tested and be of benefit to Victoria by ensuring that relevant taxes generated by gambling flow into the state's revenue stream. More importantly it will put in place a regulatory process to safeguard individuals who pursue interactive gambling on the Internet.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Sitting suspended 6.26 p.m. until 8.04 p.m.

FOOD (AMENDMENT) BILL

Second reading

Debate resumed from 6 May; motion of Dr NAPTHINE (Minister for Youth and Community Services).

Mr THWAITES (Albert Park) — The Food (Amendment) Bill is yet another monument to the government's complete mismanagement of food regulation in Victoria. Every year for the past five years food regulation has been stuffed up. Members of the government should be embarrassed about the way food management and regulation has occurred under both the current and former Ministers for health.

In 1994 the opposition said the government was going down the wrong path; the opposition continues to say that, and yet the government continues making mistakes year after year. The bill is relatively short, but it represents a large government bungle; it is an example of gross mismanagement.

Mr Leigh interjected.

Mr THWAITES — The honourable member for Mordialloc — —

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Albert Park should ignore disorderly interjections, particularly from an honourable member who is out of his place.

Mr THWAITES — The honourable member for Mordialloc should be concerned because hundreds of small business people in his electorate will have to pay

higher fees to run their businesses because of the bungling of food regulation in Victoria. The fish and chip shop operator on the Nepean Highway will pay some $800 or $1000 in fees rather than the current $150. Average people residing in Mordialloc will pay more for their fish and chips because of those rising costs.

The legislation does not lead to the improvement of food safety in Victoria. Every year legislation is passed to fix up the mistakes of the past. Honourable members are tonight expected to pass a bill that deals with a provision in the principal act that is not as yet in effect. The government has bungled the provisions dealing with fish and chip shops so badly that they have to be fixed despite the fact that the fish and chip shops are not as yet required to comply with the principal legislation. I will go through the history of food mismanagement in Victoria.

In 1994 the government deregulated the food industry and allowed the food safety regulations to lapse. I can recall standing in this place saying that that was a mistake. As the head of the Food Safety Council, the honourable member for Swan Hill is largely responsible for the food mismanagement in Victoria. I remember that when he followed me in the 1994 debate he made a number of technical points but did not address the fundamental mistake of allowing the food regulations to lapse. Of course the government admitted to that mistake shortly thereafter when it had to come back to this place to change the Food Act and reintroduce the regulations to provide some sort of discipline in the food industry. At the same time the government used rate capping and compulsory tendering to force councils to sack food safety inspectors.

In 1996 and 1997 there were outbreaks of food poisoning across Victoria. They occurred largely as a result of the government's failure to manage food safety properly. In 1997 the government introduced yet more changes, but those changes brought with them a lot of red tape and bureaucracy that is now costing small business hundreds of dollars.

Mr Leigh interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! I ask the honourable member for Mordialloc — —

Mr Leigh interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! I ask the honourable member for Mordialloc to cease goading the honourable member for Albert Park. He does not need any encouragement. If the honourable member for Mordialloc wants to continue interjecting I ask him to move to his place.

Mr THWAITES — I thank you for your encouragement, Madam Acting Speaker. In 1997 the government introduced further legislation. At the time the industry said it would not work, and it has not worked. One of the reasons it did not work is that there was a lack of consultation. It is not only the opposition that makes that claim; the food industry, local government, the restaurant industry, food proprietors and other small businesses are making the same claims.

And what is most disappointing about this bill is that it is also being introduced without proper consultation. Yet again local government, the Restaurant and Caterers Association and small business are complaining about the lack of proper consultation.

A publication of the Municipal Association of Victoria issued in March states:

> There are two key issues for councils. The first emanates from the lack of consultation with local government on how best to achieve improved food safety outcomes ...

The MAV supports improved outcomes — we all support improved outcomes. The MAV wants proper consultation, and that should be provided. The publication also states:

> In this instance, councils' knowledge, experience and expertise could easily have been harnessed in the design and drafting of the amended legislation.

However, the councils and the food industry were ignored, and that is why we have the problem.

The second issue raised in the publication concerns:

> ... the continued denials from the state regarding legislated changes to the role, responsibilities and flow-on costs to councils.

Given the confusion surrounding past legislation it is amazing that the bill is being introduced without proper consultation. The government is even confused about the purpose of the bill.

Mr Finn interjected.

Mr THWAITES — The honourable member for Tullamarine says there is no confusion. I would like the honourable member to get to his feet and explain the purpose of the bill, because no-one else on the government side of the house appears to know it.

The Minister for Youth and Community Services, who was in the house during the second-reading speech,

claimed that the bill would have no effect other than to introduce a minor change to the legal liability of councils. Just a minor change in legal liability! The Minister for Health has written a letter to councils stating that they should lower their fees because the bill will result in a fundamental change in the amount of work councils have to do. What is the truth? No-one seems to know.

The government should explain to local government what the bill is about. Members of the government do not understand it themselves. They are totally confused. To become aware of that one need only talk to local government officers — —

Mr Finn interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! I ask the honourable member for Tullamarine to cease interjecting or return to his seat.

Mr THWAITES — Let us hear some of the ringing endorsements this legislation is getting from local government officers, the people who have to use it. One council says:

> As we all agree, by and large the intent of the new legislation is supported. However, the ad hockery of the legislation and the implementation strategies of the Department of Human Services have jeopardised the whole program and its credibility amongst local government and the food industry.

The letter goes on to say:

> The local government has received a letter from the Minister for Health — —

Mr Steggall interjected.

Mr THWAITES — The letter comes from Geelong. Greater Geelong City Council is hardly a Labor council, not a radical left-wing council. I might say, however, that I get this sort of thing from every single council in Victoria.

Mr Steggall interjected.

Mr THWAITES — You give me one single council that reckons it is doing all right. You cannot.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Albert Park knows full well that he should be directing his comments through the Chair rather than provoking a response from members of the government, which at this time of the day is very easy to do.

Mr THWAITES — The honourable member for Swan Hill should consult with local government officers and listen to what they say.

> Local government received a copy of a letter from the Minister for Health which alludes to the fact that local government has simply 'misunderstood' the intent of the act, despite this so-called misunderstanding being continually reinforced to us all by Food Services Victoria.

The Minister for Community Services and the Minister for Health hold different views from each other, and a contradiction also exists in the last two paragraphs of page 1 of the minister's letter. One paragraph implies that councils will be responsible for monitoring the adequacy of scope — as opposed to scope and performance — of food safety programs and the next paragraph states that food businesses will be responsible for ensuring the existence of an adequate food safety program.

Mr Steggall interjected.

Mr THWAITES — The document is dated 17 May. Councils are confused, and ministers are confused too — and the honourable member for Sunshine is confused about which side of the house he is on. He knows that all the fish-and-chip shop operators in Sunshine are upset about this legislation, as are operators throughout Victoria. The Restaurant and Caterers Association — —

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Malvern is very loud, very disorderly and very much out of his place. I ask him to comply with standing orders.

Mr THWAITES — Again we repeat the mistakes of the past. Legislation is being introduced without proper consultation or preparation.

I am keen to hear from the honourable member for Swan Hill what the legislation does. At a meeting held just prior to the introduction of the legislation he let the cat out of the bag by claiming that it provided for a substantial reduction in work for local government. That is not what council officers believe. On the contrary, they have legal advice to the effect that the legislation will make for no reduction at all in the workload of councils.

The bill removes two or three lines from section 19C(3) that provide that local government is required to be satisfied as to the adequacy of a food safety program before registering food premises. Presumably that is how the government intends to reduce local

government workloads. However, other provisions that remain in the act — namely, sections 38A and 39 — are also relevant. Under section 38A an application for any registration of premises must be accompanied by a food safety program. Section 39 provides that before a council can register premises it must be satisfied that the food safety program complies with all the provisions of the act.

In addition, section 19D provides that:

> A food safety program for a food premises or a food vehicle is a written document that —
>
> (a) systematically identifies and analyses the potential hazards involved in the activity ...
>
> (b) identifies where, in each operation involved in the activity, each hazard can be controlled ...
>
> (c) provides for the systematic supervision and monitoring of the controls; and
>
> (d) specifies how a hazard that is found not to be under control is to be brought under control; and
>
> (e) provides for the making and keeping of appropriate records ...
>
> (f) provides —
>
> (i) for the training, within specified times, of all staff ...
>
> (g) provides appropriate arrangements for the recall of food ...

In other words, before it registers food premises a council must be satisfied that every one of the provisions is complied with. That will require each council to ensure that its food safety program is adequate by testing each food premises against the various criteria in section 19D of the principal act. Councils will require more staff to perform that function. I say that not simply on the basis of my own legal opinion, but on the legal opinion of probably the most expert lawyers in local government in Victoria — Maddock, Lonie and Chisholm.

Mr Steggall interjected.

Mr THWAITES — The honourable member for Swan Hill laughs. Is he questioning the expertise of Maddock, Lonie and Chisholm?

Mr Steggall interjected.

Mr THWAITES — No. If the honourable member for Swan Hill is so impressed he would be interested in hearing their legal advice. Maddock, Lonie and Chisholm say that it is clear that a council's duties will be no less than they are now, and that:

> The potential change to council's role and responsibilities becomes an issue for consideration — the proposed subsection for repeal currently requires councils to be satisfied that the food safety program is adequate.
>
> However, section 39 of the Food Act will continue to apply, whereby a council must be satisfied that all relevant requirements of the act are being complied with when renewing or transferring a registration. This includes the requirement that a proprietor of a declared premises must have a food safety program in place. Although not mentioned in this section, it is clear that the act requires any program to be 'adequate'.

Maddock, Lonie and Chisholm say that the work to be done by a council will be the same and that it will still have to be satisfied that its program is adequate. Councils cannot be satisfied that section 19D is complied with without going through a detailed process and being satisfied that their food safety programs adequately comply with every one of the detailed requirements of section 19D.

The requirements are onerous. For example, a council will have to be satisfied after viewing and analysing the full program that the program identifies every hazard that can be controlled in each operation involved. The council will have to analyse whether the food safety program for a fish and chip shop or a restaurant has satisfactorily identified every hazard that can be controlled and how the hazard has been controlled. The council officer will have to be satisfied that the food safety program specifies how a hazard found to be not under control is to be brought under control. That will require work. The council will have to be satisfied that the program specifically provides for the training of individual staff.

Mr Doyle interjected.

Mr THWAITES — The honourable member for Malvern interjects and asks whether I agree, but I am not sure with what.

Mr Doyle — That the onus — —

Mr THWAITES — Do I agree that the onus will be on the proprietor?

Mr Doyle — Should be.

Mr THWAITES — Of course it should be, and it will be. The proprietor will have the onus, but so will the council. According to the advice of Maddock, Lonie and Chisholm, the council will have the full onus.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The Chair is finding it difficult to follow what

the honourable member is saying. Honourable members may not be aware of the volume of their constant interjections, all of which are disorderly because all three of the members who are interjecting are out of their places. I ask them to comply with the standing orders that I have brought to their attention on a number of occasions.

Mr THWAITES — The key is that councils will still have to go through their food safety programs in detail to check that they adequately comply with every part of section 19D. As Maddock, Lonie and Chisholm have said, that will entail councils ensuring their programs are adequate. The only change to that may be that the removal of subsection (3) of section 19C may merely postpone a council's approval responsibility until a renewal or transfer of registration. In other words, the only change that may occur is that the council will do all of the work at the time of re-registration rather than at the time of the lodging of the food permit.

The honourable member for Malvern shakes his head. The fact that the honourable member for Malvern disagrees with the most expert solicitors in local government on this issue is a matter of concern. If he had consulted the expert solicitors perhaps he would have got the legislation right. But the government did not do that. There has been no consultation.

Mr Doyle interjected.

Mr THWAITES — The honourable member for Malvern now states that the difference is between the words 'must' and 'may'.

Mr Doyle interjected.

Mr THWAITES — Okay. Presumably the honourable member for Malvern is saying that a council may consider the matters, rather than being required to do so. Unfortunately the honourable member for Malvern has not read the section 39 of the act, which states that the registering authority, the council, must be satisfied that all the relevant requirements of the act have been complied with. In other words, a council must be satisfied that section 19D of the Food Act has been complied with — that is, that every one of the items in paragraphs (a) to (g) have been complied with.

An honourable member interjected.

Mr THWAITES — Which bit?

The ACTING SPEAKER (Mrs Peulich) — Order!

Mr THWAITES — I am doing my best, Madam Acting Speaker.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Malvern is testing the patience of the Chair. If he wishes to speak on the bill, I ask him to stand in his place on the conclusion of the contribution of the honourable member for Albert Park.

Mr Doyle interjected.

Mr THWAITES — I am trying to help the honourable member for Malvern. He is obviously looking for some free legal advice.

The ACTING SPEAKER (Mrs Peulich) — Order! I would like the honourable member for Albert Park to assist the Chair, too.

Mr THWAITES — I am trying to help the government with my contribution because it obviously needs a bit of legal advice. It has introduced legislation to effect what is I think the fourth change to the Food Act in the past few years. It is yet another admission of defeat by the government and an admission that it got it wrong. Every year there is a repeat performance. The government's performance on food regulation is like a bad spring roll — it keeps repeating on you. Year after year the government makes changes and year after year it is told that it should consult if it wants to get it right — but it keeps getting it wrong.

The honourable member for Malvern should perhaps consult Maddock, Lonie and Chisholm and the Australian Institute of Environmental Health officers to ensure that he gets it right. They both say that that has not occurred in this case and that the government has got it wrong again. Maddock, Lonie and Chisholm further state:

> It seems clear that if the bill becomes law, the government intends that there will be greater scope for councils to focus on the elements of the food safety program as set out in section 19D(a) to (g). The focus will be to determine the extent to which the program is 'adequate' ...

The very point the firm makes is that the focus should be on meeting the requirements of the act rather than grappling with the relatively nebulous concept — —

Mr Doyle — On a point of order, Madam Acting Speaker, I make an offer in what I hope is a spirit of cooperation. If the honourable member is prepared to provide the house with the advice from Maddock,

Lonie and Chisholm, the government is prepared to consider the arguments made in it.

It is a little difficult to respond on the run to selective quotes from a letter without having access to the letter in its entirety. I recognise there is no necessity for the honourable member to provide it, but — —

The ACTING SPEAKER (Mrs Peulich) — Order! I have heard enough: there is no point of order. Is the honourable member for Albert Park prepared to make the document available to the house?

Mr THWAITES — I will get advice as to whether the Maddock, Lonie and Chisholm opinion ought to be released. I find it incredible that the government is introducing the bill without getting that advice.

Mr Leigh — On a point of order, Madam Acting Speaker, the honourable member for Malvern made a request that the honourable member for Albert Park make the material available to the house. In view of the fact that he is quoting from it, I also ask the honourable member to make the material in his possession available to the house. He has said he will take advice. When an honourable member asks for quoted material to be made available to the house — as the opposition often does of the government — that material is made available. The honourable member does not require advice; he should simply make the material available.

Mr THWAITES — On the point of order, Madam Acting Speaker, I am speaking from my notes, which I am entitled to do, although that is not what the point of order is about. A request has been made, and I will do my best to satisfy it. Obviously you lot have not done your own consultation, you have not been anywhere!

The ACTING SPEAKER (Mrs Peulich) — Order! It was certainly the Chair's impression that the honourable member for Albert Park was quoting from a letter.

Mr THWAITES — That was an earlier letter. I said I was reading from a letter, and I am happy to make that available. I am now talking about my notes.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Albert Park was quoting from an earlier letter, and he is happy to make that available to the house. He claims the subsequent material to which he is referring is his own notes, and I accept that at this point in time.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Albert Park!

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Albert Park will sit down! That is unruly and unacceptable behaviour. I will not tolerate any honourable member, whether of the government or the opposition, deliberately flouting the directions of the Chair. If the honourable member for Albert Park will not comply, I will be forced to call the next speaker.

Mr THWAITES — Thank you, Madam Acting Speaker. I would be pleased if the Minister for Transport refrained from making the sort of rude interjections which — —

Mr Cooper interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! The minister has been goading, and the honourable member for Albert Park does not need any further encouragement. I remind all honourable members of the wider audience that is present, and I ask them to comply with the standing orders. The honourable member for Albert Park has been asked to make the first letter available to the house. I now ask him to continue.

Mr THWAITES — Madam Acting Speaker, the concern I have about the bill — —

Mr Steggall interjected.

Mr THWAITES — You have got a problem, have you?

Mr Steggall interjected.

Mr THWAITES — Have you finished? Have you got a problem? Are you just going to keep ignoring the Chair?

Madam Acting Speaker, local government faces the problem of having to pay for the cost of the new regulation. Local councils have estimated that in some cases it will cost hundreds of dollars per application.

Mr Leigh — On a point of order, Madam Acting Speaker, it is clear that the honourable member for Albert Park has either letters in his possession or the most comprehensive set of notes ever seen in a second-reading debate. I ask you to seek an assurance from him that he does not possess the letters, because in my opinion he has the letters there.

Mr THWAITES — Come and see for yourself.

Mr Leigh — You are hiding them underneath.

The ACTING SPEAKER (Mrs Peulich) — Order! I have heard enough on the point of order, on which I have already ruled. I am monitoring the honourable member for Albert Park, and at the moment the Chair is convinced that he is referring to notes. There is no point of order.

Mr THWAITES — Thank you, Madam Acting Speaker. For the edification of the honourable member for Mordialloc, I will point out the extra costs businesses in his electorate will have to pay. Last year the registration fee for a food licence in the City of Kingston was $120. This year a food business will have to pay $345, which represents an increase of more than 100 per cent. The honourable member for Mordialloc ought to be concerned at the extra costs being forced on small business as a result of the bungled legislation.

The extra costs that businesses are having to pay can be seen throughout the length and breadth of the state. In Banyule, for example, last year the fee was $150 and this year it will be $270; in Bayside the fee has increased from $110 to $240; in Casey the fee has increased from $127 to $400; in Darebin the fee has increased from $115 to $320. In Greater Dandenong the fee has increased from $180 to $630; in Frankston it has increased from $110 to $300; in Geelong, it has increased from $110 to $273; and in Glen Eira the fee has increased from $120 to $438.

In Hobsons Bay the fee has increased from $100 to $280; in Hume it has increased only marginally — one of the few — from $132 to $150; but in Knox the fee has increased from $110 to $267, and that will increase to $367 next year. In Kingston, as I said, the fee has increased from $120 to $345; in La Trobe it has increased from $180 to $320; in Maroondah it has increased to $113 plus $25 for every hour spent on approving the food safety program; and in Melbourne, which the honourable member for Swan Hill asked me about, the fee has increased from $150 to $284. In Monash the fee has increased from $165 to $247; in Moreland it has increased from $105 to $325; in Nillumbik it has increased from $120 to $420; in Port Phillip the fee has increased from $120 to $400; in Whittlesea it has increased from $145 to $400; and in Yarra the fee has increased from $131 to $281.

You will see from that, Madam Acting Speaker, that there has been a massive increase in the fees that councils have been forced to charge as a result of the bungling of the legislation. It is not easy for businesses to cope with those added fees at a time when they are facing other fee rises and paying already high taxes. However, the problem for small businesses is even greater. Not only are they having to pay the extra fees, on top of that they will have to pay the costs of private auditors — and they will charge unknown amounts. It is predicted that in some cases the fees may range up to $2000. The City of Casey has said it is expecting to see evidence of some angst among proprietors who will have to pay the additional registration fees as well as the costs associated with auditing food safety plans.

Although accurate figures of those additional expenses are unknown, it is possible that the overall cost for high-risk premises could be $2000 per year.

Small business is being asked to pay $2000 a year because of the bungling of the food regulation system. It would be preferable if the system were streamlined. It could be done relatively easily by councils having the dual roles of auditing and checking the plans. I understand that some costs would be incurred, but they would be much less than the costs which will be incurred as a result of two levels of bureaucracy. Food businesses will face the costs of a private auditor and a food registration fee. That is contrary to the interests of small businesses and it will not improve food safety.

In introducing the 1997 legislation the government set compliance dates for various premises: class A premises, 31 March 1999; and class B premises, which incorporate most small takeaway shops, 30 September. Most class A premises did not meet the compliance date. Child-care centres, nursing homes and other class A bodies have expressed concerns about the legislation. The Child Care Centres Association of Victoria has said many centres have not complied with the bill because of the unnecessary costs to an industry that is already over-regulated. The CCCAV indicated that only 30 per cent of its members had complied with the 31 March compliance date.

The same concern has been expressed by the Victorian Private Child Care Association. It acknowledges that, although the intent of the 1997 legislation is appropriate and there is support for it, the way it has been implemented is causing major problems. The VPCCA contends that long-day centres face high costs in complying with the legislation, and also notes that the costs do not affect the entire child-care industry. For example, family day care, which covers much of the child-care industry, is not covered by class A.

The figures I quoted earlier regarding the high costs for councils are certainly a concern across Melbourne, but the problem is not limited to Melbourne. The

honourable member for Swan Hill indicated that some councils are satisfied with the legislation. I have not seen any indication that any councils are satisfied with it. The representative bodies have raised concerns — that is, the Municipal Association of Victoria and the Victorian Local Government Association.

Throughout country Victoria prices have increased as a result of the legislation. The Bass Coast Shire, for example, has reset its fees, and food registration fees will increase significantly in 2000 as a result of the legislation. The Bass Coast Shire Council has indicated that fees for class A premises will increase from the current $100 in 1998 to $130 in 2000, plus the cost of the assessment of a food safety plan at $480. Fees for class B premises will increase to $130 plus a $430 assessment fee. Other country councils have foreshadowed similar increases: Campaspe Shire Council, approximately 50 per cent; Central Goldfields Shire, 40 per cent increase; Corangamite Shire, a 20 to 30 per cent increase; Delatite Shire, well over 100 per cent; and East Gippsland Shire fees, approximately 220 per cent. Right across Victoria large fee increases will result from the bungled legislation.

The Minister for Health wrote to councils on 14 May informing them of the bill's introduction and stating:

> I understand that many of you have been concerned that the amended legislation has placed a greater burden on local government. I further understand that, in some cases, you have received advice suggesting the legal liability of council has increased because the manner in which you will be required to carry out your work has significantly altered.
>
> This perceived shift in the responsibilities of local government in administering the Food Act was not government's intention and I regret this interpretation has become widespread. I am advised by key stakeholder groups, and several of your number, that much of the perception of increased work demands stems from section 19C(3) of the act which states that a council may not issue a registration without being satisfied that an adequate food safety program exists.
>
> Adequacy of a food safety program may be interpreted as both adequacy in scope and adequacy in performance. It is impractical and inappropriate that local government be held responsible for adequacy of performance over which local government has no control to influence or monitor on a daily basis. In order to clarify this confusion, the government has decided that section 19C(3) will be repealed and has introduced an amendment bill during the autumn session that facilitates this correction.

That is the nub of the problem. The minister has said the change will ensure that councils deal only with the scope of the plan and not the accuracy of performance. That is my understanding of the situation.

Mr Steggall interjected.

Mr THWAITES — I will come to the other point, but as I understand the minister's interpretation of the legislation, which may be different from the interpretation of the honourable member for Swan Hill, councils will have responsibility only for the scope of the plan and not the adequacy of performance. That is what it says, and I agree with the minister in that regard.

Mr Steggall interjected.

Mr THWAITES — Councils believe the legislation is exactly as the minister stated — that is, they believe their job is to ensure the adequacy of the scope of the plan; they do not believe they must guarantee the daily performance of the plan. In having to ensure the adequacy of the scope of the plan, councils must do an extraordinary amount of work not previously undertaken, and councils have done their best to calculate the cost of that work. The government supports the concept of user pays, so it is reasonable for councils to adopt the user-pays principle in setting fees for food regulation. Councils have applied the cost of the work to arrive at the fees.

I have a copy of the report of the City of Whittlesea on this matter. It states that the amendments will result in an increase in staff to adequately handle the increased workload:

> The staffing mixture will be such that increased costs are kept to a minimum. However, the changed requirements will result in an increase of 2.4 EFT plus a student environmental health officer.

That is just one council. The City of Casey has also carried out calculations to determine the costs for that city. As a result, the city has significantly increased the charges that food premises will have to pay.

I have consulted considerably. Municipalities do not believe the bill will result in any diminution in the amount of work they will have to do, nor in their fees. The proposed legislation will not reduce the fees that small businesses have to pay now. In fact, in some cases, because of the confusion that has been created as a result of this whole shemozzle, it may well be that fees will increase if these user-pays principles are applied.

Council officers now are spending half of their time attending meetings about the meaning of the Food Act. They are running around trying to determine the meaning of the act and the implications for councils. The fact that there seems to be disagreement between the Minister for Youth and Community Services, the Minister for Health, the parliamentary secretary and the

honourable member for Swan Hill about the intent of the bill demonstrates how confusing it is.

The Casey City Council has made an analysis of the workloads that will be incurred:

> Estimates prepared by the professional organisation of environmental health — the Australian Institute of Environmental Health (Victorian division) — indicate that attending to the demands of the act for class A premises will require from 21.5 to 24.5 hours of officer time annually, class B premises — 19.5 to 22.5 hours, whilst the lower risk premises — C and D — are estimated to expend from 13.25 to 14.25 hours.

It is clear that the increased time for councils of around 13 to 20 hours have to be paid for by someone. They can either be paid for by the ratepayers or they can be paid for on a user-pays basis. The Casey council, like almost all councils, has determined that it ought to be paid for on a user-pays basis. The council states:

> At the present time the provision of premises, registration and food surveillance is cost neutral to council ... Council's cost for each registered premise in the class A and B category are expected to be $400 in 1999 (i.e. 20 hours of officer time at $20 per hour).

The council went on in its report to say:

> It is expected that there will be some angst amongst proprietors who will face additional registration fees as well as the costs associated with food safety plans and auditing, whilst accurate figures of these additional expenses are unknown, it is possible at premises where the risks are high that the overall costs could be $2000 per year.

That means a business in Colac or Glen Waverley, or wherever else, could end up paying around $2000 in fees that it does not have to pay currently. That is an imposition that businesses cannot afford.

The honourable member for Swan Hill has raised the question that there seems to be a difference between the words 'may' and 'must'. I am not sure which clause he is referring to, but I have some knowledge and experience as a lawyer. Where the word 'may' is used in statutes, there is not a complete discretion of councils or other bodies to comply with that. It is generally regarded as directory. It is regarded as a requirement on councils.

So unless the honourable member wants to indicate to which provision he is referring, although I cannot understand that that is relevant, even if there was a dichotomy between 'may' and 'must', that would have no real effect on the councils involved.

The bottom line is that councils are saying that this legislation won't change anything. The Australian Institute of Environmental Health is saying it will not change anything. It will not improve the situation at all. All it will do is lead to more confusion, and the best thing the government can do now is to withdraw the bill, to stop before any more mistakes are made, and to undertake the necessary consultation.

If that is done the government might get it right. That is exactly what the Municipal Association of Victoria said in its *Local Government News* of March this year, where under the heading, 'Food safety — a failed recipe' it states:

> A lack of consultation and the state government's refusal to acknowledge increased responsibilities and greater costs for local government have marred the introduction of the Food (Amendment) Act 1997.

The same applies to the bill, where councils are concerned that the measure is being introduced without any proper consultation.

A week or so ago I spoke with the president and executive officer of the Restaurant and Catering Association of Victoria. They both indicated that there was confusion about the way in which the bill was being introduced, and that it had no real support from industry. It seems that the government has now lost the confidence of the food industry with this bill. The government is moving from one ad hoc legislative change to another, and the result is not only confusion but also added costs.

The other factor that is of concern is the way in which compulsory competitive tendering is operating in local councils, particularly with environmental health programs. Councils will need every ounce of expertise they can gather if they are to implement this legislation properly. Unfortunately, the way compulsory competitive tendering works, many of the councils have lost their best and most experienced environmental health officers, which means they are unable to provide the expert advice, in some cases, that will be needed to cope with this difficult measure.

The proposed legislation will require expertise not only in understanding it, but also in ensuring that those provisions in section 19D are complied with. The provisions are very detailed. If the council is to comply with its obligations under the act to ensure that section 19D is complied with, they will need to have expert environmental health officers doing that work.

I acknowledge that most of the environmental health officers around the state do a magnificent job, but they are understaffed. Many councils have reduced the number of environmental health officers by up to 40 per

cent. So it is not surprising that they have difficulty in performing their tasks.

When it comes down to it, this whole debate ought to be about one thing. Will it make food safety any better? Will the food be any safer? Will members of the public be protected any more? It is clear that they will not as a result of this bill.

When I first saw the bill, I was very concerned that the measure involved fundamental deregulation, that it would take councils out of it, and that no longer would they be approving plans. I now realise that I was mistaken in that apprehension because the bill will not take councils out of the food safety area; it will not change anything at all, and that is why the costs will not decrease. But the real problem is that the system has set up this second tier of private auditors which will cost another $500 or more in addition to the amounts that businesses have already paid.

The private auditing system is a classic example of confusion. The honourable member for Swan Hill might care to indicate in his contribution when the Minister for Youth and Community Services will say how many private audits will be required each year. So far as I am aware the minister has not prescribed that as yet. According to the minister's own program class B premises are meant to be fully compliant by June of this year, and class A premises were supposed to be fully compliant by March of this year. The minister has not even complied with his own regulation. He has not even set the rules for private auditors. Not only has he not set how many private audits there will need to be each year, he has not set the qualifications or any of the other details involving the private auditors.

The legislation has been set up to require the involvement of private auditors, yet they do not exist. There are some auditors out there, but it is a new untested and unregulated market. The basis on which those people perform their jobs is still unknown. The whole system of private auditing should be removed from the legislation because it will lead only to greater costs for business without adding extra safety.

The best thing the house could do with the bill would be to engage in proper consultation about it with the experts. The fact that the parliamentary secretary asked for my legal advice earlier is a good indication of the need — —

Mr Steggall interjected.

Mr THWAITES — That is not to say that I would not give my advice. I undertook to get agreement to do that, and I will do so. I want to give him the advice but I have not received the all clear to do that. I am sure that by tomorrow that will be possible. If the government adopted the same policy and handed out its legal advice on a range of issues all honourable members would be a lot happier. I have not found any great enthusiasm on the part of the government to hand out legal advice.

The parliamentary secretary was keen to receive assistance and the opposition would like to give it to him, but I am sure that assistance will not be as great as the assistance he would receive from local government and the food industry. However, the only way that assistance could be properly provided would be for the bill to be withdrawn to allow consultation to take place. For that reason, 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 proper consultation with local government, small business and the food industry takes place in relation to unnecessary costs and duplication in food safety regulation'.

The parliamentary secretary and the honourable member for Swan Hill should support the reasoned amendment because it would allow the government to get the bill right.

I direct the attention of the house to the last part of the reasoned amendment concerning duplication. The system of food regulation is three tiered: the food premises has the onus of preparing plans, the council that has the onus of checking the adequacy of those plans against the various criteria in section 19D, and there are the private food auditors. The food auditors check not only whether the proprietor is carrying out the plan but also whether it is adequate. Two of the three tiers in the system check adequacy: the council and the private auditor. What would happen if there were some sort of conflict between the two tiers? And it could happen!

Mr Brumby interjected.

Mr THWAITES — As the honourable member for Broadmeadows said, you would need a fourth tier to mediate, possibly a lawyer. It would be a lawyers' picnic. I can envisage a situation arising where every clause of a 50-page detailed plan prepared by, say, a fish and chip shop operator — for many such operators that will be a major and expensive task in itself — will have to be checked against section 19D by the council to ensure it is appropriate. That would involve the council in checking every possible hazard in the fish and chip shop, as is required under sections 38A and 39, and being satisfied that all the relevant requirements of the act are being complied with.

For example, if there were a particular hazard associated with the fish and chip shop — it might be an open drain or the way in which pre-cooked party food was handled — the council would need to identify whether the program adequately dealt with such a situation. At the same time, under section 19J the private food auditor has a role to conduct an audit of the premises to determine whether the food safety program has been complied with during the appropriate period.

The interesting thing is that the council is completely independent of the fish and chip shop operator, whereas the private auditor is appointed by the operator. That raises the possibility of a conflict of interest, because the private auditor may take a less stringent view of the hazard than the council. The council may decide that the way in which food is used is a risk and does not comply with the act, while the private auditor may say that it does comply.

The act contains criminal sanctions that apply following a breach of the act or a failure to comply with proper food safety programs. Someone could be charged under a criminal law with breaching council requirements yet the private auditor, who is meant to protect food safety, could be called as a witness for the defence. A ridiculous situation could arise where two levels of bureaucracy, both imposed by the government, take different sides in testing whether a particular practice is safe. That is the sort of confusion that will result from the two-tiered system of food safety.

Section 19J of the Food Act provides that the food safety audit must determine not only whether the audit has been complied with but whether the food safety program is still adequate. So there is a possibility for conflict over both compliance and adequacy. Under Section 19D a council will determine the adequacy of the system for supervising and monitoring the controls and for specifying how a hazard that is found not to be under control is to be brought under control.

Every opportunity exists for a conflict between the private food safety auditor and the council, which is the reason why my motion specifically calls for consultation on the duplication issue. The honourable member for Broadmeadows raised the issue of vehicles, where the same problem applies — although it is much worse. Not only are the council and the private food auditor involved, but there is confusion about which authority is responsible for the regulation of food vehicles. Is it the responsibility of the Minister for Agriculture and Resources, or is it the responsibility of the Minister for Health?

In the past couple of years there have been some shocking cases of breaches of food safety in vehicles carrying food. The *Sunday Herald Sun* featured a photograph of a poultry vendor carrying an unrefrigerated chicken breast in his hand. After instigating the initial investigation the *Sunday Herald Sun* followed up the matter a year later and found that the problem was ongoing. It found that many food vehicles were still not complying with the proper regulations, and food was being transported in unrefrigerated vehicles that in many cases were not even registered. One sector of the food industry is massively over-regulated, but there is no regulation of food vehicles.

The ACTING SPEAKER (Mr Perton) — Order! I have been relatively patient, but the honourable member for Albert Park has developed a habit of turning away from the Chair. Although I do not require him to look at me all the time, I would appreciate an occasional glance. An occasional look to his colleagues behind him is appropriate, but conversing with colleagues at the table is not. I do not want to interfere or appear to be unnecessarily sensitive, but I ask the honourable member for Albert Park to act in accordance with tradition.

Mr THWAITES — I will certainly endeavour to do that, Mr Acting Speaker. I am sure you will be interested in the legal implications for small business of the lawyers' picnic introduced by the bill.

I turn now to the issue of unnecessary cost, which my reasoned amendment refers to. In December 1998 the Secretary to the Department of Human Services wrote to councils seeking their advice on the fee structure they had proposed, after which the department conducted a survey. The letter states:

> The department does not have access to comprehensive data but is aware that some municipalities propose to increase fees by up to 400 per cent.
>
> In some cases, I understand other municipalities propose to charge a flat fee regardless of the size or complexity of the business.

There is no doubt that the government knew about the problem in December last year. It knew increasing fees would be a problem, yet there was no consultation on the bill in December, January, February, March or April. Had there been consultation the government might have got it right. Instead it introduced a bill that does not solve the problems it tries to address. The government simply ignored local government and the food industry.

The letter also carried a veiled threat to local government. It makes it clear that the government does not want local government to increase its fees. The letter states:

> Business across Victoria should be able to expect broadly consistent regulatory costs ... Any unreasonable imposition by local government of additional costs to food businesses will be counterproductive to the state's aims, and thus if not well substantiated, such increases will not be acceptable.

The government was clearly aware that any increase in costs would be counterproductive, and the opposition agrees with that. It is a bit rich for the government to expect councils to bear the cost of the extra work caused by the regulation given that it is the government that imposed that extra cost.

We should not underestimate how widespread the effects of the bill will be. Literally tens of thousands of small businesses will be affected. Some 5000 restaurants will be affected by the increase in fees, as will takeaway food shops, fish and chip shops, hundreds of child-care centres, nursing homes and milk bars. Most shops in suburban shopping centres are likely to be affected in one way or another.

Even charities will be threatened by the bill. I will refer to some of the likely effects on small charitable groups. Earlier this year the honourable member for Broadmeadows received a letter from the Maryborough Anglican Parish Council that raised some concerns about the proposed changes to the Food Act. It states:

> It would appear that the changes outlined at the recent meeting would virtually outweigh any profits received from small functions which are only conducted on an occasional basis, such as casserole tea or luncheon, street stall, fair, funerals, etc.
>
> Ours is only a voluntary organisation and all labour and food is always donated free of cost.
>
> Please give this matter your serious consideration, as the parish relies on such functions listed above to survive.

Clearly small charitable groups are greatly concerned about the effect the bill will have on their activities. Although the government has at times claimed that small charity groups will not be affected by the bill, unfortunately that claim simply does not gel with the provisions of the bill, the views of councils or the way the bill is likely to be administered.

Under the heading 'The Great Controller', an article by Paul Grey in the *Herald Sun* this year states:

> A licence to sizzle sausages, for Pete's sake! Give us a break from government regulation ...
>
> Rules and regulations. In Victoria the state government just can't give us enough of them it seems.

The government has always claimed that it is against red tape and bureaucracy, yet it has put bureaucracy on the sausage sizzle. It has imposed unnecessary costs on the Anglican Church in Maryborough and other similar organisations. The article also refers to licences:

> The week before it was a $140 licence fee on sausage sizzles and other community fundraising events involving sales of food.
>
> Some people decry all these rules and regulations as evidence we're living in a nanny state. But I say nanny state's the wrong concept entirely.
>
> Victoria today has much more in common with the Island of Sodor, the mythical homeland of Thomas the Tank Engine and the Fat Controller.
>
> 'We all live by rules and regulations', sings Thomas and his happy little steam train friends.
>
> And so do we, increasingly.

Paul Grey of the *Herald Sun* is clearly not impressed with the way the bill is being imposed.

The effect will also be negative for people who use weekend markets, because the food purveyors may well find that they need to sell their products within a great range of municipalities instead of only one municipality. The opposition received a letter from a Mr Graeme Daley of Altona, whose wife produces home-made preserves for sale at weekend markets. The business was given a C classification by the council because it believed the Daleys were selling unpacked foods. The Daleys informed us that they unpacked their produce only to cut it up ready for cooking. The effect on people like the Daleys, who sell preserves, will be severe.

A further article in the *Herald Sun* entitled 'Stalls at risk in law revamp' states:

> New food safety rules could signal the end of bush markets, stallholders claim.
>
> Environmental health officers in country Victoria have been flooded with calls from stallholders, charities and church groups who fear the new regulations will put them out of business.
>
> Changes to the Food Act mean anyone selling food will need a $140 licence and adequate food-handling training.

The article is wrong in one respect, because the fees that may be charged are higher than that and could amount to hundreds of dollars.

Naturally, the changes are intended to combat the risk of food poisoning. However, as was pointed out by one

vendor, they represent an imposition that will make selling difficult for vendors. A Bendigo beekeeper, Geoff Travis, is quoted in the same article as warning that licence fees and expensive food-handling courses would put an end to traditional country markets and field days. Mr Travis sells honey at markets in Swan Hill, Melbourne and Warrnambool. He says the legislation could cost him more than $1000 a year in fees:

> 'Everywhere I sell, it costs me for a licence, but I'm a criminal if I don't do all of this stuff', he said.

Mr Steggall interjected.

Mr THWAITES — The honourable member for Swan Hill asked me if I am sure it is true. No, I am not, and that is the point. No-one seems to know. That is precisely why we need some time to consult, among others, people like Mr Geoff Travis. If he is confused, he is not the only one. The government is confused, councils are confused, and lawyers are trying to cope with the confusion.

Mr Steggall interjected.

Mr THWAITES — That is why you have done it wrong again and why the house should agree to a reasoned amendment that will enable consultation to remove the confusion.

It is not only the beekeepers who are concerned, country sporting clubs, church groups and charities all say they will be caught up in bureaucratic red tape. The Wangaratta environmental health officer, Ross Cairns, is quoted as saying that appeals to the government to rethink the legislation have been ignored.

I would have thought the honourable member for Murray Valley would, if he were here, be concerned to hear that the environmental health officer in Wangaratta believes the government is ignoring him. Ross Cairns is further quoted as saying:

> 'We made a lot of representations to the government about the problems that would arise, but they did not take into account the volunteer and community work that goes on in the bush', he said. 'It will make people stop and think about how much they make, and is it worth it?'.
>
> Mr Cairns said that rural councils were unlikely to close down volunteer fund-raisers who failed to meet new requirements.
>
> 'If it's a one-off thing at a charity organisation, provided there are no drastic health risks, we would leave them alone', he said.

In other words, the system is so expensive and cumbersome that environmental health officers are being forced to break the law. Is it the government's position that small charities will not be charged these fees because the government is pressuring councils into turning a blind eye?

The article goes on:

> The new regulations will be enforced by local councils and come into force next March for preschools, nursing homes and hospitals. All other organisations and businesses — including restaurants — must comply by the end of September next year.

The concerns of charities expressed in the article and elsewhere should be addressed, and they can be if the opposition's reasoned amendment is passed.

The date for compliance with the legislation by child-care centres has already passed, so there is a question about how far current legislation applies and what role will be played by the proposed legislation. Councils have already started to check compliance by child-care centres, naturally, and should have been finished by March of this year.

The introduction in 1997 of the Food (Amendment) Bill resulted in the grouping of food businesses into four classes. Child-care centres have been included in class A because the *Food Safety Starter Pack* classifies food businesses as class A if they are premises and vehicles which predominantly sell food to a vulnerable group.

The target dates, known as milestone dates, divide the process of establishing a food-safety program into different steps for each group. For businesses dealing with child-care centres the milestone dates are December 1998 for having a training plan, January 1999 for having a hazard analysis, 28 February this year for having hazard controls and 31 March for having hazard control and a recall procedure. That last date is also the compliance date for class A businesses for which completed food-safety programs had to be submitted to the local council.

The opposition has consulted the representatives of the peak bodies affected by the bill. The two key bodies are the Child Care Centres Association of Victoria, which represents over 170 child-care centres, and the Victorian Private Child Care Association, which has around 100 members. The Child Care Centres Association believes the child-care industry does not need to be covered in the way it is in the legislation. Its executive director, Mr Frank Cusmano, argues that many centres have not yet complied with the requirements, believing they impose an unnecessary cost on an already over-regulated industry. Only 30 per cent of CCCAV members had complied by the compliance date of 31 March.

The CCCAV believes that the implementation of the legislation is not the success it has been claimed to be. It believes that food safety in the child-care industry was adequately regulated by the children's services regulations. Mr Cusmano views food-safety programs as an overlap of responsibility because under the regulations staff in the child-care industry had already undertaken food-handling courses. The CCCAV has highlighted the fact that only 12 per cent of preschool children are in child-care centres and 88 per cent are cared for in family day care or in their own homes, which are unregulated. The organisation believes that the over-regulation of long-day centres is paradoxical when considered in the context of the lack of regulation of other child-care centres. The CCCAV advocates regulation of all child-care centres.

Mr Steggall interjected.

Mr THWAITES — If the honourable member for Swan Hill had undertaken consultation he would have learned about this issue. I am amazed he has not heard about it already. The immediate effect of the legislation on child-care centres has been the incurring of the cost of registration. Every child-care centre has had to register as a food premises. In the past registration cost between $90 and $120 per annum, but following the introduction of the legislation all councils required registrations to be renewed. The CCCAV alleges that some councils have increased registration fees by up to 500 per cent — some now charge a registration fee of $500. The CCCAV has been informed of one council that charges $750. The costs are high.

The CCCAV believes that the appropriate infrastructure has not been set up to implement the new regulations. There have been major discrepancies in how different councils have interpreted the legislation, particularly as it affects the modification of kitchens in child-care centres. The costs of modifying kitchens to comply with new council requirements have varied from between $100 to $3500.

In an attempt to minimise the costs of complying with the legislation the CCCAV has commissioned its own food-safety program for use by child-care centres. However, that still costs centres a considerable amount of money, around $250. Further costs will be incurred by centres at the auditing stage of the process. Once a food-safety program has been submitted to a council a desk audit of the documentation will occur, and that will cost the centres possibly between $400 and $500.

At this stage Food Safety Victoria has not decided how frequently the independent audits will occur. The minister has still not made that prescription, and I should be interested to know whether he will do so before the election. The CCCAV believes that independent auditors will charge $200 an hour and that the average centre will take around four hours to audit, which will mean that each audit will cost an estimated $1000.

The other child-care organisation affected by the legislation is the Victorian Private Child Care Association (VPCCA). That organisation has also expressed concern about the way the legislation is operating. It believes there is merit in attempting to improve food safety, and the opposition agrees with that. However, the association points out that a lot of child-care centres are currently not complying with the new requirements. It contends that long-day centres incur high costs in complying with the legislation, but that the entire child-care industry is not affected by such costs. The costs involved are considerable, not only for fees and private auditors but also for changes to kitchens and other areas of the centres.

For example, the Surrey Kinder Haven, managed by Mr Peter Horton, the executive officer of the association, incurred costs of around $8000 in upgrading its kitchen to comply with council requirements. Child-care centres that are now registered food premises must comply with the council requirements, which is contributing to the large increases in the costs that will eventually have to be paid by the parents of the children who attend that centre.

The VPCCA is concerned that some child-care centres are exempt from the effects of the legislation. Although the legislation encompasses all long-day care facilities it does not affect family day care, community kindergartens and after-school-hours programs. Long-day centres must therefore bear all the costs of meeting the requirements of the legislation, while other centres do not have those additional costs. The association believes the current system is inequitable and that all child-care facilities should be regulated. It believes that although a family day-care facility can care for four children in a home for five days a week without complying with any food-safety program, if the same home runs a bed-and-breakfast service on weekends it must comply with the legislation. The association argues that the safety of children is at risk and that the only exemption from compliance with the legislation should be where children are cared for in their own homes.

As an example of how the system operates I refer to the Play House Centre in the City of Hume, which cares for about 60 children. The manager, Theresa Nicholls,

views the time and costs involved in complying with the bill as inappropriate and unworkable. The centre has already spent $2000 modifying the kitchen by replastering the ceiling and installing a hands-free sink. A further $2000 will be needed to install an industrial exhaust over the centre's stove, even though it is identical to those used in domestic kitchens. Because the centre is a non-profit organisation it cannot claim any tax rebates for the renovations.

The centre contends that the legislation is unclear on what is expected of class A businesses in the first group and that different councils have required different things. The Play House Centre became aware of the need for compliance with the legislation only in November, and the food safety starter packs were not available until 18 December, even though the first milestone date was 31 December.

The organisations that have to comply with the legislation have been put in an impossible situation. They are expected to comply by certain dates, and if they do not comply they can be subject to severe penalties. However, the government has failed to comply with its obligations to give proper and timely information to the centres to enable them to perform their duties.

It seems incredible that the Play House Centre became aware of the need for compliance with the legislation only in November and that the food safety starter packs were not available until 18 December, a week before Christmas and two weeks before the first milestone was due. Like most child-care centres, the Play House Centre was closed for four weeks over January and was therefore unable to meet the other milestone dates. Being located in a low-income area, the centre believes the fees are as high as they can go.

The centre now has to spend about $300 on a generic food safety plan prepared by an organisation called Culinary Solutions. On top of all the other costs it has to pay, the centre now has to fork out $300. The Play House Centre investigated hiring a consultant to prepare the program but found that it would have cost at least $50 an hour. Council registration fees of around $500 per year have to be paid, and on top of that an independent audit would have cost around $800. That is just not on: it is not affordable.

I refer to another centre, Kiddie Winks child-care centre in Brunswick. The Kiddie Winks centre employed a consultant at a cost of $300 to develop a food safety program, which then took a further four weeks of the manager's own time to implement. The centre has been open for only two years, so it has been relatively easy to make the kitchen comply. The centre has found the Moreland council to be very helpful. The council has run a training day and nutrition workshop and has assisted Kiddie Winks to comply with its requirements. However, the centre believes that to a large extent the council had to develop its own standards as it was not given much guidance on how to implement the legislation.

Moreland council is doing the right thing in trying to assist child-care centres, but it is not getting any help from government. The reasoned amendment would allow the government to develop programs at the local government level to properly raise the skill levels of staff and food safety in child-care centres.

I refer also to the Kiarma child-care centre, which cares for 55 children and is located in the Wyndham municipality. Kiarma is a private child-care centre, and at the time it spoke to members of the opposition it had still not submitted a food safety plan, although it was more than a month overdue. The centre is in contact with a large number of other child-care centres and estimates that as at April only 30 per cent had complied with the requirements of the legislation. The Kiarma centre believes the time limits set out in the legislation are unreasonable given the lack of information about them. Although the centre received a food safety starter pack and other materials in December 1998, it was not until the council's seminar on 16 February this year that it understood what needed to be done. That left the centre only six weeks to perform all the compliance functions required of it.

The owner of that centre, Ms Sue Riley, contends that the centres that attempted to comply with the requirements before the council seminar did not have enough information to prepare adequate food safety plans. Given that the seminar was held in February and the compliance date was in March, it was impossible for most centres to do what the government expected them to do.

At the seminar the council said the plans submitted at that stage were inadequate as the child-care centres had simply filled in the forms at the back of the food safety starter packs. Ms Riley believes the confusion arose as a result of lack of information and because the council itself seemed unsure of what was expected. Child-care centres do not know what is expected and councils do not know what is expected, and that is why they were not able to come up with food safety plans that satisfied the regulatory requirements.

Ms Riley contends that the information provided by the Wyndham council and Food Safety Victoria is difficult

to understand, making compliance difficult. The material uses complex terms such as 'calibration' instead of describing the requirements in layperson's terms. If the reasoned amendment were accepted, the government would have the opportunity to write the educational material in layperson's terms. The problem facing the managers of many centres is that they simply cannot understand the information they are provided with. Given that many shops and a number of child-care centres are run by people from non-English-speaking backgrounds, it is even more important that any literature that is distributed is simple and easy to understand.

Ms Riley concedes that once a food safety plan is established it should be reviewed every year. However, she states that the Kiarma child-care centre has found it extremely time consuming to prepare all the documentation needed to comply with the bill. Ms Riley states that she considers her centre has been treated like a guinea pig. The legislation has not been properly tested and clearly has problems, and operators like Sue Riley at the Kiarma centre are now suffering the consequences.

Some conclusions can be drawn from the consultation that the opposition has carried out with the child-care centres. Firstly, adequate information was not provided in time for many of the centres to comply with the legislation by 31 March this year. If they had had adequate information I am sure they would have done everything possible to comply. The problem was that they did not get the information until shortly before Christmas. Many of them closed down throughout January, and when they opened again in February they were expected to come up with a compliance program within a month.

The second conclusion that can be drawn is that it is unrealistic to expect family day-care programs, community kindergartens and after-school-hours programs to comply with the provisions of the bill. Those parts of the child-care industry need regulations or guidelines. The full-day centres obviously have a comprehensive statutory regime, but family day-care forms an important part of the child-care market. There needs to be some level of regulation to ensure food safety in family day-care centres and the after-school hours programs.

It is unfair for child-care centres to bear the full cost of the increased council registration and independent auditing fees that are being imposed by the government. Child-care centres have been hit with extra costs in the past few years. At the same time in many cases they have suffered a reduction in income, which has resulted from a number of factors. The community-run child-care centres have lost their operating subsidy from the federal government, and the whole child-care market is facing difficult times. A number of the private centres are either being forced to close or are losing money. That is occurring at the same time as the government is imposing extra costs on them. Business cannot operate under a regime of continually increasing costs. That is what the government is doing to child-care centres and small food shops.

A further conclusion that must be drawn is that there are discrepancies in the way councils implement the legislation which must be addressed. It is not good enough to expect small businesses to cope with a great variety of fees. I would like to see some consistency across councils. However, that cannot not be achieved unless there is a level of consultation because there are 78 councils — —

Dr Napthine interjected.

Mr THWAITES — Perhaps Queenscliff is on the way out. All those councils are trying to grapple with a climate of reduced income and increased costs. The legislation is a classic example of that. Many councils are now adopting a user-pays philosophy, which they are encouraged to do by the government. In imposing their user-pays fees they are coming to different results. That can be seen throughout country Victoria and metropolitan Melbourne, where very different figures are being recommended by councils.

At this stage I thank Cara Waters, a parliamentary intern who has been doing a lot of work in this area. She is doing a sterling job and has made a great contribution to the debate in the house on the food legislation. I am sure that without her we would all be far less informed about the issue. She has undertaken extensive consultation with local government on this issue.

I note, Mr Acting Speaker, that you have now taken a more active interest in the debate than you were taking half an hour ago, and I suggest No-Doze, or something else, to maintain your interest.

The ACTING SPEAKER (Mr Perton) — Order! While I appreciate the generosity of the honourable member in including the Acting Speaker in the debate, the rules of debate indicate that the Chair ought not be drawn into the subject matter.

Mr THWAITES — That is a very good ruling. I have raised the issue of different fees being charged by councils and the lack of consistency in the fees charged. I also mentioned the work that has been done by the

parliamentary intern in this area. I outline some of that work and some of those fees.

The Alpine Shire Council has not yet set its fees for next year, but it has decided this year's fees, which will be $150 plus $10 for each employee when there are more than five employees. That is a 50 per cent increase on last year's fee.

The Rural City of Ararat, which I imagine is near the seat of the honourable member for Ripon, is a lovely place; it was the home of many of my relatives. Interestingly, in Ararat there is no increase in the fee this year, although it says it is an efficient council. It may be a Liberal council — I am not sure. I do not know whether this indicates a change in the council make-up, but next year the fee will be increased to $200.

The Bass Coast Shire Council has increased fees for next year from $100 last year to $130 plus $480 for the assessment of the food safety program. I imagine that will be a considerable increase. The honourable member for Ripon may be able to inform the house that the Rural City of Ararat fees have not greatly increased because of the type of food establishments that exist in Ararat. I am not sure whether the honourable member has dined there or whether there are relatively few premises and therefore no need for any major fee increase.

The Baw Baw Shire Council has not yet set its fees for 2000 but has set fees for class B premises for next year at $300. The City of Boroondara fees are confusing and difficult to understand. I will have to get further research done on that issue. The Campaspe Shire Council will increase its fees from $110 this year to $150 next year.

The ACTING SPEAKER (Mr Perton) — Order! Under sessional orders the time has arrived for me to interrupt business.

Sitting continued on motion of Dr NAPTHINE (Minister for Youth and Community Services).

Mr THWAITES (Albert Park) — I am glad of that extension of time. I am sure everyone is eager to hear more and many members will want to hear exactly what the council fees are in municipalities covered by their electorates.

Central Goldfields shire, a lovely area, is increasing its fees from $100 to $140. Corangamite shire is increasing its fees from $112 to $135. The City of Darebin is increasing its fees from $115 to $320. The Shire of Delatite fees are increasing from $105 last year to $391 this year. East Gippsland shire has not increased its fees this year but they will increase to $320 next year. Gannawarra shire fees are increasing from $110 this year to $160 next year. The Indigo shire is increasing its fees from $110 this year to $250 next year. The Knox City Council is increasing its fees from $110 this year to an average of $200 next year. The honourable member for Swan Hill will be pleased to note that the Loddon Shire Council is not increasing its fees — it is one of the very few.

Mr Steggall interjected.

Mr THWAITES — The honourable member for Swan Hill says that council is probably 1 of only 2 of the 78 that understand what is going on. That may well be true, but if only 1 or 2 of the 78 understand, surely that is a good reason for delaying the passage of the bill until there is proper consultation with the other 76.

The City of Monash increased its fees last year from $115 for class A premises to $195. The City of Moreland increased its fees from $105 last year to $325. The City of Port Phillip has increased its fees for class A premises from $100-plus to $400-plus.

Mr Steggall interjected.

Mr THWAITES — This includes the country ones.

Mr Steggall — Have we had the city ones? Are these the council fees? Have we had the rates?

Mr THWAITES — Perhaps I should explain.

The ACTING SPEAKER (Mr Perton) — Order! I have been listening to the honourable member for Albert Park, and there is no need to have these matters repeated. Although the odd interjection asking a question can be replied to, the honourable member does not need to go through the material again for the benefit of the honourable member for Swan Hill.

Mr THWAITES — Thank you, Mr Acting Speaker.

The Strathbogie Shire Council is increasing its fees for class A premises from $100 last year to $370 this year and for class B premises from $100 last year to $120 this year and $370 next year. The Wellington Shire Council is increasing its fees from $120 last year to $250 this year. The Wangaratta council is increasing its fees from $97 last year to $140. The Warrnambool City Council is increasing its fees from $110 to $220 next year. The Wodonga Rural City Council is increasing its fees from $120 last year to $240 this year. The Shire of Yarra Ranges is increasing its fees from $115 last year

to $255 this year. I might say that its class A fees are increasing from $155 last year to $440 this year. They are obviously very significant fees. Unfortunately I do not have the figures for the City of Shepparton, which the honourable member for Swan Hill asked about, or even for Swan Hill — they are being collected.

Mr Steggall interjected.

Mr THWAITES — The honourable member for Swan Hill will generously send me the figures on those fees. All I can say is that I hope there are not large increases in fees in Shepparton and Swan Hill; that would be good luck for the businesses in those areas.

Businesses throughout the length and breadth of Victoria will be affected by the bill. Tens of thousands of businesses are facing increased costs as a result. Thousands of businesses are confused because of the way it has been introduced. Businesses have the same attitudes as the councils: they believe they are being ignored. I met with Dur-é Dara, the president of the Restaurant and Catering Association of Victoria, about this matter last week, and she was amazed that the bill was introduced without consultation with her or the CEO and other members of that industry body. The result of the lack of consultation is bungled legislation that I am sure will be back in Parliament in six months requiring fixing again.

Mr Elder interjected.

Mr THWAITES — The honourable member for Ripon promises to fix it this time. I hope he is right; that would be a first. Unfortunately the honourable member for Ripon will not be here because Ripon will be represented by Joe Helper, an outstanding candidate.

Mr Hulls — And he will get on with his leader!

Mr THWAITES — I am sure Joe Helper will have a much faster rise to the frontbench than the current member for Ripon, even if he is there for 20 years.

The ACTING SPEAKER (Mr Maughan) — Order! I remind the Deputy Leader of the Opposition, as did the previous Acting Speaker, that he should address the Chair. Although all this talk is very interesting, it has absolutely no relationship to the bill before the house. I therefore ask the honourable member to return to the bill and to address the Chair rather than his colleagues on the opposition side of the house.

Mr THWAITES — Of course, food is something in which we are all interested; that is why we are participating in this debate so enthusiastically. I look forward to contributions that will be made shortly by the honourable members for Broadmeadows, Northcote and many others. Throughout Victoria local businesses are coming to opposition members, as representatives of small business in those areas, and saying they are being ignored. Ballarat is a good example. The Labor candidates in Ballarat have recently been contacted by small businesses and hotels that are concerned about the way the legislation will operate.

The ACTING SPEAKER (Mr Maughan) — Order! I have asked the Deputy Leader of the Opposition to address his remarks to the Chair. I ask him to take note of that direction.

Mr THWAITES — For example, Craig's Hotel and others are concerned that they are being put in category B and not category C.

Mr Elder interjected.

Mr THWAITES — The honourable member for Ripon just yelled out that he got rid of a food inspector from Daylesford. One way to handle food safety is to get rid of the umpire. However, a better way is to work with industry and councils to obtain a good result. That is not occurring in Ballarat. It is also not occurring in the electorate of Narracan, where Labor's candidate, Ian Maxfield, has been running a good campaign with local small businesses who are concerned about the way the legislation is operating. I am sure that as a result of the legislation Ian Maxfield will get the few extra votes he needs to take the seat of Narracan at the next — —

The ACTING SPEAKER (Mr Maughan) — Order! I have warned the Deputy Leader of the Opposition previously. He must relate his remarks to the very narrow bill before the Chair. I do not think that going right around the state predicting the outcome of political campaigns has anything whatever to do with the bill. I ask the Deputy Leader of the Opposition to come back to the matter before the Chair.

Mr THWAITES — There is great confusion in the electorate of Narracan about the way the proposed changes to the Food Act will be implemented. I turn to a number of those problems. Businesses that are attempting to operate in more than one shire face different rules and different fees in each shire. For example, if one person owned four pizza shops, each of which was in a different shire, that small business operator could be subject to different rules in each shire. In such a case the legislation might be said to be a quattro stagioni — there would be different rules for every corner of the district.

There is also confusion in the Narracan electorate about the role of food auditors. In the case I gave as an example the pizza shop operator may have to engage four different food auditors, depending on the different rules applying in each of the shires.

Mr Bracks interjected.

Mr THWAITES — As the Leader of the Opposition says, the price of pizzas would go up.

An opposition member interjected.

Mr THWAITES — Plus the GST! Ian Maxfield is concerned about the effect the changes will have on schools. Some schools may have to shut their catering and canteen facilities — and some have already done that. Church groups, charities, sausage sizzles and food markets will all be affected negatively.

The issue has been raised on radio 3GGG by Ron Lock, who is in touch with local community concerns. He has discussed the problem of costs and differences in the way the legislation is being interpreted in the different shires. The different interpretations result directly from the way the legislation is being implemented — without consultation and without proper organisation. It is a joke. Councils are trying to cope with legislation, yet in many cases the government puts out the requirements little more than a week or so before the compliance date.

I am concerned that the government does not seem to be taking the opposition's point seriously. The parliamentary secretary walked out of the chamber earlier when I offered to provide assistance. Much like a good soap opera, you haven't missed much — —

The ACTING SPEAKER (Mr Maughan) — Order! I have spoken to the Deputy Leader of the Opposition previously. I ask him to please address his remarks to the Chair, not to members of the government, and to keep his remarks relevant to the matter before the Chair.

Mr THWAITES — I intend to be relevant and brief in relation to this last matter. The parliamentary secretary raised the issue of legal advice. There seems to be confusion as to the role of the council under the proposed legislation.

Councils will read the report and seek advice from Parliament as to the proper interpretation. My concern is that the government will not allow that advice to be communicated. The government may attempt to adjourn the debate before the parliamentary secretary or others make clear the government's interpretation of those sections. I urge the government not to take that course.

I also urge the parliamentary secretary to clearly state whether councils will be required to analyse the food program in detail to ensure that each requirement of section 19D is complied with. Councils are able to do that and have already employed the necessary staff. However, they need a clear indication from the parliamentary secretary as to whether that is required. If it is not required the government should consider moving further amendments to the bill to remove section 39(1)(b). It would be necessary to go into committee to do so, but it would mean councils would not have to do the work and the fees would not remain at their current level.

I assure the parliamentary secretary that legal advice received by councils indicates that if that does not occur and the legislation remains as it is the fees will remain as they are. Businesses will continue to pay those fees amounting to some $450 on top of the extra fees paid to private auditors. Food businesses around the state will continue to be slugged with unfair and iniquitous charges at a time of already high taxation.

Mr BRUMBY (Broadmeadows) — Tonight honourable members heard a truly outstanding speech by the honourable member for Albert Park on a bill that is of great importance to the Victorian community. While the bill itself is short — just one and a half lines long — it involves all aspects of Victoria's food businesses. It affects not only milk bars and restaurants but local governments, hospitals, markets and preschools. As the shadow minister for primary industry I point out that the bill has major implications for rural Victoria and its primary industries and for the general wellbeing of the food industry.

The reason the bill is being debated at such length is that the government has introduced a series of appalling bills over recent years. The problems commenced in 1994 when the government commenced the deregulation of food safety by amending the food safety regulations. Councils were forced to cut the number of food inspectors by some 40 per cent because of rate capping and compulsory competitive tendering. Major outbreaks of food poisoning occurred in 1996 and 1997 because of the lack of proper regulation and education of food proprietors.

In 1997 the government went over the top with complex and bureaucratic legislation. It failed to consult with industry or councils about the Food (Amendment) Act and introduced unrealistic time lines for the introduction of food safety programs. Class A

businesses were forced to lodge and comply with their food safety plans by March 1999. However, fewer than 50 per cent of those class A establishments have complied, which makes a farce of the legislation. The government has failed to set appropriate qualifications for private food safety auditors, and the minister has failed to establish the frequency of private food audits.

I turn now to the essential elements of the bill. The purpose of the amendment is an attempt to rectify the mistakes of the past two years in particular, but the mistakes originated in 1994. The purpose is to make further provisions relating to the registration of food premises and food vehicles by amending the Food Act.

As the shadow minister for primary industry I have a particular interest in the bill. I have an interest, which is one I think we all share, in ensuring that food is safe from the paddock to the plate. I have an interest in ensuring that rural food businesses and councils are not hit by excessive bureaucratic costs and red tape. I also have an interest in ensuring that the legislative changes maintain Victoria's reputation as a clean, green producer of food and enhance our food export potential.

Food is a huge industry, but when I complete my speech the government will attempt to move that the debate be adjourned after only two speakers have contributed to it. The debate concerns the single largest industry in Victoria, which is worth $42 billion Australia wide. In 1993 the government introduced a food and agriculture initiative that set a target of lifting food exports from $2 billion per annum to $6 billion per annum by 2001. That aspiration is shared by the Victorian Labor Party and, I would imagine, by most Victorians. However, if there are problems with the food-safety legislation and food safety, including salmonella, E. coli, pesticide residues and other things that damage the integrity of Victoria's food products, that will have an impact on Victoria's clean, green reputation and its capacity to export food products to feed not only South-East Asia but arguably the world.

To understand the bill we must understand its background. The honourable member for Albert Park explained that, so I will not repeat it. However, I will say that in a food sense we got only the first course from the honourable member for Albert Park — we got the drinks and canapés. Another 10 opposition members wish to speak on the debate — they will be the soup, the hors d'oeuvres, the entrée, the main course, the cheese and greens, and of course the outstanding Victorian wines and chocolates to finish.

Mr Steggall interjected.

Mr BRUMBY — That is when the government will be ready to speak. That is to be expected from the honourable member for Swan Hill.

The problem goes back to 1994, when the appalling principal legislation was introduced. That legislation is the cause of the amendments we are debating tonight. The 1994 legislation was supposed to create a brave new world. The government was going where no government had ever gone before in Victoria's history by deregulating the food industry. However, the government went against the trend of governments around the world. The governments of the United States and the United Kingdom re-regulated their food industries. Now exactly the same pattern is being followed in Victoria.

In 1994 the regulations were swept away, and despite the government's claim that we would see a brave new world in which the food industry could look after itself, what did we get? An appalling increase in food-safety breaches. In 1996–97 shocking outbreaks of food poisoning occurred around Victoria and the government returned to Parliament in 1997 with its tail between its legs because it was forced to co-regulate the food industry. In 1997 when the government reintroduced the legislation being amended tonight it brought in the two-tiered system of control over the food industry. The industry is now being required to regulate and put in place food-safety plans that councils will oversee. In a sense councils will rubber stamp those plans. The opposition did not oppose the 1997 legislation, but I can remember speaking in the debate, and I also remember a very erudite contribution from the honourable member for Albert Park.

Mr Thwaites — Prescient, it was.

Mr BRUMBY — Illuminating and prescient. His contribution included a warning that introducing private auditors would be cumbersome and costly and that it could also lead to a possible conflict of interest. That is in part what we are trying to change tonight. The amendment to the Food Act being debated tonight is only one and a half lines long but it will have a major impact on both local government and the food industry.

The honourable member for Albert Park outlined the statistics on council fee increases that will result from the amendment to the legislation, particularly the fee increases for rural councils. I am particularly concerned about the effect the bill will have on rural councils. I have received many representations about what the changes introduced by the amendment will cost rural councils. The honourable member for Albert Park referred to the council fee increases for both

metropolitan and rural councils, but I will mention only rural councils: for the Baw Baw Shire Council, the cost of class C certificates will increase from $42 to $182; for the Ararat Rural City Council, class A certificates will increase from $160 to $200; for the Central Goldfields Shire Council, fees will increase from $100 to $140; for the Corangamite Shire Council, the cost will increase from $112 to $145; for the Delatite Shire Council, fees will increase from $105 to $293; and for the East Gippsland Shire Council — one would have thought that East Gippsland has had its share of burdens with — —

Mr Robinson — Including its honourable member.

Mr BRUMBY — East Gippsland has had its share of burdens with the flood, the drought and the lacklustre local member of Parliament. However, the changes introduced by the bill will mean that the costs imposed by the council on local businesses will increase from $100 to $320. We know how important tourism is to East Gippsland. It is a beautiful and magnificent part of Victoria, but if the people who are involved in the business of tourism are also involved in the business of food and entertainment and the provision of those services they will face cost increases. Every food establishment in East Gippsland, including milk bars, takeaway food shops, pizza houses, restaurants and pubs, will have to put in place a full food-safety plan, and the cost imposed by the council for overseeing that plan will increase to $320 a year.

The Shire of Indigo's food registration fee will go up from $110 to $160; La Trobe Shire Council's fee, $180 to $350; Shire of Mount Alexander, $100 to $120; Strathbogie Shire Council — another beautiful tourism area — up from $100 to $370; Wellington Shire Council, $120 to $250; City of Warrnambool, $110 to $220; Rural City of Wodonga, $120 to $240; and the food registration fee in the Shire of Yarra Ranges — very important from a tourism perspective — will go up from $155 to $440. Those are just some of the imposts on rural councils.

The increases are a disgrace. Councils have in recent years been subjected to incredible cost constraints including a rate cap, and enormous cost pressures through compulsory competitive tendering, and now they will be forced to charge increased fees to local food establishments for the audit of food-safety programs.

The cost to councils of dealing with food-safety compliance will increase dramatically. As the honourable member for Albert Park has pointed out, however, that is not the only cost. Every small business will have to pay a private food auditor. Honourable members will know the modern costs and charges of a private auditor. They will not find a private food auditor for under three figures an hour, and auditors will also charge for travel and for other staff in the business, so they will have a high charge-out rate. The average small business will pay hundreds if not thousands of dollars to get a food-safety plan in place.

I had a phone call the other day from a resident of the electorate of Ripon. He had had a food-safety plan done at a high cost. Furthermore, the plan he submitted to council was 369 pages in length. His local government area contains at least 250 such establishments, all of which will under the proposed legislation be required to lodge food-safety plans. I do not have a calculator with me, but I am sure the honourable member for Geelong North will work out for me the total number of pages that will be generated by 250 establishments each producing a 370-page food safety plan. Does anyone have that calculation done yet? I am sure the opposition will be able to get the answer quicker than the government. Six nines are 54, aren't they? On the other hand, 6 goals 9 makes 45 points — —

Honourable members interjecting.

Mr BRUMBY — There is an irony to that.

The ACTING SPEAKER (Mr Maughan) — Order! Back to the bill rather than the ironies, please.

Mr BRUMBY — Multiply 250 businesses by 370 pages of safety reports and you have 92 000 sheets of paper in each local government office. That is a point to add to telling arguments made in the speech by the honourable member for Albert Park that has totally destroyed the arguments put up in the minister's second-reading speech.

The opposition cited legal opinion to show that the proposed legislation will not change the legal liability of councils at all. Businesses such as the pizza shop in Wodonga will face costs of $2000 plus a $400 fee. How will that affect the price of pizza for ordinary Victorians? Will the legislation improve the quality and safety of the pizza? That is questionable. In addition, the council mentioned in the example, the Rural City of Wodonga, probably has more than 250 food establishments. It has a huge population and a big tourist population, and now it will have to find a home for 92 000 sheets of paper! Get out your calculators again and work out how many reams and how many boxes that makes, and then work out how many storerooms will need to be filled up.

Mr Robinson — And how many trees.

Mr BRUMBY — And how many trees will be cut down.

Will the legislation improve the quality of the food being provided? There are no guarantees about that. The proposed legislation is another debacle, another shemozzle, another sign of an incompetent minister and an incompetent government. They made hopeless legislation in 1994, well-intentioned but ineptly written and implemented legislation in 1997, and now in 1999 another slip-shod, back-of-the-hand amendment that will not change things one iota.

The Municipal Association of Victoria has received a legal opinion on the issue. The honourable member for Swan Hill knows that the government has already been forced to let its compliance program slip, and the dates set out for compliance for categories B, C and D have already slipped out. The compliance deadline for category B has already been pushed out from the original date of September this year, and the date for category C has been pushed out to March 2000. The category A date was 31 March, yet fewer than half the institutions have complied. If large institutions such as hospitals and child-care centres cannot comply on time what chance have corner milk bars, little pizza shops, local Anglican or Catholic church organisations or bodies such as the Daylesford market of drawing up food-safety plans and complying with the legislation?

The legislation is an appalling joke. It will come up again and again until the government gets it right. There will be an uproar across Victoria on this issue. At the moment it concerns only the class A organisations, the big institutions such as hospitals who can at least get the funds together to pay people to conduct the audits, although it will not help their financial viability.

The Auditor-General's report on ministerial portfolios that was tabled today reported that as at 30 June 1998, 26 hospitals in Victoria were operating not just with a cash deficit but with negative working capital. Although hospitals are already on their knees the clowns in the government enact legislation that will impose even more costs on them.

Mr Robinson — One hundred and eighty-five reams.

Mr BRUMBY — It is 185 reams — 92 500 sheets. How many boxes?

An Opposition Member — Thirty-one boxes.

Mr BRUMBY — What does each box measure? The food safety plans will fill a storeroom. Worse still, imagine how long it will take someone to read 92 500 pages. At the rate of a page a minute it would take someone 92 500 minutes to go through the food safety plans.

The ACTING SPEAKER (Mr Maughan) — Order! The honourable member for Broadmeadows will address the Chair. I am finding this difficult. I know this line of debate has a tenuous connection with the legislation before the house, but I think he is stretching the point a little.

Mr Loney — 1500 hours.

Mr BRUMBY — That is correct. It will take close to a year just to read them. What if a page was missed?

An honourable member interjected.

Mr BRUMBY — This is the whole point of the legislation; it is what section 19C is all about. Who would be liable if a food safety plan for a Pizza Hut was deficient because a page was missed and the restaurant sold food that gave someone salmonella poisoning? The minister said that under the legislation local government bodies will not be liable, but he is not right. The legal opinion sought by the Municipal Association of Victoria (MAV) and others, and referred to by the honourable member for Albert Park, makes the point that despite the amendment councils will still be legally liable for any breach of the legislation or any food poisoning that occurs if they have inadvertently or incorrectly signed off on a food safety plan. That is the whole point. The legislation does not solve the problem.

The legislation provides the worst of all possibilities. It provides for a hopelessly bureaucratic deregulated system that is bound up in red tape and imposes high costs on the food industry and local government with no guarantee of any improvement in the quality of food. The legislation has made Victoria a laughing stock. Other states look at the legislation as a reverse handbook — it is a guide to how not to manage the food-safety issue.

I am concerned about the lack of proper consideration of the legislation by the government. I appeal to the government to defer it in accordance with the reasoned amendment moved by the honourable member for Albert Park. It states:

> 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 proper consultation with local government, small business and the food industry takes place in relation to unnecessary costs and duplication in food safety regulation'.

As I have said, the MAV and the opposition have had legal advice that the legislation confuses the position even more. To the food industry a tax of $1000 imposed by the legislation would be the equivalent of the $100 home tax imposed on Victorian home owners. The government says only some restaurants, fast-food places, big hospitals or preschool centres will be affected, but the list is extraordinarily long. It includes not just restaurants, milk bars, takeaway food shops, Chinese restaurants, supermarkets, hospitals, nursing homes, weekend markets, sporting clubs and charities but also all the vehicles that transport food between wholesalers and retail establishments.

I estimate that Victoria has more than 5000 restaurants, and the number of milk bars would be considerably greater. Others affected will be a range of takeaway food outlets; the institutional settings I referred to, including hospitals, nursing homes, preschools, kindergartens and child-care centres; charities, local church groups and scouts, all of whom raise a bit of money on weekends and election days by selling produce such as jams and hot dogs; and food transport vehicles.

The honourable member for Albert Park was conservative in his remarks. I suspect that if all the groups I have mentioned are included more than 100 000 Victorians will be directly affected by the legislation. The small businesses the government pretends to champion, including people who have borrowed to buy food transport vans, will have to find up to $2000 to pay a private auditor, produce a 370-page report and submit it to local government, and then get the auditors back periodically to ensure they are adhering to the food safety plans.

It is a joke. The minister and the parliamentary secretary, who represents a rural electorate, ought to hang their heads in shame at the appalling mess the government has made of the legislation. The opposition was right about the 1994 bill and right about the amending 1997 bill, and it is right about the current bill. The opposition wants to get the legislation right and offers the government its bipartisan support for any attempt to do so, but the bill is not the right way to go. The opposition believes the bill should be allowed to lie over so it can be completely reassessed and brought back for debate after proper consultation with rural Victoria, local government and the food industry.

Mr STEGGALL (Swan Hill) — I move:

That the debate be now adjourned.

Mr BRUMBY (Broadmeadows) — I oppose the motion to adjourn the debate. The opposition has had only two speakers on the debate tonight, yet the bill — —

Dr Napthine — Three hours!

Mr BRUMBY — The Minister for Youth and Community Services says we have had 3 hours of debate. We have not had 3 hours.

The bill affects Victoria's largest industry, the food industry, which is worth $42 billion Australia wide and for which extraordinary export targets have been set. Apart from its lead speaker the opposition had 10 members listed to speak on the bill tonight. The honourable members yet to speak in the debate are the honourable members for Altona, Northcote, Pascoe Vale, Dandenong, Yan Yean, Ivanhoe, Werribee, Keilor and Clayton. They all want to speak on the bill because they have received representations from local councils and food operators about what a mess the bill is.

If the debate is adjourned the bill will not come back on this week. The government will say, 'We will bring it back on on Friday', but we have heard that one before, have we not? It will not come back on because there are 14 bills listed for debate this week — and tonight I heard that the government intends to bring in a bill tomorrow and push it through on Friday!

I repeat: if the debate is adjourned the Food (Amendment) Bill will not come back on this week, despite the fact that it will affect Victoria's largest industry and will have an impact on 100 000 small businesses across the state — a huge number. They will all be thousands of dollars out of pocket, yet debate on the bill is being adjourned after just two speakers! I would have liked to hear the parliamentary secretary for state development or the Minister for Youth and Community Services respond to the telling points made so powerfully by the honourable member for Albert Park earlier in the debate. I would have liked to see the minister table the government's legal opinion that shows the amendment will do what it is claimed to do — although the opposition knows it will not.

Tonight we are seeing an unprecedented abuse of the parliamentary process. I was speaking earlier to the honourable member for Keilor, who is an astute member of Parliament and who has shown great interest in the debate. He is desperately keen to speak because his electorate contains many food premises and his local council has been hit hard by the cost imposts of recent years. He is being denied the opportunity to speak out on behalf of his constituents. Where is the appropriateness in that? There is none! Where is the

justice in that for the honourable member for Keilor or the other honourable members who wanted to speak tonight but who will not get the chance?

There are hundreds of food establishments in the electorates of Keilor and Werribee. Werribee has a growing food and restaurant industry as well as beautiful tourism attractions such as the Werribee mansion and the new hotel development, the rose gardens and the zoo. I have been to all those establishments, all of which serve food. They will all be required to lodge food-safety plans.

The house has not heard from the parliamentary secretary because he is embarrassed. He knows the bill is another shemozzle that government is attempting to push through Parliament in what will be the last week of sitting before the next state election. The government is running away from its legal opinion. I hope that in the debate on the adjournment the parliamentary secretary for state development or the Minister for Youth and Community Services will table the government's legal opinion. The minister looks dumbfounded — which is not unusual — because he does not have a legal opinion that says the bill will work. The opposition has an opinion from the eminent law firm Maddock Lonie and Chisholm that shows the bill is unworkable. Parliament needs more time for debate on the bill to ensure that the government does not make another huge mistake.

I will not go through the details again, but I repeat that 78 local councils will be affected by the bill. Every one of them will have to employ more food safety officers, build extra storerooms to store the paperwork and employ more lawyers to support them if any cases of food poisoning occur in their municipalities. Once the lawyers get their teeth into this, it will become a lawyers' picnic. This is worse than the $100 home tax; it is $1000 tax on food establishments.

The ACTING SPEAKER (Mr Maughan) — Order! I remind the honourable member for Broadmeadows that the motion before the Chair is that the debate be adjourned. He is now straying from the motion, and I ask him to come back to it.

Mr BRUMBY — There are at least seven reasons why the debate should not be adjourned tonight. The first is the need for proper parliamentary debate to fully explore all the implications of the bill. The second is the need to put the concerns of local councils before the house. As I mentioned previously, 10 honourable members on this side of the house were listed to speak on the bill. Each of their electorates contains local councils, and each contains many food establishments, the operators of which are horrified by the bill — and they have not seen the worst of it. For most of them the time line has been fortuitously delayed until after the next state election, but when they sit down to work their way through the bill they will fully appreciate what a nightmare it is.

Thirdly, we need more time to put before the chamber the concerns of restaurants and the class A, B, C and D establishments, all the operators of which have major concerns about the bill. Fourthly, we need more time to bring to the attention of Parliament the concerns of the Municipal Association of Victoria. The MAV broadly supports the 1997 model, as the opposition did at the time. However, the opposition warned that if it were not handled properly and if insufficient attention were paid to the detail, the bureaucracy and the red tape, the bill would be a nightmare — and we were right. The MAV has the same concerns about the implementation of the legislation and the proposed amendment.

Fifthly, the opposition needs more time to allow more opposition members to contribute to the debate. There is a need to highlight the cost impost on small business. I have always been a great supporter of small business, as have all honourable members on this side of the house. The honourable member for Mitcham has been in the chamber throughout the debate. There are many small businesses in his electorate, and he wants the opportunity to speak on behalf of those businesses and express their concerns about the impact of the legislation.

Sixthly, there is a need to examine the impact on consumers. The government prides itself on Victoria's low inflation rate, yet in the second-reading speech there is no mention or assessment made of the impact of the legislation on the price of food, the cost to the consumer and the effect on the consumer price index. Owners of small businesses whose costs go up by $3000 a year will have to either put up prices or go out of business. There will be an impact on consumers.

The seventh reason for having more debate tonight is that we need to examine whether section 39(1)(b) ought to remain in the Food Act or be removed. When the honourable member for Albert Park raised the matter earlier I thought I saw the honourable member for Swan Hill acknowledge the point he made about section 39(1)(b), and there is a need to have more debate on that point tonight. The opposition wants only two or three hours — it does not want to go all night.

The opposition opposes the adjournment because there are 10 opposition members who wish to contribute to the debate. Up to 100 000 businesses will potentially be

affected by the legislation. They will face costs of up to $3000 in complying with food-safety plans, yet only two members have so far made a contribution — and not one government member. If this were good legislation government members would be lining up to speak on behalf of restaurants and local government bodies in their electorates and saying what fantastic legislation it was. They would all be saying, 'This is the legislation we want and support'. Where are they? They are hiding down in their offices and running away from the councils, transport vehicle operators, small businesses and hospitals in the areas they represent.

Mr Finn interjected.

Mr BRUMBY — The honourable member for Tullamarine will be hiding after the next election, and that will be a great relief to all in this place.

Mrs Peulich interjected.

The ACTING SPEAKER (Mr Maughan) — Order! The honourable member for Tullamarine would assist the house if he remained silent; and likewise the honourable member for Bentleigh.

Mr BRUMBY — I have outlined seven powerful reasons why debate should continue tonight. There is also a broader principle: 14 bills have been scheduled for debate this week. It is totally unconscionable. It is an impudence. It is a slight on Parliament. That pattern will continue all week. I could not believe it when I heard that a bill will be introduced tomorrow, proceed through the first and second-reading stages and be rushed through by Friday.

The opposition's request is not unreasonable. Effectively the gag has been applied because the legislation will not return. Debate on the legislation should be completed tonight and tomorrow morning the house should debate the Australia Acts (Request) Bill. That significant piece of legislation concerns Australia's becoming a republic, Victoria's fitting in with that model and the implications of that for Victoria's system of government and its relationship with the Governor. The Australia Acts (Request) Bill should not be brought on in the dead of night.

The opposition wants only another two or three hours. As I understand the standing orders it is not too late for the honourable member for Swan Hill to withdraw his motion and for the debate to continue. If speakers were limited to 15 minutes, half a dozen members could contribute to the debate. The result would be better legislation, and everyone would be happy.

Gagging the debate in the way the it has been gagged tonight is unacceptable and unconscionable. It is a poor reflection on the government. The opposition opposes the adjournment.

Mr FINN (Tullamarine) — I am amazed at the carry-on coming from the opposition benches on this matter. The house is seeing nothing more than a pathetic stunt by an opposition that has nothing to offer in the way of constructive debate or comment. This is a Kamikaze-like attempt by opposition members to have some sort of impact on this place. So far as they are concerned it does not matter what sort of impact that may be, whether it be positive — which is very unlikely — or totally negative. They must have some impact, and if that means keeping us here all night obviously that is what they are happy to do.

Tonight the honourable member for Albert Park made an attempt on the world championship time-wasting record. He started to speak at 8.05 this evening and finally took a breath a short time ago. The charade being used on this issue is a disgrace. The honourable member for Albert Park spoke for almost 2¼ hours.

Mr Robinson — On a point of order, Mr Acting Speaker, on the question of relevance, the honourable member for Tullamarine is not addressing his remarks to the question of time. He is debating the bill.

The ACTING SPEAKER (Mr Maughan) — Order! I uphold the point of order and ask the honourable member for Tullamarine to address his remarks to the motion before the chair.

Mr FINN — If the dope from Mitcham had been listening he would be aware that I have referred on a number of occasions to the amount of time — —

Mr Brumby — On a point of order, Mr Acting Speaker, the language used by the honourable member, if one can call him honourable, was quite unparliamentary and an insult to the place. I ask that you require him to withdraw his comments.

The ACTING SPEAKER (Mr Maughan) — Order! My understanding of the standing orders is that the honourable member who was called the particular name needs to take that point of order.

Mr Robinson — Mr Acting Speaker, I did take offence at those remarks. I am pretty thick-skinned, but I ask the honourable member for Tullamarine to withdraw.

The ACTING SPEAKER (Mr Maughan) — Order! The honourable member for Mitcham has taken

exception to the word used by the honourable member for Tullamarine, and I ask him to withdraw.

Mr FINN — Before he gets his mum on to me, Mr Acting Speaker, I certainly withdraw.

As I was saying, the honourable member for Albert Park wasted the time of the house in a way that nobody has done for some considerable time. He spoke for well over 2 hours on a bill that is one and a half lines long. One would not have thought that possible. The honourable member for Broadmeadows then made a 30-minute speech that one can best describe as being pure drivel and absolute nonsense. He said that abuse of the forms of the house is occurring. That is true — by the opposition!

Only last week opposition members were parading before the cameras and crying crocodile tears about the appalling hours this house sits. That just shows them up as displaying the hypocrisy for which they are well known. They have indulged tonight in puerile waffling. The motion before the house deserves to be passed now.

Ms CAMPBELL (Pascoe Vale) — I support my opposition colleagues in objecting to the adjournment of the debate. A number of important points need to be raised in the debate tonight. I note that the honourable member for Swan Hill, who moved the motion to adjourn the debate, has fled the chamber — obviously because he is absolutely embarrassed to be moving such a motion under instruction from the government. If the honourable member for Swan Hill and other government members were really interested in representing their electorates they would be speaking in the debate on the bill. They are so ashamed that they cannot stand up tonight and support a full discussion because if *Hansard* were quoted in their electorates they would be totally embarrassed.

The opposition has made it its business to consult on the Food (Amendment) Bill. It wishes to raise a number of points in the debate. In the area of community services, for which I am shadow minister, many organisations have expressed their displeasure at the current Food Act and it is important that their views be put on the record.

Honourable members should be discussing what a range of municipal councils have had to say on the bill, yet they are being denied that opportunity. In my own electorate three councils have grave concerns about the bill. They are concerned that the Department of Human Services, which is responsible for administering the legislation, has tried to implement the principal act without proper guidance. When the federal government introduced its food handling regulations it distributed very comprehensive guidelines to organisations such as hostels to enable them to organise the appropriate documentation with a reasonable amount of compliance and ensure that their residents were protected from contaminated food. The Kennett government has failed to do that. Administration of the Food Act has proved to be one debacle after another and there have been no measurable improvements for the people it is supposed to protect. As I said, in the Pascoe Vale electorate, Moreland, Moonee Valley — —

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member should speak on the motion that the debate be now adjourned.

Ms CAMPBELL — I object to the government's attempt to adjourn the debate on the bill tonight. It should not be adjourned because in my own electorate three municipal councils have been hard hit by the Food Act without any measurable improvement in health standards and the handling of food. Seventy-five other municipal councils are also concerned, but the government will not allow their concerns to be expressed in the house tonight. There will be no opportunity for local government views to be recorded in *Hansard*, and that represents a further erosion of democracy in this state.

As shadow minister for community services I have spent much time visiting neighbourhood houses. The concerns of proprietors need to be outlined tonight, and if the debate is adjourned I will be unable to do that. For example, last week I visited a number of neighbourhood houses around Hampton Park and Berwick.

Mr W. D. McGrath interjected.

Ms CAMPBELL — The Minister for Police and Emergency Services cannot — —

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member will address the Chair and speak on the motion before the house, which is that the debate be adjourned.

Ms CAMPBELL — If the minister is unwilling to recognise that neighbourhood houses in his own electorate have been adversely affected by the act, I feel sorry for him and for the people he represents.

It is important to place on record tonight that adjourning the debate on the bill will deny neighbourhood houses the opportunity to register their concerns about the bill. Preschools, particularly those that have been innovative

in attempting to balance their budgets, are now required to prepare food plans.

The ACTING SPEAKER (Mr Jasper) — Order! I direct the honourable member back to the motion before the house, which is that the debate be adjourned. The house does not want to hear her contribution to the general debate.

Ms CAMPBELL — I thank you, Mr Acting Speaker, for your wonderful guidance. I shall explain why it is poor parliamentary procedure and poor government if the debate on this bill is adjourned tonight. The debate should not be adjourned tonight because a range of organisations have consulted with the opposition. The opposition has been prepared to listen and learn and it intends to lead not only in regard to the Food Act but also on many other issues after the next state election.

On the question of adjourning the debate on the bill, I should say that child-care centres have a large number of concerns that will not be able to be addressed if the debate is adjourned tonight. They will be denied the opportunity to have their voice heard in Parliament.

Mr W. D. McGrath interjected.

Ms CAMPBELL — The poor Minister for Police and Emergency Services has again missed the point. It is terribly important that he learn something from the debate because it might help him in his own electorate. If the debate is adjourned, fish and chip shops, child-care centres and neighbourhood houses in his electorate will be the poorer for his government's bad decisions.

If the debate is adjourned I will also be unable to outline the importance of ethnic festivals. Many church organisations raise a large proportion of their funds through festivals, where they sell food.

The honourable member for Keilor is concerned to put on the public record the importance of ethnic festivals, particularly the fundraising capacity of such festivals that is essential for the very existence of those organisations — —

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Pascoe Vale on the motion that the debate be adjourned.

Ms CAMPBELL — On the question that the debate be adjourned, Mr Acting Speaker, if it is adjourned people from ethnic organisations who wish to have their views represented tonight will be denied that opportunity. Small businesses in my electorate will be denied the opportunity to have placed on the record their views on this bill. Admittedly the debate concerns a very narrow provision of the Food Act; it boils down to one word. However, if the government is not prepared to let a full discussion take place on that word the opposition will stand up for parliamentary democracy.

I am concerned for groups such as the scouts, who are not represented here. They must have a voice in this place, and the opposition will adopt that role. If the change to section 19C and the reasoned amendment moved by the honourable member for Albert Park are not debated in full a range of organisations will not have had an opportunity to put their views about whether the house should refuse to read the bill a second time until proper consultation with local government, small business and the food industry has taken place in relation to unnecessary costs and duplication in food safety regulation. That is the key to what honourable members should be debating.

If the debate is adjourned Victorians will ultimately be poorer and sicker because of the government's refusal to listen to the good advice given by the opposition. The government refuses to consult and as a result must continue to propose amendments to the Food Act. Honourable members should be given the chance of debating the bill thoroughly.

Mr E. R. SMITH (Glen Waverley) — The debate on this one-and-a-half-line bill has been in progress for 3 hours and 25 minutes, yet each honourable member could have been allocated 5 minutes in which to make a contribution. The Deputy Leader of the Opposition wasted 2 hours and 10 minutes going over and over the same matter. He laughed at his own jokes — if they were jokes — but I did not hear anyone else laughing. He made an absolute fool of himself. Yet working through the media the opposition expects Victorians to believe it is serious. The debate has been a farce from start to finish.

So far in the debate I have not heard any speaker refer to the content of the bill. Clause 3 states:

> In section 19C of the Food Act 1984, sub-section (3) is repealed.

That is the bill that has taken up 3 hours 25 minutes of the house's time. The opposition claims that it never has enough time for debate, that the rules of the house are being abused and that the time settings should be improved, yet tonight it is wasting time. The house will probably sit into the early hours — 3, 4, or 5 o'clock — until the business scheduled for today has been completed. Approximately 3 hours and 25 minutes has

been wasted to satisfy the opposition's desire to say, 'We were tough. We tried to take the government to task'. What a load of rubbish.

The Deputy Leader of the Opposition is a disgrace. Nobody has ever talked for that length of time in this place on such a trivial matter. In the past Jim Simmonds and various other members spoke for long periods on matters of substance, but tonight the house has heard nothing of substance from the Deputy Leader of the Opposition.

I support the motion moved by the honourable member for Swan Hill that the debate be adjourned. What has taken place tonight has been nothing but a disgrace!

Mr HAERMEYER (Yan Yean) — It is extraordinary that the honourable member for Glen Waverley should talk about the time spent on the debate. Only 2½ hours has been spent debating the bill because the government has spent the past 45 minutes trying to close down the debate.

The honourable member for Glen Waverley spoke about the length of time that was spent debating a bill that affects 100 000 small businesses across Victoria. Those businesses have had to put thousands of hours into complying with the nonsensical, idiotic and not-thought-out legislation that the government has imposed on them, yet the government has baulked at debating the bill for a few hours.

The Minister for Police and Emergency Services interjected across the table while the honourable member for Pascoe Vale was speaking and said, 'It's no good talking about it, just vote against it'. That is very instructive because it demonstrates exactly how the government regards the house. The implication is that honourable members should just come in and cast their votes, that they should not debate or think. God forbid that honourable members should think!

Members on the other side are not preselected for their ability to think. It is a case of 'Don't debate, don't think, ram through legislation, lick the Premier's boots and do whatever he says'. So long as legislation such as the Food (Amendment) Bill continues to be jackbooted through Parliament, it will have to be continually amended. The legislation is faulty and will cause major problems. If the government had allowed proper debate and consultation on the original changes to the act, we would not need to be debating the bill tonight. But the fact that we are debating it is testimony to the government's willingness to jackboot legislation through Parliament. If adequate debating time were allowed honourable members would not have to return time and again to fix the muck-ups of this incompetent, arrogant and dictatorial government. The government is attempting to close the debate after only two speakers because it wants to jackboot 14 bills through Parliament before the end of the autumn sessional period.

The opposition has 9 or 10 speakers who wish to contribute to the debate on the Food (Amendment) Bill, including the honourable member for Altona, who has many small businesses in her electorate, and the honourable member for Northcote, who has considerable concerns about issues raised by the operators of small food shops in her electorate. The honourable member for Pascoe Vale has several small businesses in her electorate, as does the honourable member for Dandenong. They would like to use Parliament as a forum for debate to raise the issues drawn to their attention by small business owners in their electorates. The inimitable honourable member for Yan Yean would also like to contribute to the debate, but the government is preventing him from doing so. I could go on: the honourable members for Ivanhoe and Werribee, Keilor and Clayton all wish to contribute to the debate.

Honourable members on this side have received many representations from small business owners in their electorates who are concerned about the government's mismanagement of Victoria's food industry, which was first deregulated and then over-regulated.

I should have thought there would be food premises in some of the electorates represented by honourable members opposite, but where are the government members?

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Yan Yean should stay with the question that the debate be adjourned.

Mr HAERMEYER — Members of the opposition oppose the question that the debate be adjourned on the ground that they would like the opportunity to speak on the bill. Why would government members not want to represent the concerns of small businesses in their electorates? Why the hell were they elected to Parliament if they do not want to debate important legislation of concern to their constituents? It is not good enough to file into the chamber, put your hand up, lick the Premier's boots and go back to the bar.

The bill is testimony to why the legislation should not be jackbooted through with only two speakers and minimal debate. As I said, the government deregulated the food industry and rammed the legislation through Parliament with no consultation or debate. The industry

was then re-regulated, again without proper consultation or debate. The government mucked up the legislation then, and now it is endeavouring to muck it up again. Adequate debate might help the government to get it right.

Some 100 000 businesses are affected by the legislation. Although it is only small the bill amends a hell of a lot of regulations and, more importantly, affects a hell of a lot of people who have used their life savings, their superannuation payouts or perhaps mortgaged their homes to invest in their businesses. The bill affects their livelihood yet the government wants to ram it through with minimal debate.

Most honourable members opposite either sit in this place like blancmange or wander into the bar. They pick up their pay every couple of weeks, yet with contemptuous arrogance and almost no debate the government is ramming through legislation that affects small businesses who have to get customers through the door and pay their bills before they make a profit.

The government claims to represent small business. The Food (Amendment) Bill is important to small businesses yet the government is treating both the legislation and Parliament with contempt.

Mr Finn interjected.

Mr HAERMEYER — Rather than contribute to the debate on behalf of the small business operators in his electorate, the honourable member for Tullamarine comes into this place to speak in favour of stifling debate.

I believe the small business proprietors who operate in the electorate of the honourable member for Tullamarine will resent his contemptuous arrogance and he will not be returned to office after the next election. One must also ask where the honourable member for Narracan is. The thousands of small business proprietors who operate in his electorate will also be concerned about the implications of the bill, but he is nowhere to be seen. I suppose he will eventually file into the chamber and vote to close down the debate on the bill. The honourable member for Oakleigh also does not appear to be concerned about the interests of small businesses in her electorate. The honourable member for Seymour is sitting there laughing away, but what about the food premises in her electorate?

Mr McArthur — On a point of order, Mr Acting Speaker, standing order 109 relates to tedious repetition. I suggest the rhetorical device used constantly by the honourable member for Yan Yean throughout his speech — his references to small business, which I heard 14 times, his references to honourable members on both sides of the house and his references to the small businesses in their electorates — has resulted in his simply repeating the same argument again and again. He is contravening standing order 109, which says, 'Thou shalt not tediously repeat and waste our time in the house'. I ask you to draw that to his attention, Mr Acting Speaker.

Mr HAERMEYER — On the point of order, Mr Acting Speaker, the government is attempting to close down the debate on the bill. One would have thought government members would want to speak on the bill. My discussion about whether honourable members want to discuss the bill any further is entirely germane.

The ACTING SPEAKER (Mr Jasper) — Order! I accept the point of order put forward by the honourable member for Monbulk. The honourable member for Yan Yean should not repeat comments he has already made; that is tedious repetition. I ask him to speak solely on the question that the debate be adjourned.

Mr HAERMEYER — Certainly, Mr Acting Speaker. Given that the government wants to close down the debate on the bill I would have thought that even the honourable member who raised the point of order would want to represent the businesses in his electorate. Why are government members not speaking up for the small businesses in their electorates?

The ACTING SPEAKER (Mr Jasper) — Order! I have given a direction from the Chair. The honourable member for Yan Yean will address the question before the house — that the debate be adjourned — instead of referring to other honourable members.

Mr HAERMEYER — If government members had spoken up during the debate on the principal act, which has caused the problem, we would not have to consider the bill now. Only 2½ hours of debate on a bill that will have a major effect on some 100 000 small businesses around Victoria is totally inadequate. Government members should stop treating Parliament as a rubber stamp. It is about time they started to treat Parliament as a democratic forum for debate. If they are more interested in sitting in the house like blancmanges and licking the Premier's boots instead of debating bills, perhaps they should leave.

If there were more sitting weeks in a sessional period there would be adequate time to debate this bill and the other 14 bills the government is trying to jackboot through the house this week. The government is trying to ram legislation through the house and use Parliament

as a rubber stamp without any real debate. Parliament is sitting for only 20 days in this sessional period, which is an abysmally low number for any Parliament in Australia. If the number of hours in this sessional period had not been reduced there would have been a reasonable opportunity to debate bills. If only honourable members did what they pick up their pay cheques for — that is, sit in Parliament more often!

Mr GUDE (Minister for Education) — I move:

That the question be now put.

The ACTING SPEAKER (Mr Jasper) — Order! We have heard three opposition members speak against the motion of the honourable member for Swan Hill as well as two speakers for the government. I propose to accept the motion moved by the Leader of the House.

House divided on Mr Gude's motion:

Ayes, 54

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

Noes, 25

Andrianopoulos, Mr	Hulls, Mr
Baker, 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
Carli, Mr	Mildenhall, Mr
Delahunty, Ms	Pandazopoulos, Mr
Garbutt, Ms	Robinson, Mr (*Teller*)
Gillett, Ms	Seitz, Mr
Haermeyer, Mr	Thwaites, Mr
Hamilton, Mr	

Motion agreed to.

House divided on Mr Steggall's motion:

Ayes, 54

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

Noes, 25

Andrianopoulos, Mr	Hulls, Mr
Baker, 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
Carli, Mr	Mildenhall, Mr
Delahunty, Ms	Pandazopoulos, Mr
Garbutt, Ms	Robinson, Mr (*Teller*)
Gillett, Ms	Seitz, Mr
Haermeyer, Mr	Thwaites, Mr
Hamilton, Mr	

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

AUSTRALIA ACTS (REQUEST) BILL

Second reading

Debate resumed from 6 May; motion of Mrs HENDERSON (Minister for Housing).

The ACTING SPEAKER (Mr Jasper) — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority.

Mr BRACKS (Leader of the Opposition) — The opposition welcomes the bill, which is part of the machinery of government for Australia's move to become a republic. What a great move for the future! It is with some pride that I stand here as the Leader of the Victorian Labor Party to support the bill, which sets the scene for a possible yes vote at the referendum to be held later in the year to determine whether Australia will become a republic. The bill will enable the transition to occur.

The Australian Labor Party has a proud tradition of advocating the severing of Australia's ties — —

Mr Richardson interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Forest Hill will remain silent.

Mr BRACKS — There are some defectors we want and there are some defectors we don't want!

The Australian Labor Party has a proud tradition of advocating an independent nationhood for Australia and for Victoria to be part of that independence. That will require the severing of Australia's ties with the United Kingdom. The Labor Party does not have a cross to bear with the Queen of Britain; it simply recognises the fact that independence is an important next step in Australia's maturity as a nation, and it is a step that should be taken in the future.

The federal Labor Party breathed new life into the republican debate, with the Prime Minister, Paul Keating, giving it a big push — —

The ACTING SPEAKER (Mr Jasper) — Order! The former Prime Minister.

Mr BRACKS — Wouldn't it be fantastic if he were still there?

Mr Keating is a true republican; he is a true Irish spirit in Australia. What a pity the current Prime Minister does not accept any republicanism for the future. The former Prime Minister's office threw its weight behind the inevitable push for Australia to become a republic.

I am proud to support the bill as someone who was born in Ballarat and whose parents were born in Ballarat. There are no Ballarat MPs in the chamber.

Government Members — Yes, there are!

The ACTING SPEAKER (Mr Jasper) — Order! It can be assumed from the interjections that other honourable members from Ballarat are present.

Mr BRACKS — As members who have an association with or were born in Ballarat would know, it was the birthplace of independence in this country. It was the scene of the Eureka Stockade, which was the first effort in rebellion against the United Kingdom and against domination by another country. I am proud as both the Leader of the Labor Party and as someone who comes from Ballarat to be part of that spirit for the future. That moment in Australia's history stands as a critical time when Australians questioned their links with Britain and expressed a declaration of independence. The declaration was expressed under the flag of the Southern Cross. What a great way of ensuring the nation's independence in the future!

The central goldfields played a vital role in the establishment of our federation. Most members are familiar with Ballarat and Bendigo and would know of the many statues and monuments to Sir John Quick. As we all know, he played a central role in our Federation.

Sir John Quick's contribution to and speeches about what it means to be an Australian are as important today as they were at that time. Sir John was not only a founder of the Australian constitution but was also one of the first great constitutional lawyers in Australia's history. I know that members on both sides of the house hope Sir John's great contribution to the formation of Australia and as an eminent constitutional lawyer will be commemorated in some way, perhaps by a statue, in Federation Square.

Reference to Sir John Quick reminds us that Victorians have always been in the vanguard of constitutional reform. Victorians provided much of the intellectual input into the republican debate and have pushed for nationhood and for Australia to become a republic. When the house is debating legislation that will enable Victoria to become part of an Australian republic, we can pay tribute to those who fought for an independent Australia and others who are continuing that fight into the future.

Until recently, the passion for an Australian republic and an Australian head of state was confined to the margins of political life. The cause was kept alive by men and women with a vision for a mature, confident and independent Australia. They saw that it was absurd to cling to the false security of a crown of another country that would never sit on the head of an Australian head of state in future. They recognised that, and their love of their country was expressed in their fight to ensure that the republican push was not just on the margins but was central to debate about what would happen in the future. Along with many other members,

I salute their persistence, which has been rewarded in the bill before the house.

The choice to become a republic is now a matter of mainstream debate; it is not on the margins. A yes vote in the forthcoming referendum on Australia becoming a republic is now widely supported across party lines and by most political leaders in this country. That does not mean that the referendum will get up, because it is very difficult to achieve a positive result in referendums in this country. However, I am sure there will be bipartisan support in Victoria for a yes vote at the referendum on whether Australia should become a republic in the future.

If the referendum is passed and Australia takes the step towards full maturity and confidence, the states will have a great opportunity to use the momentum for change. Victoria will have an opportunity to breathe new life into democracy in this country as part of a new democratic republic in the future.

The purpose of this short but significant bill is to ensure that the Australia Acts are amended to facilitate the severing of ties between Victoria and the Queen of England. As I said, there is enormous respect for the Queen of England, but it is time to be independent and move to becoming a republic. I put on record that the Victorian Labor Party is not content merely to sever the ties but also supports constitutional change which must involve dramatic reform of our system of government. The Labor Party stands ready to deliver the reforms necessary to ensure that Australia becomes a republic, with Victoria as a mature part of that republic.

The reforms must include that the role, importance and sovereignty of the states be reaffirmed in the move to an Australian republic. The Labor Party holds to that very important principle. As we move to a republic it is critical that the sovereignty of Australia's states be recognised and reinforced. In Australia, unlike some countries such as India, the national government does not have the power to dismiss state Governors or state parliaments — and nor should it. In this country the states stand independently and are separately accountable to the people, as they should be in a mature and proper federation.

Maintaining the balance between the states and the commonwealth has been a constant theme throughout Australia's political history. There is no reason why the shift to a republic should change the current balance of arrangements between the states and the commonwealth. That is why Victorian Labor maintains that any move to an Australian republic should be accompanied by a reaffirmation of the role of the states.

The next reform must be that the Governor of Victoria is retained with a modernised brief focusing on a community and ambassadorial role. The Governor, Sir James Gobbo, has pursued that role very well. Victorians have come to love their Governors and appreciate the role they play in the community. One of the key issues for consideration when Australia becomes a republic is what will happen to our Governors. Members on both sides of the house would agree that Victorians would want to retain their Governor, and the new arrangement should flow to support for the Governor. However, in a move to a republic serious issues will need to be examined, including how the Governor is appointed and what role that position will play in the future.

The community needs to start a debate on how a Governor should be appointed in each of the states, including Victoria. Various constitutional models mirror many of the debates that dominated last year's Constitutional Convention. It is not helpful to nominate a system of appointment until the community has had time to examine the options. The Labor Party wants the Governor, Sir James Gobbo, and former Governors to play a key part in the debate on the method of appointment of a Governor.

The move to a republic provides an important opportunity to modernise the role of Governor. In my first meeting as Leader of the Opposition with the Governor, I was very impressed with the way he has taken up the role which he has modernised. He has accepted the role he has to play with regard to trade links with other countries and in making a positive contribution to increasing Victoria's opportunities for manufacturing growth, both interstate and overseas. He has taken on the modern role of Governor very well. That can be pursued further as we move to a republic, and that is why Sir James and former governors must be part of the debate.

In the future the Governor can play a more significant role in community debates and civic culture than the role currently provides for. A move should be made from a ceremonial role to one of an active participant in key community debates. I do not criticise the role of former or current state Governors — this state has been served well by its Governors — but the new role should include participation and involvement in community debates. The state government should allow that to be part of the future role of Governors as Victoria progresses into a republican model.

Another important principle that should be adhered to is that all states implement the necessary changes for Australia to become a republic within three years of a

successful referendum. It is important that all states move together. There is no point in Victoria having a unilateral position on the matter; all states should agree on the method of proceeding following a mature debate across Australia and Victoria.

It would be a great tragedy if Australia's move to a republic were nothing more than a patchwork of states moving to sever their ties over a decade. I believe it should be a coherent and concerted move and that all the states should finalise their constitutional arrangements within three years of a successful referendum. Each state could make its own decision on how its constitution would operate, but the move towards a republic should be finalised within that time.

Another reform involves the codification of the Governor's powers. The move to a republic requires an examination of the future powers of the Governor. It is my view and that of the Victorian Labor Party that such a review should be conducted not by the executive government, which at times has come into conflict with the Governor, but by an all-parliamentary committee that reports back to Parliament.

As part of the reform of the Victorian constitution to facilitate Australia's becoming a republic and position Victoria for the new millennium, the upper house of the Parliament of Victoria should be reformed to better reflect the community it represents. That is an important next step in the move to a republic.

Many Victorians have been frustrated by the limited nature of the constitutional reform that has accompanied the move to the republic. There was some debate about that at the Constitutional Convention. The argument at the federal level is that the diverse views in the Australian community make it extremely difficult to obtain broad constitutional agreement on reform. I believe Victorians are different. We have always led the debate on reform, from the days of the Eureka Stockade to the current debate, and we will drive reform in the future.

Victoria is mature enough to grasp the opportunity presented by the move to a republic to make broad reforms to both the Victorian constitution and the state's democratic institutions. It is my view and that of the Victorian Labor Party that as part of that reform the role of the upper house should be examined.

In reviewing the role of the upper house the government should examine new and distinct methods of election that reflect the different interests of Victorians and do not simply replicate the election result in the lower house. That would be the mature way to approach the reform. Victoria is the only state in Australia that does not have something approximating a proportional representation system for electing the members of the upper house. It is therefore the only state that does not have a real and active house of review that scrutinises legislation coming from the lower house.

Victoria's upper house suffers from replication and a lag effect. The upper house has reflected the lower house results in the past two elections. It does not allow the representation of distinct regional interests, which most other state upper houses and the federal Senate allow. As such, the upper house in Victoria does not properly represent the community it is supposed to represent. Victorian Labor has a commitment to reforming the upper house not only as part of Victoria's move to a republic but also to make it more accountable to the Victorian people.

As part of the wider process of reform the Victorian Parliament should introduce a code of conduct to accompany the Victorian constitution in providing a more ethical and accountable framework for Victorian members of Parliament. That has long been the view of the Labor Party. Victorians want an independent Parliament they can be proud of.

Parliament has been neglected by the Kennett government, and it has been let down by members of Parliament who have not abided by the spirit of the office they hold. The opposition wants to revamp Parliament under an Australian republic by introducing a new code of conduct that properly regulates the role and function of MPs and sets proper guidelines that reflect the community's expectations of the way MPs should conduct themselves. That is an important next step in the move to a republic.

It is my view and the view of the Labor Party that the reform of Parliament must also be accompanied by the reform of parliamentary procedures to allow for more sitting days, more debates on matters of public importance, the introduction of a right of reply for Victorian citizens, and set times for key debates to enable the Victorian public to play a part in the discussion of key issues that affect them.

Broader constitutional reform should also be introduced to improve the democratic process, to enshrine in the Victorian constitution certain rights contained in the Australian constitution and to review the language of the document to make it more relevant to the next century.

The Victorian constitution is a poor cousin of the federal constitution in terms of its relevance and meaning to those who are subject to it. I would have thought that rather than drafting a preamble to the federal constitution the Premier would have better spent his time drafting a preamble to the Victorian constitution. Let us get the Victorian constitution right and ensure that as part of the move to a republic Victorians have a constitution which is relevant and contemporary in language and which has a sensible preamble. That is where the government's efforts should be directed, and if that debate is to be had the opposition would like to be part of it. Labor will certainly offer a preamble to the Victorian constitution, and it will be a very good one.

Using its majority in both houses the Kennett government has repeatedly altered the Victorian constitution at whim. However, it has refused to use its majority in both houses to enshrine in the constitution the rights of Victorians. What a great opportunity the future provides to do just that.

Although the High Court of Australia has interpreted the federal constitution as embodying certain rights, the Westminster system and the separation of powers, the Victorian constitution is seen as a punching bag for the Kennett government, which has changed it at will over the past seven years. The Victorian constitution needs to be modernised to make it a statement about what it means to be a Victorian. That is what it should be about, and that is what the preamble should be about as well. The Victorian constitution should have enshrined in it the rights and responsibilities of all Victorians as well as the powers of the democratic institutions that will safeguard our interests, protect us from tyranny and help us pursue our aspirations as a state.

As honourable members know, the Labor Party is totally committed to enshrining in the Victorian constitution the independence of the Auditor-General, the electoral commissioner, the Director of Public Prosecutions, who was hounded and persecuted by the government, the Ombudsman and the equal opportunity commissioner.

A modern constitution which contained the checks and balances necessary for good government, immutable and there for all time, and which protected the interests of Victorians on behalf of the Parliament would be a way forward. The government pays little regard to the need for checks and balances. The government is not committed to ensuring that the independence of the Auditor-General, the Director of Public Prosecutions and the equal opportunity commissioner is enshrined in the Victorian constitution. Constitutional reform is necessary because from time to time governments demonstrate a contempt for Parliament and for the need for checks and balances to prevent the exercise of excessive executive power. I believe that in a republic Victoria would be a better place, with an independent Auditor-General and an independent judicial system to protect Victorians from the excesses of executive government.

Victorian Labor hopes this is but the first in a sweeping series of bills that will enable Victoria not only to sever its ties with the Crown and become an independent state but also to move into the next millennium with a revamped Parliament, a revamped constitution, a new preamble and a new view of its place in the world — all important next steps once the Australia Acts (Request) Bill is passed by Parliament.

The government has a great opportunity to breathe new life into democracy in the state and to renew the contract between the citizens of Victoria and their representatives. It is an opportunity that Labor will certainly take in the future, and it is an opportunity that the government should take now. If it does, it will have the opposition's full support. By supporting the legislation, honourable members are committing Parliament to a yes vote at the referendum to be held later this year.

Ms DELAHUNTY (Northcote) — I am pleased to join the debate on the Australia Acts (Request) Bill and support the comments expressed by the Leader of the Opposition. The bill is a mechanical measure to allow the state to be able to sever its link with Britain following a referendum that is proposed to be held on 6 November and which I passionately believe will result in a vote for an Australian republic. Under the current constitution there is some doubt as to whether the individual states can independently achieve that.

This request bill ensures that under the amendments to section 7 of the Australia Act no state will be prevented from severing its link. There should be no impediment, particularly in Victoria, to wholeheartedly embracing the notion of an Australian republic, to complete the job begun 100 years ago by our forebears and foremothers of placing an Australian at the top of the political pyramid rather than a foreign monarch who represents nations against whom Australia competes.

The bill makes a lot of sense because it completes the work begun, as the Leader of the Opposition outlined, by former Labor Prime Minister Paul Keating in his great vision for an independent mature sovereign Australia that does not have its ties to Britain maintained by a foreign monarch for whom many

Australians feel a great sense of gratitude, indeed love. However, for many Australians, particularly those of non-English-speaking backgrounds who increasingly inhabit this nation, there is no symbolic reason to support the English monarch.

The English monarch is a symbol of tradition. She is a symbol of the Westminster system that we have inherited and will continue. She is a symbol of the legal system that we inherited from Britain and will continue with great pride under a republic. However, she is no longer a symbol of national unity in this nation.

The bill also adds to the noble achievements of the Constitutional Convention which was held during the first two weeks of February 1998 in the old Parliament House in Canberra and which I had the great privilege of attending as an elected delegate from Victoria. On the final day of the convention I was also privileged to second the motion proposed by the Reverend Tim Costello which asked the delegates to commit in principle to the notion of Australia becoming a republic. In that debate on the final day I said that Australians had been watching us over those two weeks. No-one had ever imagined, certainly not the Premier of Victoria, just how much the constitutional reform debated by the Constitutional Convention would engage the interest of Australians. From the north to the south of the continent and from the east to the west, young and old suddenly became engaged, probably for the first time in many young people's lives, in the notion of constitutional reform, of taking an interest in how we are governed, what our political process is and what the future can be.

It was my comment on that day that by the end of the first week of the Constitutional Convention everyone in Australia had a model, from the janitor to the general manager. Australians expressed their views on how we could become a republic and what model the Constitutional Convention might put before Australians in a referendum in 1999. Republican delegates and those who came to the Constitutional Convention perhaps unconvinced about the need for change were asked in those final days of the crucial vote to embrace the winds of change. That is what every member of the house has an opportunity to do in voting for the bill today. Members can say yes to the bill and yes to an Australian republic. The Constitutional Convention sent out a strong signal that Australians want change; they want an Australian head of state, and they want every Australian to have the opportunity of becoming the head of Australia through an Australian presidency.

The final vote was overwhelming support for the bipartisan model. I will refer to the bipartisan model and explain why those conclusions were arrived at. I remind honourable members of the value of the Constitutional Convention: 152 delegates went to Canberra for those two weeks; 40 were members of the commonwealth, state and territory parliaments; 36 were appointed by the commonwealth, and most of those were to represent the young indigenous Australians and other Australians who perhaps are not necessarily represented in our state and federal parliaments.

One of my most pleasant memories of that convention was to look around the chamber of old Parliament House and see representatives of Australia. It was a chamber that looked far more representative of Australians than the chambers of our state and federal parliaments. There was a gender balance — not quite, but perhaps a third; we are getting close — and there were indigenous Australians, Australians from non-English-speaking backgrounds and, most importantly, young Australians, who were there to represent the interests of people who are often cut out of the constitutional and political debates of our time.

The convention was asked to answer two questions. The first question was: should Australia become a republic? A resounding yes was the response — yes, we should become an Australian republic. The second question was: in what time frame and under what circumstances might a change be considered? The Constitutional Convention decided that it should occur via a referendum in 1999, which will be on 6 November if we can believe the Prime Minister. Should that referendum be passed, the republic will come into effect on 1 January 2001. What magnificent symmetry that will be. Exactly 100 years after we became a nation under the most ultrademocratic formula of any nation of the world, we would complete the job and become an Australian republic with an Australian as head of state rather than a foreign monarch.

What was the model we agreed upon? There was much debate about whether the Australian people should elect a president or whether an appointment should be made by a joint sitting of both houses of federal Parliament after a nomination process. There was much debate early in the convention about the polls suggesting Australians wanted to directly elect a president. The result of one poll conducted at the commencement of the convention was that approximately 80 per cent held that view. Within a week of the debate the support for an elected president dropped to approximately 50 per cent, if not lower.

That showed two things. Many Australians were seduced by the simplistic notion of electing a president

on the basis that they thought we would get an American-type president and that we would enjoy an executive president. It showed that many Australians do not understand the way they are governed — and how could they? Unfortunately the teaching of civics in our schools dropped off a generation before ours, and we are all the poorer for its passing. We have not been teaching our young students or immigrants about how Australia is governed.

One cannot learn the nuances of the political system by osmosis; one cannot learn the intricacies of our political system by watching television, which is dominated mostly by news of America's political system and the comings and goings of the American president. I welcome as an addendum another initiative of former Labor Prime Minister Keating to have an inquiry into how much our school children and others know about the way Australia is governed. The civics inquiry was a bipartisan all-party committee inquiry into why we know so little about our political system and how that situation could be changed quickly. As a result of the findings of the inquiry, civics will return to the curriculum in our schools next year.

I welcome that occurrence. We cannot expect our citizens to understand why it is compulsory to vote without giving them some explanation and information about the political system in which they are asked to vote.

The model that will eventually gain majority support of the Constitutional Convention involves public nomination of those we would like to consider as our president. It involves various states and individuals bringing forward names of eminent citizens, either well known or preferably not well known. They can be lawyers, philanthropists, artists, housewives or doctors. Suddenly under an Australian republic any Australian can have his or her name put forward by the person's peers to go to the Parliament to be considered as the President of Australia.

Again, it is an ultrademocratic formula which is a beautiful symmetry between what Dr John Quick suggested 100 years ago when the movement towards federation had bogged down with politicians, particularly from New South Wales and Victoria. When the push towards federation had bogged down in the political system John Quick said, 'Give it back to the people'. Thus the people's convention of the 1890s was born, which led to the federation of Australia.

The bill mirrors the notion that individuals can put forward the names of those they would like to be considered by the Parliament for the presidency. A short list is drawn up and there is discussion between the Leader of the Opposition and the Prime Minister. The chosen person is then agreed to at a joint sitting of both houses of the federal Parliament. This ensures that we have an Australian who is acceptable to all political parties, but by necessity would not be associated with any political party. It is far more democratic and inclusive than any notion that is now being followed in the selection of the Governor-General, which of course is an appointment by the Prime Minister.

The convention members believed the powers should be the same formal reserve powers as the Governor-General has now. As far as possible the constitution should spell out the requirement, which it does not do now, that the formal powers be exercised on government advice. The convention was clearly telling the people of Australia that this is not an executive president but that the president should have powers that are to be exercised on advice of the government. In other words, the centre of power remains with the Prime Minister and the party that has the majority in the lower house.

I turn to the appointment of the president and the issue of qualifications. The president must be an Australian citizen, and there was much debate about that. The person should be eligible to vote in an election for the Senate and the House of Representatives at the time of nomination. It was also agreed after much political debate that anyone nominating or being nominated by others to be considered for the presidency of Australia should not be a member of a political party. That suggestion was adopted by the convention. There was a strong view at the convention, and it is a view expressed around Australia in a broad sense, that we want our head of state to be above politics and be able to realistically play the umpire's role.

It was agreed by the convention members that the president should be appointed for a five-year term, and there was much debate about the removal of the president. The convention members finally settled on the president being able to be removed at any time by notice in writing by the Prime Minister. The president can thus be immediately removed on receipt of that notice, but the Prime Minister's action must be approved by the House of Representatives within 30 days. A refusal by the house to approve the Prime Minister's action would be considered a vote of no confidence in the Prime Minister.

There was much debate also about how the president should be removed. It was decided in the interest of alacrity that a notice by the Prime Minister would be the most effective and democratic way of removing a

president. It would also reinforce that the primacy of power in an Australian republic remains with the Prime Minister and with the party in government — that is, the party with the majority in the lower house.

The convention looked at the role of the state Governors, and this relates directly to the bill we are discussing this morning. Convention members believed it was desirable for all states of Australia to move for a republic at the same time. This is clearly the most sensible suggestion, and one would hope all states would agree to it. We would make ourselves the laughing-stock of the world if we had an Australian president and an Australian republic, but within that a series of state monarchies. That would be absurd. I am delighted to see the Australia Acts (Request) Bill accepts that notion. The bill suggests that should Australia become a republic, as will occur in 2001, Victoria would move hastily to ensure it would not retain the monarchy.

The house has also discussed the preamble, which was of great interest to me. If Victoria is to renovate its constitution so it reflects society today rather than society a hundred years ago, we have to have as the welcoming mat to the template of our government the values and aspirations that join us in this nation. As I said previously, a hundred years ago the Queen was a symbol of unity in this nation; I do not believe she continues to be so. The values that unite us should be enunciated in the preamble to our constitution.

On the matter of further constitutional review, as convenor of the working party on this subject at the Constitutional Convention I noted there was animated discussion of the belief that two weeks in Canberra had achieved a mighty outcome in agreeing on a model to be put to the Australian people at referendum but that much more work needed to be done to renovate our constitution. Certainly it had to be assessed whether the model chosen and agreed upon was working.

Thus the convention decided that within two to five years of Australia's becoming a republic another people's Constitutional Convention would be convened, this time with two-thirds of the convention being directly elected; that the convention would review the operation of the new system of government under an Australian republic and review the role of the three tiers of government, the rights and responsibilities of citizenship, whether the commonwealth should have an environmental power, the system of governance and proportional representation, whether the mechanism for constitutional changes should be altered, the constitutional aspects of indigenous reconciliation, equal representation of women and men in the parliaments and better ways to involve people in the political process.

It can be understood that the Constitutional Convention, historic as it was, was only the first step on the journey to constitutional reform. A huge step, a giant leap, will be made on 6 November 1999 when we vote in the referendum to say yes to an Australian republic. Then there would be the announcement of the Australian president in 2001.

I also note that the bill is symbolic and significant for Victoria. When the notion of an Australian republic was first put on the national agenda by Prime Minister Keating, Premier Kennett decided that that was premature. He was a disbeliever. He was not interested in an Australian republic. He said in September 1993:

> The issue of how to move to a republic is premature when the benefits of why the move should be made have not been demonstrated.

The Premier was not interested in a republic in 1993. He was rather nervous about the notion of whether Prime Minister Keating would carry the day, moving us towards an Australian republic and leaving Victoria behind. In April 1993 he raised the question of whether the Prime Minister would use section 128 of the constitution to impose an Australian republic on the states. The Premier expressed in this place some ignorance of constitutional change and of what was proposed by Paul Keating. The Premier also said in 1993:

> These matters [of republican constitutional change] have been placed on the agenda at a time when Australia desperately needs to focus on controlling its debt and coming to grips with employment growth and economic activity. Republicanism will sidetrack the nation's focus on these important issues.

In Australia we can walk and chew gum at the same time. People can discuss issues of employment growth, economic activity, national debt and the state of our hospitals, roads and schools at the same time as discussing historic questions of constitutional reform and change.

By February 1998 the Premier — having said he would not attend the Constitutional Convention and certainly would not attend for the entire time — had sniffed the breeze and clearly seen that the Constitutional Convention had excited the imagination of tens of thousands of Australians who watched the ABC's live telecasts of the debates, who poured into King's Hall, who lined up to sit in the gallery and who in the last couple of days of historic votes sat in the old Senate chamber and watched proceedings remotely.

It is fascinating that the disbeliever, the man who believed this debate was premature and who could not understand why people would be discussing a republic, suddenly decided that Australians were interested in the republic. He wanted to ride in on his white charger and decide the bipartisan model would be voted for, a model hammered out four days before he arrived.

Certainly we welcomed the Premier when he finally decided to turn up at the Constitutional Convention and support, with some publicity, the model advocating the election of an Australian president by a two-thirds majority of the joint houses of Parliament. We welcomed the Premier deciding to get with the strength and the numbers in supporting the bipartisan model and saying yes to an Australian republic.

Victoria was blessed in having all three of its political leaders at the Constitutional Convention supporting the bipartisan model — the then Leader of the Labor Party, the honourable member for Broadmeadows; the Leader of the National Party, Pat McNamara; and the Leader of the Liberal Party and Premier, the honourable member for Burwood. I believe Victoria was the only state whose political leaders all supported the bipartisan model. Therefore I expect those leaders to be consistent.

The former Leader of the Opposition said he would support the republic as Labor passionately supports the notion of Australia becoming a republic. Labor members will be out on the hustings, convincing fellow Australians to vote yes if that is needed in 1999. I hope the other two leaders I have mentioned will be out there with us and will be consistent in supporting in public at the time of the referendum campaign what they voted for at the Constitutional Convention in February 1998. I hope they do not wimp it, sniffing the breeze and wondering which way the polls will go and which way they should go this time.

The Premier started out as a disbeliever, jumping on the bandwagon when the Constitutional Convention showed the people wanted a republic, and now the proof is — —

Mr Leigh — In the pudding.

Ms DELAHUNTY — Something like that. The opposition demands that the Australian republic be supported in the referendum campaign that will occur in October and November this year. It is with great pleasure that I support the bill and an Australian republic and look forward to the referendum being passed and thus the Australian Acts (Request) Bill being put into operation in 2001.

Mr BRUMBY (Broadmeadows) — I am delighted to support the bill. As the two previous speakers in this debate — the Leader of the Opposition and the honourable member for Northcote — have pointed out, those who vote in support of the bill will be voting in support of an Australian republic. I look forward to the active support of the honourable member for Tullamarine on this matter as we vote on the bill later tonight.

Like the honourable member for Northcote I was a delegate at the Constitutional Convention held just over a year ago in the old Parliament House in Canberra. I had the honour of being a representative of the Parliament of Victoria. I was fortunate enough to speak on a number of occasions during debate at the convention. I was able to speak generally in support of an Australian republic and also in relation to the preamble and the role of the states and on the final motion of the Constitutional Convention, that Australia should become a republic and that the method of appointment should be the bipartisan model.

Like previous speakers in this debate I look forward to the referendum on 6 November this year, and I look forward passionately to Australia becoming a republic of which one of us — an Australian — is the head of state so that we do not have as our head of state someone who resides 12 000 miles away and is the head of state of many other countries throughout the world.

As the honourable member for Northcote pointed out today and during her speech at the Constitutional Convention, we need a republic; we need an Australian as head of state; and we need to make a statement about how we are today and how we want to be in the future and not how we were 100, 150 or 200 years ago.

I have always supported Australia becoming a republic. I strongly supported the bipartisan model at the Constitutional Convention. That model basically involves two-thirds of the federal Parliament agreeing on a nomination for the head of state. The motion would be moved by the Prime Minister and the Leader of the Opposition — in other words, the nomination would enjoy bipartisan political support. That model is preferable to any of the other models proposed. It is preferable to the direct election method and the McGarvie model, which I believe would not win public support and would not capture the imagination of the Australian people.

This bill has many implications for the states, and I will come to them in a moment. As I said, I also spoke on the preamble. I was on the working party that reported

to the Constitutional Convention on what should be in the preamble. The working party recommended that the preamble to the constitution should contain the following elements: introductory language in the form of, 'We the people of Australia'; some reference to Almighty God; reference to the origins of the constitution; an acknowledgment that the commonwealth has evolved into an independent democratic and sovereign nation under the Crown; reference to our recognition of our federal system of representative democracy and responsible government; affirmation of the rule of law; acknowledgment of the original occupancy and custodianship of Australia by Aboriginal people and Torres Strait Islanders; recognition of Australia's cultural diversity; affirmation of respect for our unique land and the environment; reference to the people of Australia having agreed to reconstitute our system of government as a republic; and concluding language to the effect that 'We the people of Australia, asserting our sovereignty, commit ourselves to this constitution'.

The working party also recommended that there be considered for inclusion in the preamble affirmation of the equality of all people before the law, recognition of gender equality and recognition that Aboriginal and Torres Strait Islanders have continued rights by virtue of their status as Australia's indigenous peoples. I have very strong views about the inclusion of some basic statements of rights in the preamble. They need to be expressed in such a way as to capture our imagination and build on some of our history, but not so explicitly as to cause or be able to cause legal challenge through the High Court. But I believe the affirmation of the equality of all people before the law, the recognition of gender equality and the recognition of Aboriginal people and Torres Strait Islanders are absolutely crucial in any preamble that is adopted to head the new constitution of Australia.

There are a number of implications for the states. I spoke on this matter during the Constitutional Convention. Of course the states have always been guaranteed a role in the constitution since Federation in 1901. I made it clear in my speech and the convention adopted a series of recommendations on these matters. There is no reason for the shift to a republic to change the balance of constitutional arrangements in the republic of Australia. There was overwhelming support at the convention for that point.

The second issue concerning the role of the states relates to who should have the power to appoint a Governor. The answer to that question is that that power should stay with the state. A number of models can be examined as to how the Governor should be appointed. It could be on the recommendation of the Premier, the bipartisan model, or a recommendation to the president of the republic, who would then appoint the Governor.

There is one issue to be considered in the appointment process for a Victorian Governor. If we want to adopt the same model that is adopted federally — that is, the bipartisan model — we would need to make sure that it was written into the Victorian constitution quite explicitly that such a motion was to be moved by the Premier and seconded by the Leader of the Opposition. In the case of the Victorian Parliament history shows that it would require more than a two-thirds majority vote because there have been occasions, given the vagaries of the upper house voting system in this state, where one party has been able to capture more than 66 per cent of the seats in the combined houses. Therefore, if Victoria wanted to adopt the same bipartisan model as is adopted federally it would be necessary to make it explicit that a motion has to be moved by the Premier and seconded by the Leader of the Opposition and that it requires probably something like 75 per cent support of members of Parliament.

The third issue is the timetable for reform, which the honourable member for Northcote touched on. Obviously it would be preferable if there were parallel movement to a republic by the commonwealth and the states. But the fine print in relation to that matter reveals there are only two ways that could be guaranteed. One would be for the commonwealth government to use coercive powers, and I would not support that; the other would be as argued by the former Governor of Victoria, Richard McGarvie, that it would require a majority of voters in every state, not a majority of states, to so vote, and then the states would be required to move in accordance with that vote.

I am not happy with either or those arrangements. It is self-evident that under an arrangement that requires a majority of voters in every state an Australian republic could be thwarted by one single voter in Tasmania. You could have a majority of voters in every mainland state and a minority of one in Tasmania stopping the move to a republic in Australia. For that reason the Constitutional Convention agreed that the states should be able to move in their own time and in their own way to become part of the republic and to appoint one of their own as head of state. Some people have said that would mean a state could continue as a monarchy.

The response is that that is nonsense. If Australians vote to become a republic, it would be totally inappropriate. I believe Her Majesty, Queen Elizabeth II, would judge it as such if she were to continue as the monarch of a

single state when the rest of Australia had become a republic. It would make the monarchy as well as the government of the state in question a laughing-stock. Ideally there would be a parallel shift: however, one cannot guarantee that, and hence the constitutional convention under the bill would establish arrangements for the states to move in their own time and in their own way to put in place the requirements for a republic.

The other issue that arises concerns the powers and responsibilities of a Governor of the State of Victoria under the republic of Australia. I do not envisage any significant changes whatsoever in the role of the Governor. The role of the Governor is important. I would support a broadening of the role and perhaps a modernised brief. However, essentially there should be no fundamental change to that role.

The other issue raised tonight by the Leader of the Opposition concerned Victoria's constitution. The Victorian constitution is well overdue for reform and modernisation. If one speaks to most Victorians one finds they have a notion that the Victorian constitution cannot be changed except by a vote of the Victorian people. They do not realise the constitution can be changed by a vote of both houses of Parliament. It has been my longstanding view that certain basic and inalienable rights should be enshrined in the Victorian constitution which could be altered, removed or added to only by a referendum of the Victorian people.

If the government really wants to invigorate democracy in this state — the state will be better served by having more rather than less democracy — certain basic and inalienable rights should be enshrined in the constitution. It should contain the values that underpin the state. Those rights would be the property of the people of Victoria, not the property of the Legislative Assembly or the Legislative Council.

The other point made tonight was that a Labor government would enshrine in the state's constitution the independence of key statutory office-holders. There is no greater single example of the need for that than the case of the Auditor-General. He has been subjected to the most shameful abuse and attack by the government. A Labor government would also enshrine in the constitution a guaranteed right of independence for other statutory office-holders including the Director of Public Prosecutions, the Electoral Commissioner and the Ombudsman. That is crucial for the future of the state. The honourable member for Sunshine — —

Mr Finn interjected.

Mr BRUMBY — I thank the honourable member for Tullamarine for his advice. I support absolutely this important piece of legislation. I want Australia to become a republic. I want Victoria to make changes parallel with that. It will enliven and bring new life to democracy in this state. It is important that Victoria has a process for ongoing constitutional review.

The Labor Party has always led this debate. A former Prime Minister, Paul Keating, led the debate. His model was by and large the model adopted by the constitutional convention. I was greatly honoured to be a delegate at the Constitutional Convention. I spoke on many occasions and contributed to the final debate and historic vote.

The system is composed of bipartisan appointments. The head of state can be dismissed by a simple majority vote of the House of Representatives; it is a commonsense but democratic method of appointment. I urge all Australians to support the bipartisan model that will be put to the Australian people on 6 November. As I said, I hope beyond that there will be an opportunity for genuine constitutional debate and reform in Victoria to enliven and bring new life to the state's constitution. As I said, certain inalienable, basic rights for the people of Victoria should be enshrined in the state's constitution to guarantee the independence of key statutory office-holders. The constitution is the property of the people of Victoria.

The Leader of the Opposition started his speech tonight with a reference to the goldfields history. My background is with Bendigo and Sir John Quick. The ordinary working people of Victoria at the goldfields of Bendigo and Ballarat pushed for a Federation of Australian states. That was achieved in 1901. Australians will enjoy the centenary of Federation shortly. It would be magnificent and fitting if Australians voted to become a republic, if they had an Australian as head of state and if Victoria followed up with some vigorous democratic reform of its constitution.

Mr BAKER (Sunshine) — I thank the honourable member for Broadmeadows for his gesture and also the Leader of the House for his generosity in allowing me to make a brief contribution to this important debate.

There are some misconceptions still held, or put about, about the correct status of Australia's head of state. I want to remove any doubts people may hold by quoting from Buckingham Palace's Internet home page. The royal family has a home page. For those honourable members who want to believe Sir David Smith or whatever his name is and his fellow travellers who are

putting around the nonsense that the Governor-General is in any way whatsoever Australia's head of state, I shall apprise them of the fact that Her Majesty the Queen has an entirely different view of the matter. The Buckingham Palace home page states:

> The Queen is Queen not only of Britain and its dependent territories, but also of the following realms ...

Whether we like it or not Australia is a realm. The Queen believes Australia is a realm. Listen to the company Australia falls in with. It is really big-deal company. The home page lists them as follows:

> Antigua and Barbuda, Australia, Bahamas, Barbados, Belize, Canada, Grenada, Jamaica, New Zealand, Papua New Guinea, St Christopher and Nevis, St Lucia, St Vincent and the Grenadines, Solomon Islands and Tuvalu.

Do not whatever you do forget Tuvalu. So there we are. Isn't it time Australia grew up? If you are not happy with that — —

Honourable members interjecting.

Mr BAKER — Listen to them bellow. That is Her Majesty's home page. That is what she thinks she is, and if you want to tell her any different I suggest you make an appointment, pop over, and see if you can change her mind.

The site also mentions that she presides as head over a commonwealth that allows for a range of different systems of government, including republics that have a president as the head of state, such as India and South Africa; indigenous monarchies such as Lesotho, Malaysia, Swaziland and Tonga; a sultanate such as Brunei; an elected paramount chieftaincy as in Western Samoa — that is what we will get here if we are not careful; or realms that recognise the Queen as head of state, such as Canada, Australia and Barbados. Whichever form their individual constitutions take, member countries all recognise the Queen as the head of the commonwealth.

I am a republican and there is a strong republican tradition in my family. My family on one side has been here for eight generations and my family on the other side has been here for seven generations. The honourable member for Broadmeadows quite accurately reflected on the influence of the miners from Victoria in the last century. Although I was born in Victoria, I spent a large part of my childhood on the West Australian goldfields, where the Victorian miners and the women forced Western Australia into the federation. I hope that both of the states that are close to my heart and my background will vote strongly for the republican model on 6 November.

Although my personal preference is for a total switch to an American system — lock, stock and barrel, with primaries and the whole kazoo — I will be voting for the model produced by the Constitutional Convention because I believe it is time Australia grew up. If honourable members have no better reason, a look at the Buckingham Palace home page will reveal the company Australia is lumped in with and cause them to reflect on what that might mean to Australia's near neighbours, how they regard us and where we, our children and grandchildren are going to live — —

Mr Finn interjected.

Mr BAKER — You are a traitor to your past. Your ancestors are looking down on you. I would get out of here if I were you.

I have a friend who spoke to an Asian government minister at a conference a few years ago. The minister asked him to describe how the Australian system worked. My friend gave a convoluted description and said the Queen was the head of state. Finally the Asian minister said, 'Don't bother, I understand. You're a colony'. This is the chance to put that away for good.

In terms of the technical process that is involved here, we are all aware of what happened in 1901. In the beginning there were the states and they had their own constitutions, as has already been mentioned by other honourable members. It was important for the new Australian constitution to ensure there was no break in the continuity of the systems of government and the law of the colonies that ultimately became the states. To assist in that process section 106 of the Australian constitution continued the operation of the state constitutions:

> ... until altered in accordance with the constitution of the state.

Other honourable members have alluded to the different processes that will occur around Australia should the federal requirements for a republic be met in the vote on 6 November. Tasmania and Victoria are the only states that do not have provision for a referendum. The Victorian constitution fares badly by comparison with those of other states in extending democratic privileges to Victorians. I support the suggestion that this could be an appropriate time for a significant review of the Victorian constitution.

It has been suggested that the appropriate time for the change would perhaps be when Her Majesty leaves this mortal coil. I want honourable members who favour that view to think about the practical circumstances. If Australia took that course of action it would be grossly

offensive, because in practice there would be a period of mourning in which Australia would rightly be involved because Queen Elizabeth has been a good queen. I am happy to join in that suggestion, and I mean no offence whatever to Her Majesty by it.

However, just imagine the circumstances. There would be the burial, with all the pomp and ceremony that only the British can turn on. There would then be a coronation of Prince Charles or Prince William and the debate that that would generate in Britain. If Australia chose that opportunity to announce that it was cutting the cord it would be greatly inconvenient. It would be akin to pouring kerosene on the fire. It would be unnecessarily insensitive, indelicate and offensive. Therefore, the time to do it and grow up as a nation is now.

The options that need to be canvassed as to what will happen in Victoria largely relate to whether it decides to go with other states in some sort of joint operation. That would be highly preferable, but given that other states have to hold referendums it presents difficulties. The easiest solution would be for the royal family to do us all a favour as they did in the 1920s. At that time they called in a whole lot of realms and said, 'You're not realms any more. Now get on and sort it out among yourselves'. If some states are stupid enough to vote one way in the federal vote and to vote another way in the state vote — people are perverse — and if we get an admixture of results — —

An Honourable Member — What about the people in Sunshine?

Mr BAKER — Just think about the possibilities. They are solid republicans in Sunshine and they are quite perverse. It would be very useful if some edict were sent down from the palace saying, 'Buzz off, you're causing us enough problems as it is'. There will be an opportunity for individual states to make decisions as to whether they institute different procedures for the way in which their governor, president, or whatever the head of state is to be called, operates. I counsel against that in the early stages. I suggest it is better to have a uniform approach, and if someone expresses different sentiments you can debate the issue further down the track.

The Premier has given notice that he will introduce a further bill. He has not explained its real intent, but the advice I have from a fairly good source is that it could involve opening the way for a preamble, especially if the government is going to fiddle with section 106. It will be interesting to see what the Premier and the government have in mind in terms of either the federal or the state constitution.

Is any legislative action necessary to assist the states that decide to continue as monarchies? If so, how should it be done? Should there be a change to the commonwealth constitution at the same time as the national referendum to require all states to become republic? Is it necessary to make temporary positions for state Governors until each state amends its own constitution? Is it necessary to give the commonwealth government the power to amend section 7 of the Australia acts. Honourable members will be aware that it was only in 1986 that the states were formally free under the Australia acts from control from Great Britain.

Although the convention had been established that, like the federal Parliament, the British government had decided not to attempt to influence state parliaments, it was not formalised until a few years ago. If a state decides to break its links with the Crown, what should replace its existing arrangements and how should it make those changes? Should state Governors continue to be the acting heads of state under a republic? Will we have this hierarchy of elderly people who fill that position? What other changes might be needed to state legislation and practice in association with the move to a republic? What other changes, if any, should or might be made to state constitutions in association with a move to the republic?

Finally — I suspect, Mr Acting Speaker, that you will identify with this sentiment — my electorate has more than 60 000 people, but only about 30 000 are on the roll. Many people are not naturalised Australians and are not on the roll, but an elected representative still has to look after them. One of the main barriers for certain people, because of their history, in taking up Australian citizenship is the fact that they would have to swear allegiance to a British Queen, and they do not want to do that. That view was reflected strongly in the vote for the Constitutional Convention in my electorate and surrounding areas. My electorate also contains a high proportion of English migrants who I understand, much to my surprise, strongly supported republican candidates because of the influence of their children and their grandchildren who were standing over them saying, 'It is time to grow up, Grandpa'.

Mr COOPER (Minister for Transport) — I thank honourable members who have contributed to the debate. I commend the bill to the house.

The ACTING SPEAKER (Mr Seitz) — Order! As the required statement of intention has been made

pursuant to section 85(5)(c) of the Constitution Act, I am of the opinion that the second and third readings of this bill require to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

MARINE (AMENDMENT) BILL

Second reading

Debate resumed from 12 May; motion of Mr COOPER (Minister for Transport).

Mr BATCHELOR (Thomastown) — Before commencing my contribution I thank the honourable member for Tullamarine for voting for the Australia Acts (Request) Bill and supporting the establishment of Australia as a republic. It was a great thing to do.

The opposition will move a reasoned amendment during the debate on the Marine (Amendment) Bill. If the government does not accept the amendment the opposition will oppose the bill. The bill amends the Marine Act with regard to pilotage services in ports. The government claims the bill will set safety standards for the provision of those services and will extend the powers of the Marine Board to investigate and prosecute offences against the act and subsequent regulations.

Many honourable members will know of the courage of sea pilots in Victorian waters, their reputation and their excellent safety record. Honourable members may have seen the pilot boats taking pilots out to ships that bring cargo and visitors to the port of Melbourne from all around the world. The pilot boats are long, narrow boats that ply out to the ships and are moored at the Queenscliffe pilot station.

Currently the Marine Act requires the master of a vessel 35 metres or more in length to operate only with the services of a licensed pilot. A pilot provides advice to the ship's master on how to safely navigate the waters of Victoria's ports. The act relates to the ports of Melbourne, Geelong, Hastings and Portland. The use of licensed pilots in those ports is compulsory. Since 1989 pilotage services for the ports of Melbourne, Geelong and Hastings have been provided under an agreement between the Marine Board of Victoria and a corporate entity called Port Phillip Sea Pilots Pty Ltd. That agreement expires on 30 June this year, and the government wants to use that occasion to indulge in another bizarre experiment on a Victorian industry that makes no sense at all.

The bill provides for open competition in the provision of pilotage services. One can imagine how such a bizarre idea came to fruition — some poor, demented mind presumed there was a market in which different entities would compete to provide pilotage services. That is a nonsense. One can imagine the Minister for Roads and Ports in another place being confronted by his advisers and asking whether he had jurisdiction over pilots. On being advised that he had those responsibilities one can imagine the minister considering whether it was a good or bad idea, because it is not the sort of thing that usually emanates from a minister.

The minister may want to take responsibility for pilotage services, but at the end of the day I do not think he will be prepared to accept it. The plan is foolhardy and requires a choice between ideology and safety. The Kennett government would choose ideology rather than safety.

A fundamental question that must be asked is how the government envisages competition will be achieved. Does it honestly think competing boats will be available to race out to service ships coming from far afield? Does it imagine competition will manifest itself in that way? I do not think anyone seriously suggests that. However, the real danger for Victoria and the shipping trades that use its ports is that the competition will manifest itself in falling standards.

The bill puts at risk Victoria's ports and waters, trade, ships, marine environment and the lives of seafarers and workers on its ships and in its ports. It is inappropriate for the government to entertain such a step with the potential for disastrous consequences. The power and dynamics will be shifted from a safely regulated industrial environment to the cutthroat world of shipping magnates. International shipping companies will take a stranglehold and become dominant.

Victoria's ports will be placed at the whim of a bunch of pirates. Central to the organisation will be untrustworthy characters.

An honourable member interjected.

Mr BATCHELOR — It is the pirates bill centred around characters such as Sinbad the Sailor and Cutthroat Jake, who will provide the intellectual support for the proposal!

The system will lead to the exploitation of Victoria's pilots by binding them to shipping companies so that independent judgment will be a thing of the past. As that independent judgment disappears, out will go the safety factor. Important decisions will be based on expediency and critical considerations such as the height and strength of currents and tides, the strength and variability of wind and the number of tugs to be used will no longer be central to the decision-making process.

The bill is fundamentally flawed and is a nonsense. It is another bill that comes from those boffins and ideologists in the government who say that no matter what the cost every industry should be subjected to some sort of market competition, regardless of whether that market actually exists.

Honourable members can imagine the government introducing competition for air traffic controllers. Melbourne Airport could have a series of towers with air traffic controllers from different companies standing atop station wagons or stepladders as the standards sink lower and lower. They would be giving competing directions to approaching aircraft based on which company was prepared to operate at the lowest price. The government expects that sort of thing to happen not only in the port of Melbourne but in Geelong's port. The port of Melbourne is not only important to Melbourne and Victoria, it is the most important port in Australia. The government is prepared to have the port's advantages, infrastructure and reputation put at risk.

The ideas contained in the bill have not been put into practice at important international ports. I am advised that, for example, the Hong Kong port, which is about 14 times larger than Melbourne's, does not rely on such nonsense. The port authorities organise important services with their sea pilots in a proper and organised way, just as I expect they have similarly organised the air traffic controllers at the new Hong Kong airport. It is arrant nonsense to suggest that a competitive market already exists or that the passage of the legislation will create a market.

A major concern for the opposition is the way the government has developed the proposals and tried to introduce them into Parliament. This bill has been dealt with in the other place after the opposition spokesman on ports carried out wide-ranging consultation. During that process he contacted most of the major players in the industry to seek their advice and comments on what the industry thought about the proposals in the bill. He spoke to a broad cross-section of the industry, including representatives of Port Phillip Sea Pilots Pty Ltd, the Australian Maritime Officers Union, the Australian Institute of Marine and Power Engineers, the Maritime Union of Australia, the Insurance Council of Australia and Associated Marine Insurers Agents Pty Ltd — a major maritime insurer.

Without exception the shadow minister was able to establish that the government did not consult. It did not seek the views of the major players in the industry. One need not wonder why the opposition is concerned about this sort of mumbo-jumbo, ideologically driven bill when one realises that the government is not prepared to discuss it with the major industry players.

Therefore, 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 there has been adequate consultation with the port sector, especially sea pilots, maritime unions and maritime insurers, and amendments are introduced to guarantee a continuance of very high standards for the provision of sea pilot services'.

The opposition believes it is important that consultation with key industry players should occur before this bill proceeds. I refer to a number of comments from people who responded to the inquiries of the shadow minister in the other place. In a letter dated 27 April Port Phillip Sea Pilots Pty Ltd thanked the Honourable Pat Power for sending it a copy of the bill; the company had been told by the Marine Board of Victoria that the bill was unavailable. In his letter to the shadow minister the author, Mr Griffiths, the managing director, detailed some of the difficulties the company foresees with the bill's proposals. He said it takes about three years to train a pilot. His letter states:

> ... we cannot see any real competition emerging in the near future and having a second boarding service provider would in our opinion only increase costs.
>
> Our plant and equipment is some of the best in the world (built in Australia) and we would not wish to operate in our harsh conditions with anything less.
>
> It might be of interest to you that our person overboard recovery platform was designed by Port Phillip Sea Pilots engineers some years ago and is now in use worldwide.

The people who courageously perform their duties with an exemplary record are concerned that the bill's provisions will complicate safety. They were concerned when the Marine Board of Victoria said they could not get a copy of the bill. It was made available to them only through the action of the shadow minister.

Correspondence was also received from John Kranz of the Geelong Region Trades and Labour Council. In responding to inquiries from the shadow minister he expressed concerns and stated that the proposals:

> ... will open up the service to unsafe practices and it may have serious consequences to the environment given that in the transport of petroleum products VCM comes into the bay.

In his letter Mr Kranz points out that vinyl chloride monomer (VCM) is one of the most dangerous substances and that it goes to terminal facilities at Corio beside the Shell refinery. People who have day-to-day dealings with workers in the industry have expressed real concern about the impact these proposals will have and the fact that basic information is not made available to them.

A competition review of the Marine Act was conducted in 1998, and the Port Phillip sea pilots provided information to that review. They are the people who have to deal with the treacherous conditions of the Rip at the entrance to Port Phillip Bay and who protect the environment of Western Port through their careful and diligent work. It is they who must bring the dangerous and highly volatile products to Geelong. It might, therefore, be useful to bring some of the details provided by them to the attention of the house.

It is incumbent on Parliament to take into account the views of the people who deal with that danger day in and day out and who put their lives at risk for the protection of trade and the health of the Victorian economy. They go out in all weathers and make very fine and critical value judgments based not on the amount of profit they will make themselves but on bringing ships safely into port using good and safe work practices. Because of the way the industry is structured both in Australia and overseas pilots can resist the temptations of the brigands who run international shipping companies. They are not beholden to them and can make independent judgments. It is important that their views be taken into account.

In their submission to the competition review panel the sea pilots made a number of salient points. They offered a brief history of the service, which dates back to June 1839 when the first official pilot licence was issued to a George Tobin. Their documentation indicates that the original pilots, at the very beginning of white settlement in this country, camped on the beach at Queenscliff on the site of the present pilot station.

Later in their submission they indicate that the sea pilot service achieved accreditation under the quality assurance process, achieving (QA) ISO 9200 in 1996. Theirs is the only pilotage company in Australia to have achieved that level of organisational excellence, and the pilots did it on their own initiative and voluntarily. They have maintained that level since 1996. The pilots also outlined how, during the 10-year period during which they have operated as a company, they have on two occasions achieved a reduction in pilotage rates.

The most overwhelming point made by them time and again is that their safety record has played an important role in keeping the ports of Victoria open and operational, with trade continuing to flow in and out. They say that the concept of competitive pilotage spells cheap pilotage and that cheap pilotage leads to accidents, eventually affecting the environment and the port infrastructure. In their submission they describe their business as very high risk and one that needs to be highly regulated. In their view a pilot's judgment must not be subject to influence by any special incentive.

I think we should listen to them. They have shown by their actions over the years that they know the difficulties, what needs to be done and how to do it. For Parliament and the government to ignore their advice and experience puts the Victorian economy and its ports at risk.

The important lesson coming out of the competition review process, and particularly out of the Marine (Amendment) Bill, is that the government has failed to consult adequately with a long list of active and key industry players. It has tried to prevent copies of the bill being made available and has failed to take the views of others into account.

For those reasons, Mr Acting Speaker, the opposition believes the appropriate course in the first instance is to have the bill withdrawn and additional time allowed for adequate consultation with all the key industry players. I would be amazed if, after time has been taken to pause and consider the safety implications, the government still wanted to pursue this kind of action. A request for a pause is appropriate.

The opposition believes the government should have made time to reconsider its position when the matter was first debated in another place and should now support the reasoned amendment I have moved. I

acknowledge the lateness of the hour — it is 2 o'clock in the morning — and believe it is important to now provide time for one or two other people to make a contribution so the government can be put to the test, encouraged to accept the reasoned amendment and urged to let commonsense prevail.

Mr LONEY (Geelong North) — I support the reasoned amendment moved by the honourable member for Thomastown. The bill is another example of the lack of clarity of thought of the government and how it allows its ideologies to take precedence over commonsense. The reasoned amendment seeks consultation with all the players in the industry, in particular sea pilots, maritime unions and maritime insurers.

One would have thought that such a request would not be necessary and that during the preparation of legislation involving marine safety — if it were deemed necessary for any purpose other than an ideological purpose — the government would have consulted. However, the government went ahead without seeking the views of the people involved. The Kennett government totally ignored the expertise of the people involved when preparing the bill. Not one of the groups I mentioned saw any sign of the bill or knew of the government's intention to introduce it prior to its presentation in the upper house. Not one government member in a seat where pilotage services operate had the decency to consult sea pilot services before the bill was introduced.

The honourable member for Bellarine is talking to me across the table. He lives in Queenscliff but he did not even bother to cross a few streets and chat about how the government intends to undermine the services sea pilots deliver. He knows as well as everyone else in this place that Port Phillip Sea Pilots Pty Ltd has delivered a great service over many years in what is acknowledged to be one of the most treacherous entrances to a bay anywhere in the world. The Rip, as it is known, is a tremendously difficult piece of water to navigate and for many years Port Phillip Sea Pilots has carried out pilotage services through that piece of water with distinction.

Even worse, when the sea pilot service heard about the bill and formally requested a copy it was refused. It did not even get a copy from the local member. The shadow minister delivered the bill to the organisation so that it could comment on it. The sea pilots certainly commented. They effectively said the bill is one of the greatest pieces of rubbish ever brought before the house. I understand why the honourable member for Bellarine and other government members tried to introduce the bill in secrecy. They are rightly ashamed of what they are doing. They are putting their privatisation ideology ahead of the safety of ships, ships' crews, the pilots who service them and the environment. They are putting their ideological view about privatisation ahead of all other considerations.

When sea pilot services were privatised interstate and overseas the result was a major increase in accidents and safety problems. That is what has happened everywhere that path was followed. The introduction of so-called competitive services in Queensland resulted in a major increase in the number of accidents and incidents. That is common throughout the world where it has been tried.

Once again, the government is coming in on the tail end of things that have been tried and thrown out elsewhere around the world. However, the government wants to try it in Victoria and experiment with the safety of people in the same way as the federal government wanted to experiment with the safety of air traffic by bringing back the remarkably incompetent Dick Smith.

An Honourable Member — Dickhead they call him!

Mr LONEY — That's right. The same sort of thing is going on here. It is remarkably inept legislation from a government that simply does not care about public interest and safety. Since the mid-1850s Victoria has had a regulated, efficient, cost-competitive and safe pilot service. Why would any government want to give that up? There is only one reason — pure ideological pigheadedness has driven the bill.

The Port Phillip pilot service, which the honourable member for Bellarine will not support, currently provides a 24-hour, 7-day-a-week service. It operates in any weather. Whatever happens it is ready to provide a service. It operates in the infamous Rip, which is one of the most treacherous pieces of water in the world. The pilot service has a worldwide reputation for the standard of its service. It has more than $5 million invested in infrastructure to provide that service. Twice since 1995 it has voluntarily reduced its charges. As the honourable member for Thomastown said, the Port Phillip pilot service obtained quality assurance accreditation ISO 9002. It requires the highest standards of competence from the people working for it and has a continuous training regime to ensure their skills and expertise are sufficient to do the job to the highest standard.

The Port Phillip pilot service is a world benchmark service, so why would the government and the

honourable member for Bellarine deliberately undermine it? One has to ask why the local member would set out to undermine it. Why will he not defend it? Why would he not say to the government that the basic issue to be dealt with is safety? Why did he not give the pilot service a copy of the bill?

An honourable member interjected.

Mr LONEY — Your side has already got into trouble over that.

The issue concerns basic safety on a number of levels, including the protection of ships, the protection of crews, the protection of cargoes, the protection of sea lanes and the protection of pilots themselves. However, the government wants to lower the safety standards. The bill is about the lowering of standards. Nothing in the bill requires any new operator to meet the standards currently provided by Port Phillip Sea Pilots. New operators will not be required to make the same sort of investment to meet the high standards currently in place. The bill is about lowering standards and consequently lowering safety.

As the shadow minister in another place said, under the bill a person could set up a business with a 12-foot dinghy and a piece of rope. That is all that would be required. That is how low the standards go under the bill. The government says that is acceptable for the pilotage of ships through a place like the Rip. It was what the honourable member for Bellarine said was acceptable, but what the opposition says, Mr Acting Speaker, is that it is totally unacceptable. The opposition asks the government to do the right thing for once in its miserable little existence. The government should listen to the experience and expertise of the industry.

The Victorian industry has an international reputation and provides a world benchmark. The government confuses consultation with calling a meeting and telling the industry what it is going to do. The government continually confuses consultation with direction. Honourable members on the other side of the house do not know the difference, and that is how they get into trouble. Government members should listen to people in the industry and consult with them. They should for once use some commonsense and dump the bill. With the reasoned amendment the honourable member for Thomastown has given government members the opportunity to do that, and they should grab that opportunity with both hands.

For once they should do the right thing and get out there to talk to the people who know the industry and who can advise them about safety and how the industry can best be operated. They should dump the ideology, do the right thing and do something to protect all Victorians, including the people who work on the ships and in the pilot service. They should protect that world benchmark company that has delivered a valuable, competent, efficient and competitive service for a long time. It is not too late to start representing the industry. Although government members have not supported the industry in the past, they can do it now.

Mr COOPER (Minister for Transport) — I thank the honourable members for Thomastown and Geelong North for their contributions to the debate, but I must say I am disappointed that they have apparently not read the bill. Nor do they appear to have understood the second-reading speech and the issues they spend their time complaining about.

The issues concerning safety were fully addressed in the second-reading speech, and I am surprised that the honourable members for Thomastown and Geelong North preferred to ignore those matters and make spurious claims that are alarmist, erroneous and entirely wrong. I am also surprised to hear the honourable member for Geelong North claiming that the privatisation of Port Phillip Sea Pilots is something that is inherently wrong. I was surprised to hear those claims because the Port Phillip Sea Pilots have never been anything other than privatised. It has been a private company since its inception. For the honourable member for Geelong North not to know that shows the standard of ignorance he has brought to the debate. Although it is not surprising to honourable members on this side of the house, I am sure those honourable members on the other side of the house who actually took the time and trouble to read the bill and look at the background of Port Phillip Sea Pilots would be shocked by the lack of knowledge shown by the honourable member for Geelong North.

The bill puts in place the requirements established under the Keating government's national competition policy. There is no requirement or obligation for anyone to start up a business that will compete with Port Phillip Sea Pilots, but there is an obligation under the national competition policy for monopolies to be removed and for competition not to be precluded. That is the basis of the Keating government's national competition policy. I do not believe, and no sensible person would, any organisation will be set up to compete with Port Phillip Sea Pilots, but if there were Port Phillip Sea Pilots should not be allowed, nor should any other business be allowed, to hold a monopoly on what is ostensibly a public service. The government has complied with a federal Labor

government's policy, as all state and territory governments in Australia have done for some years. The question of the lowering of standards is a furphy — it is erroneous and absolutely ridiculous.

The other matter raised by the honourable member for Thomastown and parroted by the honourable member for Geelong North concerns a perceived lack of consultation. There certainly was consultation. The claim that consultation has not occurred ignores the responses received by opposition members in the other place when the bill was debated there. I will provide the names of the people who were consulted at a meeting held on Friday, 16 April: Captain Charles Griffiths, the managing director of Port Phillip Sea Pilots; Captain Vijay Vijayapalan, marine manager/pilot at the port of Portland; Captain Peter Hinksman, the navigation services manager of the Victorian Channels Authority; Mr Ian Trezise, shipping services manager of TOLL, Geelong and Western Port; Mr Hayden Latchford, marine superintendent of the Shell Geelong refinery; Mr Nigel Moore, general manager, southern area, Wilhelmsen Lines; Mr Tim King, marine standards manager of ASP Ship Management; Mr Chris Slattery, Victorian manager of Howard Smith Towage and Salvage; and Mr Roger Ward, Victorian marine manager of Howard Smith Towage and Salvage.

Representatives were also at the meeting on behalf of Mr Neil Chambers, policy and operations manager of the Australian Shipowners Association, and Mr Phil Kelly, secretary, Victorian State Committee of the Australian Chamber of Shipping. Representatives from the Marine Board of Victoria, the Office of the Director of Public Transport and the Strategic Planning and Economic Services Division of the Department of Infrastructure were also in attendance at that meeting. For claims to be made that there has been no consultation with the industry players is absolutely wrong and a deliberate attempt to mislead the house.

I understand the concern of the opposition that the marine unions were not consulted, but after all the government was looking for the major players to have some kind of involvement in the process. We did not want to waste the space and oxygen or our very expensive chairs on people who are really irrelevant to the process, so they were not invited. However, the main players, particularly the Port Phillip Sea Pilots, were included in the consultations. The managing director of Port Phillip Sea Pilots was at the meeting.

For him to claim — I do not believe he did — or anybody else to claim that Port Phillip Sea Pilots was not consulted is entirely wrong. The government rejects the ridiculous and irrelevant reasoned amendment and urges every member in the place to support this important bill.

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

Ayes, 49

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

Noes, 25

Andrianopoulos, Mr	Hulls, Mr
Baker, Mr	Kosky, Ms
Batchelor, Mr	Langdon, Mr (*Teller*)
Brumby, Mr	Leighton, Mr
Cameron, Mr (*Teller*)	Lim, Mr
Campbell, Ms	Loney, Mr
Carli, Mr	Maddigan, Mrs
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Robinson, Mr (*Teller*)
Garbutt, Ms	Savage, Mr
Gillett, Ms	Seitz, Mr
Haermeyer, Mr	Thwaites, Mr
Hamilton, Mr	

Amendment negatived.

House divided on motion:

Ayes, 49

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Dean, Dr	Perton, Mr
Dixon, Mr (*Teller*)	Peulich, Mrs
Doyle, Mr	Phillips, Mr
Elder, Mr	Plowman, Mr A. F.
Elliott, Mrs	Reynolds, Mr
Finn, Mr	Richardson, Mr
Gude, Mr	Rowe, Mr

Honeywood, Mr
Jasper, Mr
Jenkins, Mr
John, Mr
Kilgour, Mr (*Teller*)
Lean, Mr
Leigh, Mr
Lupton, Mr
McCall, Ms
McGill, Mrs
McGrath, Mr W. D.
McLellan, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr E. R. (*Teller*)
Smith, Mr I. W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wells, Mr

Noes, 25

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Brumby, Mr
Cameron, Mr (*Teller*)
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hulls, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Leighton, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs
Mildenhall, Mr
Robinson, Mr (*Teller*)
Savage, Mr
Seitz, Mr
Thwaites, Mr

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr GUDE (Minister for Education).

ADJOURNMENT

Mr GUDE (Minister for Education) — I move:

That the house do now adjourn.

Liberal Party: membership

Mr HULLS (Niddrie) — I ask the Attorney-General to conduct an investigation into whether there has been a serious breach of the Equal Opportunity Act. The government claims that it governs for all the people, that it does not tolerate prejudice and that it wants women in particular to be treated equally. The matter I direct to the attention of the Attorney-General concerns an article that appears on the front page of today's *Herald Sun*, which states in part:

> A Liberal Party branch refused membership to Ann Peacock, daughter of one of the party's most famous leaders.

That outrageous matter requires urgent investigation by the Attorney-General. Just because the Premier has a vendetta against Mr Michael Kroger, there is no reason at all for the Liberal Party to knock back Ann Peacock, a prominent Victorian, as a member of the Liberal Party. However, that is what has occurred. When one looks at the article one sees that the Premier's vendetta has carried over to Ann Peacock.

Mr A. F. Plowman — My point of order, Mr Acting Speaker, is whether the matter is government business. It is all very well for the honourable member for Niddrie to suggest it is not something he would like to see occur. I am sure he would very much like to see that person afforded membership of a Liberal Party branch.

I do not believe that is government business. Therefore, Mr Acting Speaker, I do not believe it is in order for the honourable member to raise it on the adjournment.

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member for Benambra has anticipated the Chair. I was about to ask the honourable member for Niddrie how his matter related to the Attorney-General's portfolio responsibilities.

Mr HULLS — The matter clearly relates to the Attorney-General's portfolio responsibilities because I have asked her to investigate whether a breach of the Equal Opportunity Act, which comes under her portfolio, has taken place. It is an important matter because it appears the Liberal Party has attempted to ban Ann Peacock from joining a branch, firstly, because she is a woman, and secondly, because she is married to Michael Kroger. According to the article:

> A party official allegedly told her she was banned because of her 'associated baggage'.

Her associated baggage! That is an outrage. How can Ann Peacock, a person of such prominence, be banned from joining a political party that preaches free association simply because the Premier hates her husband? The Premier's hatred for Michael Kroger should not stop Ann Peacock joining the Liberal Party.

The ACTING SPEAKER (Mr McArthur) — Order! Is the honourable member for Niddrie responding to my query about how the matter is government business, or is he continuing with his contribution? If he is responding to my query about how it relates to government business, he seems to be contradicting himself.

Mr HULLS — It relates to government business because I have asked the Attorney-General in her role as chief law officer of the state to conduct an inquiry

into whether a breach of the Equal Opportunity Act has taken place.

The ACTING SPEAKER (Mr McArthur) — Order! In that case his remaining remarks should relate specifically to equal opportunity issues and not to party issues.

Mr HULLS — Thank you, Mr Acting Speaker. I am asking the Attorney-General to investigate whether a breach of the Equal Opportunity Act has taken place; why Ann Peacock, a person whom the Liberal Party has attempted to ban from joining, has been treated in such a shabby, inappropriate and unethical manner; and whether it is simply because she happens to be married to a person whom the Premier hates.

The Attorney-General may believe it is a matter that should go to conciliation, and it may well be that the Premier, Michael Kroger, Ann Peacock and perhaps the federal Treasurer, Peter Costello, will have to sit around a table and sort out their differences. This type of thing reflects badly on the Liberal Party. It is embarrassing to Ann Peacock and it is embarrassing to Andrew Peacock, who is supposed to be a friend of the Premier's.

Member for Northcote

Mr SPRY (Bellarine) — I direct the attention of the Minister for Education to an abuse of the normal courtesies that are extended to members of Parliament while visiting state facilities in their own electorates, and, if they happen to be ministers or shadow ministers, facilities beyond those electorates. It has been government policy to encourage members of Parliament to visit state facilities, especially schools, hospitals, health centres and the gamut of social infrastructure facilities. It is my experience that all service providers welcome the presence of members of Parliament and foster their interest in those facilities, but they expect those MPs to be constructive, supportive and encouraging. Certainly they do not expect them to push a political barrow.

Last week the honourable member for Northcote visited the Bellarine Secondary College. According to a front-page report in the *Geelong Advertiser*, which was written by a well-respected journalist named Tony Prytz, the honourable member for Northcote was accused by students of peddling propaganda. I realise the honourable member is new in this place, but even she should realise she was abusing the courtesy extended to her. In any event, she certainly met her match because the students apparently reduced the honourable member for Northcote to a state of twit and dither, and she totally lost her cool. I refer to the article in the *Geelong Advertiser*, in which Mr Prytz says:

> After an introduction in which she told a story about her early days in journalism, she gave a brief discourse on the republican issue.

The article goes on to describe how the students at the school gave the honourable member a hard time.

In light of this well-publicised report and despite the fact that students at the Bellarine Secondary College are obviously capable of making their own critical assessment of the underlying agenda of the shadow minister, I ask the minister if he would acquaint the honourable member for Northcote with the details of the protocols expected of visiting politicians in order to achieve three things: firstly, that she does not in future make a fool of herself; secondly, that she is protected from the uninhibited scrutiny of enlightened students; and thirdly, that she does not in future compromise the good reputation of members of Parliament by behaving in such a manner.

Gaming: venue security

Mr ROBINSON (Mitcham) — I raise with the minister representing the Minister for Gaming in another place the security arrangements in poker machine venues. I seek from the minister a review of existing arrangements with a view to strengthening them for the security of people frequenting those venues. I refer the house to an article in yesterday's *Australian* headed 'Armed bandits take on clubs'. There are some disturbing figures emerging from licensed clubs in New South Wales about armed attacks on those clubs. The article states:

> A doubling in the number of armed robberies on club premises in New South Wales has prompted a national security warning to licensed venues loaded with cash from the boom in gaming machines ...
>
> In New South Wales, according to figures obtained by the *Australian*, there were 79 armed robberies in hotels in 1997 and 94 robberies in 1998 — a rise of 19 per cent. There were 31 armed robberies of clubs in New South Wales in 1997 and 49 robberies of clubs in 1998 — a rise of 58 per cent.

Last year in the Gaming Acts (Further Amendment) Bill the government removed from the Victorian Casino and Gaming Authority the requirement to check security arrangement plans in new poker machine venue applications. I contend that such a weakening of security arrangements will lead to an increase in the number of armed robberies of poker machine venues.

Between October last year and January this year there were about four armed robberies on poker machine

venues in Melbourne. I believe the New South Wales trend as reported in the *Australian* demonstrates that increasingly criminals will target gaming machine venues. It is incumbent upon the Victorian government to review security arrangements, and it could do a lot worse than start with the legislation which was passed last year and review the provisions relating to the — —

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member should be aware that the adjournment debate is not an opportunity to make requests to amend legislation or regulations. It is only an opportunity to make requests for administrative action.

Deer hunters

Mr JASPER (Murray Valley) — I raise for the attention of the Minister for Police and Emergency Services a serious matter relating to the illegal action of shooters in the Buffalo Dam area in north-eastern Victoria. Last week Mr and Mrs Bert Bohan, who live in the Buffalo Dam area, called at my office in Wangaratta expressing strong concern about the action of unknown shooters who shot two head of cattle on their leased property. It is alleged that the cattle had been shot by rogue deer hunters who used dogs when hunting in the high country. I point out that most people involved in deer hunting are legitimate firearm owners who stalk deer as a genuine sport and are concerned with the actions of deer hunters using dogs.

The minister is aware of the representations made to him, the Minister for Conservation and Land Management and a committee set up under the chairmanship of a former member of this place, Mr Tom Austin, to review the rules relating to deer hunting. A further complication is that staff of the Department of Natural Resources and Environment no longer carry side-arms and rely on police for support when illegal fisheries and wildlife activities are being investigated.

Mr and Mrs Bohan reported the shooting of the cattle to the Myrtleford and Wangaratta police. In doing so they confirmed their concern not only about the illegal shooting of the cattle but also about their personal safety, given that threats were made against their lives. The police have investigated the shooting of the cattle, and last weekend departmental officers cooperated with them in checking road vehicles. The disturbing events of the past week have been the subject of extensive media and editorial coverage in north-eastern Victoria.

I ask the Minister for Police and Emergency Services to investigate further the frightening situation faced by Mr and Mrs Bohan and the community in general and to seek further clarification from the Austin committee on the potential for controlling the illegal activities of rogue deer hunters who operate in the high country of north-eastern Victoria.

Meadowglen Primary School

Mr HAERMEYER (Yan Yean) — I ask the Minister for Education to accompany me on a visit to the Meadowglen Primary School in Epping to consider some of the urgent needs of what is a burgeoning school in a rapidly growing area.

The minister may be aware of a high profile and serious security incident that occurred at that school in October of last year. I will not allude to the incident in detail, but it related to an intruder. As a result of the incident the school undertook security measures at a cost of approximately $20 000. The school is seeking reimbursement of those funds, and given the nature of the incident the request is not unreasonable. I understand there were approximately 10 similar incidents in the metropolitan area in the same month. Such incidents are of extreme concern.

The school has also drawn attention to the fact that it is growing and has a student population of 721. An enormous amount of growth is expected in the area and currently no new school is planned to accommodate the children who will reside on the new and growing estates. That is another reason I would like the minister to appraise the situation for himself.

Given the growth that is taking place in the area there are concerns about accommodation at the school. Relocatable buildings were delivered in December of last year but the school has not been able to use them because the installations have not been completed and there are problems with the toilets. Because of the heavy workloads of the tradespeople involved, the classrooms are still unused.

The school received approximately $4000 for particular works, but there is not enough money for airconditioning, plumbing, computer requisites or communications requirements. The school urgently needs these facilities, and I ask the minister to make himself available to join me on a visit to the school to consider its particular needs and the needs of the rapidly growing area.

Kosovar refugees

Mr McLELLAN (Frankston East) — I ask the Minister for Education to raise with the Minister for Health in another place an issue confronting the

Peninsula Health Care Network. I believe other health care networks are also involved. Members of the house would be well aware that Portsea army camp is being used to house some Kosovar refugees. All honourable members, as members of this place, would be conscious of the trauma those people have been through and would be sympathetic to whatever help and care they need being given.

Medical staff of the Peninsula Health Care Network are being asked to volunteer to work at the camp. People volunteering must meet the following criteria: they must be older women — no young medical staff are wanted — and they must wear a uniform at least one size larger than they would normally wear. No jewellery or name tags are to be worn. They have been instructed always to be in pairs, even if it means going to the toilet together. That suggests to me a concern that staff there, particularly females, may be in danger. It worries me that the government would allow the staff from the Peninsula Health Care Network or any other health-care network to go into a possibly dangerous situation.

I put the question to the minister: would it not be more appropriate to contact the federal government and use the Australian Army Medical Corps, which is fully trained to deal with such situations? Members of my old unit, 2 Field Ambulance, like most armed units, are sitting around doing nothing. One field general hospital has 600-odd people fully trained and available who could step into the breach quickly.

I have spent six years in the army and have seen what war can do to people and how traumatised they can be by the situations they have been in. Would it not be appropriate to speak to the federal government with the view of getting the assistance of medical units so those people can be properly cared for? If there is any perceived danger, it should be avoided. It is a darn good idea, and I wonder why it has not been done already.

Crime: victim compensation

Mr MILDENHALL (Footscray) — I ask the Attorney-General to investigate the case of Mrs Thais Scott of Alma Street, West Footscray, who is seeking adequate recognition of and compensation for the pain and suffering she experienced as a result of an assault.

Mrs Scott was assaulted and robbed in May 1998 and suffered significant physical and psychological distress as a result of that attack. Despite the offender being apprehended within an hour of the crime and subsequently being tried, convicted and sentenced, the $900 taken from her was not returned until November last year — many months later. She subsequently sought compensation from the offender under section 86 of the Sentencing Act, which was meant to replace the existing crimes compensation regime.

I am aware of letters from the Footscray Community Legal Centre to the Attorney-General to the effect that neither the courts nor the police were aware of how to conduct an application for compensation at the time of sentencing as a result of the newness of the section 86 procedures.

It has also been suggested there were practice guidelines for the County Court but not for the Magistrates Court, where the matter was heard. Mrs Scott's application failed on the grounds of the offender's inability to pay and ill health. In addition, she was unable to provide photographs and other evidence because of delays in the police department, as police were unaware of how to process the application. The offender died soon after his release from custody in October last year.

There is no doubt that this woman has been badly affected by the ordeal she has been put through. The simple fact is that since crime compensation assistance was cut out she was forced to seek financial compensation from the offender, but you cannot get money out of somebody who is broke, as was the case here, and shortly to become deceased. Mrs Scott has a deep-seated anxiety that she has been denied justice. The current system has clearly failed her. I know the Attorney-General has been aware of the issue since at least August last year, but again no satisfactory answers have been provided. I ask her to investigate this tragic and messy episode and address what seems to be an example of the abject failure of the crimes compensation policy.

Bulla tip

Mr FINN (Tullamarine) — In the absence of the Minister for Conservation and Land Management, I raise with the Minister for Education the Bulla tip in Sunbury Road. The minister will be aware that I first raised this matter in the house a little more than three years ago. I felt compelled to take that action because there was an appalling stench emanating from the tip. At the time the owner blamed an underground fire and threatened me with legal action if I continued my attempts to stop the stink, so to speak.

As a result of considerable and lengthy discussions the foul odour abated for a time. But let me assure the house and the minister that it is well and truly back and what we have on Sunbury Road is a stinking hole in the

ground. If the owners say it is still the result of the fire I suggest they might like to contact the *Guinness Book of Records* to claim a record for the world's longest burning fire, because if that is the case it has now been going for four years.

It is bad enough for those driving past the tip site — and that is thousands of people in cars daily — but the people I really feel for and am most concerned about are the local residents who are subjected to this day after day. I have heard reports of local people being physically ill as a result of the smell emanating from the tip. I ask the minister to direct the Environment Protection Authority to investigate what is going on at the tip and to deliver an ultimatum to the owners to either stop the stench or be closed down. I do not think we can be clearer than that. The people who live near the tip and who drive past it — as I said, thousands a day — should not have to be subjected to it. They should not have to put up with it; it should not be part of their lives, and certainly not for as long as it has been.

Audrey Brooks Preschool

Mr LANGDON (Ivanhoe) — I ask the Minister for Education to immediately intervene and address the shortfall and problems caused by his department in the relocation of the Audrey Brooks Preschool. The minister may be aware that I raised this matter on the adjournment on 4 December 1997, 7 April 1998 and 27 October 1998. The crux of the problem is that in 1997 the City of Banyule allocated some $300 000 to relocate the preschool to Bellfield Primary School, but through a long process, bureaucracy and mayhem, his department delayed and caused all sorts of cost blow-outs.

The cost of relocating the building has blown out to at least $100 000. The Department of Education has also insisted on several things. For example, it wants the City of Banyule to build a driveway and car park for the preschool, but the car park will be used by the Department of Education and the primary school and it wants the council to pay for it all. The car park has caused the costs to blow out by an additional $70 000. The department has also asked the City of Banyule to pay lease costs of $12 000 per annum to the education department, not to the school, and to hand over the control of the preschool to the department. That has caused another problem by making the staff redundant. It has blown out the original cost of relocating by an additional $57 000.

The minister and his department have been announcing that they want preschools, schools and what-have-you, but when it comes to it, the council is offering $300 000 and the government wants it to pay more money for the redundancies and for the car park that the department will use. It wants the council to pay for all the things the department should pay for.

The other issue I want to raise on the same subject — —

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member can raise only one issue.

Mr LANGDON — It is on the same issue. The two upper house members and the Liberal candidate for Ivanhoe are boasting in the area that the government has already made the commitment. For example, my opponent, who shall remain nameless because he is nameless in the electorate, announced in a leaflet advertising a meeting on 12 April that the government has gone out of its way to do it. But it is costing the City of Banyule more and more money. The government has to address the problem and carry the shortfall. The minister's department has caused the shortfall, and the minister's department should address it. The government wants more and more money from the City of Banyule.

Responses

Mr GUDE (Minister for Education) — The honourable member for Bellarine referred to his proper and appropriate concern about the manner in which the honourable member for Northcote has been conducting herself in and about schools and throughout the state. In particular he referred to a problem with her recent attendance at the Bellarine Secondary College.

I first wish to congratulate the young students at the school for their maturity. They certainly demonstrated a level of maturity that would make their parents and the broader community proud. They were not prepared to accept the sort of blatant political campaigning the honourable member attempted during her visit, and neither they should. It is not something members of Parliament would normally do. It is a most unusual occurrence. I do not recall a single complaint about the way the former shadow spokesman, the honourable member for Footscray, conducted himself when he visited schools. That is what one would expect.

The Leader of the Opposition should call in his colleague and give her a darn good talking to. He owes it to the community. She has let down the students, let down her political party and in general is causing mayhem out there. Her tongue seems to run away with her. Only recently in Bendigo the honourable member

got her facts about class sizes well and truly wrong. That matter has already been dealt with in the house. During the debate in Parliament she tried to blame the journalist concerned. I can assure the honourable member that the journalist did not take too kindly to that. The honourable member visited a secondary college in the Bellarine area and acted most unprofessionally.

The front-page article in the *Geelong Advertiser* of 21 May states:

> Ms Delahunty appeared to get a bit short with her young questioners when they quizzed her about the republican issue, education policy and her time as a journalist.

I would have thought that they were three reasonable things for students to raise with a shadow spokesperson, particularly given the fact that she was a journalist — —

A Government Member — Not a very good one.

Mr GUDE — No, she was not a very good one, and she was most unprofessional in that she also took part in the republican debate and now, God save us, she has ended up as the shadow Minister for Education. She is a pretty sorry and sore imitation of one, but that is the position she holds at the moment. The *Geelong Advertiser* article also states:

> In an exchange with one male student about the role of journalists, Ms Delahunty interrupted the questioner saying: 'You asked me a question, do you want to hear the answer?'.

The honourable member for Northcote apparently snapped back at the youngster, who took considerable exception to such treatment. That is not the sort of approach and attitude one would expect from a mature and responsible person who seeks to represent a political party as a potential minister of the Crown. By engaging in such disgraceful conduct she has let down both herself and parliamentarians generally. I call on the Leader of the Opposition to take appropriate action, whatever that might be.

The honourable member for Bellarine asked me what I might be able to do about it. Apart from offering advice across the table, as I have done tonight, I am not sure I can do much, except on the important issue of facts. At her request, the honourable member for Northcote has been given a full briefing on the facts as they apply to education throughout Victoria.

Mr Leigh — It would not help.

Mr GUDE — That is right, it would not help, because the honourable member for Northcote seems to handle the truth with a great deal of carelessness. That will be embarrassing for her in the long term. It is certainly embarrassing for the Labor Party. Its approach to education matters does it no credit.

The honourable member for Yan Yean raised for my attention security issues in relation to an incident that took place some time ago at the Meadowglen Primary School. I was surprised that some of the matters he raised have not been dealt with already. I will follow up the issue he raised with the department apropos earlier conversations I have had. I am familiar with the incident. I contacted the school at the time, and I will be pleased to assist in overcoming any continuing difficulties at the school.

The honourable member for Ivanhoe raised the possibility of the Audrey Brooks Preschool being co-located with the Bellfield Primary School. He launched into a tirade on behalf of the City of Banyule and sought to blame the Department of Education for market rent. Clear guidelines were set down when the government introduced enabling legislation to facilitate preschools being located in primary school settings. Market rent is one of the points covered in the guidelines. The honourable member for Ivanhoe may not like market rents being charged, but that is appropriate. There is a need for independent school councils.

The honourable member referred to a driveway and parking. I assume that related to appropriate safe access. Such access should be put in place in an appropriate way.

Mr Langdon interjected.

Mr GUDE — I understand the hour is late and the honourable member is tired and emotional, but I indicate that I will make inquiries through the Department of Education to establish the facts as they relate to this preschool, and I will be pleased to have a conversation with him when I am in possession of those facts.

The honourable member for Frankston East raised for the attention of the Minister for Health a health issue. Victoria has Australia's most professional foundation for victims of torture and trauma. The government provides significant funding for the counsellors and therapists experienced in supporting refugees who come to Australia from civil war or strife zones throughout the world. The foundation is the most appropriate organisation to assist the Kosovar refugees and is already doing so. As many of the Kosovar refugees are Muslims issues about loose clothing and

jewellery are more to do with respecting their religious observance than perceived dangers. Nonetheless I will raise the matter with the minister.

The honourable members for Niddrie, Mitcham, Murray Valley, Footscray and Tullamarine raised matters for various ministers, and I shall draw those matters to the attention of those ministers.

Motion agreed to.

House adjourned 3.12 a.m. (Thursday).

Thursday, 27 May 1999

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.07 a.m. and read the prayer.

The SPEAKER — Order! I suggest that any member who wishes to carry on a conversation while the prayer is being read should leave the chamber.

Honourable Members — Hear, hear!

NOTICES OF MOTION

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

Notices of motion given.

Auditor-General: prisons

Mr HAERMEYER (Yan Yean) — I desire to give notice that on the next day of sitting I will move:

> That the house congratulates the Auditor-General on his yet-to-be-released report on the shambles in Victoria's prison system, and condemns the Kennett government's corrupt and dictatorial — —

Honourable members interjecting.

The SPEAKER — Order! I understand the report has not been tabled. The honourable member might explain how he obtained a copy of the report when it has not been tabled in the house.

Mr HAERMEYER — I am pleased to advise, Mr Speaker, that this report is available from the upper house papers office.

The SPEAKER — Order! I cannot accept the motion when the report has not been tabled in this house. I understand it will be tabled later today. The honourable member will have the opportunity tomorrow to move his motion, but I cannot accept it today until the report is tabled in the house.

Auditor-General: prisons

Ms CAMPBELL (Pascoe Vale) — I desire to give notice that on the next day of sitting I will move:

> That this house calls on the Minister for Youth and Community Services to note the Auditor-General's report on Victorian prison system —

when it is tabled —

> and to immediately stop moves — —

The SPEAKER — Order! I cannot accept a motion about a report that has not been tabled.

PETITION

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

Waverley Park: closure

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:
>
> This petition of the undersigned citizens of the state of Victoria sheweth that, despite its growing popularity and accessibility to many Victorians, the long-term future of Waverley Park football ground is uncertain.
>
> Your petitioners therefore request that the Parliament do all in its powers to ensure the long-term viability of Waverley Park as an AFL venue. Your petitioners call upon the Parliament to work with the AFL to improve car and bus access to Waverley Park and assist in upgrading amenities at the ground.
>
> And your petitioners, as in duty bound, will ever pray.

By Mr PANDAZOPOULOS (Dandenong) (2459 signatures)

Laid on table.

Ordered that petition presented by honourable member for Dandenong be considered later this day on motion of Mr PANDAZOPOULOS (Dandenong).

INQUIRIES INTO CHILD DEATHS: PROTECTION AND CARE

Annual report

Dr NAPTHINE (Minister for Youth and Community Services) presented report for 1999.

Laid on table.

PAPERS

Laid on table by Clerk:

> Auditor-General — Special Report No. 60 on Victoria's prison system: Community protection and prison welfare — Ordered to be printed.
>
> Border Groundwaters Agreement Review Committee — Report for the year 1997–98
>
> Members of Parliament (Register of Interests) Act 1978 — Summary of Variations Notified between 12 November 1998 and 26 May 1999 — Ordered to be printed
>
> Victoria Law Foundation — Report for the year 1997–98.

NOTICES OF MOTION

Building (Amendment) Bill

Mr THWAITES (Albert Park) — By leave, I move:

> That I have leave to bring in a bill to require that a building surveyor must not issue a building permit unless he or she is satisfied that it will be consistent with the requirements and conditions of any relevant planning permit, to amend the Building Act 1993 and for other purposes.

Leave refused.

Equal Opportunity (Same Sex Relationships) Bill

Mr THWAITES (Albert Park) — By leave, I move:

> That I have leave to bring in a bill to eliminate discrimination against gay men and lesbians living in de facto relationships following recommendations of the Equal Opportunity Commission, and to amend the Equal Opportunity Act 1995, Accident Compensation Act 1985, Children and Young Persons Act 1989, Coroners Act 1985, Crimes Act 1958, Crimes (Family Violence) Act 1987, Emergency Services Superannuation Act 1986, Human Tissue Act 1982, Land Tax Act 1958, Parliamentary Salaries and Superannuation Act 1968, Police Regulation Act 1958, Property Law Act 1958, Public Sector Superannuation (Administration) Act 1993, Stamps Act 1958, State Employees Retirement Benefits Act 1979, State Superannuation Act 1988, Superannuation (Portability) Act 1989, Transport Accident Act 1986, Transport Superannuation Act 1988 and Wills Act 1997 and for other purposes.

Leave refused.

BUSINESS OF THE HOUSE

Adjournment

Mr GUDE (Minister for Education) — I move:

> That the house, at its rising, adjourn until tomorrow at 10.00 a.m.

Motion agreed to.

Televising and broadcasting of proceedings

Mr GUDE (Minister for Education) — I move:

> That until 30 June 2000 inclusive, the resolution authorising the televising and broadcasting of proceedings in the Legislative Assembly agreed to by the house on 18 February 1998 be amended by the omission of paragraphs 1(b)(i) and 1(d)(i).

The amendments allow the present practice of televising and broadcasting of proceedings of debate on a motion that grievances be noted, or debate on a motion moved by a minister for the adjournment of the house at the end of a day's proceedings, to continue. At present such televising and broadcasting is permitted pursuant to equivalent amendments adopted by the house on 1 September 1998 which are effective until 30 June 1999. The motion provides for the amendments to be effective until 30 June 2000. A review of future arrangements may be undertaken by a new Parliament.

Motion agreed to.

ROYAL PARK LAND BILL

Second reading

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

> That this bill be now read a second time.

The existing State Netball Centre was built in 1969. It is now in poor condition and has a leaking roof and unstable floor surface. Spectator and player amenities are substandard, seating capacity is limited and there are no male changing rooms.

Hockey has been played in Royal Park for 50 years. The State Hockey Centre was never fully completed when initially constructed. It has no cover for spectators and support amenities such as changing rooms; spectator toilets and lighting are well below acceptable standards.

Both facilities have now deteriorated to the lowest standard of any state centre for either sport in Australia and require renewal.

The redeveloped State Netball and Hockey Centre will replace the existing dilapidated netball centre and the substandard hockey centre that are both located within Royal Park.

The redevelopment of the State Netball and Hockey Centre is included in the City of Melbourne's Royal Park master plan and will result in an increase of open space areas at Royal Park.

The new centre is designed to attract participants of all ages and all levels of competition — from children to veterans, to local and pennant competitions. It is estimated that 90 per cent of its usage will be for domestic club level activities and competition. The centre will have the capacity to cater for an estimated 270 000 users a year, of which 20 per cent are expected to be children under 15 years of age.

At the same time, it will meet competition standards for state and national championships and international events, such as the 2002 World Masters Games and 2006 Commonwealth Games.

Due to the importance of this facility to the public and major events such as the 2006 Commonwealth Games and 2002 World Masters Games, it is appropriate that it is ensured that there is no risk of this state-significant project being delayed through any doubts whether the redevelopment complies with the reservation over the land. The provision of such certainty is consistent with that which provided for other state-significant sporting facilities such as Melbourne and Olympic Parks and the Melbourne Sports and Aquatic Centre.

I now turn to the particulars of the bill.

Clauses 1 and 2 relate to the purpose of the bill and its commencement.

Clause 3 provides definitions for 'State Netball and Hockey Centre land' and 'Royal Park land'. The State Netball and Hockey Centre land relates to the area to be used in the carrying out of works to build the facilities.

Clause 4 provides for removal of any doubt that the State Netball and Hockey Centre land may be and always has been able to be used for the purposes of sport, recreation, entertainment or social activities; purposes connected therewith and the erection of buildings or structures or the carrying out of works for those purposes.

Section 85 statement

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by this bill.

Clause 5 provides that no compensation is payable by the Crown in respect to anything done under or arising from clause 4.

Clause 6 provides that it is the intention of clause 5 to alter or vary section 85 of the Constitution Act 1975.

The reason for altering or varying section 85 of the Constitution Act 1975 is to limit the jurisdiction of the Supreme Court to prevent compensation being awarded in respect of anything being done or arising out of clause 4. Claims for compensation based on anything being done or arising out of clause 4 may delay or prevent the redevelopment of the State Netball and Hockey Centre. The facilities are being redeveloped to benefit the community as a whole and it is in the public interest for the rights on the site to be clarified to ensure that the redevelopment of these facilities of state significance is not jeopardised.

The redevelopment of the State Netball and Hockey Centre will significantly enhance the amenity of the area to park users, local residents and Melburnians generally.

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 until tomorrow.

Ms GARBUTT (Bundoora) — I move:

> That the words 'until tomorrow' be omitted with the view of inserting in place thereof the words 'for two weeks'.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Mr Perton interjected.

The SPEAKER — Order! If the honourable member for Doncaster interjects again while the Speaker is on his feet I will name him forthwith. Don't tempt me — not today or any day!

Ms GARBUTT — This week has come to symbolise what the government is about and the arrogant style it has brought to government — a culture of secrecy, abuse of Parliament and devaluing of democracy. Members on this side of the house have watched with rising dismay and disgust as the government has systematically reduced Parliament to a rubber stamp and made a sham of our democracy.

Proposing to adjourn debate on the bill for just one day is absolutely outrageous. It confirms that the agenda for the week is secrecy, abuse of Parliament, making a rubber stamp of Parliament and reducing democracy to a promise and a dream. A one-day adjournment of this bill makes a mockery of Parliament and is a deep insult, both to the Victorian Parliament and to all of its members. It is an outrage for all Victorians. A one-day adjournment of a bill of this importance provides absolutely no time for any member of Parliament to carry out the role for which he or she was elected — to be accountable to his or her constituents. No scrutiny is possible in the time proposed by the minister.

Less than an hour ago, just before Parliament resumed for the day, the minister told me she would organise a quick briefing for me this afternoon. I need a briefing, certainly, because the bill is a complicated piece of work. I need also, however, to talk to other people who will be interested and vitally affected by the bill, which deals with issues that have been controversial for two years. Although I can get a briefing by shoving aside other work I have, I cannot go and visit the area concerned because Parliament will be sitting continuously.

Mrs Tehan interjected.

Ms GARBUTT — Are you suggesting 8 o'clock in the morning? The minister's suggestion is absolutely outrageous. Last night we finished at about 3.30 a.m. Perhaps I could go in the dark and have a look!

I cannot go and consult with interested parties about what has been an issue of raging controversy. That is a great insult to those people. Who is involved in this issue? Who would like to have their opinions heard? Who would like to talk to the opposition and to all members of Parliament about it? First among them would be the local residents, the Melbourne City Council and the planners. The government has pushed its project through by bypassing normal planning processes and freezing out the residents and the Melbourne City Council, which would normally be the responsible planning authority. That has already been done and the pattern set. Now its strategy is confirmed by today's motion to give the bill only 24 hours consideration.

Netballers are vitally interested in the outcome of the bill. Netball is one of the state's most popular participant sports. The number of netball courts in Royal Park is being reduced from 21 to 4, and netball associations across the state have a huge interest in that. Will they have time to have a look at the bill, digest it and make their thoughts known to their members of Parliament? Of course not! Not overnight, in one day, in an indecent rush.

The project has already commenced, and members of the Royal Park Protection Group have been out there sitting in front of bulldozers. Will they be consulted? Will they have time to look at the bill, digest what is in it and come back to the minister, the shadow minister and local members of Parliament to say what they think? Of course not! That is not possible overnight. Honourable members might sit here until ridiculous hours in the morning, but normal people are home in bed, and I guarantee most netballers are included in that. Royal Park Protection Group members are at home in bed. They are not going to spend the wee small hours of the morning looking at the bill and trying to contact the minister, the shadow minister or their local member. It is absolutely outrageous that the minister should propose an adjournment of only 24 hours for this bill.

There is no time to consult with any of those groups. The lack of time for consultation is an insult to all Victorians who support proper democratic processes by voting to elect representatives whom they expect will represent their interests and ideas in Parliament. When we are given only one day, those people have no opportunity of speaking with their elected representatives and making their views known.

The Macleod Netball Association, which is in my electorate, is an active organisation that is most interested in the Royal Park issue. It put up a proposal for its own centre in Banyule but was knocked back by the government. It received no support or funding, yet there are insufficient facilities for netball in my electorate. The bill reduces people's access to those facilities even further. One day's adjournment gives me no time to contact the association and seek its response to the bill. I am sure every honourable member has as constituents many hockey players, netball players and others who are interested in Victoria's parkland, and they too will not have time to consider the bill.

The bill is the sign of an arrogant government which is out of touch with the electorate and which is quite content to jackboot legislation through with only one day's notice, overnight or whatever you like. The government will use its numbers to crunch the bill through. The government is abusing the standing orders, which provide for proper democratic processes in this place, in its unholy rush to crunch the bill through. I remind the government of the words contained in the Fitzgerald report: 'In an atmosphere of secrecy or inadequate information corruption flourishes'.

Why is it necessary to push the bill through in one day? Bulldozers are already tearing up the park! Obviously, the government has bungled again and needs to fix something up. The rush allows no time for the details of the bungle to surface, but that comes as no surprise to honourable members on this side.

An honourable member interjected.

Ms GARBUTT — We will never know because there is no time. In 1996 some $50 000 was allocated from the Community Support Fund for a feasibility study on the project. Why were the mistakes not picked

up three years ago. What has happened since then? Why has the government not got its act together? Honourable members are being asked to fix up yet another of the minister's bungles. That happened with the catchment management authorities, where procedures set in place several years ago had to be subsequently validated because they had not been properly implemented. The authorities were happily taxing people without any authority to do so. The bill is the same sort of thing: it has been introduced to fix up a bungle by a minister who has made a mess of Victoria's health system and is now doing the same with the environment.

It is important that honourable members have time to scrutinise the bill and obtain legal advice on the problem that is the reason for the bill being rushed through. There will be no time to do that — but that is the minister's intention. It is part of a pattern of the abuse of Parliament by the Kennett government, which is overwhelmingly secretive.

The Auditor-General's report criticised the government's excessive secrecy. It is a government that hides behind freedom of information legislation, commercial-in-confidence provisions and limited sitting and pushes through 14 — now 15 — bills in one week. The reasons why are obvious, which is why I have moved the amendment. The parliamentary sittings should be extended until next week to ease the pressure on honourable members and obviate the need to sit until 3.30 a.m. or 4.00 a.m. Honourable members should be given the time and the opportunity to properly scrutinise and debate the issues, which would happen if the sitting were extended until next week or the following week.

Rushing through bills has become a symbol of the Kennett government's attitude to Parliament. Its devaluation of democracy, its arrogance and its philosophy make a sham of democracy. What is happening today should not happen, and the opposition will not accept it.

Mrs TEHAN (Minister for Conservation and Land Management) — The honourable member for Bundoora has said she would like more time for debate on the bill. It is a simple bill, the purpose of which is clearly spelled out in the second-reading speech. Despite all the suggestions of conspiracies, cover-ups, problems and bungles — that is, all the well-practised emotive terminology for which the honourable member for Bundoora is now well known — the bill ensures that there is no risk of this significant project being delayed by any doubts about whether the redevelopment complies with the reservation over the land.

The bill clarifies the acts of Parliament under which the building proposal is going ahead. As outlined in the second-reading speech, the development of the facilities is a much-needed project of state significance. As the honourable member for Bundoora said, netball is a popular and growing sport that is played by a large number of women. It is excellent exercise and develops friendship and teamwork. The need for a vibrant new sporting project is now being addressed through the building of the netball centre.

That is timely because the old Royal Park centre, which was built in 1969, was totally inappropriate.

Hockey is also a much needed — —

The SPEAKER — Order! The minister is now debating the substance of the bill and is not directing her comments to the proposed amendment, the effect of which would be to delete the word 'tomorrow' and insert in its place the words 'two weeks'. The minister must speak to the amendment.

Mrs TEHAN — On the amendment, Sir, I was seeking to point out that because the proposed building will be of state significance it is vitally important that construction proceed forthwith. The purpose of the bill is to clarify the law and allay any doubts. In those circumstances the government believes an adjournment of one day is appropriate. I have advised the honourable member for Bundoora that the department will provide her with a briefing on the bill. There will be sufficient time during the next 11 hours for her to make phone calls and carry out the investigations she has indicated she would like to make. It is light at 8 o'clock in the morning and Royal Park is not far from the city, so there is no reason why she could not inspect the site tomorrow morning. If she does she will see that the new development is within the footprint of the old facility and will not occupy any additional open space, which is an issue about which people may be concerned.

The adjournment period I have suggested is adequate given the clarity of the bill and the simplicity of its purpose.

Mr PANDAZOPOULOS (Dandenong) — The minister's comments confirm why the government is rushing the bill through the house. It has nothing to do with whether the Royal Park hockey and netball facilities are built, nothing to do with the value of those sports or the important contribution they make, and nothing to do with the footprint of the building and the amount of public open space that is available for public

purposes as compared to the active recreational pursuits for which the facility is designed. The minister cannot tell us that the real issues are the major legal considerations of limiting the jurisdiction of the Supreme Court and ensuring that no compensation is payable.

As the honourable member for Bundoora said, the government's actions typify what it is all about. A number of the bills debated this week have been designed to fix up messes the government has created by not considering matters properly and rushing legislation through Parliament. That was the case with the Food (Amendment) Bill and it will be repeated with the bills that deal with the gas and electricity industries, particularly the government's inability to take action against gas cheats. The government bungles things time and again because it does not allow proper debate on issues. Now it wants to do the same with this bill by proposing an adjournment of only one day.

Opposition members are told they can be confident because they will receive a briefing from the minister's department. We do not need briefings from the minister's department; we need briefings from constitutional lawyers. The issue is what rights will be removed by the bill and advice on that matter will not be available within 24 hours.

The issue crosses portfolio boundaries. The honourable member for Bundoora is the shadow minister for environment and conservation, I have portfolio responsibility for sport and recreation and the bill also affects the planning and local government portfolio. The proposed adjournment period will allow no opportunity for discussions with all the interested parties following any legal advice, even if that advice were able to be provided in such a short time frame, and no opportunity for those parties to consult their constituent bodies. What respect does the government have for democracy when it will not allow consultation to take place and does not want to hear people's opinions?

The opposition supports Melbourne's bid for the Commonwealth Games; the front page of the document that has been submitted to the Commonwealth Games Federation is a letter of support from the Leader of the Opposition. It is a bipartisan bid. The opposition has meetings with the Commonwealth Games committee every three months — one was held two weeks ago — yet this issue has never been raised. Why is there such haste? The project has been in the pipeline since 1991 and one wonders why the problems were not fixed earlier. As the honourable member for Bundoora said, a grant of $45 000 for a study of the Royal Park sports precinct facilities was approved in January 1996. If that study had been done properly surely it would have identified any real concerns. The reality is that there are no concerns about the project's not going ahead. The bill is all about reducing the government's liability.

I turn to what the opposition needs to test by obtaining legal advice. If the government removed its liability to pay compensation, would the partners in the facility — the netball and hockey clubs — be prevented from taking legal action against the government if they were not satisfied with the project? The opposition cannot get the necessary advice or consult the interested parties in the time proposed. What if the government does not handle the tender process properly and legal action ensues? Will the effect of the legislation be that if the government bungles no legal action will be able to be taken against it? And if legal action cannot be taken against the government, against whom can it be taken?

Mr McArthur interjected.

Mr PANDAZOPOULOS — The honourable member for Monbulk interjects and refers to the question of time. The questions I have posed need answers. I am not debating those questions or discussing the details of them; I am highlighting questions that need to be considered before debate on the bill takes place.

Work has commenced on the project. It is important that Parliament treat the Labor opposition with respect and allow it to do what is expected of an opposition — that is, consult, consider, analyse and test what the government says and proposes. What sort of democracy does Victoria have when the government uses its large majority to deny the opposition the opportunity to do its job and tries to force through without proper discussion and debate issues on which it does not necessarily have a mandate?

The last thing Victorians want is additional problems for which the government must fork out more money, such as those highlighted by the Auditor-General in his report. The last thing Victoria needs is for legislation to be rushed through, because recent experience has demonstrated that the government simply does not get it right.

The opposition supports improving the hockey and netball facilities, but that is not what the bill is about. I ask the government to seriously consider an adjournment of two weeks. The Premier has said the election will not be held in June or July, so there is no logical reason why Parliament cannot come back to

discuss such an issue that significantly affects the constitutional rights of Victorians.

The bill is not simply about whether the facility is built — although that is what the minister is trying to say — or the importance of netball and hockey. It is really about what powers will be removed from the Victorians who use the facility actively or who engage in passive activity around its perimeter — and about what rights they will have in the future. This issue of major importance should not be rammed through in less than 24 hours by this extremely uncooperative and arrogant government.

Mr McARTHUR (Monbulk) — I support the motion moved by the minister and I oppose the arguments of the honourable members for Bundoora and Dandenong.

Firstly, I wish to correct the assertion of the honourable member for Bundoora that the motion, if passed, would offend the standing orders. That is not the case. I am sure that if any motion were to affect the standing orders, Mr Speaker, you would direct the matter to the attention of the house without delay and would not allow it to continue. The normal adjournment period of two weeks is a tradition and custom of the house and is not provided for under the standing orders. The honourable member for Bundoora should be aware of and understand that.

I agree that for many years the custom has been to adjourn bills for a two-week period to allow the procedures mentioned by the honourable member for Bundoora to take place — namely, to allow members to take bills out into the community and consult on them before the bills are debated in light of the information received during the two-week period. There is good reason for that practice of the house. It is a tradition the house should uphold and adhere to wherever possible and only in unusual circumstances or when important issues are at stake should the house vary it. In making the decision about whether to vary the practice the house should consider the issues involved.

On the one hand there is the tradition of an adjournment of two weeks to provide an opportunity for consultation, while on the other hand there is the series of risks that would be posed by allowing that amount of time in this case, and the minister has raised some issues about that.

The project the bill will facilitate is important. The honourable members for Bundoora and Dandenong pointed out that it has been on the drawing board for many years, so the consultation they seek would not be about whether the project should proceed. The parties involved understand the issues surrounding the netball and hockey centre and have been consulted about the design, location and other facilities. Those who support the project know what is entailed in it. Those who oppose it — —

Ms Garbutt — On a point of order, Mr Speaker, the honourable member is now debating the bill rather than the question of why we have to come back tomorrow and debate it in unseemly haste.

Mr McARTHUR — On the point of order, Mr Speaker, I was not debating the bill. I was saying that the project is well established and the parties — the protagonists — understand the issues. There is no need for consultation about the project. That issue was raised by the honourable member for Bundoora and I am responding to it. The point she raised about consultation being necessary on the project is spurious because such issues have been well and truly debated.

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

Mr McARTHUR — The honourable member also referred to the Royal Park Protection Group. The group is also well aware of the project and the details of it. It has adopted its position and another two weeks of consultation with it is unlikely to change its position. To that extent, consultation with it is unnecessary.

Another issue that should be considered is what would happen if the matter were adjourned for two weeks. The honourable member for Bundoora pointed out that the house is not scheduled to sit two weeks from now, so an adjournment of two weeks would have one of two consequences. The first possibility is that the matter would be deferred until the spring sitting, in which case the project may well be delayed until the spring sitting. That possibility involves a range of attendant risks that the government believes are unacceptable in this case. It has been pointed out that the project is important. Athletes competing in the Commonwealth Games and the World Masters Games will use the facility and it is important that its construction proceed in a timely manner and be completed on schedule. It is important to the participants, the government and the community as a whole.

The alternative consequence of a two-week delay would be that the sitting would be extended, with the house being recalled two weeks from now to debate the bill. If there were sufficient and substantial reasons for doing that perhaps that should be considered. However, debate on almost all the outstanding legislation will be

completed during today and tomorrow and a couple of bills will lay over until the Spring session to allow further consultation on matters about which there should be detailed consultation. There is not enough on the notice paper to justify recalling the house two weeks from now purely to debate the Royal Park Land Bill.

The bill contains six clauses. I read it while the minister was delivering her second-reading speech. Any honourable member who is interested in the bill could have done the same. It is not complex or difficult. It is a simple, straightforward and direct bill that clarifies an ambiguity in the current situation. Whether the current project is at any legal risk has not been determined and could not be determined by the courts for months, and perhaps years. The government needs to clarify the matter now for the benefit of the sporting groups involved, the general public and the people involved in and working on the project. It is much more sensible, timely and beneficial to sort the matter out here rather than rely on the courts to sort it out.

I believe that if the matter went to court it would be resolved satisfactorily, but that would take substantial time. The minister's motion should be supported because time is of the essence in this case.

Mr THWAITES (Albert Park) — I support the amendment moved by the honourable member for Bundoora and oppose the government's proposal to ram through legislation one day after its second reading.

The starting point must be this: it is the government that is acting in an extraordinary and exceptional way — the opposition is not seeking any indulgence or an extension of time. The custom and practice of the house is that debate on bills is adjourned for two weeks following their second reading. That practice is in place for a good reason, as even the honourable member for Monbulk has admitted — to ensure that there is time for proper consultation and consideration, and that mistakes are not made.

Heaven knows how many bungles and mistakes with bills Parliament has called back to fix up in the past six and a half years, as occurred last night with the amendments to the Food Act.

The minister gave her second-reading speech today and is attempting to have the bill debated tomorrow. Given that that is a departure from normal practice, I would have expected the minister to give her reasons for behaving in such an extraordinary way. However, she gave no reasons at all in her second-reading speech — in fact, quite the opposite. The minister said it is a simple bill and that essentially had nothing in it. If that is the case, why are we being forced to act in an exceptional way and allow the bill to be debated with just one day's adjournment?

If an exceptional factor threatened the future of the project, I would have thought the minister would have told the house. All she said was that the bill is a simple matter that clarifies the existing situation. If it is so simple, why not deal with it in the ordinary way? Why not handle the bill, as all bills ought to be handled, by allowing the usual adjournment so it can be considered before it is debated? The minister and the government will not do that. One can only assume that the house is being called on to act in this exceptional way, which is contrary to traditional practice, because the government is covering up a major bungle in its handling of the project.

If the minister knows about the bungle, why will she not tell the house? I go so far as to say that the minister is being deliberately misleading by refusing to reveal the reason behind the bill. I believe she is embarrassed by yet another bungle in her portfolio. This will be the final strike in the minister's career, because one problem after another has arisen with everything she has touched. The minister has a reverse Midas touch — everything she has touched has turned into a major problem.

I would have thought everyone would be supportive of the Commonwealth Games — the opposition certainly is — and that the government would handle the preparations for them efficiently. But no, it seems there is a secret problem that opposition members are not allowed to know about. Given that debate on the bill is being adjourned for only one day, I would like to know whether government backbenchers have been informed of the reason for the bill, because it gives no indication of any reason for urgency. There are no details of any errors that need to be corrected, yet the house is being expected to pass the bill in record time.

The reasons for the house's traditional practices are sound. If bills are not properly considered, not only are people not consulted but mistakes can be made. The government has set up a process to allow Parliament to properly consider bills. But in her usual arrogant way the Minister for Conservation and Land Management has told the shadow minister that if she wants to consult on the bill she can make some telephone calls tonight.

Will the Scrutiny of Acts and Regulations Committee get the chance to review the bill properly? Will it get an explanation from the minister? Will the chairman have

to recall the Scrutiny of Acts and Regulations Committee to produce a report so the house can read it before the bill is debated? I would have thought this is the very type of bill the Scrutiny of Acts and Regulations Committee ought to comment on, because it was set up to consider possible trespasses on people's existing statutory or legal rights. It appears that, on its face, the bill may do just that, because contrary to the minister's assertion that it merely clears up possible doubt, the bill clearly removes compensation rights. Clause 5 clearly states that no compensation is payable by the Crown. That is an extremely broad provision — and it involves a removal of legal rights. Clause 5 may remove legal rights at common law under the Planning and Environment Act or the Land Acquisition and Compensation Act. If the clause does not remove legal rights for compensation, why is it in the bill?

The Scrutiny of Acts and Regulations Committee has every right to consider that issue, and it may well be that the chairman and members of that committee will tell Parliament that the bill tramples on existing rights. In those circumstances, how can Parliament deal with the bill tomorrow when it has not even been considered by the very committee Parliament has established to consider proposed legislation?

The second-reading speech relates mostly to the background of the Royal Park development and to the netball and other sports stadiums that will be built there. Honourable members know all about that, so the second-reading speech provides no relevant information at all. All the information the house needs to know is left out and the superfluous information is put in. It might as well be the press release we received six months ago — and it probably is! It does not say whether the government has made a major mistake in its handling of the proposal or whether the land is being used in breach of a Crown reservation. It may be that the minister knows the land is being used in breach of a Crown reservation. If that is the reason behind it, why will she not tell us? Are there proceedings on foot? Is the minister aware of any proceedings?

Mr Reynolds interjected.

Mr THWAITES — We are happy to bring the debate on. What we do not want to do is bring the debate on before the house can be properly informed about the matter. There are occasions when debates on the issue of time are part of the general adversarial role of this place. But of all the bills I have seen introduced in this place, this is certainly one to which the issue of time is relevant because it takes away existing legal rights.

Mr Steggall interjected.

Mr THWAITES — On its face the bill removes people's legal rights. In those circumstances, rather than just bleating repetitively I would have thought the honourable member for Swan Hill would want to give himself the time to determine what legal rights are being removed. Imagine if some farmers in Swan Hill had a claim for land along the river somewhere — —

Mr Steggall — We have got some of them.

Mr THWAITES — That is right, you have got some of them. Imagine if they had a claim on land and the government introduced a bill depriving them of that land, which it proposed to debate and pass the very next day. The honourable member would have to go to his constituents and say 'Sorry, I can't tell you what the bill is about, I can't consult with you and I can't even give you an indication of which legal rights are being removed because the minister will not tell us'.

Mrs Tehan interjected.

Mr THWAITES — The minister says it is a conspiracy theory — I can only assume it is! It continues the secret-state approach that the government has taken to almost everything it does. Unless light is shed on the bill, not only may people lose their rights but the government may get it wrong again.

That leads me to my next point: bills can be allowed to pass through the house quickly if they are not at all complex. The minister argues that the bill is not complex. I admit it is short, but its nature is complex. The bill declares not only that there should be no doubt about the purposes for which the land is to be used but that in respect of the particular area of Royal Park that is subject to the act no compensation is payable by the Crown.

That area is listed under schedule 2 in the detailed and complex plan. The honourable member for Swan Hill might be an expert in land surveying, and perhaps by tomorrow he will be able to step out that area and make sure there are no mistakes. He might be able to get down to the titles office and determine whether there are any mistakes. However, given the mismanagement of the minister I would have some real doubts about whether by tomorrow morning he would get any response from the titles office as to the appropriateness of the schedule.

The schedule is complex. It refers to 8.130 hectares of land. It does not refer to a small area of land — like the little bit the minister is happy to hand over to her mates at Portsea — but to a public park. Judging from the past

performance of the minister, I have no doubt that another mistake may occur. The minister had the arrogance to tell members on both sides of the house that they could go down tomorrow morning and have a look. Does the minister expect members of the Scrutiny of Acts and Regulations Committee to receive a briefing from her tomorrow morning? Are you going to do that, Minister? Have you promised that?

Mrs Tehan interjected.

Mr THWAITES — The minister has just said, 'If you want one'. It is not for me, it is for the chairman. From her comments it is clear the minister has not bothered to contact the chairman of the Scrutiny of Acts and Regulations Committee to determine whether he wants a briefing or wants to issue a report on the bill. Following the opposition's suggestion the minister will probably do that. The only way the government does anything decent is by following suggestions from the opposition. The fact is that the Scrutiny of Acts and Regulations Committee is not going to be in a position by tomorrow morning to properly consider the bill. Have the staff of the committee been notified? Has the executive officer been notified? I am sure that that has not occurred.

The final point — —

Mr Reynolds interjected.

Mr THWAITES — I have been on the issue of time for the whole speech. If the Minister for Sport cannot understand it, I sympathise.

There may be legal proceedings on foot in relation to this mistake by the government. It is legal tradition and practice that if that occurs the proceedings should not be affected by legislation. Legislation may affect subsequent legal proceedings but people should not lose existing rights as a result of subsequently introduced legislation. That is the sort of issue that should be properly considered during the adjournment period following the second reading.

I suspect there are existing legal proceedings on foot or the government would not be ramming through a bill like this on the eve of the close of the sitting. A bill to clarify the use of a piece of land should not be rammed through. I suspect the government would not introduce a bill just to provide that the land at Royal Park is to be used for a netball court or a sports stadium. I suspect something else is happening. I suspect legal proceedings are under way in relation to the use of the land and I would like to hear from the government about what effect the bill will have on those legal proceedings.

Mr Reynolds interjected.

Mr THWAITES — The monkey at the table keeps repeating himself. Can you say anything else? If the monkey at the table could be more informative in the debate, I would be keen to hear him. The Minister for Sport ought to get up and explain the urgency. There is not one line about it in the second-reading speech. The minister is waving the second-reading speech and I ask him to refer to the relevant paragraph.

Mr Reynolds — Page 2.

Mr THWAITES — At page 2, the second-reading speech states:

> Due to the importance of this facility to the public and major events such as the 2006 Commonwealth Games ... it is appropriate that it is ensured that there is no risk of this state-significant project being delayed through any doubts whether the redevelopment complies with the reservation over the land.

What is the risk? What is the problem? The minister has not identified the problem or whether there is any risk. The government might as well introduce bills for everything that happens in the state. Will it introduce a bill for the Docklands stadium? Is there a problem down there? Will the minister identify that? Will the government bring in a bill for City Link and everything else that is happening in the state? What are the doubts? If there are genuine doubts and a reason to contradict the practice of the house, the government should provide the house with details. If there is a problem it should have been mentioned in the second-reading speech. If the land is being used improperly or in a way that is inconsistent with the reservation honourable members should know about it.

In the context of clause 5, there is nothing in the second-reading speech about compensation or why tomorrow there is a need to remove peoples' rights to compensation. The bill could have a major effect — it could take away people's legal rights. It could remove the right to take appropriate statutory action from many groups in the community, such as residents, the Royal Park Protection Group or the council. Given that none of those groups has been consulted on the legislation the opposition is asking for only the normal amount of time for consultation, not an extended period.

The opposition's amendment would also provide an opportunity for the Scrutiny of Acts and Regulations Committee to deal with the legislation. I would not want to hear any speeches from the honourable member for Doncaster or others in the future about the committee's great contribution to democracy if it is bypassed on the one occasion it is needed. If when there

is a potential for legislation to remove peoples' rights the government handles that legislation in such a way that the committee is precluded from considering it, I would not want to hear the honourable member for Doncaster spouting about the great benefits of the committee.

I was previously on the Scrutiny of Acts and Regulations Committee, as was the honourable member for Sandringham. I am not sure whether he still is on the committee, but I hope he has had an opportunity to be briefed on the reasons for the bill's being dealt with so urgently. Nothing has been revealed to militate in favour of the bill's being debated tomorrow. The only proper course is for the house to adopt the amendment of the honourable member for Bundoora and have the normal two-week adjournment.

Mr ROWE (Cranbourne) — I move:

That the question be now put.

House divided on Mr Rowe's motion:

Ayes, 47

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

Noes, 29

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

Motion agreed to.

The ACTING SPEAKER (Mr Cunningham) — Order! The minister moved that the debate be adjourned until tomorrow, to which the honourable member for Bundoora moved as an amendment that 'until tomorrow' be deleted with the view of inserting in place thereof 'for two weeks'. The question is that the words proposed to be omitted stand part of the adjournment motion.

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

Ayes, 48

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

Noes, 29

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

Amendment negatived.

Motion agreed to and debate adjourned until next day.

BUSINESS OF THE HOUSE

Program

Mr GUDE (Minister for Education) — I desire to move:

> That the government business program agreed to by this house on 25 May 1999 be amended by adding the order of the day, government business, relating to the Royal Park Land Bill.

An Honourable Member — Wake up!

The ACTING SPEAKER (Mr Cunningham) — Order! Is the motion seconded? It has been seconded by the Minister for Sport.

Mr BATCHELOR (Thomastown) — You've got to wake up. You were supposed to get it seconded. You were sitting there on your fat arse not worrying about it. What is happening today is outrageous.

Honourable members interjecting.

Mr BATCHELOR — It is disgraceful.

Honourable members interjecting.

Mr BATCHELOR — I said you should get off your fat arse and start doing some work. You know what I said.

Honourable members interjecting.

Mr Perton — On a point of order, Mr Acting Speaker, I believe robust debate is a good thing, and if the honourable member for Thomastown is angry, let him be angry. However, using language like — —

Honourable members interjecting.

Mr Perton — To use language like 'Get off your fat arse' to a minister at the table with the public in the gallery is totally inappropriate. To do so twice is totally inappropriate. I ask the Acting Speaker to call the honourable member for Thomastown to order, direct him not to use that language and to withdraw it.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Thomastown has used that language, and I ask him to withdraw it.

Honourable members interjecting.

Mr BATCHELOR — All right. It is not fat. I am sorry.

The ACTING SPEAKER (Mr Cunningham) — Order! I ask the honourable member for Thomastown to make a total withdrawal.

Mr BATCHELOR — Yes, Mr Acting Speaker, I withdraw.

Given what the government is doing here today it is interesting what happens when the vernacular is used in the house — the honourable member for Doncaster gets absolutely outraged. He is offended by the use of the vernacular.

Honourable members interjecting.

Mr Perton — On a point of order, Mr Acting Speaker, although you upheld my point of order the honourable member for Thomastown is now criticising me for raising that point of order. I ask that you call him to order.

Honourable members interjecting.

Mr BATCHELOR — On the point of order, Mr Acting Speaker, government members are a bunch of bullies. They are trying to stand over you.

Honourable members interjecting.

Mr BATCHELOR — They are nothing but a bunch of bullies. Just like the motion before the Chair, they are outrageous. The opposition will stand up for democracy. The government is nothing but a bunch of jumped up fascists who expect that by using their numbers they will force the opposition to agree to ram through legislation through the use of the guillotine. What is happening today is unprecedented. Any government member who supports what is happening shows a clear contempt for the parliamentary process. The opposition will not stand by and let that happen.

For those ignorant government members who are now leaving the chamber I will explain what is going on so they will be able to understand it. The government has moved a procedural motion that will add the Royal Park Land Bill, which has just been outlined in the second reading speech, to the bills to be guillotined by the government business program so it will be rammed through the house in the dying hours of this parliamentary sitting.

The Minister for Conservation and Land Management sits here grinning. She should get a job at one of the stalls at Luna Park where you put the ball in the mouth of a clown. She is smiling and nodding her head. She thinks it is funny, but it is an outrage. The opposition is entitled to be angry. This type of disregard for the

parliamentary process has never happened before in this Parliament, yet government members sit there thinking it is funny. When all the traditions of the Westminster system are gathered up and thrown out the window, all the honourable member for Doncaster worries about is the use of the vernacular — what a distorted sense of priorities. It is a distorted view of the traditions of the Westminster system. The opposition has some respect for Parliament and its forms, but it has no respect for the government because it is trying to trample over our democratic rights and the forms and traditions of the house. Members of the government stand condemned.

Mrs MADDIGAN (Essendon) — I join the honourable member for Thomastown in his belief that the behaviour of government members is absolutely disgraceful. The honourable member for Doncaster must have exceeded the limits of hypocrisy when he dared to suggest that the comments made by the honourable member for Thomastown would upset three members of the public, given that guillotining the debate on the bill is a denial of the public's right, the normal processes of Parliament and the rights of residents of the area affected by the bill to have a say.

It is a denial of the legal requirements on contractors — the government has probably signed an illegal contract with them — and it ignores everyone else who has an interest in the Royal Park Land Bill. The government is in such fear and trepidation that it will be caught out that it cannot get the bill through the house fast enough.

The government is denying the house the right of democratic process and thereby treating it with contempt. It is treating all Victorians with contempt just so it can shove this bit of legislation through and cover up its mistakes. It does not want the Victorian public to know what is in the bill. The government wants to get the bill through before the rest of Victoria realises what it might be up to.

It is all very well to stand there and waffle about how wonderful the netball and basketball stadiums will be, but what about the other provisions that residents in the area are concerned about? What about the possibility of a hotel or a village on the site? What about a new road linking up to City Link? Government members would not want the people of Victoria talking about that, would they? Nor would they want honourable members to have time to listen to their questions. That is outrageous. Government members do not want anyone to know what they are up to.

They want to whip the bill through the house because they know the residents in the Royal Park area have been trying for ages to get answers from the government and that the Minister for Planning and Local Government has overridden normal planning provisions so that residents will not get an opportunity to engage their normal planning rights.

The whole process has been a denial of anyone's right to be involved or consulted. No-one can find out the facts of what the government is up to. Members of the government would push it through in the next half an hour if they thought there were any legal avenue that would allow them to do so. The last thing they want is for people to know what they are up to. That shows how incompetent this government is.

Government members thought they would be able to get the project launched without any problems by keeping it quiet and avoiding normal planning processes. However, in their usual ham-fisted, incompetent manner they have mucked it up at the last moment and have had to shove this piece of legislation into the house to get it sorted out as quickly as possible. As the honourable member for Albert Park said, they are aware they might be on very shaky legal ground and that many people who are outraged by the proposal are taking legal action — which is the normal response.

Residents are forced to take legal action because they have never had the opportunity to discuss the bill in an informed manner with the government. They have had their democratic rights removed because of the denial of proper planning processes including a suitable period for people to examine the details and discuss the bill at length.

The government argues that the proposal has been around for some time and that, therefore, another opportunity to discuss it is not needed. That is an absolute lie. We saw the contents of the bill and a vague diagram of the site for the first time this morning. The plan defines an area of parkland to be removed without any compensation. What a joke! Why is the government presenting such legislation when it could have built the facility at the showgrounds, which already has an appropriate planning scheme and public transport?

Mrs Henderson interjected.

Mrs MADDIGAN — They don't want to talk about that. They don't want the community to have an opportunity to look at other sites because they made the decision in secret, by themselves, and went ahead with it without providing any opportunity for others to discuss it or look at other sites. It is all very well for the minister to say by interjection that the Labor Party supports it. Of course we support the building of a

netball facility and facilities for the Commonwealth Games. The point is that the government will not even consider alternative views.

Mr E. R. SMITH (Glen Waverley) — It might be of benefit to the house if I go through the procedure the house is following at the moment. We have heard a lot of emotion.

At the change of business, following the convening of a special meeting of the government business program committee in accordance with standing orders and without leave, the Leader of the House or his nominee may move to amend a resolution. The debate thereon will not exceed 30 minutes or 5 minutes per speaker. We are going through that process at the moment.

Mr Acting Speaker, so far we have heard a lot of outrage from the opposition. Members of the opposition feel that procedures have not been followed. I can assure them, however, that they have been followed. We have had the debate on the adjournment of the second-reading debate. The bill is simple, and no-one in the house doubts that. A lot of passion — or feigned passion — has been generated about nothing. People can be led up the wrong path and believe that the passion they are displaying is relevant to what is going on.

I believe a relevant piece of legislation is coming through. If honourable members opposite had been here for the debate they would understand, but — as usual — they were not in the house because they were not prepared to make the effort. They are being led by the nose into adopting any passionate thought that is placed in their brains as if it were a reality. It is not.

The procedure we are following places the bill on the government business program for reasons outlined dispassionately in the minister's second-reading speech. The house now needs to debate the bill and the proposition in it. When it does that honourable members will find that nothing new is being proposed. In fact, at the end of the day more land will be available.

The first facility was provided in 1949, and in 1969 netball facilities were provided. As the Minister for Conservation and Land Management explained, the facilities were the worst in Australia for both netball and hockey. The government is endeavouring to have those much-needed facilities for Melbourne up and running for the games.

The procedure must be taken into account. During the debate honourable members raised other issues that were properly put. At no stage did the government attempt to stifle debate. The opposition's continual opposition to every tiny piece of legislation reeks of an opposition devoid of ideas. An earlier speaker said, 'No matter what sort of briefing we get, we do not want it'. It is a sad state of affairs when an opposition does not want to be briefed on the facts. All the necessary procedures have been undertaken — that is, the debate on what is required and what is best for Melbourne and the community.

I cannot understand the extraordinary outbursts that have taken place this morning. Most debates in Parliament are repetitive and add nothing new. If the opposition requires more time in the next 24 hours — —

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

Mr HULLS (Niddrie) — Honourable members opposite are sick and tired of the holier-than-thou nonsense that comes from the mouth of the honourable member for Glen Waverley. Whenever democracy is discussed he stands up and pontificates about the opposition opposing every piece of legislation. That is absolute nonsense. His contribution is trivial, repetitive and boring, just like the honourable member!

Honourable members are not debating the merits of a bill and whether the park should be used for playing hockey. The debate is on the motion setting the time of the adjournment. This is a debate about democracy. Victorian democracy is already in a very sick state and the government's latest outrageous move shows that democracy is terminal.

The autumn sessional period is finishing the way it started — that is, in an anti-democratic way. The move is a breach of agreements between the government and the opposition. It also clearly shows that the government is happy yet again to snub its nose at democracy in Victoria.

Mr Finn interjected.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Tullamarine is out of his place and disorderly.

Mr HULLS — The motion confirms that Victoria is a secret state and government members who support the motion are happy to live in such a state. The Minister for Conservation and Land Management cannot be trusted. The opposition needs time to consult people about the legislation, but it also needs Parliament to work properly. The Minister for Conservation and Land Management is a recidivist.

One need only look at the Intergraph scandal, her preparedness to give land to Lindsay Fox, the fax machine in her office that chews up — —

Mr Finn — On a point of order, Mr Acting Speaker, the standing orders of the house clearly state that no member may cast aspersions on the character of another member without substantive motion. In the way in which he has become famous the honourable member for Niddrie is doing just that. I ask that you bring him to order and tell him to refrain from doing so.

The ACTING SPEAKER (Mr Cunningham) — Order! I uphold the point of order. The honourable member for Niddrie should return to the motion.

Mr HULLS — The Minister for Conservation and Land Management, who represents the electorate of Seymour, wants to ram the legislation through without debate. The minister needs scrutiny because of her involvement in a range of scandalous matters.

Mr Finn — On a point of order, Mr Acting Speaker, the honourable member for Niddrie is not only repeating his original crime but also flying in the face of your ruling. He has doubled his original offence, and I ask that you take the appropriate action.

Mr Batchelor — On the point of order, Mr Acting Speaker, the honourable member for Tullamarine is raising a frivolous and vexatious point of order. The honourable member is complaining about the honourable member for Niddrie casting aspersions on the character of another honourable member, but he is doing the same thing.

The ACTING SPEAKER (Mr Cunningham) — Order! I do not uphold the point of order. I ask the honourable member for Niddrie to address the motion before the Chair, which is the timetable for the debate.

Mr HULLS — Democracy is all about parliamentary procedure, and information is power. The government wants to take away the power of the people and the power of the Parliament to appropriately debate legislation. The Parliament is not the Premier's plaything. His taxpayer-funded pushbike might be his plaything but the Parliament is not. The opposition will not stand idly by and watch the Premier and his cronies on the other side quash democracy in this state. The people of Victoria have a right to proper debate in this place.

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

Mr FINN (Tullamarine) — During the past 15 hours the forms of the house have been abused in a way that would sicken — —

Mr Batchelor — On a point of order, Mr Acting Speaker, the honourable member for Tullamarine is referring to abuses that he alleges took place in the house in the past 15 hours.

Mrs Henderson interjected.

Mr Batchelor — Just don't interrupt!

Honourable members interjecting.

The ACTING SPEAKER (Mr Cunningham) — Order! The honourable member for Thomastown will address the Chair.

Mr Batchelor — I would ask you, Mr Acting Speaker, to ask the Minister for Housing to not interrupt when I am making a point of order.

Honourable members interjecting.

Mr Batchelor — On the point of order, Mr Deputy Speaker, the motion before the house does not relate to the past 15 hours but to abuses that will take place over the next two days, during which time the government will ram the bill through the house. I ask that you bring the honourable member for Tullamarine back to that matter and not allow him to continue with his analysis of what has taken place in the past.

The DEPUTY SPEAKER — Order! The conduct of the house is in the hands of honourable members and how they apply themselves to the debate. I have been drawn out of my office and away from some important paperwork because of what I considered to be inappropriate behaviour in the house.

If honourable members continue to barrage each other with interjections across the chamber the debate will not progress and time will be wasted on a series of points of order. Honourable members need to understand that they must treat each other with the respect the parliamentary process is supposed to afford each honourable member. That responsibility rests on each honourable member.

Mr Reynolds interjected.

The DEPUTY SPEAKER — Order! The Minister for Sport will remain silent while the Chair is on his feet.

The honourable member for Tullamarine will continue his contribution and concentrate on the content of the

debate. He will desist from entering into areas that will only invite further interjections and therefore encourage disorderly debate. I do not uphold the point of order. I ask the honourable member for Tullamarine to proceed, with my counsel in mind.

Mr FINN — I am delighted to see, Sir, that you have injected a degree of commonsense and decency into the debate. What we have heard to date about the forms of this house, in particular from the honourable member for Thomastown — not so much from the honourable member for Essendon — could be best described as an example of double standards. The honourable member for Thomastown lectured government members about the traditions of the Westminster system. Given his record over many years — he is a self-professed liar, an unfortunate fact of life for him — it reflected no credit on the house or its members for him to get up in the manner he did and use the foul language he used earlier in the debate.

The bill is important to the government's effort in securing the Commonwealth Games for Melbourne. No-one has presented any legitimate argument against it. The government has the full support of the community in pushing ahead with the sorts of areas — —

Mr Reynolds interjected.

Mr FINN — As the Minister for Sport says, the honourable member for Dandenong has stated that he supports the bill. It is hard to understand why the honourable member for Thomastown would be so vitriolic in his attack on it. Perhaps the honourable members for Dandenong and Thomastown could get together and have a chat. I understand they are in the same Labor Party faction, although perhaps there has been a factional split there as well — —

Mr Hulls interjected.

Mr FINN — I would love to, but there is nothing to tell. All the government is attempting to do with the bill is serve the best interest of Victorians. All the opposition is attempting to do, as has been obvious over the past 15 or 16 hours of the sitting, is to obstruct — —

A government member interjected.

Mr FINN — Filibustering is somewhat of an understatement. It is sickening to see the feigned moral outrage of the honourable member for Thomastown, in particular. He has the runs on the board in that regard and his contempt for the Westminster system of government is well known.

It is time that the house got on with the bill. Let opposition members carry on if they will, but the issue is far too important for the sort of nonsense that has been heard from them this morning to delay the bill.

Mr PANDAZOPOULOS (Dandenong) — The honourable member for Tullamarine likes to filibuster but he is no master at it — he is just being his usual self. The debate is not about the value of the bill. It is about how the government changes agreed programs. The preparation of a bill usually takes weeks or months and the issue involved has been going for eight years.

On Monday the Leader of the House and the opposition agreed on the program for this week of sitting, and it was agreed to by the house the following day. Despite that agreement the government has changed its mind and introduced something at the last minute. The government disregards the traditions of the Westminster system.

It is important to look at the precedents. At 1.00 p.m. the Commonwealth Parliamentary Association executive will meet. One of the great things about the CPA is that it has learned from other parliaments. Its members spend a lot of time and taxpayers' money on keeping themselves up to date on the traditions and practices of the Westminster system. All honourable members should be required to visit the Parliament of the United Kingdom. The government has ignored tradition by taking unprecedented action in respect of a bill which has been in preparation for weeks, if not months, which will have major implications because it will remove the rights of individuals and on which there has been no consultation or discussion.

My concern is not so much about the value of the bill — I am concerned about parts of it — but about whether the government will continue to treat Parliament and the traditions of the Westminster system with contempt. The government had the opportunity to bring on the bill earlier in the sitting and I do not know why it has waited until the second-last day to do so. Given that the Premier has said there will be no election in June or July there is no reason why honourable members cannot come back two weeks from now to consider this major issue. That would accord with the traditions of the house and allow a reasonable amount of time for the opposition to satisfy itself about whether it should support the bill.

The government is denying the opposition the opportunity of supporting the bill. Government members are saying. 'Trust us'. The opposition is being asked to trust a minister it cannot trust; she has bungled many other issues and this will be another bungle. It is

unreasonable to expect the opposition to blindly trust the minister and the government.

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

House divided on motion:

Ayes, 52

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Dean, Dr	Perton, Mr
Dixon, Mr (*Teller*)	Peulich, Mrs
Doyle, Mr	Phillips, Mr
Elder, Mr	Plowman, Mr A. F.
Elliott, Mrs	Reynolds, Mr
Finn, Mr	Rowe, Mr
Gude, Mr	Ryan, Mr
Henderson, Mrs	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	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, 28

Andrianopoulos, Mr	Hulls, Mr
Baker, 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
Carli, Mr	Micallef, Mr
Cunningham, Mr	Mildenhall, Mr
Davies, Ms	Pandazopoulos, Mr
Delahunty, Ms	Robinson, Mr (*Teller*)
Garbutt, Ms	Seitz, Mr
Gillett, Ms	Thwaites, Mr
Hamilton, Mr	Wilson, Mrs

Motion agreed to.

JURIES BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

The right to trial by jury for serious criminal offences is fundamental to the criminal justice system in this state. Trial by jury ensures that the determination of whether a person accused is guilty is made by his or her peers. It is also important that parties to civil actions brought in the Supreme or County courts have the opportunity to have issues determined by a jury. The jury system enables the community to be directly involved in the justice system. Participation by the community helps to ensure that the justice system remains in touch with and accountable to all Victorians.

The government has conducted an extensive review of the jury system in Victoria. This review considered both legal and administrative issues to determine how the jury system could be improved. There have been three important sources of information.

In 1996 the Law Reform Committee tabled in Parliament its report on *Jury Service in Victoria*. This bill includes many of the Law Reform Committee's recommendations. I thank the committee for the effort and dedication of its members in producing this excellent report.

In 1998, my department conducted a survey of ex-jurors. That survey provided valuable information concerning the experience of ex-jurors during their jury service and has formed the basis for many of the administrative reforms that will accompany the introduction of this bill.

I also wish to take this opportunity to thank Mr John Artup, Deputy Sheriff of the Supreme Court, who is currently responsible for jurors, who has provided his time and expertise and has made a significant contribution to the improvements delivered by this bill.

Survey of jurors

In July 1998, my department commissioned a survey of ex-jurors from both the Supreme and County courts. The survey sought the views of both jurors and those called for jury service who did not serve as jurors on a trial. The survey sought information about a range of topics including:

experience of jury service;

understanding of key features of the trial process;

information provided to jurors; and

facilities provided for jurors.

Key results of the survey were that:

95 per cent of jurors considered that their experience of jury service had been worthwhile;

75 per cent of jurors believed that the community had benefited from their jury service; and

following their jury service, approximately 75 per cent of jurors' views of jury service were at least as favourable, if not more so, than they had been prior to their jury service.

The information obtained from this survey has been of great assistance in developing this bill and in determining what is necessary to provide a better service for jurors. The government will now be able to provide better information to prospective jurors about jury service and will improve court facilities for jurors, in ways of most assistance to jurors.

Increasing the representativeness of juries

For a person to be tried by his or her peers, juries must be representative of the community at large. The Law Reform Committee's report focused on improving the composition and selection of juries. This bill makes significant changes to improve the representativeness of juries.

All persons on the electoral roll over the age of 18 — unless disqualified from or ineligible for jury service — may now be included on the jury roll. However, those living over 50 kilometres from Melbourne or over 60 kilometres from the court in the country may seek excusal. Under the 1967 act any person who lived more than 32 kilometres from the court could be excluded from the jury roll by the Electoral Commissioner.

The bill abolishes the right of many classes of persons to be automatically excused from jury service. Some of those persons will remain ineligible for jury service; however, the majority will now have to seek excusal for good reason — for example because jury service will cause substantial financial hardship or inconvenience to the public. The bill provides a new power to defer jury service for a short time. This will provide prospective jurors with the flexibility to defer jury service to a more appropriate time.

These initiatives will also spread the obligation of jury service more equitably amongst the community.

Modernisation of procedures

Currently the jury system is administered by a Deputy Sheriff of the Supreme Court. The bill creates the office of Juries Commissioner, who will be responsible for the administration of the jury system. His or her responsibilities will include the summoning of jurors and the provision of juries for both the Supreme and County courts.

The bill overhauls the procedures relating to both the administration of the jury system and the conduct of jury trials. Various procedures have been modernised to enable the timely adoption of new technology — for example the electronic service of documents and computerised selection processes. This will enable the development of more streamlined procedures.

From the survey of jurors, it was apparent that the vast majority of jurors found their jury service to be a rewarding experience. However, juries today are sometimes called upon to consider cases which are very distressing. The surveyed jurors indicated that they considered that counselling should be available following jury service. The bill will enable jurors confronted with disturbing facts and circumstances to receive counselling or treatment from a medical practitioner or psychologist.

Protecting the integrity of the jury system

The bill re-enacts existing offences but the penalty levels have been increased where necessary to reflect the need to protect the jury system. The bill contains several new offences including:

intentionally making a false statement at any stage of the selection process;

failing to inform the officer responsible for summoning jurors if disqualified or ineligible for service; and

offences directed against employers who terminate or prejudice the employment of an employee because of an employee's performance of jury service. The courts will have the ability to order an employer to re-instate an employee in these circumstances.

Majority verdicts in murder and treason trials

In 1993, this government introduced majority verdicts for all offences other than murder and treason. Majority verdicts have proved to be a very successful component of our jury system. As a result, the bill provides that majority verdicts will now be available for the offences of murder and treason.

Miscellaneous amendments

The bill clarifies the powers of the courts relating to juries — for instance the powers to:

grant an exemption from further jury service where a person has served on a jury;

excuse persons from jury service;

discharge a single juror in certain circumstances;

order that two extra jurors be empanelled in a civil trial where this is necessary; and

order that jurors be referred to by number rather than name during the selection process and thereafter where this is necessary for security or other good reason.

Conclusion

Jury service enables all Victorians to participate in our system of justice. It is an important right and obligation. We need a jury system that effectively meets the needs of those undertaking jury service, those responsible for the administration of the system, the courts and the parties in jury trials. These reforms address these needs.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 10 June.

COMMONWEALTH PLACES (MIRROR TAXES ADMINISTRATION) BILL

Second reading

Debate resumed from 6 May; motion of Mr STOCKDALE (Treasurer).

Mr MILDENHALL (Footscray) — I will make some brief and supportive comments on the Commonwealth Places (Mirror Taxes Administration) Bill. The bill, the detail in which is relatively minor, seeks to implement an arrangement of powers between the commonwealth and the state to allow Victoria to continue to collect taxes in airports and buildings acquired or owned by the commonwealth for public purposes.

Some interesting arrangements have had to be put in place to enable that to occur. In practice, Victoria has been able to impose stamp duties and other taxes in airports and buildings owned by the commonwealth. That occurred in a reasonably uninterrupted way until the 1996 High Court case of *Allders International v. Commissioner of State Revenue (Vic)*. In that case Allders International sought to obtain an exemption from stamp duty on a shop lease at Tullamarine airport. The High Court found that the stamp duty was invalid due to the commonwealth's exclusive power under section 52(i) of the constitution to make laws with respect to commonwealth places. That is an exclusive power and therefore after consideration of the extensive ruling it was found to be invalid. The federal Treasurer announced shortly thereafter that agreement had been reached between the commonwealth and the state to rectify the situation and thus avert the risk of further exemptions being granted and a flow of prospective duties fleeing the grasp of the Victorian Treasurer who, with the commonwealth's agreement, has quite rightly sought to put new arrangements in place.

I am advised that some $30 million of duties may have been affected had this loophole not been plugged. An outbreak of cases may have been brought before the courts to achieve the same ruling — that the collection of such stamp duties was indeed invalid.

Without professing a great knowledge of the law in this area one could see the principle applying to matters other than leases. This case was confined to the stamp duty on a lease, but one could logically see the principle extending to transactions other than lease payments and other forms of state taxes as they apply to activities conducted on commonwealth property. This is an example of cooperation, successful negotiation and agreement at a national level to draw up the legislation and have it enacted in all jurisdictions to enable states to continue to collect taxes from airports and buildings acquired by the commonwealth, and to neutralise the impact of the High Court decision.

An analogy of the legislation is that tax laws are like a long wire fence, and those who seek to avoid or reduce their tax liability run along beside the fence until they find a gap or a bit of soft soil to get underneath or around it. The role of bodies like the State Revenue Office is to try to keep up to speed with the people running alongside the fence and to repair the hole as quickly as it appears, or to anticipate the weak spot in the fence and reinforce it before the taxation laws are breached.

The legislation makes the state taxation laws that operate in airports and commonwealth-owned buildings that are acquired for public purpose commonwealth laws. At the state and commonwealth level it is possible to legislate to make a state law a commonwealth law and therefore bring it into conformity with section 52(i) of the federal constitution.

It is an interesting set of transactions that are required as a result of the legislation, and one can understand why observers are sometimes bemused at the way

transactions are conducted between state and federal authorities. In a scenario that could be seen in *Yes Minister*, the legislation provides for the State Revenue Office to collect the tax then credit the revenue back to the commonwealth, which will in turn grant the equivalent back to the state. It is a boomerang tax: the state collects it, sends it off to the commonwealth, and the commonwealth grants it back to the state. It is an effective rather than appropriate arrangement. It will achieve the purpose for which it is designed, but it is an arrangement where one asks oneself the logical question of why the body that collects the revenue cannot keep it if that is the intent of the legislation.

One must be cognisant of the relative responsibilities and powers in the legislation in both spheres of government, particularly the specific provisions of the Australian constitution which, as we all appreciate, is not easily amended. It would probably not be appropriate to do it in this case, anyway. The principle of the commonwealth having exclusive power to collect taxes on its own, or to make laws with respect to airports and buildings, is one that we would adhere to.

It is interesting to consider the agreement between the states and the commonwealth on these taxation measures. Given that the federal Treasurer announced details of the agreement in October 1997, the bill has taken some time to appear. Despite that announcement being 19 months ago, there appear to be no significant qualifications to the agreement between the state and federal governments. So it appears the agreement was achieved in a relatively straightforward way.

Many things can impact on and interfere with successful negotiations over revenue sharing between the state and federal governments. I note that as late as today, in his negotiations with the Leader of the Australian Democrats, there is a prospect that the Prime Minister might deal away the agreement to remove financial institutions duty (FID) taxes from the range of taxes collected. That is particularly disappointing. There is an explicit agreement between the state and the commonwealth that with the introduction of a goods and service tax the FID tax, which is a tax on banking transactions, would be abolished.

However, I suppose the most disappointing thing, particularly for Victoria, is that those discussions are taking place without it — one of the major beneficiaries that has a major interest in the outcome of the discussions — being cut into the discussions. Victorians could end up with new revenue collection arrangements in contrast to the straightforward proposals provided in this bill. We could end up with a debacle in revenue collection and sharing arrangements.

The community and certainly people at the state government level had hoped the vast majority of state taxes would be removed or made redundant by a new tax regime, but payroll tax and some aspects of stamp duty will remain — and it appears even FID taxes will remain. One wonders from the perspective of business in particular whether the new tax proposals have many redeeming features at all. If you cannot replace the regressive job-killing indirect taxes with a simpler tax, albeit a larger and regressive one, I wonder what the whole point is, particularly since the Prime Minister seems intent on and obsessed with maintaining his level of tax cuts to high-income earners.

Simple agreements have been entered into between the state and the commonwealth over revenue sharing and tax collecting powers and responsibilities. But there are also more difficult issues. I fear that we are about to witness the unravelling of a golden opportunity to simplify and clarify revenue collection and sharing arrangements and to place state revenues on a much firmer footing than has been the case until now.

As I said, the opposition does not have any difficulty with the purpose of the bill. The Commonwealth Places (Mirror Taxes Administration) Bill is important. It implements and activates a very significant agreement. It reduces the risk of a leakage of state taxation revenues, and it clarifies powers. It may result in less work for the High Court to do, particularly given the amount of work that I note went into the High Court ruling, the enormous number of authorities that are drawn on and the large number of cases to which it refers. It contains an extraordinary level of detail. The technical complexity of taxation law never ceases to amaze me — for example, how what appear to be reasonably simple matters are taken to an extraordinary level of argument to rule on cases like *Allders International v. Commissioner of State Revenue (Vic)*.

I suppose part of our role as parliamentarians is to pass straightforward and clear legislation to set in place the arrangements between the state and the commonwealth over the collection of revenue payable to the state on commonwealth-owned buildings that are used or acquired for public purposes. I commend the bill to the house. It is probably fair to say that the opposition goes a little further than not opposing it — in fact, it supports the bill and wishes it a speedy passage through the house.

Mr CLARK (Box Hill) — The opposition's support for the bill is welcome. There is nothing in what I have

heard the honourable member for Footscray say about the bill with which I would take issue. Between his remarks and those of the Treasurer when he moved the second-reading motion, the bill's provisions have been fully canvassed.

I shall make two very brief observations on the remarks of the honourable member for Footscray about issues arising from the bill. The first is that the bill is a further illustration of the importance of the reform of federal–state relations in this country. It is unsatisfactory that we have to go through the rather convoluted measures in this bill in order to provide anything approaching a decent revenue base for the states. Former Prime Minister Hawke appeared to be moving towards broader tax reform in the period of the previous federal Labor government, but when he ceased to be Prime Minister those efforts also ceased. With the commonwealth's goods and services tax and tax reform package we are now perhaps back on track. The best the honourable member for Footscray could do to address the concerns he expressed is to urge his federal counterparts to support the commonwealth government's tax reform package. In the meantime, the opposition's support for the bill is welcome.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Sitting suspended 1.01 p.m. until 2.04 p.m.

QUESTIONS WITHOUT NOTICE

Auditor-General: prisons

Mr BRACKS (Leader of the Opposition) — I refer the Premier to the Auditor-General's special report on prisons, in which he states that he has requested new legislation to allow him to report on financial deals in secret government contracts. I ask the Premier whether he will give a commitment to introduce this legislation or whether he will continue, as the Auditor-General stated, to deny the Parliament and the community the right to — I will quote from the report:

> ... be fully informed ... on matters inherently linked to the expenditure of taxpayers' funds.

Mr KENNETT (Premier) — As I indicated yesterday in response to a question on the Auditor-General's report that was tabled yesterday, this Auditor-General's report is a good report on two of the findings of the Auditor-General.

The first finding concerns the tendering processes. The Auditor-General actually congratulates the government on the way the tender process was conducted. The second area where the Auditor-General found good work was being done is the way the Department of Justice administers the whole prison portfolio. Therefore, I believe the public can have continuing confidence not only in the government but also in the bureaucracy in the way they are meeting their responsibilities to the community.

One area that is consistent between yesterday's report and today's report is the Auditor-General's view that it is desirable for some contracts to be made available to the public. As I indicated yesterday to the house there are reasons why the government has not done that. Unlike the way governments were administered 10 to 15 years ago, a much greater reliance and dependency is now placed upon the private sector, and the people who tender for work in Victoria will not only tender for other work in Victoria but will also tender for work in other parts of Australia. If the information were made available to the public it might severely disadvantage tenderers in their ability to compete.

I also indicated that the government is looking at whether there are ways it can make some of the contracts and tender documents more available to the public. We are considering a number of options, one of which is whether the document could become public after a certain period and the awarding of the tender.

Mr Hulls interjected.

The SPEAKER — Order! The honourable member for Niddrie!

Mr KENNETT — You have not learnt at all, have you? You are so terribly out of touch!

Whether that is an acceptable method of doing it, and whether the time frame should be 5 or 10 years, I have no idea. It is one of the options that has to be looked at.

The other question, Mr Speaker, is whether the government might, as part of the tendering process, make the fundamental tender documents and contracts available with some of the more explicitly confidential material eliminated in the interests of ongoing work with the private sector. Those are things that we are prepared to have a look at, although they do raise some real questions of confidentiality.

Mr Haermeyer interjected.

The SPEAKER — Order! The honourable member for Yan Yean!

Mr KENNETT — This government, or any government, should be very cautious about how it proceeds from here and about whether the steps it takes might disadvantage Victorians and Australians. We are happy to have a look at those ideas, and I hope when we reassemble in September we will be able to — —

Opposition members interjecting.

Mr KENNETT — What are they laughing at?

Opposition members interjecting.

Mr KENNETT — That went right over my head.

I hope when we come back in September we may have completed that process and be able to make some further announcements to the house.

Water: rural infrastructure

Mr MAUGHAN (Rodney) — I ask the Minister for Agriculture and Resources whether he can advise the house of recently completed infrastructure developments that provide rural and regional towns with facilities that are approved by the Environment Protection Authority and meet world health standards for waste water and drinking water.

Mr McNAMARA (Minister for Agriculture and Resources) — I thank the honourable member for Rodney for an important question that is vital for the future of regional Victoria. Last week I had the opportunity to open a number of water treatment plants throughout regional Victoria including plants at Camperdown, Orbost and Mortlake. The plants have a total value of more than $25 million.

An Auditor-General's report referred to a lack of good quality drinking water in country Victoria and included the comment that only 60 per cent of people in country Victoria had drinking water up to world health standards — and obviously that 40 per cent did not. It is worth making the point that until three or four years ago only 27 per cent of people in country Victoria had drinking water up to world health standards, and almost 75 per cent — —

Mr Bracks interjected.

Mr McNAMARA — They have never had it so good. That is your attitude, is it?

It was a disaster for country Victoria. If we are going to get investment, particularly in the food processing sector, all the factories will need good quality water going into their pipes and the ability to deal with waste water that goes out.

The government is engaged in a program to invest $1 billion across regional Victoria to bring water treatment plants up to standard. The program will ensure that 270 country towns across the state share in the benefits of 320 investment projects. There is barely a country town anywhere that is not getting either a new water treatment plant or a sewage treatment plant. Some are getting both.

Coupled with that program, which is achievable as a result of the $450 million invested by the government in country water authorities, the government is also putting a new water treatment plant in every country town in the state while at the same time reducing water rates by 18 per cent. That is a marvellous achievement.

In Mortlake, for example, as the Treasurer will be well aware, the government has invested some $5.6 million in a new sewage treatment plant. Mortlake, which has a population of 1100 people, now has a sewage treatment plant that guarantees its community a future. I commend the honourable member for Warrnambool for the way he went into bat for that community. The Clarkes Pies factory now employs 200 of the total of about 400 in the community's work force. If the government had not sewered the town of Mortlake those workers would undoubtedly have left the town. There are plenty more such examples across the state.

In Donald a biscuit manufacturer has invested in the town since the government put in treated water. It employs about 15 members of the Donald community. In my own home town too, for example, the government put in treated water, and as a result a company called Eatmore Poultry has invested $10 million and will create 55 jobs in Nagambie. The government is providing work on the ground and giving real, long-term benefits and a future to rural Victoria. I hope future Auditor-General's reports will recognise the real value of the government's efforts in this area.

Auditor-General: ministerial portfolios

Mr BRACKS (Leader of the Opposition) — I refer the Premier to a letter from the Auditor-General to the chairman of the Public Accounts and Estimates Committee dated 21 December last year which states that the Minister for Finance has given him an undertaking to introduce legislation in this autumn

session of Parliament to give the Auditor-General power to report to Parliament on the financial details of secret government contracts.

Has the government reneged on this commitment in order to prevent the Auditor-General from doing his job and thereby revealing yet more mismanagement, more secret deals and more corruption in privatisation deals in this state?

Mr KENNETT (Premier) — The question is riveting! I am unaware of the letter written by the Auditor-General to, I think the Leader of the Opposition said, the Minister for Finance. I am attempting to clarify the question, Mr Speaker. Was the letter addressed to the Minister for Finance? He is silent now. To whom was the letter addressed? I am not sure who, in asking his question, the Leader of the Opposition said the letter was addressed to.

Honourable members interjecting.

Mr KENNETT — Will the Leader of the Opposition repeat his question? I am sorry, Mr Speaker, I do not know to whom the letter was addressed.

Education Week

Mr PHILLIPS (Eltham) — Will the Minister for Education inform the house of the highlights of Education Week and in particular give details of the visit to Victoria by the British Minister for School Standards?

Mr GUDE (Minister for Education) — The honourable member for Eltham, like all honourable members on this side, is actively involved in educational circles as part of his electorate duties.

Education Week has been fabulous and successful. As is traditional, schools have opened their doors to the public and, unlike in past years, have been able to display their world-class facilities as a consequence of the $1 billion spent by the Kennett government on upgrading schools over the past three years. School community members and visitors now take great pride in those facilities. During the week the outstanding achievements of students, teachers, parents and school leaders will be on display.

In celebrating Education Week we have been joined by a delegation from the United Kingdom led by Estelle Morris, the British Minister for School Standards. Joining her are 25 principals from schools right across Britain, who have met with principals of Victoria's self-governing schools.

Also visiting Victoria for Education Week are Sir Cyril Taylor, the chairman of the Technology Colleges Trust, and Anthea Millett, the head of the British Teacher Training Agency. There has been a fabulous interface between Victoria's top principals and the 25 principals from the United Kingdom. Stronger interaction between those two groups will flow from the visit, and several Victorian principals will attend the 20–20 Conference in the United Kingdom early next year.

As a consequence of the interface a liaison has developed between the Victorian Education Trust and the Technology Colleges Trust in the United Kingdom. Estelle Morris and I were privileged to attend the signing today of a memorandum of understanding for further cooperation between those two trusts. I am confident that in the not-too-distant future the Georgia Partnership, which is another education trust I recently visited in the United States, will join with us to make a quality, tripartite relationship.

Many exciting events are occurring during Education Week. The efforts of 21 school councillors who have between them given almost 400 years voluntary service to their school communities have been recognised. I refer to the mums and dads who give up their time to actively work in their school communities. The government recognises their contribution and celebrates the service they provide.

Two travel scholarships for outstanding science teachers will be awarded. Forty-nine recipients will be presented with their 40-year teaching service awards at a celebratory dinner this evening. One of the most exciting parts of the week will be the announcement of the inaugural winner of the $50 000 Lindsay Thompson Fellowship, which is awarded to an outstanding government school teacher. Lindsay Thompson will present the award, which is an acknowledgment of the esteem in which he is held in school communities. In addition, 10 community members who have made valuable contributions to schools will also be recognised.

Family maths days have been held this week. The parliamentary secretary recently attended the Melbourne Cricket Ground, where 700 youngsters participated in clinics conducted by professional sports people who work with students on a daily basis. The government is proud of its achievement in putting pride and integrity back into our schools. The improved education standards in our schools have been reflected in a fine way during the course of Education Week. A range of activities has brought a focus to education that makes every decent Victorian proud.

Port Phillip Prison: performance

Mr HAERMEYER (Yan Yean) — I refer the Minister for Corrections to the revelations in the Auditor-General's report that the minister's own task force found that the operators of Port Phillip Prison 'were not and are not able to deliver to a satisfactory standard a range of contracted correctional activities' and I ask why the minister covered up the task force report and why he failed to protect public safety by not cancelling the contract of this breathtakingly incompetent private prison?

Mr W. D. McGRATH (Minister for Corrections) — One thing you can say about the honourable member for Yan Yean and the opposition is that they have a constant vendetta against privatisation. They have no respect or consideration for the private sector at all. They have a great hatred for it, regardless of what form it takes.

In line with what the Premier has already outlined in the past couple of days, I appreciate the findings of the Auditor-General on the correctional system because his report is fair and balanced. The report that was tabled earlier today is interesting in light of developments in Victoria's correctional system. The system has moved from being totally a public sector system to a balanced combination of private and public operation. Currently 45 per cent of prison beds are under private sector management and 55 per cent are under public sector management. Both are producing good outcomes as prison populations continue to build.

Before addressing the core of the honourable member for Yan Yean's question, it is worth while quoting some key points from the Auditor-General's report. He states:

> It is pleasing for audit to report that the bidding and selection process was undertaken in a manner consistent with the government's infrastructure investment policy for Victoria and significant attention was directed to probity issues.

He further states:

> There is no doubt that the prison service agreements with the private prison contractors provide ample means of ensuring accountability.

The honourable member for Yan Yean has attempted to tie in with the Auditor-General's report some connotation of mismanagement with regard to the Kirby report. The Kirby report was released by the government either last week or the week before only after the various due processes were completed. Many of the recommendations are already being implemented. The first meeting of the Corrections Health Board has already taken place. It is a good board and I am confident that significant outcomes will ensue as the government follows through on the recommendations outlined in the report.

If proper, fair and due consideration is given to the Kirby report on the one hand and to the Auditor-General's report on the other hand it will be found that they dovetail. The Auditor-General provides positive direction and the Kirby report explains the positive things the government can do to ensure that Victoria continues to have the best correctional system of any jurisdiction in Australia.

Smith Family

Mr McARTHUR (Monbulk) — I am sure all honourable members are aware of the excellent work carried out by the Smith Family, an organisation that helps thousands of Victorians each year — —

The SPEAKER — Order! The honourable member for Monbulk cannot give a commercial first, he must come to his question.

Mr McARTHUR — Will the Minister for Youth and Community Services inform the house of the government's recent contribution to the Smith Family?

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the honourable member for Monbulk for his question and his ongoing representation of the interests and concerns of the disadvantaged in the community.

The Smith Family was founded in 1922. It is a non-government organisation with a proud record of helping those in need. As an agency it works in a positive partnership with the business community, the broader community and government. It is one of the organisations that works at the grassroots level in helping those in need. It helps in two ways. It provides direct and immediate assistance, particularly to families with young children. For example, to assist families through short-term crisis situations in a positive way it provides warm clothing and blankets during the winter months and food vouchers and food relief throughout the year.

Parents are also assisted to overcome problems caused by medium and longer-term crises; they are assisted in learning to help themselves, so they can improve their quality of life and provide a good environment for their children. The Smith Family has a strong commitment to family and financial counselling, and to what I would describe as life-skills education to help people develop

the skills they need to live independent and fulfilling lives.

Recently the organisation moved from its old headquarters in rented premises and purchased a new building in Cambridge Street, Collingwood. The building is being renovated and it is expected the organisation will move into the building in the middle-to-later part of the year. The move will increase the organisation's capacity to assist people. The number of people assisted is expected to increase from the current level of about 36 000 individuals per annum to almost 100 000. An advantage of purchasing the building is that it will free up money that would otherwise have been spent on rent — $200 000 per annum — to provide direct assistance to the community.

The Smith Family approached the government through the Community Support Fund for assistance with the project. The government is pleased to provide a grant of $420 000 to assist with the refurbishment of the new premises. The money has been targeted to the provision of 12 interview rooms for family and financial counselling because the government believes such counselling is an important part of the organisation's work.

In addition to advising of the $420 000 grant from the Community Support Fund, I take this opportunity to wish the Smith Family well with its work and to congratulate its staff, its board of directors and its individual and corporate sponsors on the excellent work they do. I am sure honourable members from both sides of the house would support the people who support the organisation. The government is pleased to work in partnership with the Smith Family to assist it in the work it does for people in need in Victoria.

Political advertising

Mr HULLS (Niddrie) — I refer the Premier to the fact that using the questions on notice process the opposition has previously sought and been provided with information that enabled it to identify that the government has spent almost $158 million of taxpayer funds on party-political advertising and propaganda. I also refer the Premier to the fact that the government has now changed the rules and has this week refused to answer questions on notice about political advertising. Will the Premier admit that the gag is aimed at keeping secret the fact that political advertising has now skyrocketed in the lead-up to the next state election?

Mr KENNETT (Premier) — I thank the honourable member for his penetrating question. He has been making the claim for some time now that anything the government does in communicating government policies is party political. The government has denied that consistently. It continues to do it.

The government took its lead from the former Labor government. I remember that when we were in government leading up to 1982 I used to say to the premiers of the day, Hamer and Thompson, 'For goodness sake, why don't you spend more money, at least a quarter of 1 per cent, on telling the public what the government's policies are?', and so on. They said that was incorrect. The Labor government came to office in 1982, first under John Cain and subsequently under Joan Kirner. The state was then flooded with a new communications system, with green documents, blue documents, and so on. I must admit — —

Mr Hamilton interjected.

Mr KENNETT — What, sorry? What was that?

Mr Hamilton interjected.

The SPEAKER — Order! The honourable member for Morwell.

Mr KENNETT — Keith, I was just about to say that. I am quite sure that if you go back through the records from my long period in opposition you might find me saying that I thought it was unfair and an abuse of the — —

Mr Hamilton interjected.

Mr KENNETT — I think so. I cannot be 100 per cent sure, but I suspect I was probably a little bit aggrieved by it. This government learned from its period in opposition, unlike the current opposition. It thought the Labor Party under Cain and Kirner was probably quite right in letting the public know what it was on about. It is just unfortunate that it messed it up so appallingly; its delivery of good governance in no way matched the rhetoric it was putting out.

When the government came to office, it asked, 'Is this a good thing or is this a bad thing?'. It thought, 'It is of community interest and a tough question, but we'll go with Cain and Kirner'. I will not often be found doing that. The government then centralised all the buying from all the units, because under the Cain and Kirner government every agency was doing its own thing independently and Victoria was not getting the benefits of the economies of scale.

Mr Thwaites interjected.

Mr KENNETT — It went out to tender and was won by a company that does a very good job indeed.

Mr Thwaites interjected.

Mr KENNETT — What is it?

Mr Thwaites — That's not what the Auditor-General said.

Mr KENNETT — Oh dear! Come on, Johnny!

The SPEAKER — Order! I will not warn the Deputy Leader of the Opposition again. I am sick of him.

Mr KENNETT — No, don't warn him, throw him out. Before I was rudely interrupted by the young Deputy Leader of the Opposition I was saying that the government put it out to tender, brought all the advertising together, and is getting much better rates from the television and radio — sorry, had enough?

Mr Hulls — Of you, blood oath!

The SPEAKER — Order! The honourable member for Niddrie, on a point of order.

Mr Hulls — Mr Speaker, my point of order relates to the fact that the Premier is debating the question. The question was specifically about why the government has now changed the rules for questions on notice.

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

Mr KENNETT — No, Mr Speaker. It was a frivolous point of order, if I have ever heard one.

The government went about changing the situation in order to give the people of Victoria better value for their money. It is true to say that over the six-year period, as with most other things, the budget here has increased from $12 billion to $19 billion — that is probably the bottom line. That can be partly attributed to a different accounting system, the accrual system. There has also been an increase in the money spent on communications. The government thinks that is good value. The people of Victoria — not that everyone always agrees with every aspect of what the government does — are at least better informed about what the government is doing today than ever before. The honourable member for Niddrie also raised an issue about the government's responding to questions on notice.

Mr Bracks — No response.

Mr KENNETT — No response? Zero response? There is good leadership coming from the other side today — great leadership. I can only say that the government answers the questions as best it can, depending on the amount of information required. Honourable members would understand when they look at the notice paper that literally hundreds of questions are now placed on it in the names of opposition members by the staffers of those members. The government has to run the state and ensure that the people of Victoria are continually looked after, and we will continually try to process — —

Mr Thwaites interjected.

Questions interrupted.

NAMING OF MEMBER

The SPEAKER — Order! I name the honourable member for Albert Park, and I ask the Leader of the House to move a motion for his suspension.

Mr GUDE (Minister for Education) — Mr Speaker, it was a fairly long session last night and the honourable member for Albert Park made a very long contribution. I ask the honourable member — —

The SPEAKER — Order! The honourable member for Albert Park has disrupted question time every day this week. I have had to ask him not to interject across the table every day. He has been on a last warning every day. I will not accept his apology. I ask for a motion.

Mr GUDE — Mr Speaker, I nonetheless ask the honourable member to apologise to the Chair, and I ask the Chair to reconsider.

Mr Thwaites — I apologise to the Chair.

The SPEAKER — Order! Will the member undertake not to continue interjecting and behave himself in a way that is befitting of his office?

Mr Thwaites — Yes.

The SPEAKER — Order! Thank you. I accept the apology. I hope the honourable member will honour his word.

QUESTIONS WITHOUT NOTICE

Political advertising

Questions resumed.

Mr KENNETT (Premier) — Mr Speaker, I was referring to the issue of questions on the notice paper. I can only say that the government has continually processed them as time allows, based on the information that is required. It will continue to do so. I do not know how many questions are on the notice paper at the moment. Let me look. In mine there are something like 470. They are consistently put on and they are consistently answered. The honourable member is not listening to the answer, so there is no point in me going on.

PERSONAL EXPLANATION

Mrs McGILL (Oakleigh) — I wish to make a personal statement because I have been gravely misrepresented in the Labor minority report that accompanied the report of the Economic Development Committee on the effects of government-funded national broadcasting in Victoria.

The house will be aware that two minority reports were tabled with the main report to Parliament on Wednesday. The honourable member for Ballarat West and I fully support the main report and lodged our minority report simply to enlarge on specific issues relating to SBS and to offer and support a sensible suggestion to move SBS to Melbourne.

Our recommendations were clear and unambiguous. They read:

1. The SBS head office be moved to Melbourne.
2. That SBS television be moved to Melbourne.
3. That the Federation Square project should be used as an opportunity to relocate other departments and allied production operations of SBS television to Melbourne.

However, the Labor minority report mentions me by name and claims that the honourable member for Ballarat West and I have supported the concept of SBS being absorbed into the ABC. It further implies that our report supports such an amalgamation. That assertion is untrue. It misrepresents me, it twists our intention, and it is gravely misleading to the house.

At no time in the committee or in my report have I supported having the SBS absorbed into the ABC. A perusal of the transcript of the Economic Development Committee hearing will attest to my claim that I have never advocated such absorption. I unequivocally believe in an independent and fair SBS — but one which is fully accessible to various groups in our state.

In mentioning me by name, the Labor Party report has made an unprecedented attack on an individual committee member, which maligns me. This misrepresentation can unfairly damage me, and that is why I have made this personal explanation to the house.

FREEDOM OF INFORMATION (AMENDMENT) BILL

Second reading

Debate resumed from 6 May; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — From time to time proposed legislation comes into this place that demands that people get passionate in their views about it. The Freedom of Information (Amendment) Bill is one such bill, and it epitomises what the government is all about. It is one of the most outrageous bills to come before the house. It can only be referred to as Wade's white-anting of freedom of information legislation.

The bill is the government's back-door way of virtually abolishing freedom of information (FOI) in Victoria. Honourable members who support the bill are really saying they are more than happy to put the nail in the coffin of democracy in Victoria and to go down the Bjelke-Petersen path of corruption. That is exactly what the bill will lead to. It is nothing more than another attempt by the Kennett government to tear down the basic democratic institutions that protect Victorians from dictatorship. There is a very fine line between democracy and dictatorship, and there are a number of institutions put up along the way to prevent democracy from turning into dictatorship. One of those road blocks is freedom of information. When a government gets rid of freedom of information it is really saying, 'We do not give a damn about democracy or about people participating in the democratic process', and it will slip down the slide of corruption into a dictatorship.

I will quote, as shadow Attorney-General, a previous shadow Attorney-General who went to Melbourne University one day in 1981 to tell students why he thought Victoria should be the first place in Australia to introduce freedom of information legislation. In that speech John Cain quoted the former US President James Madison who in 1822 articulated an early case for freedom of information. President Madison said:

> A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

On achieving government John Cain was told by the public service that he should abandon his plan, that it would destroy his government and that freedom of information legislation would make a mockery of the public service.

However, John Cain showed true leadership. He ignored the advice of his senior bureaucrats in the public service at the time and many of his cabinet colleagues and went ahead and did it because he believed in it.

Mrs Wade interjected.

Mr HULLS — The Attorney-General says it was the Liberal Party that drafted the legislation. It never had the guts to pass it. It did not truly believe in it, and ever since the coalition has been dismantling freedom of information because it does not believe in honest, open and transparent government.

I have always regarded what John Cain did as demonstrating true leadership. Contrast that with the current Premier, who has used nurses at a Frankston Hospital as a tool to steal the right of ordinary Victorians to obtain information. The Premier scurries into this place with the Attorney-General with a disgraceful bill that the government thinks will keep the Premier, the Attorney-General and the government free from scrutiny and safe from the nasty people who want to question the rubbish the government peddles daily. That is not leadership, that is gutlessness and cowardice.

I find it offensive and astounding that someone like the honourable member for Doncaster would want to put his name to this sort of legislation. That is the sort of thing the opposition expects from the Attorney-General, given previous legislation she has introduced, such as that relating to victims of crime and the like, but it is not the sort of thing one would expect from somebody who has shown some honour in the past in relation to civil liberties. However, we shall wait and see. I know that in his heart of hearts the honourable member for Doncaster will find it very difficult to support the bill. He has a chance — as do other democrats on his side of the house and other people who believe in democracy — to stand up to the Premier and the Attorney-General and show Victorians by opposing the bill that they believe in democracy and that they are not prepared to allow the state to slide down the slippery slide to corruption. Those honourable members will join with the Labor opposition and oppose the bill.

Time will tell. There will be a division on the bill. It will either be later tonight or tomorrow, but that is when the honourable member for Doncaster will have his chance. I hope he does not go missing by locking himself in the toilet or hiding in his room or in the bar. I hope he shows some guts by coming into the house and supporting democracy.

The Freedom of Information Act was written at a time when most Australians had never heard of an act that gave them the right to view information held by the government.

The original act was based on a draft bill written by Mr Peter Willenski, who was appointed as a royal commissioner in New South Wales for the purpose of reviewing government administration in that state. The review focused on improving the openness and accountability of the New South Wales public service. The initial report included a detailed examination of the benefits of freedom of information, and a further report five years later insisted that the review was not complete without appropriate freedom of information legislation.

Mr Willenski's report states:

> I cannot place enough emphasis on the need for freedom of information legislation ... There is no measure which would have a more widespread effect in improving the conduct of government and stimulating fair and rational behaviour in the administration.

In every major general review of government administration in Australia freedom of information legislation has been said to be paramount to good government and to ensuring an open, honest accountable democratic society. One only has to cast one's mind back to the Fitzgerald inquiry into corruption in Queensland. When the Queensland Bjelke-Petersen government was wrapped in a web of corruption the Fitzgerald royal commission found that freedom of information was critical to prevent the retreat of governments back into the dark days of graft and corruption. That is how important a barrier of freedom of information is in preventing a democratic society from becoming corrupt.

The Fitzgerald report states:

> The importance of the legislation lies in the principle it espouses, and its ability to provide information to the public and to the Parliament. It has already been used affectively for this purpose in other parliaments. Its potential to make administrators accountable and keep the voters and Parliament are well understood by supporters and enemies.

Last year the High Court went further in the decision of *Egan v. Willis*. Justices Gaudron, Gummow and Hayne found that freedom of information was a necessary component of representative democracy in Australia.

The High Court is the highest authority in Australia and it has made it crystal clear that freedom of information legislation is a necessary component of a representative democracy in Australia. The Victorian Labor Party has had the courage to stand by its convictions on freedom of information, and a Labor government introduced the state's freedom of information legislation.

The Premier and the Attorney-General — at least until the next election — have been frightened of openness and transparency in government and they have done all within their power to close down freedom of information. It is not politically saleable to say to the community, 'We as a government do not believe in openness, accountability and transparency. Therefore we will abolish freedom of information legislation'. It will not work. That message cannot be sold because Victorians are not stupid and they understand the importance of freedom of information legislation.

The second-best way to abolish freedom of information legislation is to slowly chip away at it — to slowly pull it apart piece by piece, clause by clause and word by word. That is exactly what the government has done since it came to office. From the start of the Kennett government's term in office it decided that it did not want to be scrutinised by Victorians, Parliament or the opposition. The Kennett government has slowly ripped apart freedom of information.

In May 1993 the government introduced sweeping changes to the state's freedom of information legislation. It threw accountability out the window, and with it the need to inform the public. Appropriate decision-making processes were also thrown out the window. In 1993 the government extended the definition of cabinet documents so far that if a document either quoted an issue that was discussed by cabinet or was physically attached to a cabinet paper, it qualified for a cabinet exemption and consequently would not be released under freedom of information. That extension of the cabinet exemption made documents that would otherwise have been freely released under the Freedom of Information Act not subject to release. What better way to hide the true facts of an issue than to put documents in a folder and take them to cabinet. Those documents immediately become exempt documents and the public cannot get access to them.

The government's extension of the definition of cabinet documents has resulted in hundreds of documents — possibly thousands — that would previously have been made available, no longer being available.

The government also imposed a tax on the release of information. It amended the Freedom of Information Act to provide for a $20 lodgment fee on FOI requests, lifted the $100 ceiling on processing costs for requests and abolished the exemption from FOI charges for members of Parliament. Previously members of Parliament were able to lodge FOI applications with no charge. That was appropriate because it is the role of an opposition to keep the bastards honest, to adopt the motto of the Democrats.

Not content with taxing the right of an individual to seek information the Premier moved to exempt whole government bodies from the scope of the freedom of information legislation. The State-owned Enterprises Act, which was passed in November 1992, restricts the freedom of information legislation by excluding from its reach corporatised government instrumentalities such as the Treasury Corporation of Victoria and the former State Electricity Commission of Victoria.

The government further moved to exempt all documents relating to the purchase of government assets from FOI. For example, details of the sale of Victoria's electricity and gas supplies, the public transport system and other government assets were placed under a cloak of secrecy. That is totally inappropriate action by a government that is driven philosophically to embrace privatisation and the selling of assets and essential services to the private sector. Enterprises that were formerly owned by all Victorians and were subject to the FOI process were handed over to the private sector — many at bargain-basement prices — and are no longer subject to FOI. The same essential services, such as electricity and gas, are still being supplied, but whereas previously Victorians had a right to know what was going on with those companies — that was appropriate because that is what democracy is all about — they are now exempted from FOI processes. That is inappropriate and breaches the spirit of the FOI legislation.

In 1994 the government moved on the independent appeals process. It saw an opportunity to increase costs at two levels as a significant deterrent to people who wanted to make FOI applications.

Application fees of $150 were introduced in early 1994 for the then Administrative Appeals Tribunal. The amount increased to $157 in 1995 and $165 in 1997. The government did not need legislation to increase the fees. It simply made regulations without exposing the increased fees to Parliament. However, what it really meant was that people who previously were able to access documents under the freedom of information legislation without charge were being hit with

enormous fees when they attempted to access documents via the independent AAT. If one knows one must pay $165 to go down to a tribunal to get documentation, it acts as a pretty significant deterrent to doing so.

The total cost of using the FOI legislation in Victoria has now spiralled beyond the reach of many members of the general public and various lobby groups. In fact, if the state opposition used freedom of information to the extent the coalition opposition did during the decade of Labor government in Victoria the cost would total not hundreds of thousands of dollars but close to $1 million or more.

It is interesting to note that the honourable member for Doncaster is in the chamber because when in opposition he had a reputation — he still has a reputation — as being a prolific user of the Freedom of Information Act. Indeed, he makes me look like a wuss and the Deputy Leader of the Opposition like a wimp when it comes to using freedom of information. This bloke knew how to use freedom of information! But with the new fees that are in place, if the opposition attempted to use freedom of information in the same way that the honourable member for Doncaster did in opposition the cost would total more than $1 million — and I have absolutely no doubt about that. The fees act as a huge disincentive. Indeed, the government is well aware of that, and that is why it has imposed these increased fees on users.

Nonetheless, the changes have not been enough to stop the release of certain information. The opposition has not been deterred, despite all those obstacles being put in its way. It has obtained the dough somehow; it has been able to raise the money. It has had to conduct chook raffles; it has had to beg and borrow, and it has been able to obtain donations from people who believe in democracy and who have said, 'The Kennett government is unfair and undemocratic and is trying to ensure it remains unaccountable. We are prepared to put money towards your freedom of information requests and to assist you in whatever way we can'.

As a result of freedom of information requests the opposition has obtained some very embarrassing information about the government. The government has continually been hurt by revelations the opposition has made arising from information obtained through FOI, such as long waiting lists, oversized classes, credit card abuse, casino corruption and conflicts of interest. Information has exposed members of Parliament, government members, ministers and bureaucrats who have misused funds or handed government contracts to mates. Despite the government's attempts to close down information, information has still come out as a result of FOI requests.

There have been instances like the Solicitor-General of this state overturning a Supreme Court decision to convict BHP of contempt at a time when he had secretly held over $1 million in BHP shares. Freedom of information helped to expose that. There was also the KNF affair, with the Premier having been caught out for awarding contracts to his personal family company. Again, freedom of information was able to be used. There was what we and the media described as the Atkinson affair, when an honourable member for Koonung Province in another place was found to have had several jobs as well as being a member of Parliament, including contracting with his own government for profit. Freedom of information was of assistance in that case also.

There was an instance of the Minister for Police and Emergency Services awarding his own company government contracts and building roads to his own business. Freedom of information was able to — —

Mr Perton interjected.

Mr HULLS — As the honourable member for Doncaster knows, the changes being made by this bill to the Freedom of Information Act will indeed stop these sorts of scandals being discovered.

Mr Perton — You're wrong.

Mr HULLS — The honourable member shakes his head. That is a matter of opinion, and no doubt he will attempt to rebut what I am saying on these matters.

The fact is that the bill is quite clear, and freedom of information legislation will not be able to be used to the extent it has been used in the past to expose many such improprieties and improper practices.

The other point about freedom of information is that it exposes extravagance and waste. That will not be possible under this bill. For instance, some time ago a freedom of information request was made to the government relating to expenditure undertaken, supposedly on behalf of the taxpayer, to redecorate certain offices. I recall one that was called the pink heath room. Information obtained under the Freedom Information Act revealed that the Premier had spent tens of thousands of dollars on a bizarre room with antique tables for seemingly no official purpose.

The opposition could access that information only because it was able to obtain names of bureaucrats who were involved in the refurbishment of that room and

names of third parties who were not even bureaucrats — designers, architects and the like. As a result the opposition received documents that exposed the inappropriate use of public funds.

However, the changes to the legislation that are contained in this bill will make it impossible to get the names of those sorts of people and will make it impossible to properly scrutinise the use of taxpayer dollars. Just recently, for instance, the opposition was able to expose the relocation of the education department, which, as I said at the time, exposed the leather fetish of the Minister for Education. The opposition was able to obtain that information only because it received under FOI the names of bureaucrats and third parties who were involved in the refurbishment. This bill will stop that and close down that sort of scrutiny.

Indeed, the Intergraph affair, which the Auditor-General revealed, involved millions of dollars being stolen from taxpayers and left our ambulance system in crisis. Bureaucrats, third parties and officials were called down to the AAT to give evidence. Their names were revealed through FOI, and the scandal became public as a result. That simply will not be able to occur under this bill.

Information was revealed fairly recently about the Attorney-General handing out a government contract worth some $3000 a day to a former member of Parliament, Mr James Guest, without tender because he was supposedly a specialist — as though there were no other lawyers in Victoria that could have done the job on the Pathfinder matters.

Mrs Wade interjected.

Mr HULLS — The Attorney-General interjects and says, 'Probably not'. That really is a slap in the face to the legal profession, apart from anything else, if the Attorney-General honestly believes Mr James Guest has more expert knowledge in that field than other lawyers in this state. She is trying to kid Victorians by saying the only reason Mr Guest got the job was his expertise — I think I can see a pig flying past Parliament House right now! That is absolute nonsense. The fact is that the contract was handed out to a mate of the government.

That was able to be exposed by using the provisions of the freedom of information legislation because the opposition was able to ascertain the name of the person involved. However, under the bill if Mr Guest decided that he did not want any more infamy and refused the release of his name, the dirty deal would remain secret. That is what the bill is all about.

A recent case involved a member of Parliament who was the owner of a farm where a mass grave of puppies was found rotting in open ditches. Through freedom of information Dr Wells, a member of the upper house, was found to be the owner of the puppy farm, and as a result I believe he resigned. That was exposed — —

Mr Perton — On a point of order, Mr Acting Speaker, the honourable member for Niddrie is clearly flouting the rule against casting inappropriate aspersions against an honourable member of the upper house. The allegations are untrue, but that is neither here nor there. The honourable member for Niddrie is not entitled to make those sorts of statements about another member of Parliament, whether that person is a member of the upper house or the lower house, except by way of substantive motion. Both the standing orders and the precedents are quite clear on that, Mr Deputy Speaker.

Mr HULLS — On the point of order, Mr Acting Speaker, I am not casting any aspersions. If the honourable member for Doncaster had listened to what I said he would know that I simply said that the freedom of information legislation was used by the opposition to reveal — —

Mr Perton — It was not through freedom of information.

Mr HULLS — With due respect to the honourable member for Doncaster, freedom of information was used to expose the fact that an honourable member in another place was involved in a puppy farm. Whether that is right or wrong — —

Mr Perton interjected.

Mr HULLS — Nonsense. Whether that is right or wrong is a matter for debate. I am not casting any aspersions on the member. I simply said that freedom of information was used to reveal the fact.

The DEPUTY SPEAKER — Order! The point of explanation by the honourable member for Niddrie is that freedom of information was used to connect a member of another house in this Parliament to that issue. If that was the intention and no aspersions were made, I accept that. I will not uphold the point of order of the honourable member for Doncaster. However, the honourable member for Doncaster has made a good point. Debates on legislation of this type can lead to aspersions being made. The honourable member for Doncaster has provided a timely reminder that we

should be mindful that during debate imputations on honourable members in this place or the other place should not be made. However, I will not uphold the point of order at this time.

Mr HULLS — I understand your ruling, Mr Deputy Speaker. Freedom of information has been used, and it is still being used extensively to expose the use of taxpayer-funded credit cards by ministers and senior bureaucrats. The Auditor-General in a report I believe was released in May 1997 stated that some 4400 taxpayer-funded credit cards with a monthly credit limit of $23 million were in existence — that is an annual credit limit of around $276 million. The Auditor-General did not list the names of the credit-card holders, so the opposition sent requests under freedom of information to virtually all government departments to find out the names of the people who have taxpayer-funded credit cards. After receiving the names the opposition was able to ascertain further details about the use of credit cards. Obviously that sort of scrutiny is possible only if the names of the people who have credit cards are known.

The process involves forwarding to a department a freedom of information request for a list of the names of people who have taxpayer-funded credit cards. In some instances a list will come back, and it may contain 200 to 300 names. The procedure — and this may give away opposition tactics to some degree — —

Mr Leigh interjected.

Mr HULLS — It is something the honourable member for Mordialloc will no doubt want to use in his private life after he loses his seat to Robyn McLeod at the next election.

The tactic is to whack in a request asking for all the names of people who use taxpayer-funded credit, and once the list comes back a further request is put in seeking details about the individuals on the list. The bill will preclude that process occurring. The bill provides that the names of third parties will not be released as a right. A list of those names will be made available only by going through the Victorian Civil and Administrative Tribunal.

It is an absolute joke for the government and the Attorney-General to say that the bill is about protecting the names of the nurses at the Frankston Hospital instead of being about withholding information from the opposition. Absolute nonsense! It is all about blocking the work of the opposition, despite the fact that the government praised the opposition for its work in analysing corporate credit card use and abuse.

The opposition was able to ascertain that a secretary in the Premier's office used a taxpayer-funded credit card at a Warburton health farm to go on shopping sprees only by using freedom of information. That was an inappropriate use of the card and a breach of the guidelines, but under the bill that would never have been revealed. Under the bill freedom of information requests will go in seeking details about a person's use of a credit card and the government will simply write back and say, 'No, you are not entitled to that information because we are not prepared to release the name of the person who has the card'.

What is the use of trying to ascertain how a corporate credit card has been used or abused when you don't know the name of the person who has it? There is no point. All the work for which we have been praised in the past by the Premier — and implicitly by the Auditor-General — is now wasted.

The Attorney-General herself has been caught out and has received some publicity for her use of a taxpayer-funded credit card. The Attorney-General has said that she did nothing wrong. That is for the public to judge. She did, however, receive some publicity on the matter of some cushions, I believe, and I can understand why the Attorney-General is sensitive about that. The Minister for Conservation and Land Management was found to have used her taxpayer-funded credit card to attend Liberal Party fundraisers. The Minister for Finance used his to go to a show in Las Vegas, and the Minister for Police and Emergency Services used his to purchase some jewellery for his wife.

The director of the museum used his taxpayer-funded card to wine and dine around the world and become known as Sir Lunchalot. The directors of the Melbourne Marketing Authority used theirs to wine and dine themselves around Australia, becoming known as the men with appetites bigger than the Two Fat Ladies. The chief executive of the Workcover Authority was found to have used his taxpayer-funded card to travel around the world so much he made Marco Polo look like a homebody.

The Treasurer apparently used his taxpayer-funded card to dine on Saturday nights at an Indian restaurant around the corner from his home, and the staff of the Energy Projects Division, while they were selling off Victoria's assets, believed it was important that they leave more than $1000 worth of tips at taxpayers' expense using their cards. Some of the were more than $200.

A consultant whose identity could only have been revealed through freedom of information used his taxpayer-funded credit card to have a lunch costing $800 at a strip club in Asia, a club that did not even have a kitchen. What kind of lunch was that? The information was revealed only when the opposition learnt the name of the person, a Mr John Wiley I believe, through freedom of information. Maybe he and his mates had a liquid lunch, I don't know.

Those are just a few revelations of the abuse and misuse of taxpayer-funded credit cards made public through opposition FOI applications.

Mr Perton — And appropriately so.

Mr HULLS — I hope Hansard got that interjection. The honourable member for Doncaster does not believe the taxpayers' purse should be abused or that bureaucrats, ministers or anybody else with taxpayer-funded credit cards should use them to line their own pockets or give themselves a free line of credit at the expense of ordinary Victorians.

Having brought the honourable member for Doncaster that far, I hope we can convince him to take the next step, jump over the fence and oppose this legislation. If he is fair dinkum about his view that it is inappropriate for those cards to be used in that manner he must understand that the legislation before the house will stop the scrutiny of those abuses, or at least make it virtually impossible.

I have raised only a few of the many examples that arose out of opposition applications under FOI. During the period when those applications were being made the Premier began to take another tack. He realised he could not close FOI down so he decided, no doubt with the implicit approval of the Attorney-General, his chief law officer, to instruct all departments to delay responding to FOI applications in the hope that when the information finally came out it would be cold, old news. The departments then decided to use a handbook of tricks put together by people who call themselves FOI experts, actually no more than lackeys of the Kennett government. Then the tricks came thick and fast. Applications lodged by the opposition for documents under FOI from then on were not responded to. Departments simply did not respond to our letters. If there was to be a response it was a notice of an intended refusal under what is known as section 25A(1) of the Freedom of Information Act. Alternatively, they would rely on section 72, which requires opposition applicants to identify documents sought in the request.

Another departmental reaction was to invoke section 25A(5), which permits a request for access to documents to be refused when the application does not identify any or all of the documents to which the request relates. That is, a department could say it would not even look at the documents because it was a voluminous request and there were too many documents resulting from the application. All of that sort of thing takes time. Departments are required to respond within a 45-day period, so after you whack in a request you have to wait 45 days.

What is happening now is that there is no response at all within 45 days. Under the old system if a department did not respond within 45 days the opposition could go straight to the Victorian Civil and Administrative Tribunal where that non-response would be deemed a refusal to supply the documents.

One could go straight to the tribunal and fight about whether the documents should be released. The Attorney-General has admitted that. The Attorney-General in a sly, underhanded, devious, inappropriate and some would say unethical way — —

Mrs Wade — On a point of order, Mr Deputy Speaker, I ask that the honourable member for Niddrie withdraw those remarks.

The DEPUTY SPEAKER — Order! The Attorney-General finds the remarks of the honourable member for Niddrie offensive, and I ask him to withdraw them.

Mr HULLS — Although I am happy to withdraw I seek clarification as to whether sly, unethical, devious, inappropriate — —

The DEPUTY SPEAKER — Order! I consider that to be an inappropriate response to the Chair's request to withdraw the remarks. The Chair appreciates that the honourable member for Niddrie has withdrawn the remarks, and I ask that he proceed with the debate.

Mr HULLS — The Attorney-General then decided inappropriately — some might use other words to describe her actions — that requests that were deemed to be refusals — that is, the department did not answer and the opposition could apply to the Administrative Appeals Tribunal (AAT) for free — would now incur fees of $170.

Without wishing to become too technical, the amendment was included at the back of another bill, and it was drawn to the attention of the Attorney-General. To make it clear to anyone who is listening to the debate or who reads *Hansard*, I will

take honourable members through the steps used by the government to close down freedom of information in Victoria.

Previously the opposition placed FOI requests for documents and the government had 45 days in which to respond. If the government did not respond the opposition could go to the AAT to acquire the documents. The government then decided that the opposition could still go to the AAT but it must pay a fee of $170 each time. As I said, the bill was introduced in a backdoor way in another piece of legislation, and was drawn to the Attorney-General's attention.

The events were along the following lines. I, as shadow Attorney-General intended approaching the Attorney-General to discuss the issue. I recall interjecting across the table and advising her that the imposition of a fee was outrageous. The Deputy Leader of the Opposition suggested that it might be more appropriate if he approached the Attorney-General because he believed he would be more conciliatory.

Mrs Wade — He was more polite.

Mr HULLS — The Attorney-General interjects that the Deputy Leader of the Opposition was more polite. I am not prepared to argue with that. The strategy was that the Deputy Leader of the Opposition would sit down with the Attorney-General and explain that the fee was inadvertent and, in the spirit of cooperation, ask whether she could change it.

The feedback I received was that the Attorney-General was prepared to look at it and that it was inadvertent — the Attorney-General is nodding. I was not involved in the conversation but as an aside I was told the Attorney-General said, 'If the shadow Attorney-General stops being mean to me'. I do not recall being mean to the Attorney-General, but I am more than happy to stop being mean to her. I was more than happy to stay away from her!

An honourable member interjected.

Mr HULLS — Wait until she starts on you! I said to the Deputy Leader of the Opposition, 'For how long must I back off?'. The reply was, 'Give it a week or 10 days'. In the interest of democracy I was more than happy to do so. After a week or 10 days the Deputy Leader of the Opposition advised me that he had had a further conversation with the Attorney-General. She had decided that the fee was to remain. The fee, which the Attorney-General admitted was inadvertent, and again she nods her head — —

Mrs Wade interjected.

Mr HULLS — The Attorney-General says 'Absolutely'. I hope the Hansard reporter heard that. The inadvertent fee remained despite the bipartisan approach taken by the opposition. One can only surmise that it was left in place because the Attorney-General turned dirty. The Attorney-General decided to be vindictive. She decided that this was a great way — —

Mrs Wade — On a point of order, Mr Deputy Speaker, I take objection to the description of my conduct put forward by the honourable member for Niddrie, and I ask him to withdraw.

Mr HULLS — On the point of order, Mr Deputy Speaker, I did not say the Attorney-General was vindictive. I said that one can only surmise the reason why the Attorney-General decided to leave the fee in place was that she turned dirty and that she had decided to be vindictive. I was saying that one could only surmise that was the reason. I do not know whether that was the reason; one can only surmise that that was the case.

The DEPUTY SPEAKER — Order! If honourable members refer to rulings I have made they will see that I have said honourable members should be mindful of their language. They also should be mindful that the chamber is for vigorous debate. God spare us that we ever get to the point where that is removed, because it does add something.

I say to all honourable members, and to the Attorney-General and the honourable member for Niddrie in particular, that there is a need for members to be mindful of the language they use and to be aware that the Chair has no alternative when requested by a member to ask another member to withdraw comments to do other than convey those comments. The Chair is concerned that if it continues to rule that words are unparliamentary the vocabulary used in the house will be restricted.

I will not uphold the point of order at this stage. However, I counsel the honourable member for Niddrie to proceed with my remarks on language in mind. The house needs to understand that the Attorney-General is within her rights, as are other members, in taking offence at words used, and the Chair would expect those words to be withdrawn if a request is made. I am asking for cooperation on the use of appropriate language.

Mr HULLS — I certainly understand, Mr Deputy Speaker, and will adhere to your ruling.

It seemed extraordinary that after admitting that this was an inadvertent fee, the Attorney-General nonetheless decided to leave it in place. It has acted as a huge deterrent to the making of FOI applications and the seeking of documents not just to the opposition — I keep referring to the opposition because I am relating my first-hand experience with FOI — but also to other members of the public, because what was once free now costs $170. As the election approaches there seems to be a mind-set among government departments to not answer FOI applications. There is no incentive for any government department to respond to an FOI request. Why would they respond when there is no penalty imposed on them for them not doing so. The penalty is imposed on the applicant. If an FOI request is not responded to one would think that the department concerned should suffer some sort of penalty.

Section 3 of the Freedom of Information Act sets out the objects of the act. It states:

(1) The object of this act is to extend as far as possible the right of the community to access to information in the possession of the government of Victoria and other bodies constituted under the law of Victoria for certain public purposes by —

(a) making available to the public information about the operations of agencies and, in particular, ensuring that rules and practices affecting members of the public in their dealings with agencies are readily available to persons affected by those rules and practices; and

(b) creating in general right of access to information in documentary form in the possession of ministers and agencies limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by agencies.

(2) It is the intention of the Parliament that the provisions of this act shall be interpreted so as to further the object set out in sub-section (1) and that any discretions conferred by this act shall be exercised as far as possible so as to facilitate and promote, promptly and at the lowest reasonable cost, the disclosure of information.

The purpose of the act is to facilitate the disclosure of information at the lowest possible cost. By leaving the $170 fee in place the Attorney-General has imposed a penalty on persons who seek information. There is no incentive for departments to release information or to respond to an FOI request. Why would they bother, particularly as we near an election.

I have little doubt that instructions have gone out all over the place. Because an election could be held in June, July, August, September, or who knows when, departments have been told, 'Don't release anything to Hulls! Don't release anything to Thwaites! Don't release anything to Bracks or Mildenhall or Kosky! Don't release anything to the opposition, let them simply pay the dough and take their chances at the VCAT'.

The clause that has been inadvertently left in place by the Attorney-General clearly breaches the spirit of the legislation.

Mrs Wade interjected.

Mr HULLS — The Attorney-General now says with a wry grin, 'I deliberately left it in place'. That is exactly what she did, and the opposition knew it. She is not kidding anyone. I understand your ruling, Mr Deputy Speaker, and I have no doubt the Attorney-General will get upset by this, but that shows the vindictive nature of that decision. At 20 minutes to 4 on the second-last day of the sitting before an election the truth about the freedom of information legislation has been revealed. The Attorney-General previously said she had inadvertently included the clause in the bill. Now she is saying that she deliberately left it in place.

The honourable member for Doncaster has moved on to the front bench. I notice he is getting closer and closer to the Attorney-General's position. And he does not live too far from Kew, either. It will be interesting to see what occurs when the Attorney-General announces her retirement on Tuesday.

Mrs Wade interjected.

Mr HULLS — I never get excited when the Attorney-General is here, but it will be interesting to see what occurs when she hands in her resignation, throws her hands up in the air and admits defeat on Tuesday.

The government has used other dirty tricks with the scrutiny of the — —

Mrs Wade interjected.

Mr HULLS — This is right on the bill — the use of credit cards. One of my favourites was the Premier's department's refusing to release credit card documents for a year because it said it had to consult with all the companies from which purchases were made. For a year government representatives went around asking Safeway, shoe stores, health farms, stationery suppliers, computer shops, restaurants — a lot of restaurants! — international hotels, airlines and Greek stores that sell sunglasses whether or not they minded if the receipts could be released to the opposition. Most honourable members are laughing, but that is what occurred.

When the credit card scandal first came up the Premier continually said, 'We have no problem releasing these documents. We congratulate the honourable member for Niddrie for scrutinising credit cards and credit card expenditure'. However, it has been 12 months in some cases to have released documents that the public had a right to see. One case has involved an inquiry by the Ombudsman that has gone on for almost two years. Surely under an open and transparent government members of the public are entitled to know how their money is being spent when ministers use credit cards. Instead the Premier's department said, 'No, we can't release the stuff yet, because we have to consult with all the shops'. What nonsense!

The Attorney-General and the Premier now have a favourite trick — they appeal, even when the release of documents is ordered by a court. The government is spending even more taxpayers' funds by appealing to the Court of Appeal in almost every case in which the VCAT orders the release of documents. I will cite a few examples. The casino tender process is still before the Court of Appeal. The matter has gone on for three years and the opposition has won on every single occasion it has appeared before the court. The government appeals to the Court of Appeal in an endeavour to continue to hide documents.

Mrs Wade interjected.

Mr HULLS — The Attorney-General interjected and said, 'That's why we have an appeal process'. I will respond shortly.

Mrs Wade interjected.

Mr HULLS — The Attorney-General again interjected and said, 'That's why there is an appeal process'. I will return to that.

Mr Perton — What's wrong with that?

Mr HULLS — I will tell you what's wrong with it in a minute.

Mr Perton — Do you want us to abolish it?

Mr HULLS — No, to use it in appropriate cases.

The government has appealed to the Court of Appeal on the Intergraph affair, the privatisation of the Latrobe hospital, the tender of the Bairnsdale Regional Health Service and the casino tender process. It appealed in all those cases, yet in the case which matters and which the legislation is all about — the case involving 51 nurses whose names were released to a convicted triple murderer at Frankston — it has done nothing. It rolled over and turned to jelly. Instead the Attorney-General said, 'It was the hospital's fault', or, 'It's not worth appealing, let's change the legislation instead'. That is a backdoor way of closing down freedom of information in Victoria. It is grossly hypocritical, inappropriate, improper and unethical for the government to use the 51 innocent nurses at the Frankston Hospital for political purposes.

Ms McCall interjected.

Mr HULLS — That is exactly what this is all about, and it is exactly what the honourable member for Frankston will be doing if she supports the legislation. She will be saying, 'I am prepared to use 51 innocent nurses at the Frankston Hospital for political purposes'.

Ms McCall — How dare you.

Mr HULLS — The government should have appealed, but failed to do so. It is using the nurses for political purposes to close down FOI in Victoria. It is an outrage, improper, inappropriate and unethical. The opposition will not be a party to it, and I would hope that fair-minded government members will also not be party to it.

The appeals are not cheap. They cost hundreds of thousands of dollars of taxpayers' funds. That was what occurred with the casino case. In that case Judge Wood of the VCAT said it was important that the casino documents be released. I refer to that case because it highlights the need for the names of public servants to be released. If this legislation had been in place at the time the opposition sought the casino tender documents under FOI, the opposition would not have got even this far, and the public would have been kept totally in the dark about the casino tender process. It was only because the opposition had released to it names of bureaucrats and third parties that it was able to get some information about the casino tender process.

Judge Wood said that the release of the documents would benefit the public because they would be:

> ... placed in a position whereby they are better informed and thus able to promote public debate on a matter that affects them.

He also found, given the position of Mr Ron Walker as federal Treasurer of the Liberal Party, the principal of Melbourne Major Events and a friend of the Premier, that:

> ... the public has a legitimate entitlement to be satisfied to a higher degree than perhaps would otherwise be the case that its interests were best served.

That was far too much for the Premier. He simply refused to concede that the public had any right to know what he and his mates were up to with the casino tender process. That is yet another reason why the bill is before the house.

The bill is nothing more than a backhanded attempt to shut down freedom of information. The bill is clear in its intention — that is, to establish a barrier to an applicant receiving documentation from a government agency in a timely fashion, as is provided for in the Freedom of Information Act. The bill will do that by placing a new blanket ban on information that identifies a public servant or a third party. It will make every public servant in the state a secret agent of the government. If the bill is passed every public servant in Victoria may as well wander around in a trench coat and a balaclava and use his or her shoe phone. It is Maxwell Smart legislation. It will turn bureaucrats and public servants into mini Maxwell Smarts.

The legislation is extraordinary and will affect every Victorian who wishes to access files via the act by making it impossible. The Attorney-General has virtually admitted that. She stated — —

Mrs Wade interjected.

Mr HULLS — An article by Sandra McKay entitled 'Wade expects row on FOI change' appeared recently in *The* Age. Unfortunately I do not know the date of the article, but it is incisive. It states:

> Experts say proposed FOI changes will make the government less accountable.

The article then refers to the Attorney-General:

> Mrs Wade said that it was a 'very limited amendment' but conceded it would make it 'a little bit more difficult' for the opposition to trawl for documents.

A little bit more difficult? Try impossible!

The Attorney-General has admitted the bill will shut down the opposition's and the public's scrutiny of the government. Not only will the bill make it more difficult for the opposition to access information, which is her plan, it will also make it more difficult for every Victorian who from time to time needs to access information. The Attorney-General has ignored that aspect of the bill. For instance, mental health centres use the act to advocate on behalf of clients with mental illnesses. One has to ask why the Attorney-General wants to pass a bill that will make it virtually impossible for people to argue on behalf of the most disadvantaged members of our community.

The Mental Health Legal Centre is appalled by the bill. In its submission to the government the centre states — —

Mr Perton interjected.

Mr HULLS — The honourable member for Doncaster interjects by saying 'I do like them, but it was not a good submission'. He says it was not a good submission because he does not agree with it.

In its submission the Mental Health Legal Centre said the bill will have a detrimental impact on the:

> ... important individual rights to access health and other sorts of personal records.
>
> As well as the clear detriment to public scrutiny of government, there are important individual rights which will be denied by the amendments to the Freedom of Information Act currently before Parliament.
>
> For users of public health services, freedom of information goes some way to restoring the power imbalance between medical practitioners and service users. These changes will undermine that right.

The Villamanta Legal Service, which has a superb reputation in Victoria, represents people with severe intellectual disabilities in their interaction with government departments and agencies. The legal service, which works at the coalface in this area, describes the bill as follows:

> It will not achieve the purpose it sets out to achieve.
>
> It will be expensive to administer.
>
> It will be time-consuming and labour-intensive for those who must administer it.
>
> It disadvantages people with disabilities, especially those who have a mental impairment.
>
> It renders most files of our constituents unintelligible.
>
> People with disabilities who have a mental impairment will be forced to use the appeal mechanism to VCAT to ensure that their files are intelligible.
>
> People who have a mental impairment who use the appeal mechanism will mostly require representation.
>
> The burden of proof is unfairly onerous on the applicant.

What a damning indictment of the bill! The bill is so fiercely opposed by all organisations that use freedom of information because it sets up a fairytale process in the Victorian Civil and Administrative Tribunal for accessing information, including personal information. As a result, the VCAT will be inundated with applications by people wanting to obtain documents that contain personal details. The hearings will become farcical. They will involve many unrepresented

applicants having to prove that it is reasonable that they have access to information in documents that they may not have any knowledge of — and they may not be aware of the subject of the document.

A submission will go something like this: 'Look, there is a document I know nothing about. I want to prove to you that although I know nothing about it, I should have access to the personal information in it, although I do not know who it relates to and I do not know how it came into being'.

The fact that the applicant has to prove anything at all is an appalling reversal of the traditional onus on respondents to establish why documents should not be released. The government is saying, 'Prove why you should get access to any document'. The government is fundamentally gutting the Freedom of Information Act.

The procedures in the bill are targeted directly at preventing scrutiny of credit card abuse. When the opposition or anyone else wants to find out who has credit cards in a government agency such as Vicroads, for instance, the traditional practice has been that agencies have supplied lists from which names are selected and documents sought. Under the bill, such a list would not be released without a full VCAT appeal and, most likely, a full hearing. That would occur only after every single credit card holder had been personally contacted to allow him or her to object to the release of his or her name. In the case of Vicroads, that may require hundreds of employees being contacted. The process would delay for months, if not years, the release of credit card documents that reveal where taxpayers' money had been spent. The truth may hurt the Attorney-General, but that is the fact of the matter. The bill specifically targets credit cards, and such lists will no longer be provided.

The truth behind why the Premier, the Attorney-General and the government have prepared the bill was commented on by that renowned freedom-of-information expert, Mr Rick Snell. He said the Premier had seized:

> ... one incident — a little like the dictators in any authoritarian regime — to serve as a justification to dismantle one of the few remaining operational elements of civic governance in Victoria.
>
> The Premier's rantings about the pale of decency to resolve to scrap FOI, if necessary to protect the safety of Victorians left on the public payroll, reek of political opportunism.

The bill represents the worst form of political opportunism. It will have a lasting and devastating impact on all Victorians because it steals from them a basic democratic right. I suspect the bill is the final blow to the Freedom of Information Act and to the right of people to have the information they need to make informed decisions about the performance of the government.

I am sure the Minister for Youth and Community Services will agree that to deny people information is to steal from them their fundamental right to participate in the democratic process.

Ms McCall interjected.

Mr HULLS — The honourable member for Frankston simply shakes her head. I suggest the honourable member read the Fitzgerald report, because that is what Fitzgerald clearly said — to deny people information is to infringe on their democratic rights.

The opposition believes that to deny people information is to steal from them their fundamental right to properly participate in the democratic process. That is the worst kind of theft that can be perpetrated on the citizens of a supposedly democratic state. By supporting the bill the Premier, the Attorney-General and members of the government are aiding and abetting in the theft of a sacred democratic right, which is the right to know.

Honourable members should cast their minds back to what the Premier said when he opened Parliament for the first time as Premier in 1992:

> The state will have open, honest, accountable government.

He did not say that at the Comedy Festival, he said it at the opening of Parliament in 1992. He misled the house and the people of Victoria when he said those words, and the bill is proof of that. The spirit of FOI has now been snuffed out. Under the Kennett government FOI means 'frightened of investigation'. The opposition opposes the bill.

Mr PERTON (Doncaster) — I am pleased to join the debate and will be glad to respond to the challenge the honourable member for Niddrie threw out to me. He spoke well and was entertaining but he spoke without conviction. He lacked credibility. I am informed that at the briefing he received on the bill from the minister and her advisers the honourable member asked one minor question and asked for no legal interpretations. He made no suggestions for reform of the bill.

An analysis of the honourable member's speech will reveal no legal interpretation because it was all hyperbole and bluff. He made no suggestion for dealing with a situation that caused community outrage. While his contribution was entertaining and loud it

nevertheless added very little to the debate on FOI in Victoria.

Victorians are living in an information and knowledge age. The global information economy is transforming society and the economy and driving people's lives and careers in new directions. I believe that in its broadest definition the Internet will change everything, including the way Victorians govern and are governed. As a result there needs to be an ongoing process of review of government institutions and legislation to ensure they maintain their relevance in the information age.

One of the effects is an increased need for ongoing review, and whenever freedom of information is debated it needs to be placed in the context of a clash of two fundamental values. The first is transparency of government. As much as is possible or practical the aim should be to have visible and transparent government decision-making. I am sure most members of the public are not interested in every piece of minutiae about government activity, but that does not mean we should not make information available to the public as much as is possible.

A second fundamental value of the modern age is personal privacy. As I look at the honourable member for Footscray and the Leader of the Opposition I do not believe that in their hearts either of those men would argue against the proposition that there needs to be great protection of privacy. There is no doubt that the provisions and practices of the Freedom of Information Act have come under fire from every Premier and cabinet since the act was introduced.

Following the recent case in which the names of state-employed nurses were released to a convicted murderer there has been outrage from large sections of the community. There is no doubt that better legislative or administrative safeguards are needed to prevent a repetition of that. I doubt that any opposition member would argue against that point. It is appalling that the honourable member for Niddrie provided no opposition perspective on that question.

What I have said is not merely my view or that of the Attorney-General. The *Australian* editorial 15 January headed 'Tribunal's decision is dangerous' states

> The result of the review (into FOI) would be valuable if it helped resolve the problem of government accountability and its potential conflict with individual privacy.

The headline in the *Herald Sun* was 'Outrage over killer's list'. The headline article in the *Australian* stated, 'Fury as killer given nurses names'. An article in the March edition of the *Australian Law Journal*, hardly a tabloid, states:

> 'This decision, called by the *Australian* 'the nurses' names debacle' sent shudders through the community as people realised that a single member tribunal without any notification to the people affected could shatter their privacy and security'.

Other articles fed the public fear. An article in the *Herald Sun* of 16 January was headed 'Worst criminals exploit FOI laws'.

The Attorney-General's second-reading speech states:

> Existing Victorian case law has held — —

Mr Langdon — On a point of order, Mr Deputy Speaker, I am reluctant to interrupt the honourable member for Doncaster, but if he were reading notes in the way he is reading from his computer you, Mr Deputy Speaker, would probably bring him to order and rule either that he should not be reading notes or that he should table whatever document he was reading from. I am not sure what the rule is on reading from a computer.

Mr PERTON — I am happy to make the notes available to the honourable member.

The DEPUTY SPEAKER — Order! It is an appropriate time to refer to the use of computers in the chamber. Computers can be used as if they were copious notes. Provided the honourable member is able to use the computer as he would use copious notes and not be seen to be continually reading, the Chair will accept the use of the technology, particularly in the spirit of making information available. However, honourable members using computers to deliver their speeches by reading them will be ruled out of order.

I have been watching the honourable member for Doncaster very closely, partly because I am somewhat envious of his eyesight! Understanding his personal capacity to speak to copious notes, I have watched with great interest to see how he used the technology. He has been using the computer as he would copious notes. However, it is timely to advise honourable members that the technology must be used in an appropriate way. There is no point of order.

Mr PERTON — I am grateful to you, Mr Deputy Speaker, for the ruling as I think it is appropriate that the issue of the use of computer-based notes be determined.

The second-reading speech states:

> Existing Victorian case law has held that a person's name or other identifying details do amount to personal information and so render a document containing that information exempt — that is, as I have said, releasable with the deletion of that information. In the past, departments have removed personal information from requested documents on this basis.

The honourable member for Footscray asked what was wrong with section 33. When I appeared at the tribunal — and the honourable member knows I appeared there many times — the interpretation of the definition of personal information was very wide.

The second-reading speech further states:

> The recent Victorian Civil and Administrative Tribunal decision of Coulston, however, went against this line of authority. In that case, the tribunal ruled that a hospital roster showing the names of nursing staff on duty on a particular night did not contain the personal information of those nurses and was, as a result, releasable under the act.

The legal advice that I have taken since that time indicates that the lines of legal authority in New South Wales and Queensland were heading down that track. The decision demonstrated a changing understanding of the definition of personal information in that the tribunal started to adopt interstate authority rather than long-established Victorian tribunal interpretations.

An article by journalists Kristin Owen and Damon Johnston published in the *Herald Sun* of 23 April states:

> The tightening of the law was prompted after the names of Frankston Hospital nurses were released to convicted triple murderer Ashley Mervyn Coulston in January.

An article in the *Australian* of 7 May correctly states:

> The ban is designed to protect public servants from invasions of privacy and threats of harm, after the release of 51 nurses' names to convicted triple murderer Ashley Mervyn Coulston late last year.

I have no doubt that the Frankston Hospital and its network management acted badly. In her commentary as reported in the *Age* of 15 January the Attorney-General stated it was unfortunate that the hospital had no legal representation at the case. The report further states:

> ... its failure to appeal against the decision meant that it would not be reviewed by the Supreme Court.

I am extremely annoyed by the attitude of Mr Robert Polk, who is identified in the article as the chairman of the Mornington Peninsula Health Care Network. Mr Polk is quoted as saying:

> ... on its earlier legal advice, the hospital had been 'supremely confident' of winning the case and had not bothered to send a lawyer to the hearing ... Jan Wade is entitled to say it was a pity, and maybe it was, but the decision (not to appeal to the Supreme Court) was made with the best available information at the time.

He should hang his head in shame. Quite clearly the government and the public were expected to do something about that sort of aberrant decision. The honourable member for Niddrie says it is a one-off aberrant decision. A case involving intoxication and criminal liability comes to mind. In the Nadruku case in Canberra a large rugby player assaulted two women but was subsequently found to be not guilty because he had drunk too much alcohol to form an intent.

The New South Wales Labor government introduced legislation within weeks after a similar incident and it totally changed the nature of New South Wales criminal law arising from one aberrant decision in that state.

There is no doubt that there is a need to get the balance right between privacy and transparency and it is a mixture of law and practice and procedure.

Mr Mildenhall — Are you praising Carr, then?

Mr PERTON — I believe Mr Carr is one of the worst villains in this case, and freedom of information legislation in New South Wales is much more narrow than it is here.

The *Herald Sun* editorial of 15 January is headed 'An outrageous FOI gaffe' and it agrees with the view that Mr Polk should hang his head in shame.

The issues involved in this debate are not black and white. There is always a balance to be struck between privacy and transparency, just as there is always a balance to be struck between freedom of speech and the law of defamation.

I am reminded again that legislation in Western Australia and the Commonwealth of Australia, the bill in the United Kingdom, and the legislation in the federal jurisdiction of the United States of America and in British Columbia all contain provisions seemingly aimed at protecting the privacy of individuals. It appears that, with the exception of Western Australia, names of third parties in these places are, at least prima facie, to be deleted from the documents prior to release under freedom of information legislation.

I do not know how many members have seen the Al Pacino film *City Hall*, in which Al Pacino's character, the mayor of New York, John Pappas, says:

> Okay, Pappy. Think of it as colours. There's black and there's white, and in between there's mostly grey. That's us. Now grey is a tough colour. Because it's not as simple as black and

> white. And for the media — certainly not as interesting. But — it's who we are.

If we consider the continuum between total transparency and total protection of privacy, the answer lies in the middle. If the opposition had been prepared to be a little more bipartisan, if it had been prepared to negotiate, and if the honourable member for Niddrie had attended the meeting with the minister's advisers and put up some suggestions for reform, perhaps this would have been a more bipartisan debate.

I believe there is feigned moral outrage by the opposition in this case. The honourable member for Niddrie is reported in the *Age* of 23 April as having said that the amendments:

> ... could well be a backdoor way of closing FOI.

I think he re-read that quote during his speech today. The editorial of the *Age* of 11 May rightly cuts him down to size:

> Political parties traditionally love FOI until it is used against them. Even the Cain government, which introduced FOI laws in Victoria, sought to narrow the act's scope when it became a thorn in its side.

In the early 1980s FOI was transplanted from the United States and Scandinavian practice into our Westminster system to provide additional access to government documents. It was not at the core of the Westminster system before that, and the mother Parliament, the United Kingdom Parliament, received its first FOI bill only on Monday of this week — I shall refer to that bill further.

In the late 1990s I believe FOI is failing to live up to the purpose for which it was intended. It is also being superseded by new legislative and technical developments. It provides only one of several avenues by which citizens can gain access to government information and in this sense the current debate on FOI is rather narrowly focused. The principles underpinning FOI remain important. It is essential that government remain open and transparent, unless publication is against the interests of the public or the individual, as in the Frankston nurses case. In this respect the critics of the bill and members of the government are in full agreement on many issues.

A letter to the *Age* dated 27 January from Professor Marcia Neave and Bernard Bongiorno, QC, states:

> The Freedom of Information Act helps to ensure the accountability of government. By giving people access to government-held documents, it contributes to the transparency of government decision making and allows people to obtain information for personal purposes including litigation.

The key word there is 'contributes'. It is only one of a large number of mechanisms.

Surprisingly, Ms Moira Rayner and I are in full agreement on her comment in an article in *Eureka Street* dated March this year:

> Faith in justice, and open and accountable government, is the foundation of community ...

Further, the Lord Mayor of Melbourne, Peter Costigan, bought into the debate on 18 January in a *Herald Sun* article which makes interesting reading:

> In threatening to abolish freedom of information laws should anybody get hurt after last week's stuff-up involving nurses, Premier Jeff Kennett should beware throwing out the baby with the bath.

I certainly think that is something the Premier and the Attorney-General have taken into account in the relatively minor amendments contained in the bill. I note the Minister for Planning and Local Government nodding in agreement. The article continues:

> The fact that FOI could be used to appeal to the Victorian Civil and Administrative Tribunal after the hospital had twice rejected the murderer's request is a strong argument for reviewing and tightening the law, but not for abolishing it.

That is very important. It continues:

> No FOI law proponents in the late 1970s and early 1980s ever envisaged FOI being used as part of the criminal law.

His comment has been followed up in a number of newspaper articles, and I think he is certainly right.

I turn now to other critics of the bill. The honourable member for Broadmeadows referred to me in the following terms on 6 May:

> ... the honourable member for Doncaster, who is an expert on freedom of information. As an opposition member he used freedom of information processes 1800 times.

I have nightmares about that. In this debate the honourable member for Niddrie was quite flattering when speaking of me, saying, 'This bloke really knew how to use FOI!'. Whether the honourable members are right or wrong, I have certainly had the opportunity to think about these issues over 20 years of professional interest in this area of policy.

The Victorian debate on freedom of information and transparency is echoed across the commonwealth — from India to Ghana and England. The Westminster parliamentary system, with its roots firmly entrenched in the 18th century, is now set within a very different era. Its treatment of information, knowledge and decision-making should come under serious review as

the information age creates new and often unprecedented issues — like international monopolies, pornography and taxation — which go well beyond the capacity of individual federal or state governments to deal with them.

In espousing this view I was recently quoted by the *Age* as saying:

> Over the next 5 to 10 years you will see other developments that will probably render the 1960s, 1970s concept of the act redundant.

The Tasmanian FOI expert the honourable member for Niddrie relied on in his contribution is one Rick Snell, who writes in the February edition of the *Freedom of Information Review* in response to my comment:

> Victor Perton is right. The relevance of freedom of information legislation does need to be questioned. However I believe any review or reconsideration of FOI ought to be designed to rejuvenate rather than bury this crucial part of our democracy. At least Victor Perton offers a critique, which can be sensibly examined and debated. He still shares the objective of the reformers of governmental practice and operation who saw FOI legislation as a necessity for citizens who wanted to be part of the democratic process. Victor Perton is merely questioning the efficacy of FOI to still perform these functions in the 1990s.

Further in the article he goes on to say:

> So why do I think that Victor Perton has a point although disagreeing with his conclusion? First, the basic design principles of FOI legislation need to be revisited. Second, in light of a failure of political and bureaucratic leadership to ensure compliance with both the letter and spirit of the legislation there needs to be a rebirth of access legislation designed to nurture democracy into the first decades of the next century ...
>
> Yet as Victor Perton points out, FOI is based on a mind-set designed to the 1960s and 1970s. More importantly FOI was designed on the assumption that the public service was indeed civil and would administer the act not only in compliance with the letter of the legislation but to advance the intent of the legislation.

While in opposition I was very much aware that the Labor bureaucrats had no intention of advancing the intent of the legislation. Mr Snell continues:

> We need to reassess many aspects of FOI. The Australian Law Reform Commission and numerous other reform suggestions from organisations around Australia like the NSW Ombudsman, and the information commissioners of Western Australia and Queensland, have already done all the hard work.
>
> Parliamentarians of vision, like Victor Perton, need to remember why they used FOI in opposition, why they would vote for its introduction if it was not already on the statute book and to remember how easily the fabric of democracy falls apart without the weave for openness and accountability.

I do not believe any honourable members would disagree with any of those assertions.

Mr Maclellan interjected.

Mr PERTON — As the Minister for Planning and Local Government has rightly pointed out, and I think Mr Snell would agree with the minister's interjection, that is so long as nurses' names cannot be given to a convicted triple murderer serving a prison sentence.

I wish to talk about the future of freedom of information. As I said earlier, the rapid transition to the knowledge society is creating changes in economic and social activity. The government recognises the advantages of being a front-runner in this transition period and is now a world leader in the electronic delivery of information. It was the first government to appoint a minister for multimedia and it has actively encouraged the take-up of information technology, not only in government but also in business and within the wider community. Through the education system initiatives such as the Skillsnet program, computer training and the placement of Internet-connected computers in public libraries, all citizens are now able to gain access to Internet training facilities. In his most recent book Mr Bill Gates refers in glowing terms to the Victorian government's delivery of electronic and education services.

The government is being transformed through the implementation of new technological tools. The government's publication on the web — www.vic.gov.au — and its provision of laws on line — www.dms.dpc.vic.gov.au — are world best. Its electronic service delivery system — www.maxi.com.au — is designed to provide customer-focused services 24 hours a day, 7 days a week. The aim is to create the simple appearance of one face of government for all public transactions. The initiative has won numerous international awards and has been described as a world leader by Bill Gates and the G8 online committee. It is being used as a prototype by other governments including the Hong Kong government.

Governance is the issue. While most members of Parliament have embraced laptop computers and Lotus Notes, the Westminster parliamentary system has been slow to evolve and respond to the changes accompanying the information age. Last December the Commonwealth Parliamentary Association convened a Round Table conference in Cape Town to examine the interface between Westminster parliaments and executive governments. All the members of Parliament present, whether they were from India, Malta or New

Zealand, held the unanimous view that Westminster parliaments have become excessively adversarial. The one cause for optimism is the performance of policy-making parliamentary committees. All the backbench members present on this side of the house certainly participate in those committees.

The Westminster institutions, which had almost fully matured by the mid-18th century, are showing signs of stress as they prepare to enter the 21st century. While our economies, societies, corporations, education systems and executive governments are all moving from the industrial age to the information age, many of our parliamentary practices remain mired in the pre-industrial age. Surely in 1999 we are entitled to ask whether the trial by combat approach of the Middle Ages is appropriate for a knowledge-based economy. Truth is better found through collaboration than confrontation.

In the traditional Westminster model question time is the primary means of providing transparency. However, most of the media coverage of Australian politics is confrontational — it becomes 6 minutes of infotainment replayed shortly after 6.00 p.m. That exacerbates the adversarial nature of question time. Oppositions use it to grandstand before the media and governments use it as a convenient forum for ministerial announcements. Our elections, parliamentary processes and political dialogues take on boxing match auras because it is perceived that adversarial antics rate well.

There is almost universal public disgust about the antics of question time. In fact question time and questions on notice contribute little to government transparency. It is time for Parliament to improve its performance as a conduit of information between government and the governed. Given that members of Parliament are now able to gain access to the entire world via the Internet using laptop computers in the chamber, and the government is becoming increasingly open by including its own publications on the Web — www.vic.gov.au — it would seem to be a time for change. If the process does not change, in a few years when the Internet is in practically every household there will be an irresistible push for a high-tech Swiss model of direct democracy on public policy issues. The Independent candidate for the American presidency last election, Mr Ross Perot, scored almost 20 per cent of the vote on that platform alone.

Former Premier John Cain introduced the Freedom of Information Act to achieve two aims — to provide personal access to personal records held by government, and to enable public collaboration in policy making. However, over the years it has become predominantly a means to discover amusing and embarrassing details about government mistakes and cover-ups, particularly under Joan Kirner's government; to provide florid exposés on expenses, such as those outlined by the honourable member for Niddrie is his contribution; and to occupy the time and resources of opposition tribunals in the public service.

In its aim of providing citizens with access to government-held personal data, the Freedom of Information Act has been successful. However, within 12 months those provisions will be superseded by the Data Protection Bill, which is on this week's parliamentary agenda and which will provide better safeguards and access. Data protection statutes impose positive duties on government agencies, including ensuring that the data is accurate and up to date.

John Cain's second aim of having freedom of information contribute to public policy debate was never met. It failed because the methodology is clumsy and opposition members and the media seldom make timely requests for documents for that purpose. Other mechanisms are now available that open up the policy-making process. The government is well served in being able to circulate its deliberations electronically and being able to collaborate with the widest possible circle of knowledgeable people. The boundaries between government and the private sector are increasingly blurred and there is a clear need for better collaboration. With the reduction in the size of the public service, governments around the world must increasingly rely on input from consultants, institutions and the public.

Parliamentary committees provide one means for consensus policy making and public input. That is an area where Parliament has led the way for decades and where we find some optimism for the future of our parliamentary institutions — ww.parliament.vic.gov.au.

Victoria is regarded as one of the OECD's best-practice models for public input in the making of regulations. I urge honourable members to look at the Law Reform Committee's report on this matter, which can be found at www.lawreform.org.au/ref. The fundamental elements in making regulations include negotiated rule-making with interested parties, social and economic cost-benefit analysis, public consultation, parliamentary veto and sunsetting rules after 10 years of operation.

That approach has recently been extended to several bills. For instance, the development of draft legislation on data privacy and electronic commerce —

www.mmv.vic.gov.au — included extensive negotiations, public consultations and exposure via the web. The federal–state regional forest agreements are subject to the same open, Internet-enabled regime — www.rfa.gov.au.

I conclude with some thoughts about the future of FOI. Documents are often sought under FOI for the purpose of embarrassing people in public life. As an opposition member I enjoyed reading policy documents but, like members of the Australian Labor Party of today, I used my access to embarrass government members. The act was and is a clumsy tool for government accountability. One has to be able to identify documents accurately, and as acknowledged by the honourable member for Niddrie both the applicant and the government face high processing costs.

FOI provides only one form of information flow. As we move to a more knowledge-based society it needs to be weighed against data protection and privacy needs and compared with other methods of ensuring that government is kept open to scrutiny and accountability.

The mechanisms available to the still-resolute Auditor-General and his robust system of examination of public accounts should be sufficient to establish whether illegal or immoral use of government funds takes place. However, until the public is satisfied that these mechanisms follow up legitimate suspicions, the role of FOI will remain important. I personally favour a model that reverses the current structure of the Freedom of Information Act. Free and open publication of documents is demonstrably in the interests of the community. Almost all documents are electronically produced, and as the government is committed to Lotus Notes, documents will become continually easier and cheaper to publish.

There is an informed view that documents which disclose cabinet deliberations, which are crucial to the economic and negotiating positions of the state or which contain sensitive personal or commercial information need to be protected. The question of where the limits to this protection ought to lie is open to debate and litigation. The government's role is changing, and the Kennett government is broadening its traditional consultative methods in the way it communicates both internally and with the wider community. In this context a review of our knowledge-sharing processes is well warranted.

In summary, Mr Acting Speaker, the critics of the bill acknowledge that there is a problem that needs to be solved. If opposition members were honest they would acknowledge that. The bill might not be perfect but it meets a need that arose as a result of a very bad decision. It meets the needs of the public and the scrutiny of the critics, so it will take us forward. We must continue as a community to review the way government shares its information with the public and harnesses public knowledge for the benefit of the state.

The ACTING SPEAKER (Mr Richardson) — Order! The www.leaderofthe.opposition.au.

Mr BRACKS (Leader of the Opposition) — Touché! Who said you don't have a sense of humour!

The bill should not be considered in isolation but as another example, along with two other key government strategies of the past seven years, of how the government is closing down the flow of information to the Victorian public, including information that the Parliament receives and reports on. It is part of a strategy for making Victoria the secret state.

Freedom of information is fundamental. By employing both costs and hurdles, the government is using the Freedom of Information (Amendment) Bill as one instrument for making information much harder to obtain. Its second instrument, as we have learnt over the past couple of days — if we did not know it already — is the role of the Auditor-General. The reports by the current Auditor-General received yesterday and today are transitional reports because they act as a bridge between the old Audit Act and the new act. After 30 June we will no longer have an Auditor-General with the legislated right to audit in his own right. Indeed, it will be illegal for the Auditor-General to do so: he will have to contract the work to others. The generic report tabled yesterday, which ranges across many areas, is of a type unlikely to be seen again under the new Audit Act because audits will be contracted out. The Auditor-General will not be able to garner and receive information as he did in preparing yesterday's report.

The government's third instrument of secrecy is parliamentary sitting days. It uses that instrument to close down the availability of information to the Victorian public. The Victorian Parliament sits for fewer days than almost any other state Parliament in Australia. Last year it sat for 42 days, and if it goes full term this year it will sit for 35 days — outrageously few!

Freedom of information (FOI) needs to be placed in the context of those three instruments. The government is building a secret state. The Freedom of Information Act, as mentioned by the previous speaker, was introduced by the Cain Labor government because one

of its fundamental aims was to generate open and accountable government for Victoria. When that government introduced freedom of information legislation it did not do so in its own interests. The legislation was obviously going to work against the political interests of the government of the time, but it was seen as good for Victoria. Everyone must have the highest regard for a government that introduces such legislation with such motives. The Cain government put its money where its mouth was. It did not just talk about accountability; it did something about it by introducing appropriate legislation and making sure it was adhered to — and Victoria is the better for that.

Yes, it hurt. Freedom of information legislation will hurt any government. It may on occasion hurt this government, but is that not what democracy and good government are about? FOI ventilates and opens up democracy. If the decisions and actions of a government are good enough and its administrative procedures are appropriate, why should it not be subject to reasonable FOI laws? Good judgments and decisions should not be feared.

Freedom of information legislation has improved government accountability. The current Premier accepted that when he was in opposition. In those days he was a strong advocate of FOI legislation, and he brought that advocacy role with him into government when he first became Premier. On 1 October 1992 he stated in one of his initial speeches as the incoming Premier:

> I hope you will be able to approach us —

he is talking about his new government —

> and, except for cabinet documents, there should be no reason to hide from the public part of the decision-making process.

No reason to hide! How times have changed! Now the Premier is absolutely defensive about freedom of information. The incident at the Frankston Hospital was a godsend for the government. The Premier grabbed hold of it with both hands because it gave him the opportunity of changing the Freedom of Information Act. I note that the Premier has just waltzed through the house!

A culture of secrecy pervades the bureaucracy and the executive. In his final report on ministerial portfolios, which was tabled yesterday, the Auditor-General has this to say about Victoria under the Premier:

> There appears to be a widely held belief, particularly prevalent among senior bureaucrats, that financial arrangements with the private sector should be shielded from parliamentary and taxpayer gaze.
>
> Unless Parliament is provided with appropriate information, its capacity to exercise its constitutional right to monitor the operations of the executive will be restricted and accountability and good governance in Victoria will be irreparably harmed.

Those words are telling and stand as a warning because ministers' attitudes to accountability are flowing down to senior bureaucrats. As I said, there is a culture of secrecy in Victoria. Given the opportunity senior bureaucrats would frame a tighter and more restrictive Freedom of Information Act to protect their interests — not the public's — to ensure that their activities and those of ministers never saw the light of day. The Auditor-General's strong warning should be heeded.

The opposition opposes the amendments for several reasons. Fundamentally the bill is a fraud. 'Fraud' is a strong word, but it is apt because the bill pretends to be something it is not — that is, legitimate. The government maintains the changes are a legitimate response to a serious problem involving the release of nurses' names to a convicted murderer under freedom of information. But the bill is a fraud because the government has used the problem to its advantage and the advantage of the bureaucracy.

The bill was introduced on the pretext of protecting public servants. The outrageous incident I referred to should never have happened, and the government should have appealed the decision. Rather than sending legal counsel or instructing solicitors to argue the case the hospital sent a doctor. He could not answer the tribunal's questions about certain clauses in the act. Given the context, of course the hospital lost the case. Because it had some responsibility in the matter, why did the government not appeal the decision?

Recently I was involved in a significant case involving the government's failed bid to secure a third container terminal for the port of Melbourne and to attract OOCL, an international shipping line, to the port. I sought the documents that explained why the bid failed to ensure the reasons for the failure were exposed to the public. To fight the case the government hired an eminent QC and two instructing solicitors, who were there day after day. That is the importance the government places on matters in which it has a vested political interest. But it did not appeal in the Frankston Hospital case to ensure the tribunal decision was overturned, which would have been in the public interest.

One need only look at the decisions the government has appealed to see evidence of its duplicity. The Deputy Leader of the Opposition well knows about the tribunal decision that if ratified will force the government to

release information about the privatisation of the Austin Hospital. The government has appealed that decision despite legal advice given to the hospital that there are no grounds for appeal.

The government took no action in the Frankston nurses case because of the absence of any concern about being embarrassed by the release of documents. If it could be embarrassed, or if an issue has the potential to embarrass a minister or bureaucrat, the government will pay a silk thousands of dollars to represent it. But if it is a matter in the public interest, the government will not make the effort.

The Law Institute of Victoria says of the bill:

> The bill is significant and pernicious. It introduces a new regime that is regressive, conceptually flawed, filled with practical difficulties and, ultimately, unnecessary.

I would have thought the government should have applied the same rigour to the Frankston Hospital decision as it applied to the Bairnsdale nursing home decision and the casino tender decision — and the government is refusing to rule out appealing the decision on the private prison contracts, which the VCAT has ordered to be released.

Victorian Labor is also opposed to the bill because it is designed to prevent scrutiny. It purports to do one thing but actually does something else. It is about shutting down some applications and delaying others for months.

To understand why the government has gone down this path it is necessary to examine what sort of information becomes the subject of FOI applications. As I said earlier, although from time to time all governments are embarrassed about freedom of information the former Cain government had the guts to bring it in and be accountable — it put its money where its mouth was and suffered some collateral damage as a result.

Honourable members interjecting.

Mr BRACKS — Of course they did, because damage came from it. That is what good government is about. Every time a little issue arises, whether it be the Auditor-General, parliamentary sittings or the deputy public prosecutor, the Kennett government becomes brittle and concerned and seeks to change legislation. The government changed the Audit Act to make sure the Auditor-General could not audit, and in the same way it is now seeking to restrict access under the Freedom of Information Act.

The Premier has attacked the opposition for making what he called trivial objections and applications under FOI. I ask the Premier to answer the following questions. What is trivial about documents concerning the nature of financial information received by the Premier or Treasurer in relation to bids for the casino licence? What is trivial about the opposition's seeking details about the fiasco on automatic ticketing and the failed Onelink contract? What is trivial about the government's plans to privatise hospitals around the state? What is trivial about documents concerning the government's knowledge of serious child abuse cases in Victoria? What is trivial about secret government reports on the level of contamination of school sites? What is trivial about commercialisation of Wilson's Promontory? What is trivial about the case in which I was involved and which I mentioned earlier about the need for competition in the port of Melbourne and about the failed bid to secure a third international container shipping company for the port of Melbourne?

It is only through FOI that the opposition has been able to reveal the truth about those matters, which are central to the interests of all Victorians. They are the revelations the Premier squirms about. His brittleness on the Auditor-General and on FOI provides the impetus for him to ensure he shuts them down. That is in contrast to what the Kennett opposition did prior to gaining government and what one current minister was quoted as saying in 1992. An article in the *Age* of 27 July 1992 quotes Mark Birrell, the Minister for Industry, Science and Technology in the other place, as saying:

> I have never thought that a good public servant or a good minister has anything to hide from freedom of information ... it has improved the bureaucracy tenfold and I look forward to FOI being expanded.

That is what one of the big users of freedom of information in opposition said when he came to government. The Kennett government has done everything possible to do exactly the opposite, and as happened in the case of the Auditor-General, government members have failed to take a stand against a Premier who disregards their views while he pursues his own personal agenda. If Minister Birrell still holds that view he should try to argue the case in cabinet.

Labor is opposed to the bill because it will make freedom of information unworkable. The bill is like an extract from a *Yes, Minister* episode. It sends applicants through FOI hoops and hurdles with the eventual hope that they will be worn down by attrition. It establishes an entirely new stage of the FOI process in a case where a document identifies a person. Most documents of interest held by the government mention persons. They might be in the form of a memo from one bureaucrat to another, from a bureaucrat to a minister or

from a consultant to a senior bureaucrat. It is nonsense to say you can have FOI working properly and eliminate names in the process. Even the list of documents that is received following the initial FOI request identifies the authors, and then you can select from that list which you wish to pursue. It is an efficient and effective way of doing it. Taking out the names would take out the real guts of FOI.

However, under the new arrangements it is very likely the applicant will be informed there is personal information in the document and it will not be released. It constitutes a new method of refusing access. In such cases the department is required to notify all persons named in the documents that an application is under way which if granted may lead to their names being revealed. That process is undertaken whether the person in question is a public servant or not. If the names of authors or consultants involved in preparing reports on important matters are mentioned in the documents it may not be possible to obtain those documents.

If the public servant or third party concerned objects to his or her name being released the matter goes to a Victorian Civil and Administrative Tribunal hearing to determine whether the name should be released. It is a bureaucratic intervention in the freedom of information process for applicants as a first step to have to go to the VCAT to argue at a preliminary hearing whether or not names should be withheld. It is an outrage.

In an extraordinary move the burden of proof has been reversed so that an applicant must prove that it is reasonable for a person to be identified when the applicant does not know who the person is. An applicant who does not have the document that is being sought, has not seen it and has no idea what it is about, must argue at the tribunal that a name in that document should be released. It would be ridiculous to try to mount such an argument at the tribunal. I can only imagine that it would be impossible for the tribunal to judge a matter when one of the parties could not identify the documents in question.

In an even stranger move the bill provides that irrespective of whether the person wants his or her personal privacy protected, the minister can protect it anyway. Even a decision by a bureaucrat to approve the release of his or her name can be overridden by the minister. The government will object to the release of names in such cases as a way of forcing applicants into another hearing, which will cost money, tie up resources and delay the eventual release of the documents.

At the end of the charade, if a name has been released but the document is still in dispute the applicant goes back to square one and must go through the VCAT procedures again. Just think how many months it would be before argument would start on the real case in the Victorian Civil and Administrative Appeals Tribunal.

The opposition opposes the legislation because of its impact not only on politicians and the media but also on ordinary Victorians. The Premier would like to categorise the debate as being about the use of freedom of information by the government and the opposition. However, there are bigger users of freedom of information legislation — that is, the legitimate users including people with disabilities, especially those with mental impairments, people seeking health records; wards of the state; public hospital patients; injured workers seeking medical records from the Victorian Workcover Authority; witnesses in police investigations; individuals seeking police records; individuals seeking Department of Education files relating to supervision and disciplinary proceedings; and public housing tenants.

Those users will be restricted because of the changes in the bill; those people will be the real victims of the legislation. The government did not think of them when it drafted the measure; its focus was merely on its own political interests. It did not matter to the government if people with disabilities, public housing tenants and many others were caught up in the net.

Honourable members should be aware of the concerns of disability advocate groups throughout Victoria about the legislation, and those concerns have been made quite clear. Many persons with disabilities have extensive files with the Department of Human Services that need to be accessed to ensure they receive the correct treatment. Under the bill, obtaining such files will be virtually impossible.

In its submission on behalf of disability groups, Villamanta Legal Service states, and this should be noted by all MPs:

> If the applicant seeks personally identifying information the minister is expected to contact those persons who would be identified to consider their attitude to having their material revealed in the file.

Therefore, the process is an invasion of privacy. Villamanta Legal Service further states:

> The work here is not trivial. Some human services files on clients who have been in their care are enormous.
>
> In the first of seven files for one of our clients 62 different names were found. This was the smallest of the seven files. I

anticipate that this client's file could contain over 1000 items of personal information.

Will the minister inspect and scrutinise 1000 different people? Of course not. The reality is that for those people with legitimate rights to freedom of information about themselves, their families and their connections, the legislation is almost unworkable. Furthermore, public servants should not be tied up with such matters. Is this the type of barrier the government wants to put in front of people with severe disabilities wishing to obtain their own files?

What about people wishing to obtain information about workplace injuries on Workcover claims? Does the government want to burden them with ridiculous processes because it wants to make it more difficult for the opposition?

The biggest recipients of freedom of information requests are the Victoria Police and the Department of Human Services. Such requests come from individuals and families, the people who will be caught up in the legislation. The bill disempowers ordinary Victorians; therefore, it should be thrown out and rewritten.

The final reason the opposition opposes the bill is that it has absolutely no community support. It is also opposed by the organisations having most to do with freedom of information requests — that is, the Victorian Law Institute, major metropolitan newspapers, Liberty Victoria, community legal centres, community agencies and experts in the field. The legislation is opposed outright because it is bad legislation. As I have said from the start, it is an absolute fraud. It purports to be one thing but is something else altogether. The government could have appealed against the decision regarding the Frankston Hospital, but it did not.

The bill restricts the opposition's access to freedom of information and catches in the net legitimate users, such as those seeking family and other details and those with injuries or disabilities. The government has taken a sledgehammer to a problem which could have been resolved through proper representation by government. Instead of appealing against decisions which have embarrassed it, the government should have appealed against the case involving the Frankston Hospital; then this legislation would not have been needed.

The bill is pernicious and it is wrong. The government has already placed restrictions on the Auditor-General and indulged in secrecy in closing down the Parliament. Now it is making further changes. The government will stop at nothing to restrict the flow of information and democracy in Victoria.

Dr DEAN (Berwick) — The reaction of the opposition is predictable. Of all the occasions on which the opposition has taken a political response to a piece of legislation, this really is the pinnacle. Anyone who had read the bill and understood what it will do and then was silly enough to spend time listening to the speech of the honourable member for Niddrie would realise that the response is totally unjustified and disproportionate. I asked myself why that would be the case. I sat listening to rubbish from across the table which was absolutely untrue. Anyone with the slightest degree of legal experience would realise what the legislation does not say and will not do.

The honourable member for Niddrie reminded me of a person drowning in quicksand — that is, thrashing around, yelling and taking whatever actions he or she thinks of in panic. The more the person yells and thrashes, the worse it becomes. The more the opposition makes bogus claims, shrilly proclaims dangers where there are none and continues to invent and exaggerate, the clearer it is that it is losing the respect of the Victorian community. The less it looks like a government, the less is its credibility and respect, and the more it drowns in the quicksand.

If not for the fact that opposition members deserve what they are getting from the public, I would feel sorry for them. As a consequence of their constantly taking the wrong approach to responsible legislation, they are sinking further and further into the quicksand.

After seven and a half years of its thrashing and panic reactions, the polls show the government is way ahead of the opposition. The opposition is panicking. and the first casualty of panic is commonsense. To a party whose motive is not the interests of the community but a desperate grab at getting back into power, truth is a casualty — and that has certainly been the case with some of the contributions tonight.

In their panic and thrashing around, opposition members have failed to grasp the central element of the legislation. They are completely ignoring the central point, and their argument makes them look like fools. The central point, of course, is an individual's right to privacy.

It is extraordinary that when legislation is introduced to give the worker, the underdog or the individual citizen some right to privacy or to enable him or her go to a tribunal and ask, 'Can I keep my name private?', the people who say they are the champions of the worker, the underdog and the individual citizen say no, there should be no such legislation. When individuals say, 'I do not think it is in the public interest that my name be

spread across the front pages of newspapers', the opposition's response is, 'Get lost. We don't believe there should be any legislation whatsoever to protect you'. That is an incredible stance for the opposition to take.

Never before has there been a greater need to face up to the issue of the privacy of the individual, in particular the protection of an individual's identity. Given that an all-embracing media is becoming more orientated towards entertainment and increasingly intruding into people's lives using technology that enables it to do so, some community response is needed. The extraordinary thing is that so far the response has come from the common-law courts. The courts are trying to push the boundaries of the existing remedies for trespass and breach of confidence to ensure some sort of mechanism is in place to protect individuals' privacy.

The opposition has ignored the need for persons working in the public service to have the right to protect their identities. Recently I was reading through some of the case law on the issue. I was interested to see that some of the common-law cases relating to the protection of identity have been decided without the assistance of the legislation. The issue came up in the 1982 New South Wales Supreme Court decision in *G. v. Day and Others* — 'G' because the person's identity was kept secret. A newspaper was threatening to reveal the identity of the plaintiff, who had been a witness in a court case. The matter was already in the public domain to some extent. The court had to think about whether the plaintiff had a common-law right — or in that case, a right in equity — to protect his identity, despite the fact that the public had an interest in knowing who the person was. Mr Justice Yeldham said:

> Mr Nicholas submitted that there was simply no basis, whether in principle or on authority, for treating the identity of an informant as confidential in quality, as distinct from the information which he may impart to others. As I have already said, if a person is likely to suffer prejudice from the disclosure of his name, if no sound reasons of public interest or public policy exist why such a disclosure should take place, and if he has obtained assurances of confidence in relation to his identity before imparting his information, I find no reason in principle why his identity should not be treated as confidential information in the same way as the material which he provides to the authorities.

In other words, the Supreme Court of New South Wales said — without any assistance from Parliament — that based on common law, or in that case, equity, individuals have the right to keep their identity private if by not keeping it private they will suffer some damage. That is all the bill does. To suggest that it does more is to attempt to mislead the public — and that attempt is associated with a panicking opposition's decision to throw out the truth in an attempt to bolster its position.

Just because a person works for the public service does not mean he or she becomes public property. There is a balance to be achieved, and the scales that balance a person's right to privacy and the public's right to know are the scales of public interest. They are the scales that the VCAT and the courts use. There is a public interest issue involved in the public knowing all there is to know about government agencies. No-one disagrees with that, and the comments made by the opposition about freedom of information (FOI), suggesting that the government does not also hold dear the fact that — —

Mr Haermeyer interjected.

Dr DEAN — If you want to know who it was who first introduced FOI, I will tell you. It was the Honourable Haddon Storey, who prior to 1982 introduced the first FOI bill in the upper house. The Cain government was not the first to introduce FOI, it was a Liberal government! The opposition's allegations about the coalition not having a commitment to FOI are rubbish. I and other government speakers are here to tell the house that we have a commitment to FOI — and we also have a commitment to individual privacy. The coalition government will not back away from those commitments no matter what the political score is.

How does one go about ensuring a balance between the public's right to know and the rights of individuals to retain their privacy? It is not easy, but the answer is not the one that has come from the opposition, which is to do nothing. The answer is to ensure that a judicial authority weighs up the merits of the competing interests and reaches independent and objective decisions. That is how the bill will work. People will never find out how the bill works if they listen to the opposition, because it is not in its interests to tell them.

The bill will work as follows. Firstly, if a person's name is already in the public domain — that is, in a government directory or a public telephone directory, which means virtually all public servants from the managerial level up — there is no privacy to be afforded. The identities of all those whose names appear in the public domain have no protection under the bill. The opposition did not mention that, did it?

Secondly, for those people who are not in the public domain and whose names have not already been published, the response to FOI applications starts with protection. The reason it starts with protection is that

once confidentiality is broken, it cannot be reversed. The response cannot be, 'We will release the name. Oops, now we have decided to take it back'. There is no alternative but to start by saying, 'We will not release the name'. The house should think about that for a moment. In 90 per cent of the situations in which the names of people who are not in the public domain are not released in documents, the persons requiring the documents will not ask for those names to be published. Most applications under FOI are not politically motivated. They are made by people wanting information about treatment they were given, personal information that may be on file, or information about other matters. Most of those people could not give a tinker's cuss about the names of the individuals who may be involved.

There will be no objection to most applications, but if there is — if somebody says, 'I want to know those names' — the agency must advise the people concerned, and that is crucial. Those people can then lodge an objection with the VCAT. On the other hand, they can say, 'We don't care'; and if they do not lodge any objection within the specific time, their names are released. Not only are their names released, but any application fee paid by the applicant is refunded. In those circumstances there is no cost whatsoever. Were we told that by the opposition? Not a word.

We then get to the situation where the people object. These are private individuals whose names are not in the public domain, and they say, 'We don't want our names released'. So, what happens then? The matter goes to the VCAT and it, as a judicial body, weighs the public interest, which was the point I made originally, and says, 'We understand there is a public interest in your privacy and we understand there is a public interest in the people's right to know. We will make the decision'. That decision is made by the judiciary, and any appeal from the decision is made by the judiciary. It is always a judicial body that decides whether the names will be released.

It is a scandal that members of the opposition would get up here and say, 'We will deny the rights of people who work for the public service whose names are not in the public domain and who have a right to their privacy. We will deny them not only the right to say their names will not be included, but the right to go to a judge and ask, "Can you please decide?"'.

What a disgrace that opposition members would say those people will not be given the right to go to a court. They are the people who point the finger at us and say we are interfering with the rights of people in the courts and with the judiciary, yet the same opposition says it will not allow those people to go to the courts. That very neatly exposes the position opposition members are in. They do not care about the rights of these people — and why? Opposition members have a bigger picture and a bigger aim. Their aim is to try to score political points. The second priority is the people involved, and if there is a conflict opposition members will misrepresent the legislation; they will fail to tell people what is in the bill without contemplating the other side of the argument and they will create a political furore to score political points.

Opposition members have been doing that for seven and a half years. If you want to know how well they are going and what the constituents of this state think when they see them doing that, just look at the polls.

Ms KOSKY (Altona) — The honourable member for Berwick treats the public with disdain. He is leaving the chamber because he is not interested in listening to anyone else, including his constituents. If he believes the ALP can misrepresent the bill to the Law Institute of Victoria, the media, the Villamanta Legal Service and a number of other legal organisations he is fooling himself. They are sensible organisations that are capable of reading the bill and understanding it for what it is.

The opposition knows that the legislation is designed to tie-up the freedom of information (FOI) system and confuse applicants so that it becomes unworkable. The honourable member for Niddrie previously went through the history of FOI legislation in the state, and it is interesting to note that the honourable member for Berwick mentioned that the original legislation was introduced by the Honourable Haddon Storey in another place.

If the coalition government had been committed to FOI legislation when it was previously in government it would not just have introduced the legislation; it would have implemented it. It was the Cain government that brought the legislation into being. The FOI legislation provides the public with the opportunity to tell the government when government policy or actions are wrong or bad. The government does not want to listen to that message. Good government is prepared to listen, although sometimes it is uncomfortable. Bad government will use its absolute power not to learn from those its policies harm. It will shut down all FOI legislation or make it unworkable, as this legislation does.

It is with great regret that I speak on the bill because I had hoped the government would not try to undermine FOI legislation in Victoria to this extent. The changes

will make the FOI legislation unworkable. The great benefits of FOI legislation are that it improves the conduct of government by making government decisions transparent, making government accountable for its actions, and by providing information to the public. It is paramount to good government. It provides an open, democratic and accountable society.

It is also critical in preventing corruption, looking after mates, and covering up. FOI legislation has been of great benefit to the Victorian public since it was introduced in the early 1980s. One has only to look at the government's attempts to make secret its actions and decisions to see that this is so.

Earlier today a question was asked in the house about unanswered questions on notice concerning taxpayers' money. The government does not want to respond to questions on notice. That is a form of the house that is designed to provide information to the opposition. The government thumbs its nose at that form. During question time today the Premier sat down because he did not want to answer a question. He was again thumbing his nose at another form of the house.

The Auditor-General was nobbled and the legislation changed so that government actions and spending cannot be transparent, accountable and audited by an independent authority. If the government wants to reduce or shut down the capacity of not only the opposition but also the public to view and assess what it is doing, it has gone a long way towards achieving it — that is, by shutting down FOI, nobbling the Auditor-General and getting rid of anyone who dares criticise the government or provide alternative advice.

That is exactly what the government has done, and one must ask why a government would want to do that. Why would a government want to make the FOI legislation unworkable rather than fixing up the problem, as the government is suggesting it is trying to do? Opposition members know why the government wants to do that; we know why the government has nobbled the Auditor-General and why it will not respond to questions on notice. It is because it has a great deal to hide and does not want information getting out into the public arena so it can be judged.

The government has made a number of efforts to water down FOI legislation to make it difficult to access. Those processes began in 1993 when the government extended the definition of cabinet documents and introduced a charge on FOI. In 1994 it raised the cost of FOI applications to $150 — a significant deterrent for many people who wished to access information that the government was not prepared to hand over. It was necessary to go through the FOI process to gain access to that information.

In 1998 the change mentioned by the honourable member for Niddrie was introduced — the paying for an appeal where government does not respond after 45 days. It has made it very difficult for applicants to gain information that the government does not want to provide. A number of barriers are put in the opposition's way, but also in the way of a whole range of other organisations. If the government does not want to hand over the documents after a VCAT decision, it appeals and lengthens the process substantially, and of course increases the cost significantly.

If the government were really concerned about the identity of the 51 nurses in Frankston it could have appealed against the decision. Instead, the government altered the legislation to achieve what it really wanted to achieve — that is, the watering down of the FOI legislation.

The government is driven by secrecy, and a whole range of legislative changes that have been introduced into the house demonstrate that fact.

The bill creates an entirely new system of processing FOI applications where a document discloses the personal identity of public servants or a third party. Applicants who wish to obtain those names must appeal to the VCAT. In the event that that occurs the department must notify the public servants or third parties of the application and they then have 21 days in which to respond on whether they want their names to be released. If they fail to respond it is assumed they do not want their names released. I suggest the process could have been the other way around: if they did not want their names to be released they should have to respond. That would put the onus on the person whose name is on the document to make an active decision not to have his or her name released. Irrespective of whether they want their names released, the department can still object to the release. The onus is then on the applicant to demonstrate why the name should be released.

The government will attempt to argue that the opposition is capable of doing that, but I suggest there are groups other than the opposition that make major use of FOI legislation. It is really those people about whom I wish to speak in the time remaining available to me. They are people who have previously been clients of the government or its various departments or who have been users of particular government services and want to access information about their past.

In a previous life I worked with the former Community Services Victoria and was involved in a number of cases of people who had lodged FOI applications. They were wards of the state who wanted to know their previous history and what had happened to them, because often they were too young to know what was happening at the time. They wanted detailed information — not just what was done, but who was responsible for the decisions. The bill will rub out the ability to find out the 'who'.

People with disabilities want to know what has happened to them in the past and who made the decisions that have very much affected who they are today. Those who believe their children were adopted out similarly want to know about decisions that may have been made when they were only 15, 16, or 17 years old. Kooris, the stolen generation, likewise want to know what decisions were made and who made the decisions that have affected them for the rest of their lives. When I worked with Community Services Victoria major changes to government policy resulted from the use of FOI in a number of cases.

FOI has exposed atrocious happenings, and a collective of individuals who have applied under the FOI legislation for information about their past has been able to achieve ground-breaking policy changes that affect future generations. I refer to the Caloola institute, which many in this house will know of, where disabled people were basically put out of sight. They were placed in the institution and some had a terrible time. Some were there for very minor disabilities — in fact some were there just because they did not quite fit in. They were put out of sight and were never released. They were kept there; some spent 40 years in the institution. Pleasant Creek is another example — a psychiatric institution where a number of clients were assaulted — —

Dr Napthine interjected.

Ms KOSKY — I apologise, it was an institution for intellectually disabled people, where a number of clients were sexually assaulted by staff. FOI has assisted those people to find out what happened to them and who was responsible for a range of actions. That matter was brought before the government to enable it to learn about what was happening in such institutions and make major changes. The former Labor government certainly made major changes: it deinstitutionalised a whole range of people with intellectual disabilities. It was able to do so because clear information was available about what had happened to those clients. It was the clients who fought the case, and the then government responded and made major changes.

Young women who were wards of the state were forced to take Depo-Provera, which reduced or restricted their opportunities to become pregnant. They did not decide to take the drug; others decided for them what should happen regarding their sexuality. Again, those women could access the information via FOI legislation.

The changes made by the bill will make it almost impossible for the sorts of people I have talked about to access that kind of information and take the action required to alter the experiences for future generations.

I shall illustrate my point by referring to some examples that have been provided by the Villamanta Legal Service, which represents people with disabilities. I shall refer to what happens at present and then give an example of what would happen under the bill. A simple example is case notes. A note like:

> Phoned Judith to arrange appointment with Dr Smith.

becomes:

> Phoned [deleted] to arrange appointment with [deleted].

The removal of personally identifying material makes it impossible to understand what the appointment related to. It may be that the people in that case would be quite happy to have their names released, but if the person under consideration were someone who had assaulted a client that person probably would not be too keen to have that information released. Although the honourable member for Berwick said earlier that the applicant could appeal that sort of matter, if the applicants do not have the information it is very hard, particularly for people with disabilities or people who are not well educated, to trawl through and fight the system to gain the information to which they are entitled.

Another example of where the deletion of names makes things very difficult is:

> Met with [deleted] and [deleted]. Joe has been quite good apart from his behaviour in the morning when he is very bossy to [deleted].
>
> Discussed strategies.
>
> [Deleted].

Apart from finding out that Joe is bossy in the morning we have learnt nothing. We do not know who was helping to work out strategies to deal with his behaviour. If Joe or his advocate wanted to discuss such strategies they would not know with whom to deal.

Another example is:

> J has intellectual disability and has been a client of the Department of Human Services for over 50 years. J had grown up in an institution and was very dependent. Many years ago there were allegations of sexually inappropriate behaviour for which J has been kept in semi-locked up environment. No general service plan ... was done for many years. When a plan was requested, the file revealed who had been his case manager and what they had done (or failed to do) to assist J and made responsible to get things happening.

The bill will make it almost impossible — —

Mr A. F. Plowman — Why wouldn't you appeal that?

Ms KOSKY — It may be possible for people with intellectual disabilities to have the capacity to organise legal representation to appeal that and ensure they are adequately legally represented, but it is doubtful whether they would be able to get through the system. It is also possible that the public servants questioned would mount a case for not having their names made obvious.

The bill will block people from gaining access to information or will make it incredibly tedious for them to do so.

I will refer to a matter that involved my gaining access to information under the freedom of information legislation. I was able to find out the names of builders who were involved in contracts with the Office of Housing who had not fulfilled their obligations under those contracts because they had gone broke. If I had been given a document that had all of the names deleted from it, it would have been impossible for me to go any further. The fact that their names were listed in the document meant I was able to use that information to get further information about one builder who had something like seven contracts with the Office of Housing. The builder had sworn inaccurate statutory declarations in order to gain money from the Office of Housing but he did not pass on the money he owed to the subcontractors he employed. I brought the matter to the attention of the Minister for Housing. I would not have been able to do that under the bill, and the subcontractors would have no recourse.

It is ironic that a community visitor can obtain permission to view a client file, including all the names contained in it, yet under the bill a client cannot do that. Clients are not being treated in the same way as community visitors, and they cannot even gain access to information on their own files. No other Victorian legislation would allow the individuals I have talked about to gain access to the details of their files, but the freedom of information legislation has allowed that to happen until now. Under the bill that will no longer happen.

The bill is mean spirited and designed to reduce the transparency of government activities. It also provides the potential for corruption. The government has used the excuse of what happened to the 51 nurses at the Frankston Hospital to reduce the benefits that freedom of information legislation can provide not only for the opposition but also for the public. It will be to the detriment of the government if it reduces the transparency and accountability of government activity.

Ms McCALL (Frankston) — My role as the member for Frankston is to put the record straight about the high degree of misinformation that has circulated both within the media and in the chamber. It is not my role to either condemn or condone the actions of the Frankston Hospital. The Frankston Hospital has accepted that it was ill advised about its course of action.

I take the honourable member for Doncaster to task over the supposed statement made by Mr Bob Polk, the chairman of the Peninsula Health Care Network. My understanding is that legal matters are pending about his being misquoted in the media.

I speak on behalf of the Frankston community, particularly the Frankston Hospital and its nurses, about the reaction of the community to the changes to freedom of information (FOI).

I do not consider the changes to be a knee-jerk reaction. I consider their introduction to be an action taken by a sensible government that recognised that in cases such as this the interests of the individual were being subsumed for the common good. It is important to put the record straight. The government did not appeal the decision of the Victorian Civil and Administrative Tribunal because, as the Attorney-General has quite rightly said, the government was unaware of the VCAT case until it was announced to the public on 21 December 1998. It was at that stage that the government stepped in and advised the hospital that it had been wrongly advised and poorly represented.

Some major lessons should be learnt from the experience of the Frankston Hospital. The Frankston Hospital has been quick to accept those lessons — there have been changes in staffing and it has recognised that the protection of the privacy and the rights of individual staff members must be paramount.

My contribution to the debate is in response to the community's reaction to the fact that the freedom of

information application was made by Ashley Mervyn Coulston through his lawyer. I would like to put on record the facts about Mr Coulston's background and the reason the 51 nurses involved in the matter were so concerned that they had not been protected by the hospital.

On 29 July 1992 three people were murdered in Burwood. In deference to the finer feelings of honourable members I will not elaborate the rather gruesome circumstances surrounding those murders.

On 1 September 1992 Ashley Mervyn Coulston was arrested. On 21 September 1993 Mr Justice Teague convicted him on three counts of murder and imposed a 30-year sentence with a 25-year non-parole period. I will quote what Mr Justice Teague said:

> At Burwood, he snuffed out the lives of three young people in their prime and showed extraordinary contempt for the sanctity of human life.

That is the sort of character the nurses were dealing with.

On 12 April 1995 the Court of Criminal Appeal re-opened the case on the basis that the murders should be judged separately from other incidents. On 7 September 1995 a verdict on the re-trial was handed down by Mr Justice O'Bryan. He was again found guilty and sentenced to 30 years with no fixed non-parole sentence — on 7 September 2023 he will be released unconditionally.

It is significant, therefore, that Coulston has tried yet again to appeal against that, even though he has been convicted as a triple murderer on two occasions by unanimous decision of a jury.

Coulston's reasons for appeal relate to his de facto relationship with a Ms McLeod. The journalist Bruce Tobin wrote in the *Age* of 16 September 1993:

> Ms McLeod, who was in hospital in Frankston for a throat operation on the week of the murders, told the court that Coulston had arrived to visit her at about 5.55 p.m. on 29 July. He left about 25 minutes later, she said, then returned at about 8.10 p.m. They went outside for a smoke until Coulston left at 9.15.
>
> Coulston was seen back at Hastings by a security guard at 10.46 p.m. (The murders are estimated to have been committed abut 8.30 p.m.). Another witness said that when she left Ms McLeod at 6.45 p.m. Coulston was still there.

That is the basis on which Coulston's solicitor applied under freedom of information for the names of the 51 nurses who were supposedly on shift at Frankston Hospital at the time.

It is significant that at both trials the judges considered that:

> The circumstance that, after careful planning and of sound intellect, you invaded a private home and executed in cold blood three innocent young persons whom you did not know, highlights the heinousness of these matters.

Those are the words of Mr Justice O'Bryan as quoted in an article by Murray Mottram in the *Age* of 17 September 1995.

It was on that basis that the Frankston Hospital continued to resist releasing the names of the nurses who were on that shift and sought legal advice. It probably received inappropriate legal advice, but the hospital went through what it believed was the proper process. The Victorian Civil and Administrative Tribunal ruled in the end that the documents containing the names should be released, and they were released on 21 December 1998. Unfortunately the media picked up on the information and a number of less scrupulous individuals chose to make a cheap political football out of it.

Some of the nurses listed among the 51 worked under their maiden names. That is significant because it raises the question of how television crews knew enough to enable them to appear outside the nurses' marital homes within 24 hours of the names being released.

Over the years Frankston has earned an unfair and undeserved reputation for having some difficulties: Sarah McDiarmid disappeared from Kananook railway station; and there was the difficult case of Paul Denyer being arrested in Frankston. It was understandable, therefore, that the people of Frankston became nervous when they heard that a convicted triple murderer had received the names of 51 of the nurses practising at Frankston Hospital. Most of the nurses live close to the hospital, so it is likely that their names appeared in the telephone book and were in other ways easily accessible to the public.

I have absolutely no difficulty in supporting the amending bill on behalf of the people of the Frankston community and in recognition of the problem that occurred last December. The bill is good legislation because it prefers the privacy of an individual to a perceived common good. I am happy to support the bill on behalf of the Frankston community.

Ms DELAHUNTY (Northcote) — I regard the matter as being of great importance to the Parliament.

It gives me no joy at all, Mr Acting Speaker, to have to rise and comment on this bill. What a doozey! It is a tragic testament to the lengths to which the government

will go to scurry away from scrutiny and hide from any form of debate or accountability.

This government is the master of the secret state, the spin, the marketing policy and the glossy brochure, but it is not accountable. History will judge this government very harshly — for this bill, for its attack on freedom of information (FOI), and for its enduring attack on freedom of speech in Victoria.

We will see the effect of the nobbling of the people's watchdog, the Auditor-General. The Auditor-General must represent the people's interest, through the Parliament, by watching the way governments spend their money.

We have seen the way teachers and school communities, for example, have been gagged. Freedom of information and freedom of speech are cornerstones of a healthy democracy. Democracy, however, is a dirty word in the corridors of this government.

Governments are not proprietors. The Kennett government thinks it can sell off everything that is not nailed down; but governments are not proprietors, they are caretakers of the public interest, the scaffolding of democracy and the democratic principles we hold so dear.

Freedom of information, as has been enunciated by previous speakers, is a proud and honourable tradition in this state. It was spawned on by the courage of John Cain, a former Labor Premier who knew the need for due process and principle. John Cain was a man of principle, sometimes to his own cost.

In the years since it was introduced — the opposition of the time made much use of it! — the legislation has been systematically gutted by the Kennett government. The government has instituted increasing costs, greater complexity and longer waits for access, and FOI has become available only to those who can afford it.

But why should we be surprised that this government wants to gut FOI? We know Victoria is the secret state and that the government spends an inordinate amount of money and time keeping Victorians in the dark. We also know how much FOI has revealed in the past about government perfidy. We now also know, thanks to FOI, the continuing scandal of Intergraph — but the government will not acknowledge it and will not deal with it. The cost remains.

Thanks to FOI the public knows about the systematic abuse of credit cards that the government refuses to acknowledge and public money continues to be abused by public servants. Again thanks to FOI the public knows the real story about class sizes in the state's education system. FOI has revealed the real story; not the spin or the marketing strategy or the public relations lines that have been pushed into schools by the Premier's propaganda unit and the Department of Education. Schools are advised how to manage the government's spin on class sizes so that the angst rightly felt by school communities is dealt with to achieve minimal negative impact on the government. Through the assiduous work of the former shadow Minister for Education the opposition discovered the real story about class sizes and it is not a pretty story. The opposition was charged $3200 to access information about class sizes.

The ACTING SPEAKER (Mr McArthur) — Order! I remind the honourable member for Northcote that the bill is narrow and that while the Chair has allowed a certain latitude to the lead speaker the same latitude does not apply to other speakers. The honourable member's remarks should be directed to the bill and not to a general discussion of public policy or freedom of information.

Ms DELAHUNTY — The way FOI has been used but will not be able to be used if the act is proclaimed is central to the debate. Earlier speakers outlined the reasons the bill makes freedom of information totally unworkable. Issues the opposition has shared with the people of Victoria will no longer be explored and information will be denied to the people of Victoria. Information about class sizes cost the opposition $3200 to obtain but was given to the media for free — but again, it had the government's spin.

The former shadow Minister for Education exposed the half-million-dollar man, Dr Kevin Donnelly, through freedom of information. With tremendous good luck and timing Dr Donnelly's two companies attracted contracts amounting to some $540 000 in approximately three and a half years. That is not bad if you can get it!

An honourable member interjected.

Ms DELAHUNTY — Do you think he will be? He certainly does not have to worry about superannuation since he has earned a tidy sum from the Department of Education over the past three or four years — without tender, as the opposition discovered through freedom of information.

Surely Victoria's poisonous playgrounds are a matter of acute public interest. Again, through FOI, the opposition learned that some 116 Victorian public schools endured drilling in their playgrounds because

the department was looking for poisons and contaminants. What damage could that have done to our precious young children? No explanation was given to the school communities. The government's attitude was 'Take the drills in and start banging away in the playground'. Whatever happened to the kids as this occurred was of no consequence to the government; it was all to happen in secret and no-one was to know even when it came to something as central as the students' health. No wonder this miserable, manipulative government wants to close down a central avenue of information and accountability where citizens may learn what their government is doing.

What effect will the legislation have? The honourable member for Berwick says the ALP is in a bit of a tizz about it. A bit of a tizz about democracy! A bit of a tizz about information that is the lifeblood of any democratic discussion! The honourable member says the opposition has missed the point. According to the honourable member the point is that the bill will protect the individual's right to privacy. That is news to most distinguished leaders in the field of freedom of information and accessibility to government. Community leaders and the legal profession in particular do not mention an individual's right to privacy because they know that the individual's right to privacy is already protected in the existing act.

The putative reason for the legislation is the unfortunate occurrence at Frankston Hospital with the 51 nurses. That could have been avoided if the hospital had chosen to protect the nurses' legitimate rights to privacy. The honourable member for Frankston says the hospital mishandled the matter. The rights to privacy are already protected in the existing legislation. It is a furphy to say that protecting the rights to privacy is the reason for the legislation.

Honourable members do not have to take my word for it. What have the leaders in the field of FOI said about this tiny little amendment, which is how the Attorney-General referred to it? That experts were not consulted about the change indicates that the government wants to run from scrutiny.

Mr Rick Snell, a lecturer in administrative law at the University of Tasmania and national editor of *FOI Review*, has stated:

> No other jurisdiction in Australia or overseas has even considered returning to such a dark age of public service cover-ups and secrecy.

The president of the Law Institute of Victoria, Mr Michael Gawler, said he was surprised and disappointed. He has stated:

> Given there has been no demonstrated problem with the existing legislation —

I repeat, no demonstrated problem with the existing legislation —

> these proposed changes can only be seen as a reduction of the accountability of the Victorian government.

Mr Gawler is spot on because that is what the legislation is about. Honourable members should be under no illusions about that.

Lawyers, academics, the nurses union and the press council have all accused the government of using the nurses case to justify dismantling FOI, yet personal exemptions that are provided for in the act were not used in that case. The bill is not about protecting nurses or protecting the right to privacy. It is about closing down accountability by the government. That is also the view held by leaders in the FOI field. If the experts in the field had been consulted perhaps the Attorney-General would have had the benefit of their advice.

The opposition knows the real reason for the bill — it is consistent with the government's obsession with secrecy. History will treat the government harshly, as it should. Victoria will be called the secret state. It will be known as the state where everyone is kept in the dark. Good government is like good sex — it requires consent, trust and — —

Ms Davies interjected.

Ms DELAHUNTY — It requires the communication of desires, as the honourable member for Gippsland West would know. But that is not happening because there is no information, debate, consent or accountability in Victoria.

On 8 May 1999 an article appeared in the *Age* entitled 'How the Kennett government keeps Victorians in the dark'. The government has made keeping people in the dark an art form — something that I have taken a great interest in. The article states:

> As the Kennett revolution rolled on, the state government found ever more subtle ways of keeping the public in the dark. It zipped the lips of thousands of state employees through employment contracts, regulations and service contract clauses that forbid people from speaking publicly.

The government has ensured there is no freedom of information and no freedom of speech. The article continues:

> As privatisation has spread through the education, health, electricity and transport sectors, truckloads of information that

> was previously publicly available was locked away in a corporate strongroom labelled 'commercial in confidence'.

Even the Brighton branch of the Liberal Party said that the mask of commercial in confidence posed a tremendous risk of corruption to the government.

The bill makes FOI unworkable — it makes it convoluted and contorted. It makes FOI unworkable not only for people who have a political responsibility to expose the government's misdemeanours and perfidy, but also for people who rely on access to information through FOI because they have no other avenues to find out about their own files, such as people with disabilities, wards of the state, some from the Koori community, and so on. Both the opposition and the government know those people will not be able to use FOI.

I conclude on this sad day with a quote from John Stuart Mill's seminal treatise *On Liberty*:

> ... a state which dwarfs its men, in order that they may be more docile instruments in its hands ... will find that with small men no great thing can really be accomplished.

I am ashamed to be a member of this Parliament on a day when it will pass legislation to make FOI unworkable and choke off the oxygen of the democratic state.

Mr PATERSON (South Barwon) — The introduction of the bill demonstrates a considered response by the government to what was an horrendous situation that resulted from the release under freedom of information (FOI) of information concerning the Frankston Hospital. The bill before the house is an excellent piece of legislation.

Before I respond to some specific issues that have been raised with me, it is worth while pointing out to the honourable member for Northcote that off its own bat the government referred certain issues of concern regarding the ambulance service to the fraud squad. On the issue of class sizes, the government published newspaper advertisements explaining class sizes around the state. Perhaps more attention to the truth would go a long way.

The Villamanta Legal Service in the electorate of Geelong, which is a neighbouring electorate to South Barwon, has raised concerns about the bill, and I will deal with some of those issues. Philip Grano has written to me and some other members of Parliament. Although I do not know him personally, I am informed by the honourable member for Doncaster, who knows Mr Grano personally, that he is a genuine chap, so I assume he has raised these issues in a genuine way.

The Villamanta Legal Service, which describes itself as a statewide disability legal service, has raised several concerns. It says the bill will lead to a substantial increase in the number of applications to the VCAT because personally identifying information is critical to understanding the files of mentally impaired people.

There is no evidence to suggest that the number of applications to the VCAT will increase once the bill is passed. That is because the bill will put the law in Victoria back to what it was prior to the Coulston decision — that is, that names, in effect, amount to personal information — when it was the practice of at least some government departments to remove names of third parties from FOI documents in any event.

Furthermore, personal information excludes information which the applicant either already knows or should know, and it is important to remember that. If the applicant would normally know the names of persons on his or her records — for example, treating health carers — but does not as a result of a mental impairment, the names would most likely amount to information which the applicant should know and so would not amount to removable personal information.

Villamanta believes it is unlikely that Victoria Legal Aid would cover the cost of further applications of mentally impaired people seeking the VCAT's intervention. As explained, I doubt whether there will be further applications to the VCAT, so it is unlikely that additional funding will be needed at that level.

Villamanta also gave some examples of where it thinks the bill might cause difficulties. It gave the example that 'J has contacted her local MP to complain' might become in an FOI application '(deleted) has contacted her local (deleted) to complain'.

If J is the applicant, the information will not be deleted because personal information relates only to non-applicant identifying details. If J is not the applicant but rather, a third party, J may not wish the applicant to know her identity and might question why the information is kept in such records in any event. If there is good reason for the applicant to know who J is or who her local MP is, the VCAT would release the information.

Villamanta also suggests that the workload of FOI administrators could increase due to the need to remove names. Currently all documents released under FOI require careful scrutiny; FOI administrators must check them to ensure that they do not contain any exempt material, such as material relating to trade secrets. Such material must be deleted prior to release. The

documents must then be copied, and that can be a laborious process, especially with old files.

Departments and agencies should already be equipped to handle those procedures. The task of whiting out names of third parties will add little to the process. Victorian law, until Coulston — we heard about the Coulston issues in reasonable detail from the honourable member for Frankston — held that names of third parties amounted to their personal affairs and required them to be deleted where it was reasonable to do so. Accordingly, the new law should not change the practice of agencies and ministers' offices.

Villamanta is concerned that a third party who intervenes in VCAT proceedings will be forced to release his or her own identity thus defeating the purpose of the bill. That will not be the case. It is envisaged that a third-party intervener will be required to make a written submission to the VCAT, either directly or through representatives.

Villamanta is also concerned that the bill renders files on mentally impaired people useless. As I explained before, it is unlikely that information identifying the carer of an FOI applicant would be deleted as that is information the applicant already knows, or should know, thus rendering it non-removable. If someone else were to apply under the FOI act for the release of the files, the information would probably be deleted. If there were good reason to access it, that would have to be argued before the VCAT, and that is how it should be.

Villamanta believes the onus to prove reasonableness falling on the applicant is unnecessarily onerous. The majority of people who seek documents under FOI do not need or wish to access personal information relating to third parties. If they need or wish to do so, it is reasonable for them to demonstrate for what purpose they need the information. It should not be up to third parties to hold the burden of proof that the information should not be released. Villamanta states that people seeking documents are unsure of what ultimate use they will make of them but hope they may unlock some information through which they can move forward in their lives. That is too vague a reason to shift the burden of proof — which is a serious issue — to third parties.

Villamanta lists a number of other acts through which information held by users, and some providers, of health services may be accessed. It says that it is illogical and ironic that a community visitor can obtain permission to view a client file, while parts of it will be inaccessible to the actual client.

The bill deals with information provided under the Freedom of Information Act. It does not seek to restrict the availability of information through any other means. If a person may access similar information through those other means — for example, the Intellectually Disabled Persons Services Act — that might be the more suitable way of doing so. If provisions in that act prevent a person from seeing the whole of his or her file, there will undoubtedly be good reasons for so restricting them.

Those reasons do not relate to the bill. Villamanta also raised what it felt was a technical flaw in the drafting of the bill. The Attorney-General's department has advised that the cross-reference in the bill is correct.

The Attorney-General and the Parliamentary Secretary, Justice, ought to be congratulated on bringing the bill to the Parliament.

Ms DAVIES (Gippsland West) — I feel sad about the need to speak on a bill like the Freedom of Information (Amendment) Bill. I keep hoping the government will stop tightening its hold on information and stop trying to control people's rights to open and accountable government.

I received a briefing on the bill from officers of the Attorney-General's department, who were at pains to reassure me of the government's good intentions. One of the arguments they used in trying to reassure me was, 'We included a right of appeal to the VCAT. We did not have to put that right of appeal in, so you can see we are honourable people'. They were at pains to reassure me that the aim of the bill was to protect the rights of people such as the nurses in question and that the changes were simple and limited. I am afraid they did not convince me.

The key to my concern about the bill is that the only excuse I have ever heard for the introduction of the bill is the one case in which some nurses' names were released to convicted triple murderer Ashley Mervyn Coulston. I have no doubt at all that the release of those names to that individual was a bad thing. However, around that time the Premier was quoted in the *Age* of 15 January as saying that he had:

> ... had concerns about both VCAT and the Freedom of Information Act for some time —

that is, before the incident with the nurses. The next day, 16 January, he was quoted as saying:

> Ever since FOI was introduced it has been consistently expanded and at times misused.

In other words, it was not just the case of the nurses that motivated the Premier to start pushing for changes to the Freedom of Information Act. Given that he mentioned the Victorian Civil and Administrative Tribunal as one of the bodies he was concerned about, beware VCAT! I suggest the Premier's concerns are based on the use of freedom of information (FOI) in the past few years to reveal the poor taste if not the illegal behaviour of government ministers and public servants who have used credit cards to indulge themselves in lifestyles my constituents have never seen the like of. Perhaps one of the other concerns the Premier has about the FOI legislation centres on the number of times he and his government have lost appeals against the release of information about the casino, ambulance services, school numbers and hospitals, et cetera.

I find the Premier's use of the word 'misused' to describe FOI is ambiguous. I do not believe revealing what governments prefer to keep hidden constitutes misuse. Anyone arguing that the changes in the bill are the result of problems with the current legislation should be able to quote many more examples of misuse than have ever been quoted to me. I have not heard the Premier, the Attorney-General or justice department officers refer to anything other than the one instance involving the nurses as a justification for the bill.

Changing the legislation because of one unfortunate incident is rather peculiar, to say the least. All the people I have spoken to, including officers from the Attorney-General's department, acknowledged that the nurses affected by that one instance of FOI being misused could have had their privacy protected if the legislation had been allowed to work as it should. The hospital could have been represented at the hearing, and the nurses could have appealed against the release of their names. That incident was bungled; it was not an inevitable result of the existing legislation. As I said, if the Freedom of Information Act is being misused, I would expect government members to be able to quote multiple examples of that misuse.

If the Attorney-General feels injured by the lack of public trust in the government's good faith, I suggest she has no-one to blame but her government. I do not like living in a secret state. I grew up with notions of freedom of speech and my right to live in an open and representative parliamentary democracy. I accept there will always be a tension between a government's wish to control and the public's wish to know, but I genuinely believe the government keeps going too far. Its obsession with being commercially focused moves it too far away from the democratic model. Victorians are faced with employment contracts that keep individuals under control; commercial confidentiality provisions that remove our right to know about the deals the government is making; cabinet-in-confidence provisions that remove whole blocks of information from the public arena; and bullying behaviour by a Premier who denigrates, ridicules and silences people who do not agree with his point of view.

All those matters have changed our society, and changed it for the worst. I urge the Premier to read *Brave New World*. His exhortations to the populace to stop thinking and follow his vision sometimes remind me of the soma-induced haze and brainwashed population of *Brave New World*. This small alteration to the FOI legislation — as it has been described to me — must be treated with suspicion. I wonder that it has not caused considerable unease among people who describe themselves as traditional liberals.

The FOI legislation is not just used by people looking to correct the behaviour of government ministers and high-ranking officials. The previous speaker, the honourable member for South Barwon, referred to the Villamanta Legal Service, which has brought to the attention of members of Parliament other issues relevant to the users of FOI. The Freedom of Information (Amendment) Bill will further disadvantage people in our society who are already seriously disadvantaged. I quote from the submission of the Villamanta Legal Service, which talks about people who are disabled accessing their Human Services files:

> Most Human Services files consist of notes of workers about what they have done for a client, whom they have contacted, what they have arranged, what has been said. The majority of information involves the written record of actions of persons who are identified.
>
> For many clients these files constitute the accessible memory of a person's life. Many clients will have forgotten what has happened to them and many will not be able to articulate what has happened. The files are crucial repositories of memory. Like memory, the files are a mixture of objective data and subjective interpretation. Like memory, the most important information concerns the people whose activities fill the pages.
>
> The removal of personally identifying information from a client's file will render it a less valuable instrument of memory, if not make it a wasted instrument.

It is not just those with intellectual disabilities who sometimes need to access files about themselves, to collect and gather important details of their own lives. I heard various groups mentioned today by the honourable member for Altona. Much information is rendered useless without the context of who, what and when. The addition of an onerous and extra time-consuming process of appeal where access to people's names is required adds another layer of cost, difficulty and obstruction to the process, and it will

alienate, depress and discourage people from feeling they have a right to take control of their lives.

The change will make things more difficult for people in rural areas. There is a difference between being able to write an FOI request and posting it and having to go to a VCAT appeal, which will probably be held in the city at some later date. People will need the time, means and money to afford representation at an appeal, or they will represent themselves. People's lives often get tangled up with bureaucracy and having the ability to take control of their lives by knowing what bureaucrats are writing about them is an important part of that control.

I accept that the government will pass the legislation, no matter what is said in the house. The government sows the seeds of its own destruction and its own future difficulties by enacting legislation such as this. I urge government members to remember that they have been in opposition previously and will be in opposition again, and that one day they will need to go hunting for information. Governments should never be so arrogant as to forget that reality. The government becomes ever more arrogant.

The bill is small piece of legislation. If I were to describe its effect I would say it is turning the screw just another half turn. I regret the government's arrogance and blindness. I urge coalition members to hold their leaders in check. Small steps such as this can still lead governments in very dangerous directions. I urge honourable members to vote against the bill.

Mr THOMPSON (Sandringham) — I am pleased to join the debate. A number of opposition members were overtaken by hyperbole in expressing their perspective on what the bill relates to.

One need only go back to 1991–92 to see how freedom of information requests were dealt with by the previous Labor government. An article in the *Age* of 16 April 1992 refers to applications for information regarding a payout to a former adviser of the government and a $50 000 public opinion survey on the community's attitudes to the government of the day's financial management. It was stated that the former Administrative Appeals Tribunal had strongly criticised the Department of Premier and Cabinet for refusing to release the findings of the survey. The article reports the fine words of the honourable member for Doncaster:

> The tribunal's decisions were a 'great victory' for the public ... He has been pursuing the documents for eight months.

An editorial relating to other documents and headed 'Keeping the public free from knowing' appeared in the *Age* of 19 July 1991. The middle paragraph of the editorial notes:

> There have been too many cases in which ministers and public servants have dragged their feet on requests for information from the opposition, the media and others. The latest involves the Ministry of Transport .... The statutory requirement is that a reply be given within 45 days.

In one case cited by the editor it took not 45 days but some 42 weeks to get a reply. I question whether speakers on the other side of the house had read the bill before they made their remarks in the chamber today.

There are some important points to be made about the bill. Firstly, the legislation is a response to circumstances that arose at a hospital in the southern part of Melbourne. A person who was incarcerated at the time sought personal particulars — names and addresses — of nurses who had worked at a hospital. Subsequently it was felt that the information was not appropriate to be disclosed to the world at large and the bill is a response to the need to protect members of the community from again being faced with that circumstance.

Although on its face the legislation may appear to lead to the non-disclosure of identifying information, if opposition members had taken time to read the bill they may have wended their way through to clause 27F(3). It states:

> The tribunal cannot order that access be granted to a document to which this Part applies if, in the opinion of the Tribunal, the granting of access —
>
> (a) would be contrary to the public interest; or
>
> (b) would, or would be reasonably likely to, endanger the life or physical safety of any person.

Those requirements are not unfair or inappropriate in the circumstances. Non-disclosure can only be maintained if the disclosure would be contrary to the public interest or would be reasonably likely to endanger the life or physical safety of any person.

Opposition members have gone on an odyssey weighed down by hyperbole in speaking about the dark days of the end of democracy and cover-ups. Those remarks are not germane to the terminology in the bill. Early in the bill reference is made to personal information such as the information that was made available in the case of the nurses at the Frankston Hospital. The government, with the guidance of the Attorney-General and the assistance of the parliamentary counsel, has come up

with a methodology to ensure that such a case does not occur again.

Personal information is defined in the bill as relating to information that might identify any person or disclose his or her address or location. Clause 27A(b) states:

> ... from which any person's identity, address or location can reasonably be determined.

It is a constructive legislative response dealing with finite issues which protect the public interest in the longer term. If, for example, the public interest is not jeopardised by the disclosure of information, if the person whose identifying details have not been withheld does not object to the disclosure of the information or if the identification would not be likely to jeopardise the physical or personal welfare of the individual, the information is available and open to the public.

It is for those reasons that I fail to comprehend the journey taken by those on the other side of the house as they endeavoured to criticise a piece of legislation that on my reading recommends a constructive response to a given circumstance.

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

Mr THWAITES (Albert Park) — The bill is another example of the government undermining the Freedom of Information Act and making it more difficult for members of the public to discover what is happening behind the closed doors of government. The government has introduced legislation year after year in an attempt to make it more difficult for the ordinary citizen to ensure that the government is held accountable for its actions and to discover the details about the way the government has treated Victorians. The government has claimed through the Attorney-General that the legislation merely restores the previous position. An article by the Attorney-General that appeared in the *Age* of 21 May states:

> The bill restores the previous position that existed in Victoria, so that personal information is deleted from documents before being released under the act.

If the bill merely restores a position that was generally regarded as appropriate, the opposition would not oppose the bill. However, the bill does much more than that. It destroys one of the basic principles of freedom of information — that is, that the onus ought to be on the government or the agency to exempt documents. The bill totally changes that and puts the onus on the applicant to prove that documents should be released.

The bill also proposes a fundamental restructuring of the Freedom of Information Act. In doing that it runs contrary to the philosophy underlying the act and should be opposed for that reason. The new provisions will apply to all documents because almost all documents contain the name of at least one person. Under the provisions of the act, any such document will bring it within the ambit of proposed section 27A. That section creates a completely different procedure for handling cases than has previously applied.

Previously a freedom of information officer would be able to determine whether an exemption applied and whether documents should be released — for example, if the exemption related to legal professional privilege the freedom of information officer would be able to determine whether legal professional privilege applied and then determine whether the particular agency wanted to claim that privilege and, if so, not release the document. Even if the agency and the affected person want to release the document, they will be unable to do that under the legislation. Even if all the parties want to ensure that the information is out in the public arena, they will be unable to do that.

The legislation will lead to a massive increase in the number of cases before the Victorian Civil and Administrative Tribunal. It will lead to a backlog of cases in a tribunal that already has very long delays. Agencies and applicants that are agreeable to information being released will be unable to release it. The only way that information can now be released is by a hearing or by an application to the VCAT. If there were no delays and the tribunal was operating in a speedy and fast way, such legislation could at least be countenanced. However, at a time when the VCAT is suffering from extremely long delays it is totally inappropriate to impose this legislation.

As I said, the bill will create a completely new and separate procedure that will apply to one type of exemption alone — that is, the exemption for personal documents. It is ironic that it will be much harder for an applicant to obtain information that might have the name of a public servant, even if that public servant agrees to its release, than to obtain information about legally privileged professional documents or documents concerning commercial confidentiality, or even documents that might threaten a criminal investigation.

It is extraordinary that one exemption category has been pulled out of all the other categories and had a whole different procedure attached to it.

Dr Napthine interjected.

Mr THWAITES — The Minister for Youth and Community Services suggests that we move some amendments to include all the other categories in that procedure. I am sure that will be in next year's or next session's bill because this government has an absolute obsession with secrecy. The bill is part of the government's plan to impose a secret state on Victoria so that the public is unable to access information about the goings-on of government agencies.

The Attorney-General was recently reported in a press article as claiming that the bill would simply restore the previous position in Victoria. Certainly some questions have been raised about the role of the Coulston case and the way the names of public servants can be released following a freedom of information request.

Numerous decisions of the Victorian Civil and Administrative Tribunal — formerly the Administrative Appeals Tribunal of Victoria — have held that where personal names are requested, that is personal information and is therefore encompassed by the exemption under section 33 of the act. Therefore, there is no need for this proposed legislation. In the case of the nurses at Frankston the tribunal and the court could have ordered that the names be exempted, but they did not do that. Probably the main reason they did not do so is that the case was mishandled by the Peninsula Health Care Network.

However, even if there was an error in the way the tribunal handled the matter the legislation could easily be fixed without creating the huge obstacles that the Attorney-General has created in this bill. The legislation could have included a simple statement to the effect that 'In section 33 of the Freedom of Information Act "personal information" shall include the names and addresses of public servants'. If that is what the Attorney-General wanted to achieve she could have done so quite simply, but instead she has completely changed the way freedom of information operates so that it will now be more expensive for applicants and the government — and therefore the taxpayer — and it will create a cumbersome procedure that will make it very hard for people to discover the truth about what is going on behind the closed doors of government.

If the government had simply wanted to restore the position that it believed applied previously it could have achieved that easily. However, it has not done so. It has introduced a new provision which changes not only the understanding of the term 'personal information' but also the onus of proof in freedom of information. The situation that has always applied has been quite clear. The government has always been required to prove why documents should not be released, and that has been the case for good reason: we all have a right to know what is in documentation that the government holds. That is not unreasonable. The provision is there for a purpose. A government that is open and forced to be accountable is more likely to be a good government; and a government that is able to hide behind legislation such as this is more likely to go down the path of incompetence, mismanagement or corruption.

The bill contains a number of provisions that I hope the Attorney-General will address. In particular I ask her to advise how the freedom of information officers who have to handle these cases will deal with the provision in the bill as to whether the applicant already knows the name of the public servants set out in documents. The bill states that if an applicant already knows or ought to know the personal information in the documents, the documents may be released. There is no way that the freedom of information officers will know whether an applicant knows the names of various public servants. Most applicants know very little at all. The provision represents just another hurdle that has been put in the way of people who want to discover what is happening under this government. It is a further obstacle.

The bill by itself does not destroy freedom of information, but it is yet another step down that track. It represents another brick being put in the wall between the people of Victoria and the activities of government behind closed doors. That is contrary to the objectives and the provisions of the legislation.

One of my main concerns is not so much the way the legislation will affect the opposition or the media but the way it will affect people with disabilities or those in the community who may wish to seek information about the way they have been treated in various institutions, by doctors or in hospitals. Under this bill anyone seeking such information will be confronted with a new provision that makes the whole document exempt. The applicant will then have to go off to the Victorian Civil and Administrative Tribunal, pay a $170 fee and wait for probably six to eight months — which is the current delay period — before gaining access to the full document.

The proceedings before the tribunal are sometimes complex and difficult to understand, and they are doubly so for someone with a disability. It will be a common occurrence that people with disabilities will simply give up. They will not bother trying to get the information that they deserve and need because either they will not be able to work their way through the complex process or, alternatively, they will not be able to afford it. The Villamanta Legal Service has provided

information to most members of Parliament which points out that the bill is flawed because it will make it very difficult for people with disabilities and others to obtain access to documents that in many cases are quite simple and ought to be released promptly.

It is ironic that the honourable member for Doncaster supports the bill because he was a great user of the freedom of information legislation when in opposition. In a number of cases he sought quite particularly the release of the names of public servants. In one case before the former AAT involving the then Department of Manufacturing and Industry Development he sought the release of the names of all public servants who were associated with a particular grant from the department. The tribunal held that those names should not necessarily be revealed and that it would be an unreasonable disclosure of information to reveal those names.

There is plenty of precedent for the tribunal to find that the names of public servants are exempt because they are personal information. The key point is that under the principal act the tribunal has always had the power to create a balance between, on the one hand, releasing the names in the interests of public scrutiny and, on the other hand, not releasing them in the interests of privacy. The tribunal will no longer be able to undertake the balancing process that it has previously undertaken. The power of the tribunal and that of the freedom of information officers has been removed and replaced by a cumbersome and expensive process.

The bill will not result in fewer hearings before the tribunal. I suggest it will result in probably hundreds if not thousands more hearings. I note from last year's annual report on freedom of information that the exemption of personal privacy was claimed in more than a thousand cases. There is now a risk that the Victorian Civil and Administrative Tribunal will have to consider that matter in each of those cases. That will mean the number of cases before the tribunal will increase considerably, which will lead to longer delays.

I discussed this matter previously with the Attorney-General, who indicated that her aim was to try to keep the situation extant under the new legislation, as had been agreed previously. I would have thought there would be a way for the Attorney-General to achieve that. She could achieve it by making a simple amendment to the legislation to ensure the names and addresses of public servants are defined as personal information. This expensive and cumbersome mechanism the legislation entails does not need to be created.

However, it seems the real agenda of the Attorney-General and the government is not simply to keep the situation as it was before but to introduce an additional obstacle and expense to make it much more difficult for the public to obtain the information it has every right to obtain.

Mr E. R. SMITH (Glen Waverley) — It is with pleasure that I contribute to debate on the important Freedom of Information (Amendment) Bill. It is a shame that throughout the debate the Labor Party has been out to deliberately mislead the public regarding what the bill is about. It is a simple bill, but the Labor Party has chosen to mislead the public because it is in its political interests to do so. As honourable members have previously mentioned, the bill follows on from the Frankston Hospital case, when nurses' names were released to a convicted murderer. The bill introduces a monitoring system that will allow the release of names to be monitored fairly carefully.

Honourable members interjecting.

Mr E. R. SMITH — No, we want to let the public know exactly what the bill is about. The aim of the bill is to give ordinary public servants, when their names appear in a freedom of information (FOI) release, the opportunity in advance to say, 'No, I do not want my name to be released'. The aim of the legislation is not to allow a person of some prominence or a public servant whose name is on the list of government officials the right to hide behind the legislation. The legislation is there to provide a means of anonymity to people who would normally be embarrassed, as were those nurses.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The level of audible conversation in the chamber is too high. I am finding it difficult to hear. I ask members to keep their voices down so the honourable member for Glen Waverley can be heard.

Mr E. R. SMITH — The names of the nurses from Frankston Hospital were released to one of the most notorious murderers gaoled in the past few years, Ashley Mervyn Coulston. He needed the names for an appeal hearing in an attempt to have his sentence reduced. It is absolutely outrageous that those names were released.

The Attorney-General has attempted to give the little people in the public service the right to anonymity when they request it. The honourable member for Albert Park tonight merely set out to frighten people when there is no need to do so. The Attorney-General would agree there has been an incredible campaign.

I have a long history of involvement in the FOI area. The honourable member for Niddrie said the Labor Party is there to represent the little people. I wonder how many times the honourable member for Niddrie or any other members have been personally involved in a Supreme Court case and worried about what decision would be reached. I took the *Legge v. Williams, Winter and Higgs* case to the Administrative Appeals Tribunal in 1988, and I won. The Premier of the day, John Cain, then Attorney-General Jim Kennan and the Director of Public Prosecutions took me on appeal to the Supreme Court.

When the case went before the Supreme Court I represented myself. On the side of those taking action against me on appeal were two QCs and a table full of barristers. The case went over two days. That complicated case — *Legge v. Williams, Winter and Higgs* — involved the solicitor John Gerard McArdle. I felt honoured to be allowed to go to the table. There were three learned judges of the time in the Supreme Court. The case went reasonably well; it was well prepared. But I was up against barristers of the calibre of Hartog Berkeley, QC, and Michael Black, QC — now His Honour — the head of the Federal Court. They were formidable opponents.

If I had lost the case I would have been paying the costs with my family home. The costs would have been enormous. The honourable member for Niddrie brushes it aside as a normal thing to go to the courts and win. If I had lost that case I would have lost my family home. As it turned out, when the case eventually went to court, I won and the documents were released to me under freedom of information. The pressure on our family was lifted. I took those steps because I believed in the case of Ronald Victor Legge, who I still believe was a victim. The case went as far as the grand jury, something that had never happened in Victoria in our generation — an extraordinary case.

It concerns me when members of the Labor Party such as the honourable member for Niddrie blithely cast aside the worries of individuals who would have had the same concerns as I had. I am particularly concerned when he claims he represents only the little people, as though the Labor Party had a monopoly on representing the little people.

Having studied this case and experienced appearing in the courts and having known the pressures on my family and me regarding freedom of information, I suggest this is nothing more than a deliberately misleading campaign by the Labor Party on a simple issue. For the benefit of the former Leader of the Labor Party I point out again that the bill enables the little people such as the nurses in the Frankston Hospital case, in which information had been requested by the court, to have the option of having their names either used or not used — the option of anonymity. That is what the bill is about. The honourable member for Albert Park has had his go, so I hope he will listen carefully. He is probably at the forefront of this campaign of misinformation.

The bill gives the court the ability to ask individuals named — smaller individuals who do not have the notoriety of having their names published in the *Victorian Government Directory* or anything of the sort — whether they want their names to be used. It is as simple as that. The misleading information put about by the Labor Party is outrageous. If this campaign had involved honesty, as was initially intended, I believe such misleading information would not have gone out to the public.

There is no monopoly on representing the little people. The Labor Party does not have that monopoly, and I congratulate the Attorney-General on having raised the status of freedom of information.

Many of us have been involved with freedom of information over the years with very little publicity but with a keen interest in looking after the interests of the little people such as Ronald Victor Legge. The government is looking after the little people. It is a shame that the intention of the campaign is to completely and utterly destroy the confidence of the little people in the freedom of information legislation being in place for its intended purpose. Many of us have used the freedom of information legislation. Some of us have taken our cases right to the top of the legal system, which may be a very worrying and fearsome experience.

I am pleased to support the Attorney-General in her attempt to improve freedom of information so that people in similar situations to the nurses at the Frankston Hospital will not be subjected to the same embarrassment and worry about personal security as the nurses experienced when their names were released to one of the most notorious murderers to pass through our legal system in the past 10 to 15 years.

Mr BRUMBY (Broadmeadows) — I confirm at the outset of my contribution to the debate that the opposition vigorously opposes the bill. I would also like to put the lie to the comments made by the honourable member for Glen Waverley, who attempted to assert — presumably on the basis of the propaganda provided to him by the Attorney-General — that the bill will

support the so-called little people. Nothing is further from the truth.

Let us look at some of the examples of the so-called little people who will be disadvantaged, set back and refused access to information as a result of the introduction of the bill. The parents of children at government schools who may want information about school records will be disadvantaged because of the bill. The parents of disabled children in institutions may want information about the care and treatment of their children, but they will be disadvantaged by the bill. The victims of industrial accidents who are on Workcover benefits may want to make freedom of information (FOI) applications to the Victorian Workcover Authority to find out the views of doctors and specialists and other professionals. Will those little people who will be on measly and disgustingly low levels of benefits after the cuts made by the government be able to obtain that information? The answer is they will not.

What about the little people who earn $20 000 a year and want to learn about the fraudulent and flagrant abuses, the extravagance and the misuse of taxpayers' money by fat cat public servants, by staff members in the Premier's office and by people like some ministers of the Crown who buy gifts for their spouses and others on their credit cards? Will the little people be able to find out about those things? Will they be able to front up at the VCAT — —

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Broadmeadows knows full well he does not have to go to significant lengths to provoke a response at this time of the day. I ask the honourable member not to deliberately provoke a response, and in that way he will be able to continue uninterrupted.

Mr Thwaites interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Albert Park — —

Mr Thwaites interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Albert Park has been pushing the boundaries over the past few days. He has been warned by the Speaker today, and if he continues to flout the directions of the Chair I will call the Speaker.

Mr Thwaites — It is on a point of order — —

The ACTING SPEAKER (Mrs Peulich) — Order! There is no point of order.

Mr Thwaites — On a point of order — —

The ACTING SPEAKER (Mrs Peulich) — Order! There is absolutely no point of order.

Mr Thwaites — Madam Acting Speaker — —

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Albert Park will sit down. There is absolutely no point of order. He has continued to interject in a disorderly fashion, which is against standing orders, and he has continued to flout the Chair.

Mr Thwaites — On a point of order, Madam Acting Speaker, I would like the Chair to clarify what standing order prohibits a member from raising a debating point in debate in this chamber.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Broadmeadows was speaking across the chamber instead of through the Chair in a deliberate attempt to provoke a response. That is in contravention of standing orders. The Clerk can clarify which standing order covers that if the honourable member wishes. There is no point of order, and the honourable member for Broadmeadows will continue.

Mr BRUMBY — Madam Acting Speaker, it is not surprising that government members were shamed into leaving the chamber tonight because they know what a lie they have perpetrated in the debate. Despite the protestations of the honourable member for Glen Waverley and the other sycophants who spoke on the debate tonight, they know that the bill is designed to silence the critics, stifle democracy and stop ordinary Victorians from gaining access to public information, which is a vital part of democracy. It is no wonder the honourable member for Glen Waverley and the others have slunk out of the chamber with their tails between their legs because they know in their heart of hearts that the bill is appalling legislation.

The bill is a further nail in the coffin of basic democratic rights. It is a further step toward the creation of a secret state. It is a further step towards silencing the critics. It takes its place in a very long list of transgressions and attacks on the integrity of the Victorian freedom of information system.

The bill does not represent good government — it is cowardly government. It is gutless government. It is government of the lowest common denominator. It is

not the sort of thing the Attorney-General should aspire to. It is government at its basest level.

The government is running away from the essential principles of open, honest and accountable government. The government is using the power of the state and the brute force of numbers instead of the power of debate, persuasion, logic, argument and merit. The government is using its majority to put up the shutters, force through legislation and deny Victorians their basic rights to information under freedom of information legislation.

The bill should be put into perspective. It should be viewed in the context of a long line of attacks on freedom of information and on the basic rights of ordinary Victorians during the seven years the government has been in office. Make no mistake about it, the bill is about silencing the critics.

The background of the bill must be understood. I will list the critics who have been silenced, and more will be silenced by the bill. We all know what happened to the former equal opportunity commissioner. She spoke up about Fairlea prison and Northlands Secondary College and for her trouble the legislation was amended to provide for her effective dismissal.

What happened to the former Director of Public Prosecutions, Bernard Bongiorno? We all know what happened to Bernard Bongiorno, the secret telephone calls and the poisoned chalice — the glass of red wine in the Attorney-General's living room. What happened to Bernard Bongiorno happened because he understood the importance of the separation of powers and had the courage to investigate and consider charging the Premier for contempt of court.

What happened to the judges of the Accident Compensation Commission? They were sacked. What happened to the Victorian Law Reform Commission? It was sacked. What happened to Greg Levine, the Chief Magistrate of the Children's Court? He was sacked. What happened to a politically neutral public service? It has gone, it has disappeared, and we now have a public service where the Premier can hire and fire and pay handsome dividends to those who curry favour with a minister of the government of the day. What happened to teachers?

Mrs Wade interjected.

Mr BRUMBY — I won't respond to the interjection by the Attorney-General; she might answer it.

The ACTING SPEAKER (Mrs Peulich) — Order! I am glad the honourable member will not do so because he would be in contravention of standing order 84. That is also for the information of the honourable member for Albert Park.

Mr BRUMBY — What happened to teachers? What happened to teachers in various positions on school councils, retired teachers on leave, when 10 000 teachers were taken out of the teaching force in this state? The government introduced teaching service order 140 to silence those teachers. What happened to community organisations, some of the welfare organisations that spoke out against cuts to child care, cuts to welfare, cuts to poverty assistance programs? What happened to them? The government introduced confidentiality agreements under which a community organisation — —

Mrs Wade — On a point of order, Madam Acting Speaker, I fail to see the relevance of the issues being raised by the honourable member for Broadmeadows. The bill is about freedom of information. At the moment he appears to be talking about matters relating to the teaching service and the ability of teachers to speak out on matters of public importance, an issue on which the opposition always appears to overlook section 95 of the constitution, which says that any person employed in any capacity by the state of Victoria should not publicly comment on the administration of any department of the state of Victoria. That provision has been in force ever since our constitution came into operation. I cannot see what that has to do with the bill before the house.

Mr BRUMBY — On the point of order, Madam Acting Speaker, this is obviously important legislation and people are going to have strong views about it. I am moving on to say what happened to the voice of disabled people in this state. As I said in my introductory remarks, they are the people most disadvantaged by this legislation. I will be moving on to talk about what happened to victims of crime.

It is again self-evident that if victims of crime want access to information about their treatment by government departments their rights will also be curtailed by the bill.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Broadmeadows may not be entirely consistent in the viewpoint he is espousing; however, the themes are broadly relevant to the bill. I ask him to attempt to stick to it a little more rigidly, but there is no point of order at this time.

Mr BRUMBY — I thank the Acting Speaker for her guidance.

We need to ask the next question: what happened to the voice of disabled people? The funding for disability advocates was removed by this government, and again under this legislation disabled people, who are often unable because of their disability to express themselves fully, will be disadvantaged. They have not only had their advocates taken away, if they seek information under this legislation it will cost them more; they will have to pay for legal advice and they will wait more than a year after appeals to the VCAT.

What happened to the rights of victims of crime? We know their rights have been removed. Again, a victim of crime who wants to gain FOI access to his or her file with the Department of Justice to see how he or she has been treated and whether the relevant benefits were received will be disadvantaged under this legislation.

What happened to the Auditor-General in this state? We all know the story — the Auditor-General was nobbled and was hunted and hounded from office. What is the significance of that to this legislation? There are fewer watchdogs, fewer safeguards and fewer checks and balances, and the ordinary Victorian, the ordinary punter who wants to find out if one of the Premier's staff is abusing credit cards fraudulently, will find it much more difficult, if not impossible, to obtain that information under this legislation.

What has happened to the Parliament? That is relevant too. There are fewer sitting days, fewer questions and fewer ministerial statements. One of the only avenues available to the press and the opposition to find out about what the government is doing is freedom of information. Our capacity to do that will be curtailed under this legislation.

What happened to the rights of injured workers under Workcover? The withdrawal of common-law rights and cuts in basic benefits. If Workcover victims, work accident victims on Workcover, want to find out about their treatment and the medical assessments that have been made by Workcover in determining their benefits, they too will have their rights removed under this legislation.

Madam Acting Speaker, as I said at the beginning, this legislation is another in a very long list of attacks and transgressions on freedom of information in this state. In 1994 the definition of cabinet documents was extended, and more exemptions made it harder for the opposition, the media and the public to get information about cabinet documents. Public enterprise was taken out of the FOI system. It is a matter of eternal shame to this Parliament and this state that when Loy Yang B was sold under freedom of information amendments moved by this minister and this government it was impossible to find out the details of that contract. You could find out more information by getting on the Internet web site of the regulatory agencies in the United States of America than you could under freedom of information in Victoria.

In 1994 new fees were introduced that put up the cost of freedom of information applications. In 1995 new fees were again introduced and costs against the applicant were made possible, so you could take a case to the tribunal and if you lost costs would be awarded against you. Again, the lie was promulgated by the government that the little person would be better off. Nothing could be further from the truth. Imagine the average punter on $20 000 or $30 000 a year going to the VCAT, losing the case and being hit with costs for $1000, $2000 or $3000! It is nonsense to assert that that protected the little person. There was then a further change introducing deemed refusals after 45 days, so that in most cases there is a deemed refusal and you have to pay $170 to go to the tribunal. This legislation is the final nail in the coffin. We know what this is really about. It is about protecting the government from freedom of information relating to expenses, credit card abuses and fraud.

Honourable members interjecting.

Mr BRUMBY — Let me go through that. I have lost a few minutes tonight because of tenuous points of order that have been taken against me. The government says the opposition is exaggerating the impact of the bill, but I invite the honourable member interjecting from out of his place to go back and look at every amendment that was made to freedom of information legislation and the comments of the opposition at the time, and to judge them now against the reality. The reality is everything we said in those debates has been shown to be true. Let me pose the question this way, rhetorically, to the shadow Attorney-General: if this legislation had been in place over the past few years — —

Debate interrupted.

DISTINGUISHED VISITOR

The ACTING SPEAKER (Mrs Peulich) — Order! I apologise for interrupting the honourable member. However, I would like all honourable members to acknowledge the presence of His Royal Highness Prince Michael of Kent, who is in the gallery. We welcome him to the Victorian Parliament.

Honourable Members — Hear, hear!

FREEDOM OF INFORMATION (AMENDMENT) BILL

Second reading

Debate resumed.

Mr BRUMBY (Broadmeadows) — I am sorry there is not a fuller chamber for this wonderful address and for His Highness.

It is important that I ask these questions. The fact is that if this legislation had been in place over the past few years the public would not have been able to find out that the honourable member for Koonung in another place, who was formerly the parliamentary secretary for planning, also had several jobs as well as a contract with the Crown. History shows we would not have been able to find that out. He has now resigned from those positions.

Under the legislation we would not have been able to expose the massive waste and fraud associated with the Intergraph contracts. The extraordinary job done by the honourable member for Albert Park — in the public interest — revealed that $236 million of taxpayers' money had gone down the drain. Under this legislation we could not have obtained that information because we would not have been able to get the names of Grant Griffiths or Jack Firman. We would not have found out about the abuse of the credit cards. We would not have found out about the personal secretary of the Premier using her card at the Warburton Health Farm and going on shopping sprees. We would not have found out about the Attorney-General helping herself to expensive cushions in a shop in Armadale. We would not have found out about the Minister for Conservation and Land Management using her card for the — —

Mr Hulls — Apologise!

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Niddrie is being disorderly. I am endeavouring to allow the honourable member for Broadmeadows to speak without interruption, and the honourable member for Niddrie is not assisting.

Mr BRUMBY — We would not have found out about the Minister for Finance heading off to a show in Las Vegas. We would not have found out about the Minister for Police and Emergency Services using his credit card to buy jewellery for his wife. We would not have found out about the misuse of public funds by consultants contracted to sell off Victoria's energy assets, about Troughton Swier. We would not have found out about the rorts and extravagant expenditure of the chairman of the Melbourne Marketing Authority, Sir Lunchalot Jeremy Gaylard — because this was no ordinary case of snout in the trough; this bloke was an aardvark — or the double dipping of travel allowances and daily fees for the bankrupted Shire of Moira.

In closing, I believe this is rotten legislation. It totally changes the onus of proof. It will lead to longer delays and will mean that the little person will find it harder to use the system. I am not worried about the opposition; I am worried about the little person. The opposition or the media who can have expensive legal advice either provided or paid for can probably find their way through some of this legislation, but the ordinary person will not be able to do that because it is more expensive and harder to get information. Everything will go to the VCAT, which we know already has delays of 14 months or longer.

The legislation will mean that applications that are put in today on sensitive matters involving third parties will wait well into the new millennium before the information is provided. It has already taken us four years to get information about the casino and four years to get information about Intergraph. The whole intent of this legislation is to make it even more difficult and time-consuming to do that, so we oppose it vigorously. History will show that the comments we have made about the bill will be borne out and that what we have said is accurate. This is rotten legislation, and it ought to be voted down.

Mr PANDAZOPOULOS (Dandenong) — It is not a pleasure to have to talk again about more watering down of freedom of information laws in this state. Certainly we on this side of the house are very proud of having introduced, when in government, the original freedom of information (FOI) laws which this government when in opposition massively abused. The then opposition did the right thing; it actually searched to scrutinise government. However, when elected to government it decided to change the way things were done and deny opportunities to others because it did not want public scrutiny.

This is a government that is about keeping things secret; that is the clear motive behind this bill. The government does not want the public to know what is going on. It does not want information about its activities or decisions that affect residents or citizens made available in the public arena.

Let us see what has happened in recent years. The government introduced an application fee, which is a burden for many people. In the past it was simple to

make an FOI request by writing to the head of the department concerned. Now an application fee must be paid. An administration fee was applied to what is now the Victorian Civil and Administrative Tribunal (VCAT), which again has added costs to the normal citizen who wants to know what is going on in his or her local area — for example, why local schools have been closed or why the local hospital has inadequate staffing. Those are the things local residents want to know about — local government-funded facilities and organisations.

Who will be affected by the legislation? It will be mainly members of the public and not, as the government thinks, the opposition. For example, as a local member I have been involved in situations where FOI has been very important in enabling members of the public to gain access to documents and identify which public servants had made recommendations or written reports relevant to them. Two or three years ago an elderly lady and her husband were visiting the Mornington Peninsula over the summer break as tourists. The lady, who had a history of heart problems, became ill and was taken by her husband to the Rosebud Hospital, which is part of the Peninsula Health Care Network. She was observed and then sent to the hospital in Frankston, another part of the network, by ambulance.

The lady was discharged and many months later received a bill from the ambulance service. It was discovered that because Rosebud Hospital is not an emergency hospital, anyone using an ambulance made available by Rosebud Hospital is in effect agreeing to pay the ambulance transport bill because it is not a service normally available at that hospital. My constituent wanted to know who made the decision, because she was never advised that if she took an ambulance from Rosebud Hospital to the Frankston Hospital she would have to pay the bill. She would not have known who made the decision to send her — —

An honourable member interjected.

Mr PANDAZOPOULOS — Yes, a migrant from my electorate. She would not have known who in the hospital made the decision to send her to Frankston in an ambulance. Why was it important for my constituent to know that? Obviously so she could make a claim against the hospital. She claims that had she been informed that there would be a charge for the use of the ambulance if she was required to attend the Frankston Hospital she would have gone there in the same way she got to Rosebud Hospital, by her husband driving her, and would not have had to pay an exorbitant fee to the ambulance service, which is also increasing its costs.

To give an example of where it is practical and important for members of the public in making FOI claims to know which civil servants are making decisions on behalf of the VCAT — —

Dr Dean interjected.

Mr PANDAZOPOULOS — Even the honourable member for Berwick — —

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Dandenong should ignore interjections and direct his comments through the Chair. The honourable for Berwick is disorderly and out of his place.

Mr PANDAZOPOULOS — As he normally is. Thank you very much, Madam Acting Speaker, for the guidance. Even though it is disorderly we have to take up interjections at times. The honourable member for Berwick said the names would have been made available by the VCAT. Why should members of the public have to go to the tribunal to get access to names?

Mrs Wade interjected.

Mr PANDAZOPOULOS — The Attorney-General asks why you need names. I have only been talking about that for 2 or 3 minutes.

Mrs Wade interjected.

Mr PANDAZOPOULOS — People need the names because they need to be able to put a case to the Mornington — —

Dr Dean interjected.

Mr PANDAZOPOULOS — Second bite of the cherry for the honourable member for Berwick!

When you are sent a bill for an ambulance that you thought was made available to you free, you need to know who in the Peninsula Health Care Network made the decision on your behalf.

Mrs Wade interjected.

Mr PANDAZOPOULOS — The Attorney-General can comment in winding up the debate. FOI proved useful for my constituent.

A further example concerns a claim of medical negligence at Monash Medical Centre. The Attorney-General may want to ask why, but to me it is

obvious that in a medical negligence claim you would want to know exactly which employees and doctors made decisions on your behalf.

Mrs Wade interjected.

Mr PANDAZOPOULOS — The Attorney-General suggests by interjection that there are other ways of finding out. That is interesting news, and it is the next thing I intended talking about.

The constituent I am referring to wrote to the hospital and asked for all the relevant documents — the medical history, information about any problems and so on. Many months later the constituent felt there were problems with the service and wanted to see whether it was worth while taking legal action. Legal advice was sought, and the constituent was advised to obtain the documents by writing to Monash Medical Centre, which is part of the Southern Health Care Network.

What was the constituent told in reply? The hospital announced that the documents were not available and that a claim would need to be made under freedom of information. The government puts bureaucracy in the way of members of the public who wish to access their own files. The constituent was faced with an application fee and another bureaucratic hurdle to jump.

Mrs Wade interjected.

Mr PANDAZOPOULOS — The Attorney-General asks why you need names. One wonders why, after six and a half years as Attorney-General, she does not know the answer to her own simple question.

The people most affected will be ordinary members of the public. At least 70 or 80 per cent of the people the legislation will harm will be members of the public seeking information about what is going on. When it was in opposition the coalition rightly wanted to use freedom of information to check on the performance of the government and bureaucracy of the time. In those days it seemed to want democracy.

One example of the Labor opposition attempting to do the same thing was my application for information about government action to save Waverley Park. I notice the Premier has left the chamber. When I lodged an application under freedom of information a schedule of documents was made available to me under section 49 of the act. From that I discovered exactly which documents were relevant. The opposition was then able to identify two documents written by public servants that had been kept secret from the opposition.

An Opposition Member — I wonder why!

Mr PANDAZOPOULOS — I wonder why. I mentioned that during the adjournment debate on Tuesday night, but again the Premier did not take the opportunity to address the matter.

The opposition was forced to go to the tribunal, which increased our costs. We only wanted basic information, but until we knew the names of the public servants who were providing advice to the Premier we could not call them as witnesses. Trying to mount a case in the Victorian Civil and Administrative Tribunal without witnesses causes problems. How can you adequately present a case for a tribunal to consider and make a judgment on when there are no witnesses? We did not know which public servants in the Premier's offices were providing the advice, so how could we get access to the basic documents?

The question becomes more important when the government of the day says one thing and does something totally different. In the case of the Waverley Park application we were out there trying to do something, but the government would not release the documents we needed. It was hiding them from members of the public. That is a good example of why you need public servants' names on documents.

Another case concerns the Harness Racing Board. In his report on ministerial portfolios, which was tabled yesterday, the Auditor-General refers to a matter I have raised in this house on a number of occasions. The Harness Racing Board gave a $1.7 million computer contract to a company called Ernst and Young without tendering it out. A senior partner of that company was also the treasurer of the board. The Auditor-General ruled that the failure to tender out the contract gave rise to probity issues and recommended a completely new process. The opposition would not have uncovered that irregularity if not for a successful application under freedom of information and the concerns raised at the time by the board's finance manager.

How can people pursue justice and defend themselves against improper practices in organisations such as the Harness Racing Board when they cannot know, for example, that a senior staff member of a contracted company was advising the board on contractual matters such as the way tenders should be assessed? That FOI application was also fruitful in revealing the existence of an additional document.

The amending legislation means that people will not necessarily be able to find out who is providing consultancy services to the government. In the case of the Harness Racing Board, another consultant was providing advice on exactly the same matter. It is

therefore essential to know the names of the people offering advice. The Auditor-General's report supports that view.

Prior to 1996, when the government sacked the councils, I was responsible for Wastewatch. I took a case about the appointment of commissioners to the Local Government Commission. It was important for the opposition to know how the government had arranged to appoint cronies from the Liberal and National parties as commissioners all over the state. Few of the new commissioners were not members of the Liberal or National parties or in some way associated with them. However, we realised that unless we knew the names of the people involved in the decision-making process — the public servants who had received the names of applicants, vetted them and made recommendations to the minister — we could not call any of them to the witness box at the AAT so the truth could be revealed.

Many of them had clearly bypassed the processes recommended by the government's senior public servants — and many of the appointed cronies had not even applied for the job! In the end, once we learned their names we were able to call the witnesses we needed to give gave evidence about the rorts that had gone on in appointing the local government commissioners.

It is for reasons of that kind that the opposition is opposed to the bill. This is just more of the same from a government with a vendetta against anyone who needs basic information. That information should be readily available to the public, just as it is in other Australian states and many other parts of the world. You can find it in letters of request on the Internet; and in other jurisdictions you can find it in departmental annual reports, in answers to questions on notice, and in honest answers from government ministers during question time. On the other hand, the Victorian government does not want to give the public any information. That can be seen in the government's response to the Auditor-General's reports tabled yesterday and today, claiming that everything is okay.

Governments have a fundamental responsibility to act on behalf of the people, to use taxpayers' money to carry out the policies they are elected to carry out and to make information available. If that happens we can be assured of getting quality service and value for money. The government says it believes in those responsibilities, but it clearly does not.

Victoria is the secret state, an idea the opposition is utterly against. Shame on the government, and shame on all the government members with legal backgrounds, such as the honourable member for Berwick, who want to abuse the rights of the citizen that are due to all members of the public.

Mr MILDENHALL (Footscray) — What atrocious and appalling legislation. It would be amazing if a bill were introduced that made it easier to access information about the government, enhanced or improved people's rights of access or made government more transparent and more accountable. A former Leader of the Opposition, the Honourable Jim Kennan, used the phrase 'the disinfectant of sunlight' when referring to the activities of government.

The bill is the typical Kennett government response. It is opportunistic and cynical. The Leader of the Opposition said the bill is the 'frightened of investigation' legislation rather than the 'freedom of information' legislation for this session. The legislation is unwarranted and unnecessary. It is part of an administrative, financial and political strategy to wind back transparency, to wind back scrutiny, and to make it more expensive and difficult to scrutinise and make government accountable. The legislation has an immediate political imperative as we approach an election, but it has a long-term aim, as part of the strategy so comprehensively outlined by the honourable member for Broadmeadows, of winding back the ability of critics of the government to obtain information about the government.

It is a classic case of using a sledgehammer to kill an ant. The fundamental question that should be asked is: why is it necessary? Why did the government not appeal the decision of the Coulston FOI case? The government is used to interfering in so many areas of the public sector, why did it not facilitate an appeal in this case? A number of government appeals are currently in progress and a significant appeal is before the Court of Appeal. Even if the government says that it was the responsibility of the health network to appeal, surely the government would have realised the sensitivity and dangers of this case and initiated an appeal before the period for appeals lapsed, particularly given its knee-jerk overreaction in introducing the legislation.

The honourable member for Doncaster said section 33 of the principal act does not provide adequate protection for the privacy of individuals identified, referred to or listed in FOI documents. Section 33(1) states:

> A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of

information relating to the personal affairs of any person (including a deceased person).

Mr Perton — What is the definition of 'personal affairs'?

Mr MILDENHALL — Many definitions come to mind. Surely section 33(1) provides sufficient protection for individuals involved in FOI applications.

Mr Perton interjected.

Mr MILDENHALL — The honourable member for Doncaster says it is losing its authority under the Victorian Civil and Administrative Tribunal interpretation. I would have thought if there were a difficulty with a VCAT interpretation the matter could be appealed. Surely the dilution of the authority set out in the act would be tested in a higher court before the government introduced legislation such as this.

The honourable member for Doncaster also referred to interstate examples. I do not understand how they are relevant to the legislation. It is incumbent upon the Attorney-General to explain why section 33(1) is insufficient in providing the necessary protection and why less intrusive, less cumbersome and less drastic measures were not contemplated if there was a difficulty with section 33(1). The government is cynically using the Frankston Hospital case as an opportunity to further dilute the power of the principal act. Every time there is an opportunity to amend the act the government dilutes its coverage, increases the cost of applications or introduces further administrative restrictions so that applications are more cumbersome and access to information becomes more difficult for ordinary Victorians. The issues involving the Frankston Hospital case did not necessitate the introduction of this legislation.

The honourable member for Doncaster said that hospital management mismanaged the application and that the head of the health network ought to hang his head in shame. The honourable member then proceeded to present a rationale for the amendments. Many alternatives were available to the government. The legislation is part of the government's opportunistic strategy to further wind back the strength and significance of the principal act.

I have made many FOI requests and obtained documents in which, using section 33(1), the identity of public servants or any third party is deleted from the record. It is a widely used power and honourable members should be given a detailed explanation of why it is no longer satisfactory. The bill forms part of a concerted legislative strategy to wind back scrutiny of the government. The government's record under FOI is well known. Amendments to the act widened the application of cabinet exemptions and exempted corporations and asset sales documents. Costs have increased. If the then opposition had been subject under the former Cain government to the current level of costs its activities under FOI would have amounted to some $1 million. Now even higher charges have been imposed on honourable members seeking information under FOI.

The proposal is extraordinary. The bill creates a new exemption for documents and exempts a whole document — not only a name in it — if it reveals the identity of a public servant or third party or information from which such an identity can be established. If applicants wish to obtain names they must appeal to the VCAT. In the event of that occurring the department must notify the public servant or third party of the application. That party has 21 days to respond to whether a name may be released. If the party fails to respond it is assumed that there is no objection. Irrespective of whether the person consents the department or minister can still object to the release of a document. The process is cumbersome and is designed to throw up procedural impediments to those wishing to access information.

In terms of procedural impediments and the fairness of the legislation, the Villamanta Legal Service has presented all honourable members with an eloquent outline of the difficulties that will be faced by disabled people. The bill is part of an administrative strategy to wind back transparency in government. The government has thrown enormous financial resources into delaying or preventing the procedures of the Freedom of Information Act from being followed — and it has used every power in the act to help it do so. Some of the extraordinary delaying tactics I have experienced include appeals and the use of section 25A(1) — that is, unreasonably diverting resources of an agency. I have had to go to the ombudsman many times to ask him to inform departments of their obligations. The delays and administrative trivia used to delay FOI applications is quite extraordinary.

As I said, the bill is part of a continuing political strategy to wind back political damage caused to the government by information gained under FOI. The excuses departments use to minimise the exposure of documents never cease to amaze me. One of the most extraordinary examples I have encountered was when the Department of Education sought to prevent my gaining access to documents defined under the Education Act as public documents on the ground that

they contained financial information about third parties — that is, about school councils. They are supposedly third parties and not part of the education system. The government has used unbelievable tactics and put unbelievable effort into minimising possible political damage. The case of Kevin Donnelly, which was mentioned in the Auditor-General's report tabled yesterday, is a case in point. Under the provisions of the bill no-one would ever know the identity of the rorter, in that case a person who is apparently so expert that he has no need to tender for government contracts but in four years can obtain 14 contracts totalling more than $500 000.

It is extraordinarily resource intensive to run FOI cases, as the government well knows. The government's well-known strategy is financial, administrative, political and legislative attack. The government should hang its head in shame at having the nerve to both use a flimsy excuse as an opportunity to introduce the legislation and try to pretend it is in any way justified overall or in the public interest. I strongly support the opposition's vehement opposition to the proposed legislation.

Ms CAMPBELL (Pascoe Vale) — FOI legislation should promote open government and should allow scrutiny of government decisions. The Freedom of Information (Amendment) Bill enshrines the secrecy that the Kennett government is so adamant about. The Victorian government should be able to face its citizens, but the legislation removes the opportunity for citizens to scrutinise government and for organisations such as the Coburg–Brunswick Community Legal and Financial Counselling Centre to examine exactly what is happening in government. It is essential that organisations such as the Coburg–Brunswick centre, residents in Vernan and Lind streets in my electorate, people who have adoption records that they wish to discuss and examine and disability groups that often receive advocacy from the Villamanta Legal Service have the opportunity to examine what the Kennett government — or the Bracks Labor government after the next election — is doing. The public's acceptance of the work of government and the roles of officials depends upon trust and openness. The bill undermines that trust and further enshrines secrecy.

Today the annual report of inquiries into child deaths, protection and care for 1999 was presented to Parliament, by leave. The report and those preceding it have been presented to Parliament because the honourable member for Albert Park persisted in making application under freedom of information to examine what was going on in the state's child protection system.

I had intended to say a lot more, but as there is an agreement on time I am obliged to sit down at this point. Before I do I wish to place on record that concerns have been raised with me by my constituents about the sound barriers on the Tullamarine tollway, and by community services and women's affairs groups I have worked with. It is clear that the legislation will be counterproductive to having a good, open and honest government that is proud of and is openly accountable for its actions.

Debate adjourned on motion of Mr PERRIN (Bulleen).

Debate adjourned until later this day.

GAS INDUSTRY ACTS (FURTHER AMENDMENT) BILL

Government amendments circulated by Mr W. D. McGRATH (Minister for Police and Emergency Services) pursuant to sessional orders.

Second reading

Debate resumed from 6 May; motion of Mr STOCKDALE (Treasurer).

The ACTING SPEAKER (Mr Seitz) — Order! As the required statement of intent has been made pursuant to the Constitution Act 1975, I am of the opinion that the second reading of this bill requires to be passed by an absolute majority of the house.

Mr LONEY (Geelong North) — The Gas Industry Acts (Further Amendment) Bill has been introduced as a result of the explosion and fire that occurred at Longford last September and the subsequent disruption to gas supplies. That tragic occurrence resulted in two workers losing their lives, in a number of other workers being injured and severe hardship and economic loss for Victorians.

As the minister said in his second-reading speech, the bill aims to do essentially two things: to prevent another disaster similar to the Longford explosion and to mitigate the consequences of any such disaster, should one occur. The opposition supports the legislation. It is necessary to ensure system security, particularly during emergencies. It represents at long last the government's response to the opposition's concerns about and suggestions for system security. It is a pleasant change for the government and opposition to be in total and harmonious agreement about provisions in a gas industry bill.

The legislation has been largely motivated by the embarrassment caused to the government through

publicity, particularly in the *Sunday Herald Sun* about so-called gas cheats walking away scot-free. Honourable members will remember the government's response — some of it over the top — to the publicity. I think all honourable members would recall the Premier's comments about his view of gas cheats — it included some fairly colourful language that I will not repeat here. Suffice it to say, I think no-one would wish any good to people who deliberately sought to undermine the way the rest of the Victorian community was trying to work together at a time of crisis.

The only conclusion that can be drawn from the Premier's comments is that the introduction of the legislation is an acknowledgment by the government of the inadequacies of the existing legislation, particularly with regard to gas cheats. Furthermore, the government's actions and the current legislation were contributing factors in the inconvenience and aftermath of the Longford disaster. There was certainly a failure to mitigate the consequences of the Longford disaster.

The bill endorses the position taken by the opposition at the Longford royal commission. During the course of the hearings and in its final submission the opposition argued that a major cause of the gas shortages that resulted from the Longford disaster was the deficiencies in the Victorian legislation. The opposition suggests that the bill is an eloquent endorsement of that position, despite the government's attempt to prevent the commission from investigating that aspect by providing it with narrow terms of reference. It should be noted that little of the bill would have been required had it not been for the imposition of the Treasurer's wild energy privatisation experiment on Victorians.

As was stated in the second-reading speech, the bill contains two classes of amendments. The first is amendments that are designed to enhance the effective operation of powers to protect system security in an emergency. The second is amendments to the competition aspects of the regulatory system. I will deal with those two aspects of the bill in turn.

Firstly, I turn to the response to the so-called gas cheats. Following the Longford disaster about 450 people were found to have cheated the system. In some cases meters were removed because people would not comply with directions that had been given to ensure system security. The bill puts in place the machinery necessary to stiffen up the way the government can act against such people in the future. The bill allows Vencorp to appoint inspectors to investigate breaches of section 16 of the Gas Industry Act. The section relates to directions given in relation to reliability, security of supply and safety of gas. There is also provision for the issuing of infringement notices where section 6A has been breached.

Further, the bill introduces new and substantially increased penalties for failure to comply with directions given by Vencorp. Corporations that cheat during a gas crisis will be liable to penalties of $1 million and individuals who cheat will be liable to penalties of $10 000. The bill gives Vencorp inspectors the power to enter and inspect properties and to gather information for prosecution purposes.

The bill contains sweeping provisions relating to emergencies. Although the opposition agrees that they are appropriate in that context — they are similar to provisions in other acts where similar enforcement regimes apply — they are the direct result of the government's bungling of the legislation that led to the gas cheat debacle in the first place. Immediately after the disaster the government announced that individuals would suffer $10 000 fines for disobeying orders not to use gas. Later it was discovered that the legislation was inadequate because it did not contain provisions that would enable evidence to be gathered for the mounting of a prosecution. Consequently, the gas cheats walked away scot-free.

There is some understandable anger about that among the majority of Victorians who did the right thing and suffered for almost a fortnight without gas. Those who chose deliberately not to abide by the rules in the community interest escaped free of penalty, and there is no likelihood of them being prosecuted. Gas has an extremely high penetration rate in Victoria — among the highest in the world — and a great many households rely on gas for their cooking, heating and hot water. All of those services were curtailed during the gas crisis.

The bill represents the government's attempt to fix up its own bungling. Considering the vast amount of money the government has spent on consultants to privatise the gas industry it is disappointing that it could not get it right — or more precisely, that the consultants who were paid $50 million could not get it right. That was a fair amount of money to pay to people to get it wrong, but given that the entire focus of both the government and the consultants was on asset sales, not on security, it is not surprising. The government did not require any more from the consultants it appointed.

The distinction between the government and the consultants is probably artificial. The Energy Projects Division of the Department of Treasury and Finance is basically run by the $24-million consultants, Troughton Swier and Associates. Consultants provided the advice,

drew up the model and templated the legislation — and at the end of the day they got it wrong. The Kennett government paid them enormous amounts of money and listened to them without question — it had blind faith in them. In many cases, as with Troughton Swier, there was no advertising or tender process involved. As the old song goes, 'Nice work if you can get it'.

One would have hoped the consultants would have got it right, given the government's faith in them and the money thrown at them, but the bill proves they did not. Even more disappointing was that the warning bells were ringing in June last year following the hydrate incident that caused gas supplies to be interrupted for two days. There was no response by the government or its Energy Projects Division between June and September. They did not look at security to see if there was some way they could mitigate problems when the supply was disrupted in that manner. The subsequent explosion at Longford resulted in Victoria being without gas for the best part of two weeks. The consultants had left gaps in the system, and tonight the house is being asked to plug the holes in the original legislation.

The bill provides for Vencorp inspectors to gather evidence to mount prosecutions for breach of instructions in emergency situations. The opposition endorses that, although it is remarkable that it was not thought necessary to include such a provision in the original legislation. The government's excuse was that it was not included in previous legislation used by a number of governments over the past 30-odd years. However, the Kennett government changed the rules and went to a different model of the gas industry. It changed the whole way in which the gas industry operates in Victoria. It broke up the industry, disaggregated it and removed direct government control. In those circumstances it would have been appropriate to have set in place some mechanisms to enable lawful directions to be issued and enforced, but the government failed to do so.

The government wound up the security of supply unit of the old Gas and Fuel Corporation but did not think it was necessary to bring in any mechanism to mitigate the difficulties that would occur in the event of a failure of supply. It was predicated on the old it-can't-happen-to-me principle.

Although the inspectors will carry out an important emergency role, they have no power to do anything of a preventive or proactive nature outside an emergency. That important function should be part of their role. Ensuring system security is not only about emergencies. It needs to be attended to every minute of every day. The inspectors will have no power to inspect the Longford facility to ensure that another Longford disaster does not occur or to ensure that supply is not interrupted again, as it was in September last year. The Longford explosion demonstrated that the government's strategy of not requiring any regulatory body to supervise Esso has failed. While the bill addresses certain matters, it does nothing to change that situation. That glaring gap will remain following the passage of the bill.

It is no use saying to opposition members, 'Wait for the recommendations of the Longford royal commission', because the government ensured that it could not examine those issues by narrowing the commission's terms of reference and arguing in the hearings that the commission should not do so.

In the future, as in the past, no regulatory body will be supervising Esso to ensure that it adequately maintains its plant to secure supply. Although Workcover may undertake some token inspections, risks to worker health and safety are not the same as risks to security of supply. In some instances interruption to supply is not a risk to worker health and safety, and Workcover is not involved or interested in those instances. The hydrate incident in June last year is one example of that. While the government is not maintaining regulatory oversight of the Longford facility it is effectively trying to wipe its hands of any responsibility for the secure delivery of gas to Victorians.

Esso, like other private providers of essential services, cannot be relied on to voluntarily invest in maintenance and upgrading plant to the level that might be required by a responsible government. The Longford royal commission has demonstrated that Esso will certainly not do so without adequate regulatory supervision. Esso will act in its perceived commercial interest; that is appropriate, as that is what it is there to do. The question is: who is acting in the public interest through all this? The answer should be: the government.

The lack of supervision of Esso by Vencorp was a key point in the opposition's final submission to the royal commission:

> It is contended that legislation governing Vencorp was inadequate to the extent that there was a failure on the part of government to ensure that Vencorp supervises Esso's activities.
>
> Vencorp has failed to adequately supervise Esso's operations because they have not been given the legislative clout to do so. The lack of legislative clout results from a failure of the Kennett government to provide clear lines of responsibility for the system as a whole when it established the new model for the Victorian gas industry.

Given that the government has acted to fix up the gas-cheat flaws in the legislation, it is time for it to fundamentally rewrite the legislation to ensure that government regulatory bodies supervise the production and distribution of gas from wellhead to consumer. That is important because currently the section of supply from the wellhead to the transmission system is being left out of the supervisory regime, as Vencorp takes over from outside the Esso fence. It is time the government revisited those regulatory arrangements to engender greater degree of public confidence in the regulation and security of supply. The government's supervisory role should not begin at the fence surrounding the Longford plant. That is why the government cannot guarantee that another Longford explosion will not happen. When it comes to knowing what goes on at the Longford site, the government has no choice but to trust Esso.

A major part of the bill deals with directions to be given in emergency situations. The bill proposes amendment of the gas supply emergency provisions which will clarify the power of the minister to give directions and provide for enforcement powers using the Office of Gas Safety and its inspectors. The opposition considers those amendments appropriate because they are aimed at ensuring that in future gas cheats will not be able to get away with cheating. However, the proposed changes are an example of shutting the gate after the horse has bolted. The bill contains no provisions to ensure that last September's gas cheats will face penalties. The Victorian community was led to believe from statements made by the Premier last September and again earlier this year after the *Sunday Herald Sun* story that action would be taken against those who undermined the rest of the community during the gas shortage. Under the bill none of those people will ever face a penalty.

Mr Steggall interjected.

Mr LONEY — It may well be that the government does not want to include retrospective penalty provisions in the bill. The opposition sympathises with that attitude. However, the government is essentially admitting that it bungled its original legislation and that those people will be able to walk away regardless of the over-the-top comments of the Premier last September and earlier this year.

None of the provisions of the bill will prevent another supply crisis occurring. The Office of Gas Safety inspectors, like the Vencorp inspectors, are not even allowed to inspect the Longford site. The Longford explosion and fire had the consequence of illustrating the total inadequacy of the legislative framework within which the post-privatisation gas industry has been operating. The government is so hell-bent on pursuing its ideological goals that it has been prepared to rush headlong into the privatisation experiment no matter what the social and economic consequences. The government's only interest in selling assets owned by all Victorians was to achieve the highest possible market price. As events have since proved, the government had no concern for the large range of consequences for safety and security that flowed from privatisation, and many more may yet emerge.

Apart from amendments to ensure that future gas cheats will be able to be investigated, prosecuted, fined, et cetera, some other provisions in the bill should be commented on. Clause 4 relates to the Longford experience and revolves around the current definition of the transmission system. The definition being operated under in the current legislation is the one the gas transmission corporation operated under in 1997. A few connections have been made to the system since then, and the bill will ensure that relevant additions to the system are considered to be part of the transmission system for the purpose of the minister giving directions for security.

That sensible provision is supported by the opposition. It would be somewhat silly, for example, for the New South Wales interconnect not to be part of the Victorian transmission system.

The ACTING SPEAKER (Mr Seitz) — Order! Under sessional orders the time has arrived for me to interrupt business.

Sitting continued on motion of Mr STOCKDALE (Treasurer).

Mr LONEY (Geelong North) — As I was saying, in those circumstances it would be silly if the New South Wales interconnect running from the border to Wollert were not regarded as part of the Victorian system and therefore in times of crisis or emergency connections to it could not be made. This sensible provision will prevent that from happening.

Clause 6 ensures that parties in the gas industry in Victoria that are not market participants — there are a number of them — are regarded as market participants for the purposes of giving directions only. That will ensure all Victorian players can have legally enforceable directions given to them.

Clause 7 clarifies that Generation Victoria is a contestable customer. I am not sure why there should have been any doubt about that. Clauses 10, 11 and 12 relate to the significant producer provisions of the

principal act and clarify appeal tribunal processes for significant producers. Various other provisions in the bill clarify the Victorian market and the extent of the authorisation of the system operational rules.

The opposition has been given a set of late amendments. There can be no greater indication of the way the government makes policy on the run with the gas and electricity industries than the fact that, even before it was debated, the government found it necessary to introduce additional amendments to this further amendment bill.

Before I move to the specifics of the amendments, I thank the parliamentary secretary for the government's courtesy in making the amendments available well in advance of the debate. That gave the opposition a chance to examine them. That is not always the custom, but it was done on this occasion.

Not only does the bill contain a vast number of consequential and drafting amendments, but, more importantly, it incorporates an entirely new clause to ensure offences by corporations will be heard in the Magistrates Court. Offences will be indictable. That is the major change proposed in the late amendments.

If we are trying to set up an enforcement system which is basically about, in the vernacular, imposing on-the-spot fines, this may not be the way to go; the provisions mention penalties of $1 million. The fines are huge. The opposition agrees with the government that this amendment is appropriate. Imposing fines of $1 million for indictable offences rather than on-the-spot fines will give offenders the opportunity to have a day in court. That provision seems sensible now; one wonders why it was not considered in the drafting of the original bill. However, I guess such oversights occur.

So far as I have been able to ascertain, the other amendments seem to correct typographical errors. I have discovered nothing in the late amendments that appears to substantially change the bill.

The privatisation of the gas industry has been aimed at the maximisation of a sale price. For that reason the Treasurer rejected the advice of the Collins Hill Group, a firm of consultants with an international reputation in analysing the gas industry, and instead preferred to accept the advice of Troughton Swier and Associates who, at the time they were employed, had virtually no experience with the management of the gas industry but had previously been involved in the carving up and selling off of the State Electricity Commission of Victoria. Recently we have been told that the firm of Troughton Swier is highly experienced in all areas. Of course it is — it has had substantial on-the-job training paid for rather generously by the Victorian taxpayers.

Collins Hill advised that Gascor had been performing well and recognised that further increases in efficiency could be achieved. The opposition would have agreed with that. However, after reviewing a wide range of options Collins Hill recommended strongly against the disaggregation of the existing distribution network. Unfortunately, when Troughton Swier was dragged in that was the way the government chose to go — against the advice of the experts. Collins Hill had pointed out that disaggregating Gascor was fraught with difficulty. It pointed out that the absence of directly relevant existing models of gas market reform either in Australia or overseas meant there was no clear precedent.

Collins Hill emphasised that any system balancing arrangements that rely on multiple gas suppliers or network operators have inherently less security of supply than is the case in the current situation, where the network is operating on an integrated basis and there is one supplier. The firm was clear that the assurance of supply must be placed on the network operator. However, that advice was rejected by the government, which was interested only in achieving a high sale price.

When a socially and economically responsible government is confronted with a natural monopoly it must recognise that nothing it or any other government can do will change the situation — that is, a natural monopoly will remain just that! However, it can make regulations to ensure the monopoly is operated to achieve different social and economic goals.

Unfortunately, the government surrounded itself with a small coterie of incredibly highly paid advisers, all of whom have had a vested interest in selling the state-owned asset for the highest possible price, no matter what the social or economic outcomes of the sale may be. That necessarily leads to a corruption of the advice given, so much so that the Auditor-General — who is shortly to retire and who has been a fine servant of the state — in commenting on an earlier sale of state-owned assets reported:

> In April 1997 the [Treasury] department's advisers ... identified that their firms were likely to receive higher fees in the event that the transaction proceeded. As such, neither firm would qualify as an independent expert under the guidelines for independent expert reports in the relevant Australian Securities Commission practice note. However, notwithstanding this, neither of these advisers believed that their ability to provide an unbiased report to the state was compromised.

As Christine Keeler said, 'They would say that, wouldn't they?'.

Honourable members interjecting.

Mr LONEY — It certainly is — I wore short pants at the time. Dr Troughton is the Treasurer's favourite adviser and he has effectively planned the detail of the selling off of the gas and electricity industries. He was paid handsomely for that advice — millions of dollars — and did not have to tender for the position — it was served to him on a plate. Despite all that the bill is proof that he got it wrong.

Until the government stops listening solely to the advice of the economic rationalists — the driest of the dry of the now discredited Thatcherites — and starts to design public policy based on the public interests of Victorians the house will be required to continually revisit and fix the legislation. The bill illustrates that perfectly because it is a fix for a gap that should have been provided for in the original legislation. To that extent it is an appropriate fix, and the opposition supports it, but it does not hide the fact that there are still important gaps in the way the industry operates in Victoria.

There is no doubt that after it wins the election the incoming Labor government will have to do a proper fix to ensure the full security of supply issues that the government is too ideologically blind to address.

Mrs TEHAN (Minister for Conservation and Land Management) — In closing the debate I thank honourable members for their contributions on the bill.

As the honourable member for Geelong North indicated, the opposition does not oppose it. In the course of the debate the honourable member indicated the value he saw in the amendments and said he fully understood the need for the essential thrust of the bill — that is, the provision of severe fines for individuals and organisations that did not comply with the necessary directions during the gas shortages of last winter and those who do not comply with future directions. I thank the honourable member for his contribution.

The bill will ensure future compliance and provides for appropriate penalties in the absence of compliance. I wish it a speedy passage.

The ACTING SPEAKER (Mr A. F. Plowman) — 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 the bill requires to be passed by an absolute majority.

As there are not 45 members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Ordered to be committed later this day.

ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL

Government amendments circulated by Mr STOCKDALE (Treasurer) pursuant to sessional orders.

Second reading

Debate resumed from 6 May; motion of Mr STOCKDALE (Treasurer).

The ACTING SPEAKER (Mr A. F. Plowman) — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act, I am of the opinion that the second reading of the bill requires to be passed by an absolute majority.

Mr LONEY (Geelong North) — The bill seeks to amend both the Electricity Industry Act and the Electricity Safety Act. It also makes some amendments to the Gas Industry (Amendment) Act 1998. Essentially there are two parts to the bill: provisions that mirror the new provisions of the Gas Industry (Amendment) Act and the Gas Safety Act are designed to ensure system security in emergency situations; and a range of other amendments that I will address later in the debate. The first class of amendment seeks to address possible deficiencies in the current legislation, similar to those shown in the gas legislation during the gas supply crisis that followed the explosion at Esso's Longford gas facility.

The opposition does not oppose the bill. Its provisions are sensible and appropriate. To that extent the opposition has no problem in supporting them. It is amazing that supply failure was not considered a possibility and nothing was written into the original acts.

The bill is as much a response to the government's embarrassment about gas cheats as are the amendments to the Gas Industry Act which were dealt with earlier this evening. Similarly, it represents an admission by the Treasurer that neither he nor his highly paid

consultants bothered to consider security of supply provisions at all in their so-called reform process. To put it simply, if they had we would not be here doing this tonight.

In considering those heady days of the sale of electricity assets, one remembers all the hype and excitement about price, about what they would sell for, about the new regime of competition and the new deregulated approaches. There was hype about how much less consumers would pay, but that has yet to be realised. We did not hear any hype about how much more secure the system would be. The opposition suggests the reason for that is simply that the government's mind had not turned to that issue.

It was inbuilt into the system under the State Electricity Commission and the Gas and Fuel Corporation. It was a first-order priority for the SEC that security of supply would be dealt with basically on a daily basis. It would be planned. It would be on every agenda for meetings. In fact, former energy ministers say that is precisely what occurred when they sat down with their departmental heads and the head of the State Electricity Commission or the Gas and Fuel: the first item on the agenda was invariably the security of supply.

The first casualty of the changed arrangements was the minister — we no longer have an energy minister. Therefore, there was no ministerial direction over what was going on and, conversely, there was no accountability from what was then a publicly owned asset to a minister who was in turn responsible to Parliament and to the people of Victoria. Previously there was a clear sense of direction, so the public interest in having a secure and reliable electricity supply to all parts of the state was built into the system.

In the disaggregation of the electricity asset and its breaking down into various competing parts, the emphasis on security of supply was also broken down. It was, if you like, the gold plating that was so much maligned and derided by government members who maintained that we did not need it. That gold plating was about the security of the system. In breaking down, chipping away at or rubbing off the gold plating the government also weakened and rubbed away the system's security.

If there is one fortunate thing about the set of electricity amendments before the house it is that we have not had to suffer another disaster of the tragic and far-reaching proportions of the Longford gas explosion before amending the electricity acts. I do not think anyone would wish another crisis of that nature on Victorians. That is certainly not the wish of opposition members, and I am sure it is not the wish of the government, but these things happen and they can happen with electricity as well as gas. The Auckland, New Zealand, experience shows these things can happen. However, when catastrophic failures of electricity supply occur the resulting problems are immense in social, economic and all other terms, and they take an enormous amount of coping with.

We need to be careful of the it-can't-happen-here approach. We have to plan not that it will happen but for the possibility that it might happen. To date that has been the clear difference in approach to electricity supply between the former SEC and the current regime. The bill is moving some way towards redressing what the opposition considers to be an imbalance in that regard. It is restoring the position but only in terms of the emergency situation.

Opposition members believe the bill needs to go somewhat further. The second-reading speech talks of the need to protect the security of the electricity system and to ensure electrical safety. The opposition is in 100 per cent agreement with that aim. The security of the electricity system must be protected and electrical safety ensured. The government has a responsibility to ensure that is the situation.

The government must be proactive in meeting that responsibility. It is no use measures being implemented after the event. Where possible the event must be prevented from occurring. Unfortunately, the bill does not do that or, in the opposition's opinion, even address the wider issues. It is almost entirely about emergency situations.

Yes, the opposition knows that currently there are inherent dangers in the electricity supply system. System security is endangered by future lack of capacity. Those problems are directly due to the policies of the government. There is no way of avoiding those responsibilities. That a 500-megawatt power station sitting just across the river has not come on-stream yet is evidence of the failure of the government's policies. The broader aspect of system security still needs to be addressed and dealt with by the government.

The key provisions of the act relate to either the Electricity Industry Act or the Electricity Safety Act. The provisions relating to the Electricity Industry Act follow on from the Longford experience. What has been done in light of the Longford disaster, in which case the powers of authorities to make binding, enforceable directions for gas system security were found to be legislatively deficient? The bill changes the

electricity emergency provisions, almost precisely mirroring the changes made to the Gas Industry Act by the house a short while ago.

In particular the bill inserts a new part 3AA into the Electricity Industry Act to clarify the power of the minister to give directions and to whom the minister may give directions. That seems fairly simple, but unfortunately the original legislation did not make either of those points clear.

The bill will make the provisions in this bill consistent with the provisions of the Gas Industry Act. The bill also provides for the issuing of infringement notices and new penalties in the event of a contravention of those directions, so the penalty regime comes in behind. Those provisions are also identical to the new provisions of the Gas Industry Act. In the electricity industry the penalty for the misuse of electricity during an emergency will be increased to a maximum of $1 million for a corporation and $10 000 for an individual. There is no doubt those are significant penalties. Many corporations would probably not be able to carry a penalty of $1 million.

It is a significant penalty and it should act as a deterrent to antisocial activity and other activity that goes against the interests of the community. The opposition supports it because opposition members have no regard for people who abuse emergency situations, particularly those who do so to profit from the misfortunes of others. One story that came out of the Longford experience was that some businesses continued to trade and make a profit while other businesses that relied on gas had to close down. That is a sad example of how some people in our community — fortunately they are a very small minority — are prepared to gain an advantage from the misfortunes of others. No opposition member would support people who do those sorts of things because they attack the whole of the community.

Clause 8 provides for new powers of entry in enforcement procedures. The provisions are quite wide ranging and mirror the sorts of things we have seen in other bills. Under that clause enforcement officers are required to have reasonable grounds for suspecting that an offence has been committed before they can enter land or premises; occupiers must be given copies of consent in writing; search warrants must to be obtained before an enforcement officer may enter land or premises; enforcement officers can enter land or premises only after an announcement has been made that the enforcement officer is authorised by a warrant to do so; and copies of the warrants must be given to the occupier. In the opposition's view those provisions are appropriate for emergency situations, which is what the bill is aimed at.

Other technical amendments are being made to the principal act. Clause 10 inserts proposed section 62AA into the principal act. Those provisions mirror Gas Industry Act provisions and concern the transfer and allocation of property upon the closure of the State Electricity Commission. The provisions are not extraordinary and are not of any great concern to the opposition.

Clause 13 contains an amendment to the principal act that reflects the current situation in Victoria. Under the Electricity Industry Act Victorian electricity participants are required to be incorporated in Victoria. This change will mean that they will still be required to be a corporation or a statutory authority but they will no longer need to be incorporated in Victoria. That clause reflects the status of some of the new entrants coming into the Victorian industry and recognises that the provision in the act is no longer needed to regulate participants in the electricity industry so long as they are registered corporations or statutory authorities. The provision also mirrors a similar provision in the Gas Industry Act.

Clause 12 varies section 85 of the Constitution Act to provide immunity for persons who have acted in good faith in providing emergency services.

It is important to emphasise three words in that part — in good faith. There must be the assumption that people are acting in good faith when they follow the directions and the enforcement provisions with prosecutions, and on the assumption people are acting in good faith they should then be immune from any actions resulting from having carried out those directions and essentially of having ensured that the Victorian community has reasonable levels of security of supply. They are very important words. The bill does not take an open-slather approach with immunity for everything. There is the presumption of acting in good faith, and I guess if somebody felt that was not the case it would be possible to test it on that ground.

The other thing that has been raised with the opposition is a concern that if the in-good-faith provisions, along with some of the provisions of the principal act, may mean that people who were not qualified or did not have sufficient experience to be doing what they were doing could be given immunity there may be an incentive to employ people who do not have the relevant qualifications or expertise to carry out the job because they may be cheaper to employ. It is hoped the provision will not be used in that way. The opposition

does not believe that is the intention, but it is something that should be watched.

The other set of amendments apply to the Electrical Safety Act. The bill provides for an extension of the powers of enforcement officers of the Office of the Chief Electrical Inspector to act under the emergency provisions of the Electricity Industry Act. It also clarifies the powers of the chief electrical inspector to give directions during a declared emergency and provides that where such powers are exercised they must be reported. That is important. It means that where these directions are used there is a requirement to report their use so that the public actually understands they have been used, why they have been used and what the direction were. Although it is a small clause it is quite important for public confidence.

There is also a set of amendments that relate to the Gas Industry Act. Clause 17 relates to the planning and augmentation powers under the Electricity Act and ensures that Vencorp, the successor to the Victorian Power Exchange, has the same powers as did the Victorian Power Exchange and must comply with the exchange's licence conditions. That is reasonable too. It again reflects the change that has taken place in the industry, with Vencorp now carrying out those functions.

Four further pages of amendments have been made available since the second-reading speech was made. I again note that the opposition was given them by the parliamentary secretary a couple of days ago, and members of the opposition thank him for that courtesy. We are assured that although they are numerous they are generally of a technical nature and make no substantial alterations to the act.

The opposition notes that these amendments make an offence by a corporation under the new provisions an indictable offence, and as I said in debate on the Gas Industry Act amendments the opposition believes that is reasonable, given that such an offence will now carry a $1 million fine. It is also noted that new clause BB, headed 'Correction of year 2000 figures in tariff order' seems to be fixing up yet another bungle. I just make the comment that maybe this was done by the same person who did many of the budget table computations, which are simply not correct. In one table I looked at the calculation is out by around $800 million when you get to the final figure.

An Honourable Member — You've only got to be 80 per cent correct — it's only 80 per cent.

Mr LONEY — I think it was $8.6 million.

New clause EE substitutes part 2A of the principal act. That essentially deals with the fact that the Victorian Power Exchange no longer exists and that Vencorp now carries out its functions, and a number of amendments deal with that. This matter was to have been fixed in the bill and the need for these amendments seems again to show the government's slipshod approach to legislation dealing with the electricity and gas industries.

The opposition believes the provisions of the bill are appropriate for emergency situations but also points out that the government is still going to have to confront the much broader issue of the security of the system at all times, as it must in the gas industry. And the sooner it does that, the better for all Victorians.

Mr HAMILTON (Morwell) — I wish to make a short contribution to the debate on the Electricity Industry Acts (Further Amendment) Bill. I must first correct a horrible rumour going around. My stance against privatisation of any government services remains absolutely consistent. I am totally opposed to privatisation of any government services. I was quoted out of context.

The opposition supports the bill, which makes arrangements for security of supply during an emergency. However, the technology in the electricity industry is quite different from that in the gas industry, in that the electricity industry can isolate sections of a community or a region of Victoria and can do so section after section and very simply. It is not necessary to go round pulling out mains fuses to get people to comply with an order not to use their electricity improperly during an emergency. From the point of view of policing the directions from the government or from Vencorp, that is certainly a far better and easier way of doing it.

However, I would like to add that while the loss of gas to homes means cold showers, the loss of electricity supplies to families around Victoria creates a lot more distress. I doubt whether many homes in Victoria are not connected to the grid.

I support the notion, expressed by the honourable member for Geelong North, that there should be a legislative requirement to ensure a safe, stable, secure and continuous supply of electricity around the state. That would take a lot of forward planning. I am a keen reader of the monthly magazine produced by the Electricity Supply Association of Australia. The magazine records that a number of discussions are going on in the industry about the national grid and the vague claim of unfair competition from New South

Wales generators, which still happen to be in government hands. I have taken the opportunity of sending a press release to the magazine, because I take great joy in telling the privately owned generating companies how foolish they are to get involved in the Victorian pool when there is already an experienced organisation — the state government — that could operate within the same pool. A part of their financial dilemma has been caused by that foolishness.

Amendment 20 of the circulated amendments, which inserts proposed section 41A, provides in part that an additional function for Vencorp will be:

> ... to plan, and direct the augmentation of, the electricity transmission system.

It is common knowledge that the electricity industry will face serious problems if we have a very hot summer. Honourable members who are a little more experienced in this world remember the times when the electricity peak always occurred in the winter. The peak now occurs in the summer. It is not out of turn to suggest that the government should concentrate a lot more on encouraging energy efficiency in homes, offices and industrial enterprises. That would reduce demand on the system and be better for the environment.

Proposed section 41A also provides another function of Vencorp will be:

> ... to provide information and other services to facilitate decisions for investment and the use of resources in the electricity industry.

That creates a dilemma for the industry because the cheapest, but certainly not the best, way of creating extra generation capacity in the state is to use gas turbines. Given the possible restriction on gas supplies, however, that solution cannot be classed as reliable and is probably one of the most inefficient ways of generating electricity because it burns up premium fuel. These technical matters need to be considered.

Perhaps the biggest problem in the electricity industry is that the bean counters have taken over from the engineers. Bean counters can work from one financial year's end to the next trying to understand engineering — let alone doing some planning and direction — but they will have great problems achieving anything. The need to get more engineers involved in what is fundamentally an engineering industry is urgent. Let the bean counters do their counting at the end of the day, not at the start.

I refer the house to proposed schedule 4 headed 'Table substituted in tariff order', which is on page 2 of the circulated amendments. The parliamentary secretary may care to advise the house what the figures in that table actually mean; they do not appear to have much rhyme or reason. The tariff orders for power stations as distinct as Loy Yang, which is a 2000 megawatt station, and Loy Yang B, a 1000 megawatt station, are very similar; and Yallourn W has a lower tariff order than Loy Yang B even though it is a larger station. The opposition would like an explanation of what 'tariff order' means — other than that it seems to mean $1000 million at the bottom of the table. That needs to be explained, and I would love a bean counter to explain it to me in terms that I can understand, being from an engineering background myself.

The opposition supports the bill. Opposition members who have alluded to a number of improvements that could be made to the bill look forward to the minister's response.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until next day.

Remaining business postponed on motion of Mrs TEHAN (Minister for Conservation and Land Management).

ADJOURNMENT

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

> That the house do now adjourn.

Bendigo: Ansett Cup

Mr CAMERON (Bendigo West) — I raise with the Minister for Sport the possibility of playing in Bendigo Ansett Cup matches conducted by the Australian Football League. The minister would be aware that if Ansett Cup games were played in Bendigo there would need to be a significant improvement in the facilities at the excellent Queen Elizabeth II Oval. The AFL requires better facilities for Ansett Cup matches than it does for practice matches — for example, improved player amenities, media facilities, television camera positions, sponsorship exposure and hospitality areas.

I ask the minister to direct his department to undertake inquiries because Bendigo would like to host Ansett Cup matches next year. I also advise the house that Albury has been used as a site for Ansett Cup matches. More than 90 per cent of the sports money from the Community Support Fund has been used for facilities in Melbourne, essentially for one major project, and I believe this is an opportunity for some of the money to be used in country Victoria. It is an opportunity for the

department and the minister to show more balance in the allocation of funds. I ask the minister to take up the matter on behalf of the Bendigo community which would certainly appreciate financial assistance.

Knox community health service

Mr LUPTON (Knox) — Through the Attorney-General I raise with the Minister for Health in another place the $3 million budget allocation for the construction of the Knox community health service. Earlier this month I indicated the best site for the health service after I was advised that the bureaucrats were looking at a number of sites. The decision about the appropriate site has been dragging on for some time. I ask the minister whether a decision has been made about the location of the service.

The two sites being examined are the land behind the existing City of Knox offices, which I believe is no longer available, and the preferred site of the local Knox community health service committee, the former Shire of Ferntree Gully site located on Burwood Highway. This site is far more practical and is serviced by both train and bus services. The health service committee believes it is by far the better site. Discussions have been going on for some time and now that funds have been allocated I am keen for the service to have a home so that it can operate from a permanent base in a manner befitting the Knox community.

This is the first community health service we have ever had because under the previous government we were devoid of any sort of community health service and there was a definite need for it. I seek to have the site of the Knox community health service clarified so the committee can get down to the final plans and do the necessary work to establish the service.

If the 125-year-old former shire office on Burwood Highway were chosen, it could be incorporated into new buildings or the existing structure used for the Knox community health service. I ask the minister whether he has finally made a decision so we can pass it on to the community and commence the staffing.

Human Services: community education

Ms CAMPBELL (Pascoe Vale) — I ask the Minister for Youth and Community Services to continue to fund the community education workers in each Department of Human Services region. If he decides to continue funding the problem gambling community education workers, I ask that it be allocated on a triennial basis with the annual salary at least that of the current rate. I raise the matter of triennial funding because, as we are all only too well aware, the costs of tendering for small community service organisations is becoming prohibitive. Much of the organisation's time is now going into preparing, writing up and consulting on tenders, which means that the tender costs of time and energy dollars — much of it unpaid overtime — divert many services from the workers' very rationale, which is to provide services to clients.

The current community education workers are funded mostly through the Breakeven service. The workers have a range of innovative, comprehensive and effective programs designed to meet the needs of their local community. Sometimes they may visit markets; they may be in malls; they may talk to community sports groups or citizens clubs or perhaps attend licensed premises and schools. This dedicated team of workers has been making quite an impact in the community. For example, partly as a result of their work in the Geelong area, an area well served by innovative programs, an additional 2000 people are seeking counselling services for problem gambling and G-line has had an increased number of clients contacting it.

I urge the minister to continue this community education program for problem gamblers. We do not want to see tenders going to expensive, exclusively media-orientated advertising campaigns that do not touch the community. As an example of what I mean I point out that after dinner tonight a few members were trying to recall advertisements that are shown regularly on TV but no-one could remember the words.

Point Nepean Road: traffic

Mr DIXON (Dromana) — Through the Attorney-General I raise for the attention of the Minister for Roads and Ports in another place a matter concerning traffic volumes on Point Nepean Road in Rye. In January the Mornington Peninsula Shire Council conducted a traffic survey and found an average of 28 500 vehicles were using that road in the summer months, and on some days that rose to a peak of 37 000. The Point Nepean Road has four lanes, no left-hand turn lanes, parallel parking, and a right-hand turn lane that is narrower than the width of a car. Vicroads investigates roads and has trouble with divided roads and arterial roads that carry up to 35 000 vehicles a day, so we have a narrow road peaking at 37 000 vehicles a day.

Vicroads also investigates roads that carry traffic volume of more than 50 per cent as through traffic. The morning average is 57 per cent and in the afternoon 69 per cent of traffic travelling on Point Nepean Road

at Rye is through traffic. Those figures were obtained during January and reflect the traffic volume in December and most summer weekends from November through to March, including Easter, so they are not for only one or two weeks.

The road is unsafe for pedestrians. One intersection half a block from the controlled pedestrian lights between the beach and the shops carries 50 per cent more pedestrian traffic and 100 per cent more vehicle traffic than a warrant for pedestrian lights. Much traffic congestion is caused and it is unsafe for pedestrians. The amenity of the shopping centre and the foreshore is spoiled, businesses are devalued and accidents are happening.

There are three possible solutions. One includes widening Point Nepean Road and another is the upgrade of the back roads, but the best solution is the extension of the southern peninsula freeway. I ask the minister to explore those three options as the traffic volume will increase with the increase in tourism in the area.

Teachers: contracts

Ms KOSKY (Altona) — I ask the Minister for Tertiary Education and Training to investigate the employment through labour hire companies of sessional teaching staff after they have received significant redundancy payments. I direct to the minister's attention three former full-time long-term staff employed at the Moorabbin campus of the Chisholm College of TAFE who because of their length of service received significant redundancy packages. One staff member had been employed on the campus for more than 30 years.

They have been re-employed by a labour hire firm. They were previously paid $26 an hour for a day session and $39 an hour for a night session. Through the agency they receive $28 an hour for a day session and $41 an hour for an evening session — that is, an additional $2 an hour. The agency is paid $40 an hour for a day session and $50 an hour for a night session, so the agency receives a decent amount to engage the staff.

I have heard only good reports of the teaching expertise of the three staff in question. However, they have been re-employed to teach the same students and the same classes. Their positions, not the staff, were made redundant. If the positions had been declared redundant they would not have been filled, but that is not the case here. It is a waste of public money.

As I said, all three have now been re-employed on higher wages and an issue arises about a duty of care. Who covers their superannuation and Workcover? The college takes the view that the teachers are subcontracted and should organise their own insurance. However, they are expecting the labour hire company to sort out the insurance issue and the college is not informing the teachers of what is happening with the issue.

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

Swing bridge, Sale

Mr RYAN (Gippsland South) — I raise for the consideration of the Minister for Roads and Ports in another place a magnificent structure termed the swing bridge. The bridge was built in 1883 near the confluence of the Latrobe and Thomson rivers south of Sale.

Although it is a significant feature of the South Gippsland Highway, the difficulty with that beautiful facility is that it no longer serves the purpose for which it was designed. Its load limit constrains its use by heavy vehicles, and the traffic lights on it preclude two-way traffic crossing it. That has been highlighted since the Longford incident on 25 September 1998, because all sorts of heavy vehicles have had to travel across the bridge to move equipment back and forth so repairs can be undertaken at the gas plant. That is only one example of the heavy-vehicle traffic that accesses the South Gippsland highway via the bridge.

For some years a plan has been afoot to build a facility that serves the proper purpose of the bridge by adequately catering for the traffic that crosses at that important point. I ask the minister to initiate the procedures required to construct another bridge or bridges to replace the swing bridge. Infrastructure that meets the needs of today is essential to the region.

The ACTING SPEAKER (Mr Richardson) — Order! We have a confluence between the honourable member for Gippsland South and the honourable member for Northcote!

Metro Craft Centre

Ms DELAHUNTY (Northcote) — Thank you for that, Mr Acting Speaker; I will enjoy it! The matter I raise is for the attention of the Premier in his capacity as the Minister for the Arts. I seek urgent action to save part of Victoria's proud artistic heritage, the Meat Market Craft Centre, which is on the site of the old

meat market in North Melbourne. I refer in particular to the Victorian state craft collection.

On 13 May in this place I asked the Premier to investigate why various craft guilds at the craft market had had their tenancies terminated. The very next day there was a lockout at the craft centre. The Metro Craft Management Co. went into voluntary liquidation, an administrator was appointed, the doors were locked, and the tenants and the public were denied access to the centre.

The Meat Market Craft Centre has been a centre of excellence for virtually 20 years. In November 1978 the craft market was opened by the then Liberal Premier, Rupert Hamer, a great patron of the arts. Today, 20 years later, the craft market is in crisis. The administrators, Carson McLellan PPB, have generously given the government, through Arts Victoria, more time to consider the future of the craft market, in particular, what it would like done with the craft equipment — the kilns, wheels, and so on — and, crucially, the Victorian state craft collection. The collection includes ceramics, fibre textiles, glass, leather, metal work, jewellery and wood. It is considered one of the premier craft collections in Australia, if not in the world.

I seek urgent action on the matter. The government must stop equivocating on the issue. It would be a tragedy if the state craft collection were sold off and lost to the public. The tenants need a home, particularly those craftspeople whose businesses, whether successful or not, have been frozen by the action — and many have been very successful. In that context I refer to the Victorian Woodworkers Association, which operates a model Arts Victoria would do well to emulate in rescuing the craft centre.

The association allows the centre management to deal with a single body rather than a variety of people. It operates in a cooperative environment and it protects both emerging wood artists and professionals.

Intravenous gammaglobulin

Mrs SHARDEY (Caulfield) — I raise for the attention of the Minister for Health in another place representations made to me by two neurologists regarding inadequate supplies of intravenous gammaglobulin, otherwise known as Intragam. Transfusions of the blood product are of proven benefit to people suffering neurological conditions, particularly Guillain-Barré syndrome and chronic inflammatory demyelinating polyneuropathy. It is a superior form of treatment and for most people it is very effective.

Over the past few years there has been an intermittent lack of supply of the product. However, a chronic shortage over the past six months has caused distress to patients who require the product. Under normal circumstances some people can walk almost normally following a transfusion of gammaglobulin but are wheelchair bound without it. People who need the product often have to resort to importing it from overseas at great cost. The lack of Intragam is not due to a lack of donors but that improved technology should enable a more efficient collection of it and that is not readily available.

I ask the minister to investigate the issue and perhaps speak with his federal counterpart, who is conducting a review into blood collection across the country.

Werribee community health centre

Ms GILLETT (Werribee) — I ask the Attorney-General to raise with the Minister for Health in another place a promise to establish a $6 million integrated community health centre in the Werribee district. The promise, which was made more than two years ago as part of the last state election campaign and has been restated since by the government and the department, seems to have evaporated during the past 12 months. I have made inquiries at the Department of Human Services but have been unable to ascertain the status of the commitment.

I ask the minister to ask his senior bureaucrats to advise whether that promise, which has been borne out by significant and detailed demographic studies, will be honoured. The Werribee community is part of a growth corridor and has an enormous need for the sort of integrated health services that could be provided by such a centre. The centre would cater for a broad range of primary health service needs, including dental needs. Approximately 47 per cent of Werribee's population is aged between 14 and 24 and the area desperately needs the provision of such services. If the government breaks its promise the constituents of Werribee will be devastated.

My phone calls to the Department of Human Services have not been returned. I would like the minister to assist me to work out whether the government's promise to provide a community health centre at Werribee will be honoured.

Moorabbin Airport: market site

Mr LEIGH (Mordialloc) — I raise with the Minister for Planning and Local Government a serious matter concerning the former Fairways Leisure Market

at Moorabbin Airport. It would appear that prior to the private airport corporation gaining access to the lease, an arrangement had been entered into to increase the market from 10 000 to 18 000 square metres, so almost doubling its size. There would appear to be no planning arrangements in place other than for the independent umpire who is involved to decide whether the project goes ahead.

The proposal is somewhat in conflict with the Moorabbin Airport master plan being established with the City of Kingston. No planning arrangements have been made about how to manage expansion of the site, unlike what happened at the Westfield site, for example. I have deep concerns about whether the facility will be of any advantage to the local community and about its effect on local retail arrangements.

The Fairways Leisure Market was not successful on the site. Arrangements for the use of the site have changed, and it seems that despite the master plan, the local community, the council and the state government do not have any control over what will take place on the site other than what an independent umpire decides comes within the scheme.

I ask the minister to investigate the proposal and advise what action, if any, can be taken to deal with the matter. It is a matter of concern to the community because it may affect existing retailing arrangements in the area.

Banyule Community Health Service

Mr LANGDON (Ivanhoe) — I ask the Attorney-General to raise with the Minister for Health in the other place the future of the Banyule Community Health Service, which is in the Olympic Village section of my electorate. There are doubts about whether the Banyule Community Health Service will remain where it is, and there is speculation — fuelled mainly by my electorate colleague in the upper house and my opponent for the seat of Ivanhoe, who shall remain nameless — about whether the community health centre will remain at the Olympic Village site.

I ask the minister to indicate whether the Banyule Community Health Service will remain in its current location or move. The centre has been in the Olympic Village area since the 1970s, and is desperately needed where it is. Possible locations I have heard mentioned include the old Colosseum Hotel site, which is currently subject to a liquor licence appeal. It is owned by one of Mr Bruce Mathieson's companies, and is the site where the police headquarters were supposed to be built. I believe the speculation is based mainly on information that comes from my upper house colleague in Templestowe Province, Mr Forwood.

Another possible location I have heard mentioned is Macleod. I would be most concerned if that were the case. I have heard through contacts at the local council, where my opponent for the seat of Ivanhoe is a councillor, that $3.5 million was allocated in the last budget for the possible relocation. As I said, the speculation is fuelled by my upper house colleagues and my opponent in the forthcoming election. I ask the Minister for Health to indicate whether the Banyule Community Health Service will be moved and, if so, where it will go, and how much funding has been allocated to it.

My major concern is that the community health centre is desperately needed in the Olympic Village in West Heidelberg. It services the area and the electorate very well, and it would be of major concern to me if it were to move. I suspect, however, that it may be relocated to the repatriation hospital campus of the Austin and Repatriation Medical Centre, which is possibly subject to major redevelopment by the government and is up for tender at the moment. All this is very vague comment and my constituents need clarification of the situation. I ask the Minister for Health to clarify it for them.

Wodonga Learning, Education and Play Centre

Mr A. F. PLOWMAN (Benambra) — I ask the Attorney-General to refer to the Minister for Youth and Community Services two issues relating to the Learning, Education and Play Centre, a voluntary service which provides early intervention training for children with special needs. The number of children from both Albury and Wodonga serviced by this voluntary service is 37.

The first issue is that currently government funding is directed through an independent body called the Upper Hume community health service, which takes 12 to 14 per cent by way of commission.

I ask the minister to review the arrangement so funding can be forwarded directly to the board, which can handle the administrative costs better and more quickly.

The second aspect is that the centre provides a service to New South Wales and Victorian children. It has been suggested that in the future the centre will not be available to New South Wales children. I ask the minister to review that possibility.

Responses

Mr MACLELLAN (Minister for Planning and Local Government) — The honourable member for Mordialloc raised the issue of Fairways Leisure Market increasing its trading area from 10 000 to 18 000 square metres, not in accordance with the master plan and, in his view, quite unfairly for other nearby retailers who have had to go through the proper planning process led by Kingston City Council.

I agree that one party obtaining an advantage not available to another simply because one site is on commonwealth land does not appear to be a proper process. I will see if the expansion is in accordance with the master plan. The honourable member asked what action I will take. I will have the matter investigated, seek a report and advise the honourable member of what action, if any, can be taken.

Mrs WADE (Attorney-General) — The honourable member for Bendigo West asked that the Minister for Sport consider the possible improvement of football facilities in Bendigo to allow Ansett Cup games to be played there. I will direct that matter to the attention of the minister.

The honourable member for Knox raised a matter for the attention of the Minister for Health in the other place. He said the Knox community health centre had been allocated funds in the budget to find and establish a new home. The honourable member for Knox felt that the most appropriate home would be the old shire offices in Ferntree Gully. I am pleased to advise the honourable member that the minister has authorised the purchase of the old shire office site in Ferntree Gully from the Victorian Government Property Group. That transaction occurred in the week beginning 17 May. The project will proceed to the design stage prior to documentation, tendering and construction of the facility in 1999–2000.

Several other matters were raised for the attention of the Minister for Health. The honourable member for Caulfield referred to a concern raised with her by neurologists about the inadequate supply of blood products for patients suffering from neurological problems. I will refer that matter to the minister.

The honourable member for Werribee requested that I ask the Minister for Health whether an integrated community health centre could be established in Werribee. I will refer the request to the attention of the minister.

The honourable member for Ivanhoe was concerned about a community health centre. Obviously community health centres are a popular topic in this debate tonight. As I understand it, a budget allocation has been made for a new site for the community health centre. The honourable member for Ivanhoe would like the community health centre to remain at the Olympic Village centre, where he believes it is much needed. He believes other locations would be less suitable for that community health centre. He has asked the minister for clarification. I will pass his comments and requests on to the minister.

The honourable member for Pascoe Vale raised for the attention of the Minister for Youth and Community Services the funding of community education workers in Department of Human Services regions. I will pass that matter on to the minister.

The honourable member for Dromana raised for the attention of the Minister for Roads and Ports the volume of traffic on the Point Nepean Road at Rye. Apparently the traffic volume figures are high and he believes there are a number of options for dealing with the traffic congestion that results from that traffic flow. The options include widening Point Nepean Road, upgrading other inland roads or extending the freeway. The honourable member has asked me to investigate the matter and I will pass it on to the minister.

The honourable member for Gippsland South raised for the attention of the Minister for Roads and Ports in another place the issue of the swing bridge built near Sale in 1883, which no longer fulfils the purpose for which it was intended. The honourable member has suggested that the construction of another bridge or other bridges to replace the swing bridge is required. I will pass his comments on to the minister.

The honourable member for Northcote asked the Premier, as she has done in the past apparently, to intervene to save the Meat Market Craft Centre. Tenants are being denied access following the appointment of an administrator. The honourable member seeks urgent action but was unclear as to the type of action she thought would be appropriate. It might be a good idea for the honourable member to collect her thoughts and come up with some ideas.

The honourable member for Benambra raised for the attention of the Minister for Youth and Community Services the issue of services for children with special needs in the Albury–Wodonga region, and the way in which funding is arranged for services in that region. I will pass the matter on to the Minister for Youth and Community Services.

Motion agreed to.

House adjourned 11.33 p.m.

Friday, 28 May 1999

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

PETITIONS

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

Austin and Repatriation Medical Centre

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

This petition of certain residents of the state of Victoria expresses their great concern that funding shortages have meant that the Austin and Repatriation hospital has had to cancel elective surgery for two months, as well as other cuts to health services provided to the community.

Further we are seriously concerned about the decision by the state government to privatise the Austin and Repatriation hospital. Privatisation puts public health care at risk. It will act as an incentive for the Austin Repatriation to treat patients for profit rather than according to need.

Your petitioners therefore pray that the state government acts on this request for more funding for the Austin Repatriation hospital and that the state government reconsiders its decision to privatise the Austin Repatriation hospital.

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

By Ms GARBUTT (Bundoora) (84 signatures)

Capital punishment

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

What is justice?

The judicial system of Victoria needs modifying. We, the people of Victoria seek the power and the right to demand harsher penalties, including a referendum for the reintroduction of capital punishment for murders of the most brutal and atrocious nature where there is absolute proof of guilt.

Your petitioners therefore pray that the state government will let the people decide what is best for us, by allowing a referendum on capital punishment and by legislation according to the wishes of the majority, and your petitioners, as in duty bound, will ever pray.

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

By Mr E. R. SMITH (Glen Waverley) (5465 signatures)

Austin and Repatriation Medical Centre

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

The humble petition of undersigned citizens of the state of Victoria sheweth strongly object to the decision by the Kennett government to privatise the Austin and Repatriation Medical Centre and call on the government to protect the local residential area from the effects of the massive overdevelopment.

Reports that the development will accommodate the Austin and Repatriation hospitals, Larundel Psychiatric Hospital, Mercy Private Maternity Hospital, medical and research institutes, seven universities and TAFEs, a motel/hotel, multistorey car park, a possible shopping centre, various ancillary services and possibly the Royal Talbot Hospital are of grave concern as the proposal will: further increase traffic, impact on our residential amenity and devalue our properties.

Your petitioners therefore call on the state government to:

Reconsider its decision to privatise the medical centre;

Protect the Red Cross Centre, bowling green and memorial gardens from any future works;

introduce measures to protect the local area from any ill effects of the massive overdevelopment of the Repatriation site,

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

By Mr LANGDON (Ivanhoe) (6 signatures)

Austin and Repatriation Medical Centre

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

This petition of certain residents of the state of Victoria notes with concern the decision by the state government to privatise the Austin and Repatriation hospital. Privatisation puts public health care at risk. Moreover, the North Eastern Health Care Network report on privatisation rejected the government's proposal for privatising the Austin and Repatriation [hospital].

The Red Cross Centre, memorial gardens and bowling green at the Repatriation Hospital should also remain in their current locations, properly honouring those who have served Australia in war.

Your petitioners therefore request that the state government reconsider its decision to privatise the Austin and Repatriation hospital, and act to ensure that access to the hospital continues to be on the basis of health, and not wealth.

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

By Mr LANGDON (Ivanhoe) (53 signatures)

Planning: review

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

The petition of the undersigned citizens of Victoria calls on the state government to review the current planning system and the *Good Design Guide* to ensure:

urban amenity, neighbourhood character and heritage values are protected from inappropriate developments;

the building and demolition permit system operates effectively with proper enforcement controls and that all demolitions must have planning permits;

ministerial powers are properly defined to ensure that the minister's power cannot be used to undermine good planning processes and that there is a greater accountability to Parliament and the community;

that residents have the right and are encouraged to participate in urban planning and are able to defend that right;

that council planning powers are properly defined and protected, which will create appropriate working partnerships with all involved.

a stronger environmental planning practice and that the protection of the natural and urban environment, heritage, and vegetation, are at the forefront of decision making;

that the problems of appearance, site coverage, overshadowing, setback, quality design and noise are addressed.

local governments are allowed greater freedom in introducing local variations.

Your petitioners therefore pray that the current system be thoroughly reviewed as it cannot be fixed by the current cosmetic changes.

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

By Mr LANGDON (Ivanhoe) (30 signatures)

Police: Heidelberg stations

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

The petition of the undersigned citizens of Victoria call on the state government to honour its 1996 election campaign promise to increase the number of police in Victoria to 11 000. Reductions in police numbers have placed at risk community security and safety.

It calls on the government to increase safety and security in the community by:

providing Heidelberg West police station with its entitlement numbers of 1 senior sergeant, 2 sergeants, and 10 senior constables/constables;

guaranteeing the survival of Heidelberg West police station;

honouring the government commitment to improve the Heidelberg police station, ensuring adequate conditions for Police;

preventing police being seconded away from Heidelberg and Heidelberg West police stations by providing sufficient police numbers at all stations;

taking action to reduce police response times;

providing resources to enable police to undertake crime prevention in the community;

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

By Mr LANGDON (Ivanhoe) (3 signatures)

Cemeteries and crematoria

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 all existing and future Victorian cemeteries and crematoria will be publicly owned;

that management of Victoria cemeteries and crematoria remain under the control of the Victorian government.

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

By Ms CAMPBELL (Pascoe Vale) (56 signatures)

Juvenile justice: Broadford

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 no new youth training centres be built;

that government ceases consideration of sites in the Mitchell shire;

that the government publicly state that it will not build a youth training centre in Broadford.

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

By Ms CAMPBELL (Pascoe Vale) (541 signatures)

Laid on table.

LAW REFORM COMMITTEE

Technology and the law

Mr PERTON (Doncaster) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Mr RYAN (Gippsland South) presented *Alert Digest* No. 6 of 1999 on:

Police Regulation and Firearms (Amendment) Bill
Royal Park Land Bill

together with appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Australian Food Industry Science Centre — Report for the year 1997–98

Ballarat University — Report for the year 1998, together with an explanation for the delay in tabling

Deakin University — Report for the year 1998, together with an explanation for the delay in tabling

Environment Conservation Council Act 1997 — Notice of amendment of request to the Environment Conservation Council to carry out an investigation of Victoria's Marine, Coastal and Estuarine Areas

La Trobe University — Report for the year 1998, together with an explanation for the delay in tabling

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

Melbourne University — Report for the year 1998, together with an explanation for the delay in tabling

Monash University — Report for the year 1998, together with an explanation for the delay in tabling

Parliamentary Committees Act 1968 — Response of the Minister for Fair Trading on action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee Report on the *Carriers and Innkeepers Act 1958*

Prevention of Cruelty to Animals Act 1986 —

Code of Practice for the Land Transport of Horses (Victoria)

Code of Practice for the Land Transport of Poultry (Victoria)

Code of Practice for the Land Transport of Pigs (Victoria)

Variation of the Code of Accepted Farming Practice for the Welfare of Livestock — Transport of Livestock (1985)

RMIT University — Report for the year 1998, together with an explanation for the delay in tabling

Swinburne University of Technology — Report for the year 1998, together with an explanation for the delay in tabling

Victoria University — Report for the year 1998, together with an explanation for the delay in tabling.

BUSINESS OF THE HOUSE

Adjournment

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I move:

That the house, at its rising, adjourn until a day and hour to be fixed by Mr Speaker, which time of meeting shall be notified in writing to each member of the house.

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

That all the words after 'That' be omitted with the view of inserting in place thereof the expression '(a) the house, at its rising, adjourn until a day and hour to be fixed by Mr Speaker, the day being within seven days after the receipt by the Clerk of the house of a copy of the report of the Longford royal commission pursuant to clause 4 of the Longford Royal Commission (Report) Bill; or (b) the house, at its rising, adjourn until a day and hour to be fixed by Mr Speaker, whichever is the first to occur, which time of meeting shall be notified in writing to each member of the house'.

The amendment, if passed, will enable the Longford royal commission report to be debated in the Parliament seven days after receipt of the report. Why should the Longford royal commission report not be debated in this Parliament? Every royal commission report in other states and the commonwealth, almost without exception, is debated fully in the Parliament. When debated in the house the proceedings are subject to privilege. Such debate ensures there is full discussion, debate and dialogue on the matter.

What an absolute sham it is to close Parliament after ramming through 15 bills this week. The government is not prepared to return to debate something as important as the report of the Longford royal commission. The government does not care, it could not give a damn about something as important and crucial to the state. Two workers died and several others were injured as a result of the incident. The government simply wants the Premier to announce and talk about the commission. It does not want proper debate. It has no regard for proper procedure and no regard for what happened at

Longford. If the government had regard for what happened at Longford there would be a full-day sitting for consideration of the Longford royal commission report. The report would be debated and dissected. Its findings would be subject to privilege, not simply through legislation but by proper debate in the house. It is an absolute sham that Parliament is being closed down this week and will not return to debate this important report.

Talk about the secret state; how secret can it be? The Premier will go to such lengths about secrecy that he will not even have the royal commission report tabled in this house in the future. It is an absolute debacle. The findings of the royal commission are crucial and that is why the opposition wants the house to come back to debate them.

The opposition has moved the motion because it believes the final report of the Dawson royal commission is crucially important to the people of Victoria. The Longford disaster was perhaps the most significant and far-reaching industrial accident in Victoria's history. We cannot forget, of course, that two people died at Longford and eight others were seriously injured. The severity of the incident cannot go unnoticed. We also cannot forget that Victorian industry incurred a $1 billion bill as a result of the two-week disruption in gas, and Victoria's reputation to do business was severely damaged because of the interruption to gas supplies.

We cannot forget that thousands of Victorian workers were laid off because of that industrial accident. We cannot forget that that event put the lives of elderly Victorians at risk and left 1.3 million households without gas over that period. We cannot forget that it provided the clearest demonstration of the vulnerability of all Victorians to essential services that have been taken for granted in the past. However, under this government one cannot take for granted those things that have always been there. Supplies of gas, electricity and water cannot be taken for granted under this government.

Eight months ago it was considered an important enough issue for the Premier to establish and spend $2 million on a royal commission. At the time of calling the royal commission the Premier is reported in the *Age* of 13 October as saying:

> Victorians are owed nothing less than the most serious investigation.

The Premier himself referred to it as 'the most serious investigation'. The article continues:

> I cannot think of anything that I have elevated to a higher plane of seriousness than the disruption to our gas supplies that rendered industry incapable of producing and denied the citizens of this state gas for heating for water and for cooking.

That is how serious the Premier considered the incident. But it now seems that the investigation we had to have is not serious enough to bring back Parliament to debate the report. What arrogant behaviour. The Premier could not give a damn about Parliament. He just loves to be the executive ruler of the state; he loves to arrogantly rule the state. He does not want to pay due regard to proper debate in this house. Why should the house not come back to debate the royal commission report? Every other state ensures royal commission reports come back for debate. Why are government members letting the Premier get away with it? Why are we not coming back to debate this important matter? Government members know how important it is. We should be debating it before a full parliamentary chamber.

When the people of Victoria demanded a royal commission it was expected the findings would come before Parliament. Funds of $2 million were put into the royal commission. I will indicate the significance of the royal commission and its importance to Victoria.

Some 14 different parties appeared at the commission, including 11 Queen's Counsel, 18 junior barristers and 14 law firms, including some of Melbourne's largest law firms. That reflects the importance of the commission to the state.

Dr Napthine — On a point of order, Mr Speaker, I draw your attention to the fact that order of the day no. 3 is the Longford Royal Commission (Report) Bill. That would give the Leader of the Opposition and all members of Parliament ample opportunity to canvass issues with regard to the royal commission, including how many parties were represented and the matters raised by the royal commission. This debate is about the adjournment of the house and when the house should be recalled. The Leader of the Opposition will have ample opportunity later today to canvass issues with regard to the Longford royal commission. He should confine his remarks to the adjournment of the house and when the house should be recalled rather than matters that can be adequately canvassed later today.

The SPEAKER — Order! I do not need to hear argument on this. I do not accept the point of order. The Leader of the Opposition is establishing the urgency of his motion and seeking support for the recall of the house seven days after the report of the Longford royal commission has been received by the Clerk. I do not

accept the argument that that can be debated during the Longford Royal Commission (Report) Bill. As honourable members know, it is possible we may have little time for debate on that bill; I am not sure as that is in the hands of the house. This is a separate motion and I do not accept the point of order.

Mr BRACKS — Thank you, Mr Speaker. I appreciate and accept your ruling. I am not surprised the minister wants to shut down debate. He is trying to do the bidding of the Premier. He wants to jockey for a frontbench position. He wants to ensure he becomes shadow Treasurer!

The SPEAKER — Order! I advise the Leader of the Opposition he is now straying from the motion. I would like him to stick to the terms of the motion, which I have supported his right to do.

Mr BRACKS — Mr Speaker, I appreciate your previous ruling. As I was saying, the importance of the Longford royal commission cannot be overestimated. The importance of the house reconvening is highlighted by the fact that the royal commission sat for 53 days and called 63 people as witnesses. A total of 6569 pages of transcript were produced. Some members of Parliament were there throughout the commission's sittings; they pored over the transcripts and came to know them backwards. Vencorp, on behalf of the government, had a team of five lawyers and other PR personnel. That company acknowledged the importance the government attributed to the royal commission.

If the motion is not passed, the people of Victoria will be short-changed. There will not be a full and proper debate of the matter. There will be no opportunity for the people's representatives in this house to discuss the findings of the Dawson royal commission. There will be no opportunity to discuss the findings or the best way to ensure such an event never happens again. The opposition wants to contribute to that debate and ensure its views are put clearly and squarely on why such an event should never happen again and how the problem can be fixed. I am not debating the Longford royal commission report.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Swan Hill is interjecting from out of his place, good point or otherwise.

Mr BRACKS — Here is another one jockeying for a position on the frontbench — always the bridesmaid, never the bride.

Not allowing full debate on the Longford Royal Commission (Report) Bill is another attack on the democratic processes of the state. It is another example of the secret state Victoria has become under the Premier and coalition government. It goes to the heart of the purpose of the Parliament. Labor members believe Parliament should be a forum for full and frank debate of key issues affecting Victoria. The other side of the house is clearly subservient to the Premier and will do whatever he wants.

It is not news that the house sits the least number of days of any state Parliament in Australia. Last year there were 42 sitting days. This year, if there is a full sitting procedure in spring as we have had in autumn, the house will have sat only 35 days. The motion proposes that Parliament be recalled.

This week we will have the spectacle of 15 bills being rammed through by Friday in only four sitting days. Why should Parliament not be reconvened? The opposition is asking that seven days after the receipt of the Longford royal commission report Parliament be reconvened for one day to debate the report. That is not too much to ask on behalf of the people of Victoria. What has the government to hide? Why is it worried about ventilating the issues and openly debating the Longford royal commission report?

In this same week the government is trying to gag debate on the Longford Royal Commission (Report) Bill. It also wants to gag any proper scrutiny of the freedom of information laws that will be rammed through the house later today. In addition to the plea from the Auditor-General in the two reports tabled this week for more open, accountable government in Victoria, we notion the notion of the secret state. The attempt to adjourn the house today and not return to debate the important Longford royal commission report is part of the secrecy.

In highlighting the importance of reconvening after the receipt of the report, I point out that the Premier has desperately tried to blame everyone else for the Longford disaster. He has said it was not the government's fault and that the government had nothing to do with it — it was Esso, the unions or anyone else he can blame! That is why the Premier does not want to come back and have a full debate of the matter.

Mr W. D. McGrath — On a point of order, Mr Speaker, the Leader of the Opposition is straying from his motion. He is starting to debate what the Premier has been saying, this, that and the other, which has nothing to do with the motion. The motion is about

whether Parliament should be recalled seven days after the tabling of the report. It is not an opportunity for him to debate the matter. Sir, I ask you to ask him to speak on matters of relevance to the motion.

The SPEAKER — Order! One of the responsibilities of the royal commission is to establish the cause of the accident at Longford. The apportioning of blame as discussed by the Leader of the Opposition is a part of that. Clearly, that would be relevant to discussion of the report when it comes to the house. I do not uphold the point of order. The Leader of the Opposition is relevant to the motion he has moved.

Mr BRACKS — Thank you for the ruling, Mr Speaker. As the Speaker and most honourable members know, it is important that the right of the Parliament to scrutinise such matters be upheld. Therefore, I am pleased with your ruling on that matter.

One of the key reasons we need to come back to debate the matter here is to expose the hypocrisy of the Premier who has tried to blame everyone but himself for the Longford disaster. He will not talk about Vencorp whose responsibility it is to scrutinise what is happening with the gas supply and ensure a secure supply in future; he does not want to talk about the Workcover Authority that has the responsibility of scrutinising the safety of the site.

The Premier does not want Parliament to reconvene because those points will be raised in debate: we will talk about Vencorp, the Workcover Authority, and the government's responsibility to ensure safe and reliable gas supplies in future. We need to debate whether we will have a secure supply in future, based on the findings of the Longford royal commission. We need to debate why, for example, the government chose to build a small, garden-hose-size interconnect from New South Wales and not a fire-hose, as it were. As a result of that decision, when the Longford gas disaster took place less gas was available than might have been and we need to debate why that decision was made. Why can Parliament not be reconvened for a full day to debate the findings of the Longford royal commission?

The SPEAKER — Order! The Leader of the Opposition is now starting to canvass issues that are not appropriate to this motion.

Mr BRACKS — The reality is that the government is desperate to avoid scrutiny on the matter; it is desperate to avoid debate. The Premier wants to present only a one-sided view on the report of the Longford royal commission. He wants to make his view known but he does not want the Parliament to debate the report, although that is the convention for dealing with every royal commission report in other states in the commonwealth. It is an absolute disgrace that the Parliament will not be reconvening to debate the findings of the royal commission. It shows the contempt in which the Premier holds this parliament: he could not give a damn about this Parliament or about proper scrutiny of the government.

The amendment to the motion to adjourn should be supported. We should come back and debate the Longford royal commission report seven days after its receipt by the Clerk of this Parliament. We should adhere to the conventions of other parliaments and ensure that Sir Daryl Dawson's report is discussed properly.

I urge government members to adhere to the principles of other parliaments and not to back down. On this occasion in their own interests and those of all Victorians members opposite should stand up to the Premier. They should support the motion and ensure that we come back to debate the report fully. Members of the government seem to be running and hiding from something. They should not be doing that; they should be debating the matter. I urge those members of the government who have doubts about the Premier's position to support this good motion so that this Parliament will be back here having a full debate seven days after receipt of the report of the royal commission. It is a very important principle for democracy in this state, and we must ensure such an accident never happens again.

Mr RYAN (Gippsland South) — I am pleased to join the debate on the motion because the Longford facility is located within the electorate I represent. Accordingly, it is a matter of crucial concern to the people of my constituency. All members of this chamber ought to keep in mind that we are debating the issue in an important context. It should not to be lost in this place or among the people of Victoria that on the day the Longford incident occurred two men, Peter Wilson and John Lowery, died and eight other people were seriously injured and are still suffering from those injuries to differing degrees. Therefore, a debate such as this ought to take place about the fall-out from that terrible event and its continuing effects on the families involved.

I commence my remarks by putting them in that context, because under the government's proposal everybody will have available to them the report on the day it is published. The bill provides for the report to be published by the Government Printer after it is received, which is anticipated to be on 30 June. The

report will have the usual privilege of a document tabled in the house and it will be available to the people of Victoria and all those who have been waiting for the outcome of the royal commission so that everyone will know what it means for them individually and their respective families.

In its own way that is a very healthy process. One of the concerns I have — and I know from speaking with my constituents that I am not alone in this — is that this personal tragedy for those people will be politicised even beyond the extent to which it has been already. One of the things this house must be careful to avoid is that the people who have borne the brunt of the tragedy — that is, the families of those who have died or who have been injured — do not become a political football by the very nature of the royal commission which was established to determine the issues that gave rise to the tragedy. That is fundamentally what we are talking about here.

If the process proposed by the Leader of the Opposition were agreed to, it would simply lead to this house debating the issue seven days after the report has effectively been tabled. The reality is that the report will be available for all to read as soon as it is presented — some few days later, in practical terms. As for Parliament debating the issue, as historically has been the case in all jurisdictions around the nation, that is no problem for members on both sides of the house. Of course we can talk about it. The fact is that the report will be published — as I said, it will attract the usual privilege under the process contemplated by the bill — and will be available to people who want access to it, most particularly those who have been affected by it in the first instance. It can be discussed in all the forums where the Leader of the Opposition is concerned that it be discussed. As soon as Parliament resumes it can be discussed here. Nothing is lost by what is contemplated. Parliament is due to resume in September and the debate on the report can take place then. We are talking about 60-odd days before we will actually be back here able to discuss the document in the forum that Parliament provides.

Therefore the motion moved by the Acting Leader of the House should be supported.

Mr LONEY (Geelong North) — I usually listen with some interest to the contributions of the honourable member for Gippsland South, but his contribution this morning was little more than intellectual acrobatics. He argued that 7 days was too long but 60 days was all right, which is an impossible argument to sustain. He said that the way previous royal commission reports had been handled was appropriate but went on to say that the government's proposal to interfere with the way royal commission reports are handled is also all right.

He cannot have it both ways. He must either argue for the current provisions, as the opposition does, or say there is no need for those provisions, as the government seems to be saying, and throw everything out. That is what is attempted to be done here. The honourable member for Gippsland South missed the point that, if the government had any goodwill at all, it is still possible to deal with the report in the same way as royal commission reports have been dealt with in the past. Under the rules proposed, when Sir Daryl Dawson hands over that report it could be tabled in Parliament and debated on the same day. It is the government's lack of goodwill that makes it impossible — nothing else, and certainly nothing in any proposed procedure.

It could be arranged for this Parliament to sit on the day the report is tabled, as has happened in the past. The government of which the honourable member for Gippsland South is a member simply does not want to do that. The only thing stopping Parliament from debating the report after it is tabled is the government's desire not to do so.

The opposition concurs with most of the arguments presented by the honourable member for Gippsland South about the relevance of the report to the consequences of the Longford disaster, including the tragic deaths of two workers, the injuries to many others and the effects on their families, and its overall impact on the Victorian community. The royal commission was established for all those reasons.

The honourable member for Gippsland South also spoke about an inquiry at the highest judicial level being asked to conduct the review in a way that accorded the issue the sensitivity it deserved. However, having done that the government now proposes to release the report by grabbing hold of it and spinning it out through its media unit. That is not appropriate. In doing that the government is not treating the injured workers and their families in a dignified and sensitive way. The government is not proposing to treat the report in a way that would accord with the customs and traditions of Parliament or allow proper consideration of it.

A point that has been overlooked is that the report does not belong to the government. It is the people's report, and traditionally reports of royal commissions have been presented to Parliament. However, the government does not like to operate that way. It has no regard for Parliament as the voice of the people. It is

arrogant and contemptuous of the parliamentary processes and tries to avoid them at every opportunity.

The government has tried to avoid its responsibilities and any scrutiny of its actions, or its lack of action. For example, the Premier washed his hands of the hydrate incident in June of last year and said, 'It has nothing to do with the government. We have no responsibilities'. He used the same line after the Longford explosion and had to be dragged kicking and screaming to the royal commission. Further, the government did everything possible to avoid scrutiny by narrowing the terms of reference of the commission. People tend to forget that initially the findings were scheduled to be handed down in February. There was an attitude of its all being done in a couple of days — over, bang and out. It was only after Sir Daryl Dawson requested further time that the date was extended to 30 June.

The government's handling of the report is another example of executive government trampling over the rights of Parliament and the people of Victoria. Parliament is not only entitled to see and debate the report, it has an obligation to do so, and to exercise its judgment and express its considered opinion. The government's obsession with secrecy is standing in the way of that obligation, and that lies at the heart of the issue — there is a clash between the proper processes of a democratic state and a government obsessed by secrecy.

It is important to remember that Parliament is the appropriate place to consider and debate the report, given that the honourable member for Gippsland South talked about debating it outside, in the press and in other places. The opposition wants to consider and debate the report. It is not appropriate just to rush out and make statements through the government's media unit. It is extremely important that the report and any actions that might flow from it be given proper consideration. There is no reason why Parliament cannot return to consider and debate the report, yet the government is removing its right to do that

The government tries to avoid facing up to its failings at any cost. That was clearly revealed in the introduction of Gas Industry (Further Amendment) Bill and the Electricity Industry (Further Amendment) Bill to fix failings discovered during the Longford crisis. The government has failed Victorians in the way it has set up the gas industry.

The SPEAKER — Order! The honourable member for Geelong North is straying from the motion before the Chair.

Mr LONEY — The point of my contribution is that the Longford royal commission has looked at matters relevant to the operation of the gas industry and one would expect that it will report on those matters. The government has admitted it has failed in many ways and it should face up to its responsibilities and address those failings. It is unfortunate that the opposition has had to move an amendment to try to do what the government should be doing.

It should be saying when adjourning the house, 'We will recall you, not seven days after but on the day the report will be available for tabling in the house'. Members of the opposition want to change it only if that is impossible to do. The provision should not be used to create a new precedent; it should be used only in the event that the Longford royal commission report cannot be released in the normal manner through tabling in Parliament.

It is the government's lack of goodwill and the opposition's lack of trust in the government acting in the public interest that is behind this. I urge government members to think carefully about the opposition's amendment and their responsibilities and obligations to the broad Victorian community. The Longford event affected pretty well every single person in Victoria. Government members should exercise their responsibility to the community, not their responsibility, as they see it, to protect the government. I have explained what the amendment is about, and it is worthy of being carried in the house.

Mr E. R. SMITH (Glen Waverley) — It is evident from the contributions to the debate of the two opposition speakers that the opposition knows very little about the forms of the house. The honourable member for Geelong North demonstrated that fact in just the past few minutes when he said, 'Let us call the house back within one day of the Premier getting the royal commission's report'.

Everybody knows the Premier does not run what is happening in the royal commission — the royal commissioner does. Sir Daryl Dawson will decide when to present the report. He will do so in his own independent manner when he is ready. When the Premier gets it he has no say on when he puts it out, except by virtue of this bill. As other honourable members have already said this morning, the people of Victoria are crying out to know the findings. The quickest way to make the findings public is for the government to have the ability through the bill to put the report out straightaway.

The SPEAKER — Order! I think the honourable member is anticipating debate on the third order of the day, government business, which is the bill to which he is now referring. The house is now debating the motion for resumption of the house after the recess and the amendment moved by the Leader of the Opposition.

Mr E. R. SMITH — Thank you for your guidance, Mr Speaker, and naturally I will accept such fine guidance.

The SPEAKER — I should hope so.

Mr E. R. SMITH — The whole point of this debate is deciding whether the house will resume on a date determined by Mr Speaker or a date determined by the Labor Party — that is exactly what its amendment is all about.

As I said, opposition members do not understand the forms of the house. They are saying that by not sitting the government is trying to avoid scrutiny. The whole point of the royal commission is to put everybody under scrutiny. The last thing the government wants is to hide the royal commission's report — it wants to get the report out to the public.

The Leader of the Opposition argued that this is nothing but a secret state. For goodness sake! All the opposition wants to do with this matter is to make it a political football or a political circus that will stir up media frenzy. That is what its amendment is about.

The government wants to be able, in a considered, measured and calm manner, to put out the royal commission's report on the day it is received. It does not want to have to wait six days, which it would have to do if it followed the forms of the house. The government wants to put the report out straightaway. That is the whole point.

I cannot understand the opposition wanting to oppose such a sensible move. The only way the house can be recalled is by giving six days notice. The government does not want to wait the six days; it wants to put out the report on the day it is received. It does not want to allow time to start doing anything with the report; it simply wants to put it out to the people of Victoria, who are waiting for it with bated breath.

The SPEAKER — Order! I again caution the honourable member for Glen Waverley that he is anticipating debate on item no. 3 on the notice paper, which relates to when and how the report will be released. The debate now before the house should be about when the house is recalled and whether it should be recalled for the release of the report.

Mr E. R. SMITH — Thank you, Mr Speaker.

I conclude my remarks by saying that the Labor Party continues to judge everybody by its own standards. When it was in government it adhered to its own low standards, and at that time the normal procedure was to wait for six days. However, the government wants to ensure that the report goes out straightaway so that through the media the people can judge exactly what is in the report and draw their own conclusions without the political shenanigans of the Labor Party, which is always ready to turn anything into a political football because of its own ineptitude and failure to develop the policies Victorians want.

The opposition wants us to wait six days before resuming sittings, but the government believes we should give the people the right to judge for themselves the moment the report comes out.

Ms DELAHUNTY (Northcote) — I congratulate the honourable member for Glen Waverley on his assessment that the Longford royal commission report will put everybody under scrutiny. That is exactly what the royal commission set out to do. However, where the honourable member made a serious error was in not acknowledging that the government has not been put under scrutiny because of the narrow terms of reference and the short time the royal commission was given to debate and scrutinise in the first place. Everybody except the government has been put under scrutiny by the royal commission. The government has washed its hands of the commission.

Mr E. R. Smith — On a point of order, Mr Speaker, the whole point of the royal commission was to put the government under scrutiny. That is exactly what the royal commission is about.

The SPEAKER — Order! There is no point of order. I remind the honourable member for Northcote that the terms of reference of the royal commission are not the subject of the motion or the amendment now before the Chair.

Ms DELAHUNTY — I return to the point that the Longford royal commission was intended to scrutinise what occurred on 25 September last year and why it occurred, but there was some limitation on exactly how widely it could cast its net in scrutinising responsibility.

The honourable member for Glen Waverley made another point which I challenge. He said the amendment would stop the expeditious publication of the Longford royal commission's report. I contend that that is not so. The opposition is not saying we have to wait six or seven days. The amendment uses the

words — I direct them to the honourable member's attention — 'being within seven days'.

It does not say we must wait for six or seven days to elapse, but that the house must resume within that period. The opposition argues that there would be no diminution of the ability to get the report out to the public and that Parliament should be able to debate the findings of the royal commission. The opposition is not trying to stop the public from debating the report; it is adding to that debate — it is value adding! The amendment reinforces the primacy of Parliament in the Westminster system.

I know that gives great discomfort to government members. They would like to see Parliament close down, but I remind government members that the people's' representatives in the house have a responsibility to debate issues of public importance. We should be allowed to debate the issue in the house in a considered way before or at the same time as the report is made available to the public. However, the government wants to put its own spin on it. It does not want any careful or informed analysis — it simply wants the media spin. Unfortunately, that is consistent with the approach the government has always taken to the Longford disaster.

I remind the house of what the Premier said when on 25 September 1998 two men unfortunately lost their lives and eight others were seriously injured in horrific circumstances. I, like many people, sat through the many days of the Longford royal commission to hear about the horrific injuries those men suffered and the terror experienced as a result of that explosion. All honourable members would be extremely relieved that they were not on or anywhere near that site on that day. Both the opposition and the government have an obligation to ensure that that sort of horror, terror and death never occurs again.

What did the Premier say when $1 million of state revenue was lost as a result of the state being shut down for two weeks? What did he say about the difficulties experienced by the many aged care facilities or elderly citizens being frightened and puzzled about the lack of gas for heating and cooking? What did the Premier say when during those early days following the disaster children were scalded when parents boiled water in unsafe conditions? The Premier said, 'We will wash our hands of those matters because they occurred on private property'. At least the government is consistent in its approach to the Longford incident. When the explosion occurred the Premier said, 'It has nothing to do with us. Like Pontius Pilate we will flick pass it. It occurred on private land, so it is not the government's responsibility'.

As the ramifications of the Longford disaster permeated Victoria and spread interstate — for example, when 2700 worker lost their jobs at Toyota and 130 workers lost their jobs at SPC — —

The SPEAKER — Order! The honourable member for Northcote is straying well beyond the motion. It is a narrow motion and she should return to it and the amendment.

Ms DELAHUNTY — I will limit my remarks and stop perambulating.

The government is consistent in its view that it wants to avoid any scrutiny of its responsibilities concerning that disaster. When I sat in on the Longford royal commission I heard horrific evidence being presented day after day, including that given by control room workers, who said that 8500 alarms went off — —

The SPEAKER — Order! The honourable member for Northcote is again starting to deal with the details of the disaster, which are not the subject of the motion or the amendment. I remind her that it is a very narrow debate.

Ms DELAHUNTY — It is quite clear that the government wants to — —

Mr Steggall interjected.

The SPEAKER — Order! The honourable member for Swan Hill should not refer to the honourable member for Northcote by her first name. If he wants to interject he should use the correct terminology, but I remind him that interjections are disorderly.

Ms DELAHUNTY — The government should not be able to avoid scrutinising its own actions before and after the Longford disaster, but that is what the motion is about — avoiding that scrutiny. It should be about bringing the report of the royal commission before Parliament in accordance with the basic principles of democracy, which I know upset the government. Notions of democracy, scrutiny, freedom of information and freedom of speech disconcert the government. The government must be made to answer for its lack of attention to its duty of care to ensure safety on hazardous sites and the security of supply. The royal commission has investigated various near misses, as they were called during the hearing. They were warning signs.

What was the Victorian Workcover Authority or Vencorp doing — —

The SPEAKER — Order! The honourable member for Northcote is again delving into the detail of the Longford royal commission. The motion concerns whether or not the house should again discuss the issues. It does not concern the issues.

Ms DELAHUNTY — The honourable member for Gippsland West said the matter can be discussed in the media. That is right, but the essence of democracy is that the people's house should be allowed to conduct a debate on such a critical report. The government has an obligation to give a considered response to Parliament about the actions of the statutory authorities for which it is responsible. The government also has a responsibility to assure Victorians that an incident of that sort will not occur again. That is one of the reasons the report must be debated in the house. The government cannot wash its hands of the matter because Victorians will not allow it. The government has set out to bury the tragedy of the Longford disaster and it will try to quash the report of the Longford royal commission.

However, it will not be able to quash the fears of Victorians about safety on hazardous sites and security of supply, particularly the security of the gas supply this winter. Victorians are nervous about that, and with good reason. The government must allow the report to be debated in the house so it can assure Victorians that action has been taken to ensure that an accident of this gravity will not occur again and that it can guarantee that Victoria will be supplied with gas this winter.

I support the amendment.

Mr STEGGALL (Swan Hill) — I move:

That the question be now put.

The SPEAKER — Order! We have now had 50 minutes of debate. There have been three speakers for and two against the original motion, and now a motion to put the question has been moved. I am prepared to accept the motion.

House divided on Mr Steggall's motion:

Ayes, 52

Andrighetto, Mr
Ashley, Mr
Burke, Ms
Clark, Mr
Coleman, Mr
Cooper, Mr
Davies, Ms
Dean, Dr
Dixon, Mr (*Teller*)
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
McGrath, Mr J. F.
McGrath, Mr W. D.
McLellan, Mr
Maclellan, Mr
McNamara, Mr
Maughan, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Phillips, Mr
Plowman, Mr A. F.
Reynolds, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr E. R. (*Teller*)
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wade, Mrs
Wells, Mr

Noes, 27

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Campbell, Ms
Carli, Mr
Cunningham, Mr
Delahunty, Ms
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 (*Teller*)
Seitz, Mr
Thwaites, Mr
Wilson, Mrs

Motion agreed to.

The SPEAKER — Order! I shall now put the amendment moved by the Leader of the Opposition. The question is that the words proposed to be omitted stand part of the motion.

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

Ayes, 50

Andrighetto, Mr
Ashley, Mr
Burke, Ms
Clark, Mr
Coleman, Mr
Cooper, Mr
Dean, Dr
Dixon, Mr (*Teller*)
Doyle, Mr
Elder, Mr
Elliott, Mrs
Finn, Mr
Gude, Mr
Henderson, Mrs
Honeywood, Mr
Jasper, Mr
Jenkins, Mr
John, Mr
Kilgour, Mr (*Teller*)
Lean, Mr
Leigh, Mr
McGrath, Mr W. D.
McLellan, Mr
Maclellan, Mr
McNamara, Mr
Maughan, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Phillips, Mr
Plowman, Mr A. F.
Reynolds, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr E. R. (*Teller*)
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tehan, Mrs
Thompson, Mr

Lupton, Mr
McArthur, Mr
McCall, Ms
McGrath, Mr J. F.
Traynor, Mr
Treasure, Mr
Wade, Mrs
Wells, Mr

Noes, 29

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Campbell, Ms
Carli, Mr
Cunningham, Mr
Davies, Ms
Delahunty, Ms
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 (Teller)
Savage, Mr
Seitz, Mr
Thwaites, Mr
Wilson, Mrs

Amendment negatived.

Motion agreed to.

ROYAL PARK LAND BILL

Second reading

Debate resumed from 27 May; motion of Mrs TEHAN (Minister for Conservation and Land Management).

The SPEAKER — Order! As a section 85 statement has been made in relation to this bill, I advise the house that I believe that both the second and third readings must be carried by an absolute majority.

Ms GARBUTT (Bundoora) — The bill is not what it seems. There is a lot behind the Royal Park Land Bill that has not been revealed. There is a difference between what the Minister for Conservation and Land Management says the bill is about and what it really is about.

The minister said in her second-reading speech that the bill was about redeveloping the State Netball and Hockey Centre and she listed the legitimate reasons for upgrading the existing facilities. She talked about the poor quality of those facilities and what the redevelopment will provide. The second-reading speech had just a hint of a doubt about the project — the minister said the bill provides for any doubt to be removed.

Mrs Tehan — Doubt about the purpose.

Ms GARBUTT — Yes, as set out in the explanatory memorandum, clause 4 provides for the removal of any doubt. However, what the bill is really about — which the minister did not talk about at all — is the legal action that has been put in train by the Royal Park Protection Group. The matter will be heard at the Victorian Civil and Administrative Tribunal next Thursday, which is a significant date.

Mrs Tehan interjected.

Ms GARBUTT — I knew that. However, the minister should have told the house about that. The main purpose of the bill is to head off the legal action, and that is why the bill has been introduced. However, the minister did not talk about that, so her second-reading speech goes very close to misleading the Parliament. She talked about all sorts of general reasons for introducing the bill this week, which have nothing to do with the main reason. There was not a single word in the minister's speech about why the bill has to be pushed through in one week. Notice was given on the first day of sitting; it was first-read on the second day of sitting; it was second-read on the third day of sitting; and is to be debated and pushed through today — bang — complete! That is an extraordinary process.

Mrs Tehan interjected.

Ms GARBUTT — I will tell the house more about what the bill is about than the minister will! The minister told us nothing about what the bill is about.

Mrs Tehan interjected.

The SPEAKER — Order! The minister's second-reading speech was heard almost in silence. I ask her to afford the honourable member for Bundoora the same courtesy. I remind the minister that she will have the opportunity to respond when she closes the second-reading debate.

Ms GARBUTT — The bill is about heading off the legal action instigated by the Royal Park Protection Group. The government wants the bill rushed through the house before the legal action is heard.

It is obvious that the Royal Park Protection Group, which instigated the legal action, has seen right through the government's actions, because a spokeswoman for that organisation group is reported in the *Age* this morning as follows:

> 'It was to be a one-day hearing. Obviously, it's aborted now', Ms Munro said yesterday.

It is obvious to the whole world what the bill is about and why the house has to rush it through.

At the briefing I received in a great rush yesterday immediately after the bill was second-read it was made clear that the government's main purpose was to get the bill through to fix up the mess that the minister has found herself in and to avoid and head off the legal action. It was also said that the government was very confident about winning the legal action, that on established precedents it would win the action, and that the State Netball and Hockey Centre development was appropriate for the park.

If that is so, a question arises about the need for the bill. Why would the minister not simply allow the legal case to proceed so the government can win it? The minister should have mentioned all those things in her second-reading speech. She should have talked about her desire to head off the legal action by preventing the VCAT hearing from proceeding next week. She should have talked about the legal implications of the bill and the legal advice that she has received. One would have thought that she would release the legal advice that led her to take the extraordinary action of rushing a bill through Parliament in just one week.

The project has been proceeding for a number of years: a feasibility study was conducted two or three years ago; announcements have been made; contracts have been let; a fence has been erected around the entire site; the bulldozers have moved in; and workers have been building. Now is not the time for the minister to be announcing the project in the house and saying she will provide for the redevelopment to go ahead. That was obviously a sham and a smokescreen to allow the minister to avoid admitting she was fixing up another bungle. That has become the pattern of behaviour of the minister. Time and again honourable members have found themselves debating bills to fix up a mess made by the failed Minister for Conservation and Land Management. As recently as this week we have been debating changes to the ambulance service — we know what the minister did to that service when she was the responsible minister. Every day in the house there is talk about the health service that the minister undermined and sent into a crisis.

The SPEAKER — Order! The bill is about Royal Park, not about health or ambulance services.

Ms GARBUTT — Certainly, Mr Speaker. However, the same minister is responsible for this as was responsible for health and ambulance services — and the same pattern is being followed as was then. Honourable members are back in the house yet again debating a retrospective bill — just as we did with the heritage rivers and the catchment management authorities — to fix up a bungle by the minister.

Another feature of the minister's pattern of behaviour are misleading second-reading speeches, stating what she claims bills are about but hiding what they are really about. Consider the bill that excised a slice of land from the Alpine National Park; was that mentioned in the minister's second-reading speech? No, it was not. There was nary a mention of the fact that the bill was providing for land to be taken from the Alpine National Park. It was part of another feature of the pattern of behaviour by the minister.

The minister's second-reading speech should have provided a full explanation of why she was doing what she was doing, what was the need for the bill, and why it had to be pushed through in one week. Pushing the bill through in one week under those circumstances is reprehensible, and, as I said, goes close to misleading the house. The minister is certainly not revealing the whole story. As the bill is designed to head off legal action, the minister has obviously taken legal advice, which should be released.

At the briefing on the bill I was advised that legal advice had been given to the Crown; that legal advice should be released. Honourable members should have such advice available when debating a bill. The Royal Park Land Bill is a serious measure that alters the constitution and removes people's rights to appeal and to seek compensation. Those are serious matters that the Parliament should be fully informed about by the responsible minister, and the opposition should be afforded ample time to scrutinise the information provided and seek advice on it. That has not happened. The minister should release the legal advice.

The bill symbolises the government's approach to governing this state. It governs with excessive secrecy in an attempt to avoid scrutiny. That approach has been the agenda for the week. It was addressed in an earlier debate about the release of the Longford royal commission report outside the usual parliamentary procedure, without the possibility of Parliament scrutinising it carefully.

As was heard in debate yesterday, the government will clamp down even more on the release of information through FOI. The government does not pay attention to the forms, traditions and practices of the house. By the end of this week alone 15 bills will have been pushed through without adequate scrutiny and consultation. No time has been allowed for consultation on this bill.

Again the house is being asked to fix up the results of the mismanagement and ill-considered changes of the government. It does not matter whether legislation deals with food, rail, gas, electricity or freedom of

information, the pattern is the same — the government arrogantly jackboots bills through without proper scrutiny and Parliament has to fix up the mess later. That is exactly the case with this bill.

The facilities at Royal Park have been in place for many years. The hockey facility has been there for 50 years — I remember taking part in a school athletics carnival there — and although I do not know how long the netball facilities have existed, I played there 30 years ago. The facilities have not changed much in that time, except that some of the older courts closer to Flemington Road have gone and the area has returned to parkland. I must say I had the fiercest elbow in netball and was involved in many games that were won and lost there. The facilities were pretty rugged.

Mr McArthur interjected.

Ms GARBUTT — Yes, I will give you a demonstration. I did not live anywhere near the inner suburbs. I came in to play at the facility, which has always been a netball centre. Although the facilities were pretty poor the centre was attractive because players enjoyed competing with people from all over the state. I also attended national and international games at the centre. The significance of netball has not been adequately recognised. Although it has the highest participation rate of any active sport, netball facilities in the city and suburbs are inadequate. They are certainly inadequate in my area and I am constantly told by teams and associations that they need better facilities.

However, the bill is not really about the need to upgrade sports centres for significant sports so that state teams can showcase their talents. The bill is about taking away people's legal rights. Underlying the whole issue is the approach of the Commonwealth Games. Although the opposition strongly supports the games coming to Melbourne because they will provide great opportunities, in the context of this bill the question arises: can the government deliver those opportunities or will the minister mess them up? The house is being asked to fix up a mess of the minister's own making, which she failed to confess in the second-reading speech. The broader question is: can the government be trusted to deliver the Commonwealth Games?

The government has resorted to bypassing proper planning processes to rush the bill through. One wonders why it does not use the proper planning and consultation processes and involve the community. There is huge support for the Commonwealth Games and the government has resorted to taking extraordinary measures to keep preparations for them on course.

The opposition is concerned that the bill will result in the loss of rights. Clauses 5 and 6 deal with compensation. Clause 5 states:

> 5. *No compensation payable*
>
> No compensation is payable by the Crown in respect of anything done under or arising out of section 4.

Clause 6 states:

> 6. *Supreme Court — limitation of jurisdiction*
>
> It is the intention of section 5 to alter or vary section 85 of the **Constitution Act 1975**.

Because the bill is going through in such a rush the opposition does not yet have firm legal advice on the effect of those clauses. It is seeking such advice and hopes to be able to consider it while the bill is between houses. If after such consideration the opposition is not satisfied about the effect of the provisions it intends to move amendments in the upper house.

In summary, it is a shame the minister was not prepared to admit that the real intention of the bill is to remove doubts about legal action and was not able to provide some proper legal advice to the house. As the minister has stated, the project is a project of significance. It is of major concern that she should be in charge of or have anything to do with such a project. The opposition does not intend to delay the project, but advises the minister to be a bit more honest with the house.

Mr McARTHUR (Monbulk) — The government welcomes the opposition's not opposing the legislation and recognises that in doing so the opposition has stuck to what has until now been a bipartisan approach to the development of the state netball and hockey centre at Royal Park. The centre has been proposed for many years. It will provide world-class facilities in place of what the honourable member for Bundoora described as antiquated, clapped out and run-down facilities that are currently there. The government welcomes the continuation of the bipartisan approach.

However, I am disappointed that the honourable member for Bundoora chose to have two bob each way and tried to curry a little favour with a number of people by saying that although she is not against what the bill does she does not like the way it is being handled. I can understand the politics in that. Perhaps the honourable member for Bundoora is trying to shore up a few votes among ALP supporters in the Royal Park area, around the edges of Carlton and Parkville. She is a little sensitive about that. Although the government understands that that is practical politics, I

am disappointed that the honourable member has been influenced so much. It is important that honourable members recognise what the bill does and not listen to the honourable member for Bundoora, who talks about what it does not do, as I am sure do the people who oppose the state netball and hockey centre.

The bill removes a small amount of doubt that exists about the current project. There is a question in some people's minds about the legitimacy of certain actions. That question can be resolved in two ways. One option is to resolve it through the legal processes. I am confident, and I have received good advice on which I base my confidence, that if that process were followed the matter would be resolved in favour of the project and the public — that is, the courts would decide that the project is consistent with the use of Royal Park and is in the public interest, and that it should proceed. That is one option by which the matter could be resolved. However, if the government chose that route it could look forward to weeks, probably months and perhaps even years, of legal wrangling before it had a definite outcome. I suppose that is the option the honourable member for Bundoora says is preferable when she speaks about it publicly. The government has considered that option and rejected it. I will go into the reasons for that later.

The other option is that which the house is now debating. The bill simply removes the doubt by saying that the use of the land described in the schedule for the purposes proposed is consistent with the reservation for Royal Park, that it has always been consistent with that reservation and will continue to be consistent with it.

The bill takes the short way home. It acknowledges that small amount of doubt and provides a way to fix it. The Parliament can decide that because it is in the broader community interest to do so and the project is consistent with the reservation of the land at Royal Park and should proceed.

As I said yesterday in the procedural debate about the period of the adjournment of this debate, the bill is very simple. It contains six clauses and a small schedule and can be read in 5 minutes by anyone with a reasonable grasp of English. It is not complex or difficult to comprehend and is not decked out in legal jargon.

Clause 4 provides:

> For the removal of doubt and despite anything to the contrary in any act or any regulation or other instrument made under any act, that part of the Royal Park land that is the State Netball and Hockey Centre land may be used and is deemed always to have been able to be used for —
>
> (a) the purpose of sport, recreation, entertainment or social activities; or
>
> (b) purposes connected with the purposes in paragraphs (a); or
>
> (c) the erection of buildings or structures or the carrying out of works for those purposes.

That simply means the land can be used for the State Netball and Hockey Centre, that the centre can be constructed on that site and that people can use the facilities and enjoy them once they are built. There is nothing complex about that.

Clauses 5 and 6 provide that there will be no actions in the Supreme Court over the matter. They limit the jurisdiction of the Supreme Court and provide that the matter is resolved here and now and for all time.

That is the short way home, as I said before. We could allow access to the Supreme Court, and we could debate the project for weeks or months. Even if that were the course taken, however, the government believes decisions of the court would be in the government's favour. On the other hand, we can simply do as is provided for in the state constitution and as has been done many times in the past by governments of both political persuasions and declare that Parliament, as the supreme law-maker in the state, has decided that the matter is resolved and that the Supreme Court shall not interfere in it. That is the action I recommend to honourable members. It is not an unusual action.

The honourable member for Bundoora has spoken of the denial of people's rights and of limits to access to playing courts, and she has stated or implied that provisions in the bill are regrettable. I remind the honourable member, however, that the same thing has been done, and by no less a defender of democracy than John Cain, for a whole range of other major projects.

You would remember, Mr Acting Speaker, the debate in this place on the construction of the Great Southern Stand at the Melbourne Cricket Ground. The then Premier, Mr Cain, decided with the support of Parliament that building the new Great Southern Stand at the MCG represented a substantial public benefit and warranted the denial of access to the Supreme Court by the opponents of the project who wanted to test it. His legislation included a section 85 statement, just as this bill does, and the house agreed to it. The statement was to the effect that the Supreme Court shall not enter into the issue. The people who go to the football on Friday nights and Saturdays, Sundays and Mondays agree with him too. He got it right.

John Cain also partitioned some public parkland just opposite the MCG for a tennis centre — and promised to return the equivalent amount of land or more to the people for passive recreation. Melbourne wanted a world-class tennis centre, he said, and would use that piece of public park to build it on. He considered the project to be of such public importance that the Supreme Court should not enter into the issue and delay the project. Therefore, he again proposed a section 85 restriction on the jurisdiction of the Supreme Court, and again Parliament supported him.

The provision is not unusual and has been used a number of times for major public sporting and recreation facilities such as the Great Southern Stand at the MCG, the Melbourne Tennis Centre and the Melbourne Sports and Aquatic Centre. It is a well trodden path.

The difference between the Melbourne Tennis Centre and the State Netball and Hockey Centre is that there has been a hockey and netball centre at Royal Park for almost 50 years. It has been used by many people over decades, even by the honourable member for Bundoora who, as she told us, wielded her trusty right elbow in defence of her team at that centre. There are no surprises.

What the public gets out of the bill is a world-class facility equal to the standards now expected at peak sporting levels, and the facility will be well received. It will be capable of hosting events of the World Masters Games in 2002 and the Commonwealth Games in 2006. When those events take place thousands of Victorians, young and old, urban and rural, will love the facilities and enjoy the chance to see world-class competition in a world-class facility.

I recognise that in making sure the project succeeds the government is limiting some people's opportunities and their access to courts of law. Those people are, understandably, upset about it; but it is a matter of balance. Parliament should weigh up the benefits to the broad community involved in competitive netball and hockey across the state — a very broad community. I am sure the centre will host teams from other states as well as Victoria, and from overseas too. That is to the benefit of the tens of thousands of people who participate in competitive netball and hockey, which must be balanced against the loss or denial of access to others who oppose the project.

There are some, a relatively small number, who hold their rights passionately, and they are entitled to do so. Parliament, however, must make a decision about which set of rights and benefits is to be supported. It cannot sit on the fence: it can please one group or the other. If it allows access to the Supreme Court and the Royal Park Protection Group takes the matter to court and argues it point by point, issue by issue, months or years might pass before the court finally comes to a decision. That would jeopardise the project, stop the World Masters Games happening there and perhaps even affect the availability of the centre for the 2006 Commonwealth Games.

It is an unacceptable cost for the community, and regrettably for the Royal Park Protection Group the general public benefit outweighs its loss of access to the Supreme Court.

Earlier I spoke to the Minister for Sport about the number of people involved in netball and hockey throughout Australia. The minister is a great supporter of competitive and participatory sport at all levels and ages and for all groups in the community. During the past seven years that he has been the minister, he has done much to improve sporting facilities and provide opportunities for people to play and reach the peak level of those sports. The latest figures from the Australian Bureau of Statistics for 1997–98 reveal that some 285 000 women and 54 000 men, almost 340 000 people, play competitive netball in Australia.

I support a local netball competition in my electorate on the basis that the activity is good for people and that it improves their health and their lifestyle. I hope some of those people who play at Bayswater North in the competition at Arrabri Community Centre at some stage get the opportunity to play netball at the new facility at Royal Park. If and when they do I am sure they will see the benefits that facility will provide. The 1997–98 ABS figures for women's hockey is 41 000 and for men's hockey 38 000, a total of 81 000 people playing hockey nationally. Australia is in the top three teams in the world in men's hockey, and it is the best team in the world in both women's hockey and women's netball. The Australian men's hockey team seems to fall at the final hurdle in Olympic Games and has not yet won a gold medal. The men and women hockey players are among the best in the world and they deserve world-class facilities to improve their sport and to attract overseas teams for their competitive programs, and the bill will ensure that occurs.

This simple piece of legislation is required for a major project that will provide significant community benefits for a wide range of people. It will restrict access to some sections of the park for a much smaller group of people, and they will be disappointed about that. I said earlier I would indicate why I believe if the matter ends up in the civil courts it would be found that the new

sports centre is consistent with the reservation applying to Royal Park. I refer honourable members to a decision handed down by Mr Justice Gillard in 1961 during an inquiry into the Albert Park parkland. Mr Justice Gillard states:

> ...the amount of exclusion of the free and unrestricted use by the public must be one of degree ... some form of organised athletics the spectacle of which may be enjoyed by the public is not inconsistent with a duty to provide for recreation by the public. But the exclusion of the public must clearly be ancillary to the management of the park. It has always been accepted that the establishment of sporting facilities may be established in a park as part of its recreational facilities.

Thirty-eight years ago Mr Justice Gillard decided in favour of organised sporting activities which would exclude the general public from passive recreation activity at Albert Park. That situation has not changed. No legal ruling has overturned Mr Justice Gillard's determination. As I said earlier, the existing state netball centre at Royal Park was built in 1969. Earlier the honourable member for Bundoora said the facility is run down and needs refurbishing. The government decision that it should be replaced is supported by the Labor Party, and the government welcomes that support.

In 1988 the City of Melbourne developed a Royal Park strategy plan which provides for the redevelopment of the state netball and hockey centre. That strategy plan was developed following extensive community consultation. People who oppose the project do not believe there was sufficient consultation, but the City of Melbourne undertook extensive consultation. A number of planning decisions add weight to my view that the matter would be determined in favour of the government if it went to the courts. In 1997 the urban camp located in Royal Park was the subject of a planning application and an appeal before the then Administrative Appeals Tribunal (AAT). The grounds of the appeal at that time included:

> ...that the use was inconsistent with the principles of the 1987 Royal Park master plan and ... detrimental to public parkland.

The AAT decision was that the use of the area for an urban camp was consistent with the reservation at Royal Park. In that decision it went on to say:

> ...the use (urban camp) is ancillary to the park and is an asset that complements the park and its use.

In another appeal concerning Royal Park, again in 1997, in case nos 1997/25393 and 1997/34537 the AAT states:

> Public open space encompasses more than open parklands. Within public open space reservations and in addition to open parkland, gardens and ovals, fenced-off tennis courts, croquet lawns and football grounds can commonly be found. All these have been held by this tribunal and the courts to be uses consistent with public open space reservations.

The Supreme Court and the former AAT, now the Victorian Civil and Administrative Tribunal, have consistently found that the use of reserved Crown land such as Albert Park and Royal Park for organised sporting activities, including fenced-off sporting activities that may restrict general public access for passive recreation, has been and continues to be consistent with the reservation and with community expectations of reserved parkland.

The bill does not change that reservation in any way. It continues the use of the land for those purposes. It simply removes any doubt about the project at Royal Park. It has no effect on any other reserved parkland in Royal Park, Albert Park or any other park.

In addition, despite what the honourable member for Bundoora said, the passage of the bill will not prevent the current application lodged at the VCAT by the Royal Park Protection Group about a week ago from proceeding. If the group wants to take its application to its conclusion, it can do so. That decision is in its hands. In voting for the bill honourable members will not be denying the members of the protection group their opportunity to argue their case at the VCAT; I think they will lose, but they are entitled to take their case to its conclusion. Honourable members should support this bill because its benefits to the public far outweigh any deficiencies.

Mr PANDAZOPOULOS (Dandenong) — In his concluding remarks the honourable member for Monbulk said the government is in denial — he means the government is not telling us the truth about the bill! That was evident in the minister's second-reading speech when, almost by chance, we discovered that there is a VCAT application and, also by chance, the bill is being rushed through this house without consultation with affected parties.

The bill was read a second time only 24 hours ago, allowing no time for the opposition to get legal advice from constitutional lawyers, affected communities and organisations around Royal Park or from the park's users. That is typical of the way the government hides behind issues. Had the government dealt with the Royal Park issue through an open, accountable and proper process we would not be in this mess. Unlike Midas, the minister is finding that not everything he touches turns to gold!

Since 1991, when the Labor Party was in government, people have talked about upgrading the hockey and

netball facilities at Royal Park. At that time no decision was taken about what upgrades were necessary. I have spoken to the then sports minister, Neil Trezise, and to representatives of the hockey and netball associations. I inquired whether any agreement had been reached in 1991 about the need to upgrade facilities. However, the Kennett government has adopted the line that everything should remain secret; that nobody should know anything; that, 'We have total power; don't worry about consultation or proper processes'.

That is what annoys people about the government — its attitude is that this secret state, Victoria, should not be worried about the Auditor-General and that the community should not be consulted about anything. Rushing the bill through Parliament is evidence of the government's attitude. After eight years of planning it could be said that publicity about the bill could have led to its becoming a barrier to upgrading any facilities at Royal Park. Maybe the government would prefer it that way, as normally happens with other controversial legislation — ram it through in the hope that nobody will notice it rather than having everything out in the open.

The honourable member for Monbulk highlighted projects, including the construction of major sporting facilities on parklands, in respect of which exemptions similar to those detailed in clauses 5 and 6 allow limited compensation and appeal rights to the Supreme Court. That happened with the redevelopment of the Melbourne Cricket Ground and the National Tennis Centre — but all that was out in the open! It was not a matter of hiding things in Parliament and not consulting.

We know of precedents when bills have been introduced at short notice: on occasions the opposition has accepted legislation that was regarded as urgent, but only after proper consultation between the government and the opposition, and after advice had been taken. Unfortunately, that has not happened with this bill.

The opposition does not want the Kennett government's $150 million public relations machines saying that the opposition is opposed to the staging of the Commonwealth Games in Melbourne. Although the opposition is concerned about the way the government has handled the bill, it will not allow itself to be accused of not supporting the games. We have actively supported the staging of the Commonwealth Games in Melbourne.

The blame for community unrest about the bill rests with the government because it has mismanaged the issue and is ramming the legislation through Parliament. The opposition is awaiting advice, but has been unable to get it in time for today's debate. As the honourable member for Bundoora said, the opposition will consider the advice while this technical bill is between here and the other place.

I will detail some of the history. In 1991 discussions were held about the inadequate facilities at Royal Park. As the honourable members for Bundoora and Monbulk said, it is important to have adequate netball and hockey facilities at Royal Park. The house has heard that netball is a major participatory sport in Australia; it is a growth sport because it is accessible. Unlike, for example, a cricket match, which can take two weekends to play, a netball match is played and is over and done with. That scenario fits in well with modern lifestyles. Families play netball. Honourable members would know of mixed-sex teams, with husbands and wives on the same teams. It is good to see sport being played in that way.

We need to examine ways of rationalising the Royal Park facilities so that, for example, outdoor netball courts which cannot be used all year do not occupy a large section of a park. We need to consider the establishment of multipurpose sporting facilities. The Royal Park proposal includes the construction of five indoor and four outdoor netball courts on less space than that now taken up by netball courts.

The opposition has been approached by people representing netball clubs from the northern and north-western suburbs of Melbourne who have said, 'We want more outdoor courts than are planned for Royal Park'. We have said, 'We and the government are not keen on that; we would like to have the facilities rationalised'. The opposition acknowledges that Royal Park is used by netball teams from the northern and north-western suburbs, but they are forced to travel long distances to Royal Park to play their matches. Netball Victoria understands the need to locate netball facilities closer to where competitors live. I have seen teams from Keilor playing netball at Royal Park, where 95 per cent of the use of facilities is by grassroots sporting clubs.

I understand about the hockey and netball facilities being available for state, interstate and probably international competitions, but I emphasise the urgency about rationalising facilities. The Melbourne City Council commissioned a Royal Park master plan but, unfortunately, that happened when the MCC was governed by commissioners who, like the government, were not prepared to be open-minded or to consult the community. Nonetheless, a plan was put in place. In discussions the MCC continues to tell the opposition

about its commitment. We hope it is committed to increasing passive open space and to rationalising facilities across Royal Park.

Royal Park has a number of old facilities co-located with other sporting clubs. It has old huts used by MCC workers. All those buildings should be rationalised along with the car parks, because at the moment car parks are located on the tops of hills so they can be seen for miles. Car parks should be less intrusive; they should be located at more suitable places. The opposition agrees on the importance in a Royal Park master plan of rationalising open space and facilities. When in government, the Labor Party will support the creation of such a master plan.

Earlier in the year the council reviewed the master plan and reaffirmed its original position. The opposition has taken advice from the City of Melbourne because local government is responsible for residents and user groups in the area and is in a better position to know the needs of those people.

The Minister for Sport has assured the opposition that the reorganisation of the facilities will add 0.4 hectares to the parcel of land. However, the design and the footprint continues the trend of secrecy. Despite the restoration of democracy in the City of Melbourne I was advised that the footprint would be made available only under an FOI application. Honourable members require such information to enable them to better inform their constituents on issues of public interest.

The hockey centre will become the headquarters for Hockey Victoria. It will have 1000 undercover seats with a total capacity of 8000 seats at pitch 1, together with two wet synthetic pitches, which are great improvements on the current facilities. The netball stadium will comprise 3000 seats at the exhibition court together with five indoor and four outdoor courts.

The local residents are concerned about traffic and parking problems at a large event. The Commonwealth Games bid committee has assured the opposition that netball competition will be held at the venue but the finals will be held at a larger, more central venue in Melbourne. However, there will be occasions when the venues will be filled to capacity and the government should establish suitable public transport links. During the Commonwealth Games and other major events focus should be placed on the use of public transport.

The site already has major parking problems on Saturday mornings when junior netball is played there. At the Jells Park facility games are staggered and played at different times of the day to ensure traffic throughput without causing car-parking nightmares.

The government has messed up the issue. Tenders have been let and work has commenced on the site and now the government has obviously discovered a major problem which has caused it to rush the bill through. Clauses 5 and 6 of the bill reduce the rights of Victorians; I hope there are no unintended consequences of that in the future. The opposition is concerned about what lies ahead but will not allow itself to be caught in any position where the government's public relations machine accuses it of opposing the Commonwealth Games. The mess-up is on the government's head.

The Parliament of Victoria does not operate in an accountable way as other Parliaments do, nor is its upper house comparable to those in other states where proper analysis of bills is undertaken. In Victoria legislation is rammed through. The opposition cannot change that situation. I ask members of the public to express their anger at the government's mismanagement at the ballot box. The opposition in government will convert more of Royal Park into passive open space and will encourage users of the sporting facilities to travel to them predominantly by public transport.

Mrs TEHAN (Minister for Conservation and Land Management) — I thank all honourable members for their contributions to the debate on the Royal Park Land Bill.

As I said yesterday during the debate on time, the bill is a simple bill, the purpose of which is clearly spelled out in the second-reading speech and confirmed in my short contribution yesterday. For the purpose of the debate today the second-reading speech quite clearly states:

> Due to the importance of this facility to the public and major events such as the 2006 Commonwealth Games and 2002 World Masters Games, it is appropriate that it is ensured that there is no risk of this state-significant project being delayed through any doubts whether the redevelopment complies with the reservation over the land.

No words could be clearer than those. Given the lack of opposition to the bill, the honourable member for Bundoora has been nothing short of hypocritical in saying that the house has possibly been misled and that what was not said should have been said. At best the honourable member has shown a total failure to understand the legal implications.

The position was clearly spelt out both by the honourable member for Monbulk and in the briefing that the honourable member for Bundoora received

yesterday. The opposition is in a catch-22 situation: it wants to make political mileage out of the issue but it also knows that it is reasonable and proper for the government to ensure that the law is clear. The issue should be especially clear when the project is one of state significance, is costing taxpayers in the order of $27 million, and has such widespread community support. The opposition is caught between a rock and a hard place. It knows that the government's action on the development of the project is right, proper, timely, appropriate and should be proceeded with. Those are the reasons for the opposition not opposing the bill. Instead, it is trying to wave some sort of flag and describing it as a bill that takes away people's rights. That is absolute rubbish! The bill clarifies the law.

As the honourable member for Monbulk said — —

Ms Garbutt interjected.

Mrs TEHAN — That is in the second-reading speech. How many times must I read it? Clause 4 is set out on page 2 of the bill: it provides for the removal of any doubt about what the State Netball and Hockey Centre land has always been able to be used for and will continue to be used for. There is no doubt that the whole purpose of the bill, as outlined in the second-reading speech, is to clarify the law.

There is one principle that applies in any legal system — that is, the absolute necessity to have certainty in the law. The government believes there is certainty in this case. I do not know when the Crown Land (Reserves) Act was first passed but I imagine it was over 100 years ago. Any responsibility the government might have for the development of that law would be nebulous, to say the least. There are many precedents that clearly state that the development of the centre is consistent with that law.

The honourable member for Monbulk has spelt out the planning precedents. A small group is opposed to the development, and has been opposed to it since it was first suggested. Opposition to the project has taken the form of physical protests on the site to stop building taking place and legal means. That is fine; those actions are within peoples' rights.

An article by Ian Munro in today's *Age* states that the Royal Park Protection Group:

> ... was seeking an order to stop construction and to return the area to parkland.

The group does not want to delay or amend the construction — it wants to stop construction and return the area to parkland. That is the defined purpose of the protests that have taken place. Action is being taken in the Victorian Administrative Appeals Tribunal (VCAT) to stop construction and return the area to parkland. The argument is that the development is inconsistent with the reservation under the Crown Land (Reserves) Act. The government is confident that the development is consistent with the law, and there is a range of precedents to suggest that that is so. However, the risk is the delay in proceedings and any appeals that may come out of those proceedings.

I am told by my colleague the Minister for Sport that a similar legal protest and concern has been raised about the development of the urban camp, which is also in Royal Park and which is being redeveloped to accommodate school children during the Commonwealth Games, and for other purposes. That matter was taken to the VCAT by the Royal Park Protection Group. VCAT found that the redevelopment was quite consistent with the reservation of the land and the matter has now gone on appeal to the Supreme Court.

There has been a delay in the redevelopment of approximately nine months. As a result costs continue to increase and the anticipated employment the project is expected to generate has been put on hold. It is anticipated that any delay in completing the development of the hockey and netball stadium — a project worth $27 million — will cost taxpayers more than $500 000 a month. It would be ludicrous for there to be a penalty of $500 000 a month because of protest action by those who oppose the project and who want the area returned to parkland.

Had this not been the last sitting week the normal two-week process for consultation and consideration would have taken place. However, it will be a minimum of three months before Parliament resumes and it would be possible — unlikely, but possible — that because of the matter being considered over the next few days at the VCAT there could be a delay in the project of at least three months.

As the honourable member for Monbulk said, the government had two options. It could have let the legal process take its course and incurred the penalty of having ongoing uncertainty and all the costs involved in protracted legal proceedings, including appeals. However, there is no doubt that the project is needed and is in the public interest. The opposition recognises that and will therefore not oppose the bill.

The principle of certainty is a vital component of the law. The bill provides clarity and certainty in relation to

the definition in the Crown Land (Reserves) Act that applies to Royal Park.

There has also been argument about loss of peoples' rights to compensation from the Crown. Clause 5 has been drafted as narrowly as possible. It clearly provides that:

> ... no compensation is payable by the Crown in respect of anything done under or arising out of clause 4.

It relates only to the provisions of clause 4. Clause 4 provides for the removal of any doubt that the centre is consistent with the purposes allowed under the Crown Land (Reserves) Act. It has been drafted narrowly as part of the whole section 85 statement process. It is at least hypocrisy and at most ignorance on the part of the opposition to say that this is part of a cover-up or conspiracy. It is an indication of the opposition's lack of policies that in every debate its arguments come down to questions of conspiracy, cover-up, and a secret state. Let us at least debate the bill on its merits.

Fortunately the opposition recognises the value of the development proposal and realises that the greater right of the Victorian public is to be able to access it. Huge benefits will flow from the investment of $27 million in the new netball and hockey stadium. As I stated yesterday, more than 270 000 people are expected to use the new facility on a regular basis, and it will provide a national and international standard facility for those two sports. I am pleased the opposition has at least recognised that the purpose of this small bill is supported in the community.

There is no conspiracy or secrecy. The government has made it clear from the start that the purpose of the bill is clarity and certainty. The government has done that to ensure that the development can proceed — to protect it from those who do not want any development there at all. The protestors want the whole area to go back to parkland and are suggesting that facilities could be built in other places. That is not supported by the government, the opposition or the community at large. To ensure that the wishes of the majority are served, I commend the bill to the house.

The 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 the bill requires to be passed by an absolute majority. As there are not 45 members of the house present I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

RAIL CORPORATIONS AND TRANSPORT ACTS (AMENDMENT) BILL

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

Second reading

Debate resumed from 6 May; motion of Mr COOPER (Minister for Transport).

The SPEAKER — Order! While the amendments and the bill are being circulated I advise members of a statement under section 85(5)(c) in relation to the bill, so the second and third readings must be carried by an absolute majority of the Legislative Assembly.

Mr BATCHELOR (Thomastown) — The bill is presented to Parliament in a disgraceful way. It is best described as a dog's breakfast. It jumps all over the place and has no single legislative intent other than to illustrate mistakes made by the Department of Infrastructure. The bill seeks to clarify the situation and rectify mistakes of omission and commission in legislation and policy settings. The government's approach is typified by the circulation of amendments at the commencement of this debate. The opposition opposes the bill because of the way it is presented, if for no other reason.

It seeks to amend 13 pieces of legislation: the Rail Corporations Act, the Transport Act, the Public Transport Competition Act, the Financial Management Act, the Environment Protection Act, the Local Government Act, the Constitution Act, the Rail Corporations (Amendment) Act, the Rail Corporations (Further Amendment) Act, the Borrowing and Investment Powers Act, the Docklands Authority Act, the Melbourne City Link Act and the Office of the Regulator-General Act. These are diverse, wide-ranging pieces of legislation.

The bill will make amendments of varying degrees of complexity and importance to the legislation already on the statute book because the government has made mistakes. In its rush to tidy up these mistakes the government seeks to draw them together so they can be presented to Parliament before the end of the sessional period — the last before a general election.

The government is also responding to the need to get the legislation through before an election. Before the last election the government promised that public transport in Victoria would not be privatised. It is ironic that on the eve of the election following that promise, the government is putting through major legislation to enable the privatisation of public transport. Again, the government has demonstrated that in public transport it cannot be believed. The people of Victoria could have no better proof of that than the fact that the bill is before Parliament on the eve of the 1999 election. It is the bill the government said it would not introduce during this session, the bill that will complete the privatisation process.

When we come to the election there will be no reason for voters to place any credence in the promises that will be made by the government. The Australian Labor Party has expressed its opposition to the break-up and fragmentation of the public transport system and its subsequent privatisation.

The bill will set in place the last mechanisms to tear our public transport asunder by introducing a set of institutional arrangements under private ownership that are even more fragmented than was originally anticipated.

Another dimension to the bill, which is a combination of mistakes, mismanagement and bad legislative planning by the minister and the Kennett government, is that it will amend provisions of other measures, such as the Rail Corporations (Amendment) Act and the Rail Corporations (Further Amendment) Act.

The government has attempted a number of times to introduce legislation to privatise public transport. It has set in place the mechanisms, and on each occasion it has got it wrong and has had to come back again to Parliament. We are seeing that again. The opposition does not want to be party to it because it has no confidence that this will be the last time the government will put privatisation proposals before Parliament. One cannot trust the government to get it right. It has been trying for more than three and a half years to get privatisation right. The proposals have dragged on and even under the government's timetable have gone well beyond the deadline set by the Premier when he broke his election promise. He said the privatisation process would be completed by the end of last year. It is still to be completed. I hope that delay drags on further so that it becomes an election issue. If the privatisation process has not been completed by the time of the election, the Labor Party has given an undertaking that it will not proceed with it. That is one reason opposition members will vote against the bill.

The opposition will also vote against the bill because a number of the proposed changes — such as privatisation, ticket enforcement, the extension of quasi police powers to private companies and tolls on the Melbourne City Link project — have been voted against by the opposition in the past and it feels it is incumbent on it to vote against those proposals now. Although some of the proposed changes are an attempt to clarify and remedy the bungling that was evident then, and has subsequently become evident after the relevant principal acts were established, it is appropriate that the bill should be voted against.

The opposition will vote against the bill even though it contains some sensible changes — particularly the Spencer Street Station Authority. The Spencer Street Station Authority has been set up to develop the transport precinct at Spencer Street. However, it is another one of those transport initiatives that the current government has stolen from the Labor opposition. It was a clear and detailed proposal set out in the *Melbourne Access 2000* document. The government has been terribly slow in picking it up. It is another one of Labor's initiatives it has adopted, just like the Nightrider bus and the bridge over the railway yards.

Mr Cooper interjected.

Mr BATCHELOR — The funding of the City Circle tram and the widening of Tullamarine Freeway were other Labor initiatives. I remind the minister that the Labor Party floated those ideas and the government picked them up. The government has misappropriated those ideas and introduced them. It stands condemned for its sloppy administration. The government has run out of ideas and mechanisms.

It should be clearly understood that the opposition will be voting against the bill. There are components of the bill that it finds acceptable, such as the Spencer Street Station Authority, but there are other parts it does not find acceptable at all. The government should have given the Spencer Street Station Authority the status and dignity it deserves by introducing a separate bill dealing with the authority. It has done that with other authorities and there is no reason why the new Spencer Street Station Authority should have been dealt with in

this way. The government wants to downplay it, to hide it away and play politics with it. It has been included in the bill because the government knows it is a Labor idea to improve the Spencer Street Station area. The government wanted it in the bill to use it as a smokescreen to hide the other much more dangerous components of the bill.

The Spencer Street Station Authority, set up under clauses 6 and 7 of the bill, will protect the transport needs of the Docklands development. It is a good initiative. The opposition needs to acknowledge good initiatives as well as recognising when the government gets things wrong. The Spencer Street redevelopment will cater for the transport needs of both intrastate and interstate trains and the possibility of the Very Fast Train coming to Melbourne, no matter how remote that might be, and contingency plans for the crucial role the station will play in servicing the Docklands area, particularly the new football stadium and entertainment complex being built.

Mr Cooper interjected.

Mr BATCHELOR — The Docklands was a Labor idea, that is right. Has the minister got it down? Has the minister enough paper? The minister will run out of pages. He will need a lot more pages to take notes about the Labor initiatives that the government has stolen. The Spencer Street precinct forms a crucial part of the metropolitan network.

Mr Jenkins interjected.

Mr BATCHELOR — I have already said that. Obviously you were not paying attention. You are renowned for your hearing problems.

Mr Cooper interjected.

Mr BATCHELOR — I well understand it. I have been with him when he has required assistance, probably more often than you, Minister. I would have thought the minister would have more respect for the honourable member. This is the last transport debate he will have the privilege to hear in this Parliament. I thought the minister would have been more sympathetic and understanding of his colleague, who has taken a keen interest in transport matters.

Mr Cooper — There is no need to make fun of him.

The ACTING SPEAKER (Mr Cunningham) — Order! Interjections across the table are disorderly.

Mr BATCHELOR — The real problem with the bill is that it attempts to set in place the latest of the government's ever-changing array of institutional arrangements for privatisation. The government has decided not only to privatise public transport but also to set up arrangements that will work against the future interests of public transport. The government has put forward a bizarre concept driven by ideological arguments coming from the Department of Treasury and Finance and not one driven by transport needs, with arguments coming from the Department of Infrastructure.

When the idea of privatising and breaking up public transport into a competitive set of arrangements was first mooted, the justification given was that the government was adopting the Hilmer principles of competition and providing a separation between the provision of infrastructure — the track and signalling — and of public transport services.

Mr Kennett interjected.

Mr BATCHELOR — We have so provoked the Premier that he has come in to listen to the debate.

Mr Kennett — To be quite honest I was not even sure the house was sitting today!

Mr BATCHELOR — The Premier did not want the house to be sitting today. He has accidentally come in! What an arrogant man the Premier is. That arrogance is reflected in the provisions of the bill before the house.

In a clause-by-clause examination of the bill we find that it allows each corporate entity that will make up a bidding consortium to be declared a train or tram operator. That provision typifies the ultimate break-up and fragmentation of our public transport service. It takes us yet another step closer to the Thatcher model of privatisation of public transport, and miles away from the model represented by the Hilmer principles for competition. When in this debate or a later debate the government suggests the bill encourages greater competition by enabling privatisation to occur and uses competition as the justification for that privatisation, people will know that is not true — nothing could be further from the truth. The institutional set of arrangements being put in place today are almost the same as those that operated in Britain for the privatisation of its public transport service.

Clause 5 provides that not only are those that undertake franchise operations to be declared train or tram operators, but the government takes this one step down the organisational flow chart to declare other corporate components of a franchise bid as train and tram operators. The government seeks to put in place rolling

stock leasing companies and give them the same powers and privileges as those in the Rail Corporations Act that were intended to be given to the successful bidder — the overall franchisee. In a typical configuration of the bids currently being considered by the government not only will rolling stock leasing companies be provided for but also, typically, maintenance and engineering companies.

Instead of going from an integrated, coordinated public transport network of trams and trains with single ownership — owned by the people and to serve the people — to a private company setting with the train network run by two train companies and the tram network run by two tram companies, franchised corporate identities being the only ones with special transport privileges, the government is going one level below that. Individual companies and entities that put up bids will have those privileges bestowed upon them. That is exactly the same as the model used in Britain.

One need only look at the report of the British Auditor-General of March 1998 to see the consequences of that move. Britain went for this segmented model. The privatisation of British Rail produced a huge windfall — not for the government of the day and not for the people of Britain, but for the smart operators who got in early. Those rolling stock leasing companies, after a couple of years involvement in the public transport and rail industry, were on-sold for massive profits, with sale prices being 40 per cent, 56 per cent and in one instance 58 per cent higher than the prices the government of the day and the taxpayers of Britain got when rolling stock leasing companies were first privatised.

The government has finally succumbed to putting in place the institutional arrangements that will allow that misappropriation of public wealth to take place. The opposition believes that proposal is totally unacceptable and ought to be rejected. People have seen in glorious detail what was done in Britain. Many of the companies to which the government will give our public transport system away will be overseas companies that would be familiar with what happened in Britain and with the huge profits made. A rolling stock leasing company bought from the government in November 1995 for around $528 million was sold in February 1997 for $826 million — huge profits! That is just one component of what is being set up here.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.05 p.m.

QUESTIONS WITHOUT NOTICE

Auditor-General: appointment

Mr BRACKS (Leader of the Opposition) — I refer the Premier to the 1993 report of the joint Public Accounts and Estimates Committee, which states that:

> The appointment of the Auditor-General on the recommendation of the executive is inconsistent with the Auditor-General's role in ensuring the accountability of the Executive to the Parliament.

I also refer him to the two independent reports by Alan Talbot and Fergus Ryan that recommended that the Auditor-General should be appointed by the Parliament. Will the Premier agree that the next Auditor-General must be a bipartisan appointment, or will he continue his obsession with the secret state here in Victoria?

Mr KENNETT (Premier) — The government will continue to use the practices former governments, including Labor governments, have used.

Small business: government policies

Mrs PEULICH (Bentleigh) — Will the Treasurer inform the house of evidence that is available on the benefits of the government's economic policies to Victorian small businesses?

Mr STOCKDALE (Treasurer) — Since 1992, the government has been pursuing policies designed to improve the business climate in this state. They are: strong leadership and consistency of policy; the reduction in state debt from Labor's disastrous $32 billion; the restoration of Victoria's AAA credit rating; and the cutting of taxes and charges. They have all created a better environment for business.

The government has also created a competitive economy which was well able to adjust to the Asian meltdown and the government has set a clear pro-growth course. As a result, we are seeing a continuing stream of evidence that small business is more confident in Victoria. We are seeing motor car registrations, building approvals and retail sales all rising strongly relative to the national figures and the level of business investment is very strong in Victoria.

Last Wednesday, the Yellow Pages Small Business Index gave a strong indication of the confidence of the small business sector. Small businesses are more positive about the position in Victoria than any other state. Sixty-one per cent of small businesses that responded thought that the local economy was growing strongly. The next highest state was New South Wales

at 48 per cent. Fifty per cent of small businesses were not only confident at the moment but they see the economy maintaining that strength over the next 12 months. Thirty-nine per cent actually saw the economy improving from the current very satisfactory performance. A net 10 per cent expected to make new capital investment over the next quarter.

Those attitudes are not the result of accident or chance. The confidence of Victorian small businesses is higher than in other states because of the policies that have been pursued and the attitude of small businesses. The number of small businesses supporting the government's policies was 27 per cent higher than the number not supporting them. They supported the government for reasons they gave, such as its ability to get the economy moving, helping the small business sector and bringing confidence to investors.

Small businesses told us what they think not only of the Kennett government but also of the alternative government. The opposition is not only recording record low levels of support but that support is actually declining.

Some 15 per cent of small business operators said they supported the Labor Party at the 1996 election. That has fallen to 12 per cent — one-fifth of the Labor Party's small business support has evaporated. One thing can be said for small business operators in Victoria — they are getting it right!

Auditor-General: ministerial portfolios

Mr BRACKS (Leader of the Opposition) — I refer the Premier to his statement yesterday that in the next session of Parliament he would consider the Auditor-General's request to amend the Audit Act to end secrecy surrounding government contracts, and to the remarks of the Minister for Finance, who yesterday categorically ruled out amending the Audit Act altogether. Who is telling the truth? Will the Premier admit that the government will continue to block the Auditor-General from properly scrutinising government secret contracts in Victoria?

Mr KENNETT (Premier) — I think I have been misrepresented. I can only advise the Leader of the Opposition to go back to my answer from yesterday. As I recall it, I said that I am prepared to review the issue of secrecy as it affects contract confidentiality. I did not say anywhere, as your question implies, that the government would amend the Audit Act.

Mr Bracks interjected.

Mr KENNETT — You have to start from a position of fact. If you are going to come here, question time after question time — —

The SPEAKER — Order! The Premier will make his remarks through the Chair.

Mr KENNETT — If the Leader of the Opposition will not reflect accurately what has been said or deliberately misleads the house, and he may be doing that, it makes it hard to take the opposition seriously. In answer to his question — he obviously listened to radio 3AW earlier in the day because that is where he gets all his leads — if I say that one of the issues that the government is prepared to look at is whether there might not be a time after which contracts that have been won by successful tenders can be made available to the public — once those contracts have been put into play — or whether some other mix of that might apply, that does not need an amendment to the Audit Act.

Mr Bracks interjected.

Mr KENNETT — Get your facts right.

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

Mr KENNETT — Does the Leader of the Opposition want the documents made available or does he want the Audit Act amended? They are two different issues. The Leader of the Opposition has his facts wrong to start with, and he remains confused. I am trying to respond to those things I think he wants. It is difficult if he is confused. If it is an issue of contracts, the government is going to review that, but that does not necessarily need a review of the Audit Act. If he wants that, the Audit Act can be reviewed at any time, but it is an entirely different issue.

If this is the best question the Leader of the Opposition has for the government on the last day of the sitting he has had a dismal start to his leadership.

Freeza

Mr WELLS (Wantima) — Will the Minister for Youth and Community Services inform the house of a new initiative that is being undertaken as part of the Freeza program to assist young musicians in Victoria.

Dr NAPTHINE (Minister for Youth and Community Services) — I thank the honourable member for Wantima for his question and his ongoing leadership, with the Premier, of the successful Freeza program, which has been in operation for a number of years.

An Honourable Member — Who is it run by?

Dr NAPTHINE — The program is run by the honourable member for Wantirna, who does a good job. The program was a positive initiative of the Premier to provide drug and alcohol-free entertainment, particularly for 14 to 18-year-olds. I am pleased to advise the house that in the 1998–99 financial year, which is almost at an end, 45 providers have provided 250 events at 110 locations. The government expects that within the next month or six weeks the 400th Freeza event will have been held in Victoria and over 200 000 young people will have attended Freeza events across the state.

In addition to the benefits the program provides for young participants it also assists the individuals who organise the events to develop significant levels of self-confidence and management skills, which they exercise on behalf of their colleagues and peers. Another important aspect is the opportunity it provides for young musicians to perform, attract an audience and start a career in music.

On 15 June I will be launching *The Line Up*, an online multimedia database of Victorian performers. It will provide information on bands and entertainers, including the styles of acts, samples of their music, biographies and pictures, and contact points. Young people will have the chance to be selected by Freeza operators across Victoria to perform at Freeza events and take up wider opportunities in the entertainment industry provided by hotels, nightclubs and the like. I will give as example the information that would be displayed for the act named Eighth Dwarf. The style is described as hard core punk. Its home place is Hamilton — in my electorate. The performers are prepared to travel anywhere, and they describe themselves as follows:

> We really are good. We are also really cheap. And we need more gigs ...

The contact point is 'John Dyer' and he describes himself as 'the only smart one'.

The database will provide opportunities for a range of musicians and bands in Victoria to get themselves online — have a sample of their music put online so that promoters across Australia can access that information. It will ensure that young musicians in Victoria have a chance to market their talents. The database is another significant benefit of the Freeza program. Freeza is providing not only safe and secure entertainment opportunities, it is also helping young people in the music industry by providing opportunities for them to be involved in managing events.

Liberal Party: membership

Mr HULLS (Niddrie) — I refer the Attorney-General to the outrageous and discriminatory black ban imposed on Ms Annie Peacock by the Auburn North branch of the Liberal Party because she is married to the Premier's arch enemy, Mr Michael Kroger, and to the Equal Opportunity Act, which provides that no individual can be discriminated against on the grounds of their marital status or personal association. Is it not a fact that the Attorney-General is failing to have this very serious matter properly investigated under the Equal Opportunity Act because of the splits, in-fighting and feuding within the Liberal Party?

Mrs WADE (Attorney-General) — The only information I have on this matter is contained in the *Herald Sun* reports. I have to rely on those for my answer. It appears that there was a silly decision made by a president of a Liberal Party branch — —

Honourable members interjecting.

Mrs WADE — But it would appear from the newspaper reports that the Liberal Party took this up as a matter of urgency, that it has been sorted out and that there is no longer any discrimination. I must say it is not often that cases of discrimination are sorted out as expeditiously as appears to have been the case in this situation. I have been asked in this chamber previously about various issues relating to branch stacking in the Labor Party. That seems to be an ongoing problem, in contrast with this particular issue.

Honourable members interjecting.

Mrs WADE — I am sure a number of members on the opposition benches could attest to there being continuing problems in this regard in the Labor Party. However, so far as new members of the Labor Party are concerned, my understanding is that — —

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General will take her seat. I shall resume question time when the house comes to order.

Mrs WADE — My understanding is that the Labor Party has not been confronted with this particular problem because nobody is genuinely trying to join the Labor Party!

Young Rural Ambassadors

Mr A. F. PLOWMAN (Benambra) — Will the Minister for Agriculture and Resources inform the house of the response to the government's Young Rural Ambassadors program?

Mr McNAMARA (Minister for Agriculture and Resources) — I am pleased to advise the house that through the Department of Natural Resources and Environment the government is making available some 48 bursaries, 12 of which will be travel bursaries and the remainder of which will be for the development of leadership skills. They are available to young people under the age of 30 years in country Victoria.

The response has been overwhelming. More than 200 applications have been received so far and the process has not yet closed. Twelve of the successful applicants will be selected to attend a conference entitled 'Knowledge and Creativity: Keys to Agriculture's Future' at the Agricultural Institute of Canada. The program has been warmly welcomed by the Canadian government. The Canadian high commissioner in Australia, Mr Schumacher, has strongly endorsed the program, and our high commissioner in Canada will be welcoming the delegates there. They will be able to attend a range of diplomatic functions and will have opportunities that the normal tourist would not get when travelling overseas.

The program is about identifying young leaders in rural Victoria who will be driving forces for our rural communities in the future. It is being strongly supported across government and the opportunity to attend the international conference in Canada this year will enable those delegates to return with particular skills that they will be able to apply in their local communities.

I might add that the program is ongoing and, at the suggestion of the honourable member for Caulfield, next year we will be sending 12 young people to attend a similar conference in Israel. I thank the honourable member for Caulfield for the work she is doing in providing assistance and advice and in the preparation of the itinerary. I look forward to young Victorians being able to take part in that tour also.

The other 36 delegates will each receive a bursary of $1000 that they can spend on improving their leadership and management skills and developing a future vision.

Mr Kennett interjected.

Mr McNAMARA — The government might even provide a bursary for opposition MPs to try to enable them to develop a positive vision of Victoria. Sending them away may enable them to stand back a bit and look from afar at what this government is doing in Victoria and perhaps give them a greater appreciation of the government's actions. That could possibly be a future program the government may fund!

The government will ensure that all those who have had the initiative to apply for a bursary will be recognised for their get-up-and-go with a certificate of recognition. It is worth noting that dozens of municipalities across country Victoria have been extremely supportive of the program. I specifically mention the Rural City of Swan Hill, which currently has an unemployment rate of only 3.5 per cent. In fact, Swan Hill does not have an unemployment problem — it has an employment problem. Because of the growth of new investment in agriculture, the food processing sector is feeding off the back of that.

The SPEAKER — Order! The minister has been speaking for in excess of 4 minutes. I ask him to complete his answer.

Mr McNAMARA — As the Minister for Police and Emergency Services suggests, by interjection, there are many towns in similar circumstances across country Victoria. Recently I visited Nhill, which was reported in the newspapers as having about 50 jobs that cannot be filled. I encourage people to examine the opportunities that exist in regional Victoria. There are some real job opportunities and a great future in rural Victoria.

Planning: Wren report

Mr THWAITES (Albert Park) — I refer the Minister for Planning and Local Government to the Wren report into alleged bribery and delays in the planning process following a complaint by developer David Marriner that was completed and given to the minister in August last year. Will the minister admit that he has tried to suppress the report under freedom of information by sending it to cabinet on 26 April this year — eight months after it was completed — because the report slams delays in planning cases in the Victorian Civil and Administrative Tribunal (VCAT) that are forcing developers to pay off objectors and are holding up $1 billion of developments?

Mr MACLELLAN (Minister for Planning and Local Government) — I am not sure whether the development industry could cope with another $1 billion worth of investment. We had $1 billion worth of building permits in March this year — despite the

delays that have occurred in the Victorian Civil and Administrative Tribunal jurisdiction because of the fact that many people want to challenge the decisions of municipal councils when they make their decisions as responsible planning authorities.

The honourable member asks whether I have been guilty, I suppose, of delaying the Wren report. The answer is no; it is being considered by the government.

Forestry Victoria

Mr RYAN (Gippsland South) — Will the Minister for Conservation and Land Management advise the house of the details of the formation of Forestry Victoria within the Department of Natural Resources and Environment?

Mrs TEHAN (Minister for Conservation and Land Management) — I thank the honourable member for his question and for his interest, and that of other members on this side of the house, in the timber industry and its role in Victoria. As the honourable member suggested, from 1 July this year the government will establish a commercial arm within the Department of Natural Resources and Environment called Forestry Victoria. It will separate the two roles that have been run by the forestry service in the department to Forestry Victoria, concentrating on the commercial operation of our timber industry. Currently the department and the government receive some $74 million per annum from the sale of royalties and licences from timber proceeds out of our state native forests.

That becomes an industry figure of about $1.2 billion a year when softwood and hardwood are taken in and the value added in to the industry.

Under the 1992 national forest policy and the national competition policy review and the government's response to it the department is separating the regulatory role from the market or commercial role. Next Saturday the government will be advertising for a general manager of Forestry Victoria, which will concentrate on market pricing and the operation of the commercial arm of forestry. The regulatory role will be performed by the Department of Natural Resources and Environment (DNRE), and it will concentrate on the other values of our native forests — the recreational, conservation and tourist values. It will be responsible for the Code of Forest Practices, the forest management plans and the implementation and overseeing by Forestry Victoria of compliance with environmental protections.

Although it is a major step forward for Forestry Victoria to have a corporate commercial focus, it is not a move towards either the corporatisation or the privatisation of our native forests. Victoria's native forests will remain in public ownership, but the government is looking to establish a stronger and sounder foundation for market values in the timber industry. The timber industry is an important industry, and it is vital to employment in Victoria. The government sees this as a major step forward for the timber industry.

State Development: industry grants

Mr BRACKS (Leader of the Opposition) — I refer the Treasurer to the Auditor-General's criticism of the government's obsession with secrecy and to the fact that the Department of State Development has refused to provide any information about the $46 million of individual business grants. Given that such information is released in other states as a matter of course, will the Treasurer — as one of his last acts as Treasurer — agree to lift the veil of secrecy to reveal the amounts of assistance and the purpose for which those grants, which will be paid for with taxpayers' funds, are to be used.

Mr STOCKDALE (Treasurer) — My understanding is that the details of the companies that are the recipients of those grants are published in the annual report of the Department of State Development.

An honourable member interjected.

Mr STOCKDALE — I said the identities of the companies. Let us deal with one issue at a time.

Obviously the whole issue of investment recruitment and the provision of incentive arrangements is an extremely competitive one. In the United States the whole issue got completely out of control because people were aware of the incentives available in each state and they simply played them off against each other so that, particularly in the southern states, things were totally out of control because companies simply chose the forum in which they wanted to locate and then shopped their projects around to lift the bid prices. That is not something the Victorian government will allow happen. For that reason it has bound the recipients to confidentiality, and in the public interest it is appropriate to ensure a jurisdiction-shopping arrangement is not created.

Victoria is fortunate that not only is that a government policy, the Labor Party obviously never plans to have the chance to engage in such policies.

Housing: regional estates

Mr SPRY (Bellarine) — I ask the Minister for Housing to inform the house of the details of the government's latest initiative to redevelop large housing estates in regional Victoria.

Mrs HENDERSON (Minister for Housing) — It gives me much pleasure to announce a major initiative for the redevelopment of many of the housing estates in regional Victoria, a great number of which were built some 30 or 40 years ago and which have high concentrations of public housing. Much of that stock is now very old. The estates are certainly not meeting the expectations of the community as it moves into the next century.

The government wants to remove much of the stigma that has been associated with the estates. There has been much criticism of them as they are readily identified as public housing. The government believes it is important to re-examine the appropriateness of large estates.

I am pleased to say that the government has recently appointed an advisory committee on the Long Gully estate in Bendigo to have a look at how it can be improved. I am delighted to say that an honourable member for North Western Province in another place. The Honourable Ron Best, has been heading the advisory committee. It is a community committee that has been charged with the responsibility of looking at how that estate can be rejuvenated and returned to a viable and sustainable community.

I am also pleased to announce that the government will provide $20 000 to match the local council contribution of $20 000 to upgrade the open space — Chum Reserve — which is an important part of the Long Gully community. I look forward to the report of the advisory committee and believe that the initiatives identified will greatly improve the estate and take it well into the future.

I am grateful to the honourable member for Bellarine. He is heading another important community advisory committee to look at the redevelopment of the Thompson estate in East Geelong. An honourable member for North Eastern Province in another place, the Honourable Jeannette Powell, is heading an advisory committee to look at a number of difficulties associated with the Parkside estate in Shepparton. The government is also doing substantial work in Wodonga with the local council and the support of the honourable member for Benambra. I would like to acknowledge the terrific work those honourable members are doing in finding solutions that will rejuvenate public housing in Victoria.

The Labor Party during its 10 years in office walked away from upgrades and maintenance in public housing and it left the government with a huge challenge about how to pick it up. The Labor Party has failed in its responsibilities for public housing. The government wants to ensure that those public housing estates will be renewed and become desirable places to live in the future.

DISTINGUISHED VISITOR

The SPEAKER — Order! I wish to recognise the presence in the gallery of the Honourable John Delzoppo, my predecessor.

RAIL CORPORATIONS AND TRANSPORT ACTS (AMENDMENT) BILL

Second reading

Debate resumed.

Mr BATCHELOR (Thomastown) — I will continue my contribution on the Rail Corporations and Transports Acts (Amendment) Bill. Before the adjournment for lunch I was explaining to the house that the proposed changes will bring about a privatisation of our public transport system that is not unlike the privatisation of the British Rail system in the United Kingdom. It will be achieved by changing the institutional arrangements that provide for privatisation — probably the third, fourth, fifth or sixth occasion we have travelled from the Hilmer-style set of arrangements through to the all but factious style of arrangements that are now operating.

The bill contains a number of clauses and components that can best be described as further facilitating the privatisation process. They are necessary because of changes in policy directions as the privatisation process has continued, or mistakes that were detected in the earlier legislation.

Clause 8 amends the access regime to allow not only the person who is seeking access to take a matter before the Regulator-General but also to allow the operator to approach the Regulator-General. In a dispute about access both parties will now be able to approach the Regulator-General for assistance on access issues.

Clauses 9, 10 and 11 deal with changes that, among other things, make it optional rather than mandatory

that an allocation statement include such things as the value of the property and the rights and liabilities to be transferred. The provisions also allows an allocation statement to give the value of a property, a right or a liability in the case of a sale ascribed or deemed to be the value and consideration.

That is of some concern. The privatisation of public assets that have been systematically built up over many years requires the assets to be identified and given a proper value. There ought to be certainty about that value. The close-enough-is-good-enough assumptions being made here ought to be rejected.

Clause 14 is another unconnected clause that facilitates the privatisation process. In effect it extends the cross-ownership provisions below the level of franchise operators to cover the individual components or corporate entities that will make up the bid. The bill contains a raft of other facilitating clauses but it is not my intention to go through all of those, given the time constraints imposed upon us by the government.

The third major cluster of changes in the bill relates to amendments that will improve the enforcement of ticketing offences on private buses in particular but also on the other private trams and trains. Primarily this will be done by some use of definitional changes that allow bus companies similar legislative backing as applies to the new private tram and train companies. It will also be done by extending the current regulation-making regime to the enforcement of penalties for ticketing offences and to the accreditation of an enforcement management system. That will be achieved by extending certain powers to bus companies such as the power to remove offenders who have committed offences, caused annoyance or danger or hindered police and authorised officers. Those powers are similar to the ones provided in earlier amendments to the provisions covering private tram and train companies.

The cluster of amendments relating to the improvement of enforcement measures in the case of ticketing offences also allows private bus companies and other private operators to gazette their own ticket conditions so they are enforceable. That is an interesting and significant change. Firstly, it allows private bus companies to give their own employees, or perhaps an agency of employees, quasi-police powers, which is of concern.

The issue of ticketing enforcement is a complex one. Even under the current arrangements of government ownership there has been a failure to come to grips adequately with enforcement of ticketing conditions. One has only to look at the current ticketing system enforced by government employees to find out what an abject failure the system is.

It is now proposed to break the business up and disperse it among various bus, train and tram and possibly other companies that would specialise in that commercial activity. The Metcard system, the Onelink ticketing system that applies right across the public transport system, will be enforced separately by a series of other transport companies — by a bus company here, a bus company there; a train company here and a tram company there, which is madness in terms of organisational strategy. The Onelink automatic ticketing system, Metcard, is buckling under the difficulty of enforcement at the moment. How will a plethora of other companies, each operating under different enforcement regimes, enforce the Onelink system?

Further, those changes will go to the other secret agenda of the government, which is to systematically and deliberately undermine the multimodal nature of the ticketing system. Through changes effected previously, the government will now facilitate and allow private companies to issue their own tickets. When the public transport system is privatised — if the government gets away with that objective — each individual train company and, in particular, each tram company will have to issue its own tickets for use on its own transport routes.

By virtue of those provisions, the government is giving the companies the right, privilege and commercial advantage of being able to set the conditions that will attach to their own tickets and is enabling them to gazette those conditions and use the full force of state apparatus to enforce them.

The provisions permitting individual company-only tickets, combined with those allowing the companies to gazette and enforce their ticketing conditions, will result in the multimodal nature of the ticketing system, which is currently the core of Melbourne's public transport system, being sabotaged. Nothing could be truer than that the bill sets out to destroy the multimodal ticketing system; it effectively stabs the multimodal ticketing system fairly and squarely in the back. The government will try to deny it, but the facts speak for themselves. The government has implemented the changes incrementally in an attempt to make them not too obvious. The changes proposed in the bill are another chapter in the government's attack on the multimodal ticketing system.

Mr A. F. Plowman — Where does it say that?

Mr BATCHELOR — Don't you know? Can't you understand? Haven't they told you? The honourable member for Benambra wants to know where the bill says that. He does not know. He cannot even read the bill and understand its implications. What is he doing in the chamber if he does not understand? He has to listen to the opposition speeches to understand what is going on. The government may well not have told him. He may be subject to the old muster-room treatment. Along with many other members of the government he has obviously been kept in the dark and not told what is going on. If he does not know what the proposed changes to the legislation are, he should not be in Parliament. He should use the opportunity on Tuesday to join the others who will be resigning, and get out! The Parliament needs people on both sides of the chamber who can understand complex issues such as multimodal ticketing, which is a much valued and appreciated aspect of the public transport system.

Victorians do not want multimodal ticketing done away with, but the changes proposed by the bill attack its very existence. The honourable member for Benambra does not understand and asks to have pointed out to him specifically where the attack on the multimodal ticketing system is in the bill. I suggest that he read the bill and find out. It is quite obvious.

Mr A. F. Plowman — Show me where.

The SPEAKER — Order! The honourable member for Benambra will desist.

Mr BATCHELOR — Try clause 20 to begin with! Many other clauses require comment. It is taking a while to work through the bill because, as I indicated, no themes run through it and the bill includes some desperate and disparate attempts to correct mistakes.

Clause 21 is designed to protect the government's interest in automatic ticketing by empowering the Treasurer to provide a guarantee on a contract when the contract is allocated from the PTC to a private company, statutory company or person. The Treasurer has from time to time provided guarantees. Honourable members are well aware that at the very core of the automatic ticketing fiasco was a Treasurer's guarantee for some $300 million. Clause 21 provides the mechanism for the guarantee to be hived off to someone else when the PTC is ultimately left as a shell. Such arrangements have to be made only because of the very destructive process by which the government is privatising public transport. It seeks to break up the system as well as flog it off.

Clause 34 allows private tram and train companies to operate their own lost property systems. It also provides exemptions from the Environment Protection Act (EPA) and Local Government Act relating to noise. Currently it is acknowledged that train and tram operations — particularly the rolling stock — can be a bit noisy. The bill seeks to give the private operators some protection and comfort by guaranteeing that when they take control they will not be subject to the fairly proscriptive noise level requirements of the EPA. While that has not necessarily been an issue while the system has been under government ownership, that protection will certainly need to be given to the new private operators.

In the very detailed and thorough briefing provided to opposition members, assurances were given that the exemption from the EPA requirements will apply where trains and trams are entering and leaving depots and when they are being powered up. I can understand the operational necessity for that. However, the opposition asked whether those exemptions would apply where trains were in sidings and had to be powered up for cleaning. We were told that under those circumstances the exemptions would not apply and that the EPA regulations would require the private operators to act in a more considerate way.

Problems have occurred with that situation in the past. I recall that in a siding down at Carrum the operator's cleaning contractors would power up trains in the middle of the night and leave them idling because they required the lights on while carrying out their cleaning functions. Unless circumstances have changed, that practice has been stopped, notwithstanding that the EPA regulations did not apply in that situation.

Irrespective of the situation at Carrum, the opposition has been given an assurance and wants it placed on the public record that those exceptions to the exemptions are clearly set out and that companies will not be able to have trains idling in stabling yards for cleaning purposes, so causing disturbance in residential areas. The proscriptions are limited, and the opposition seeks an assurance that they remain so.

Other provisions in the bill relate to further enforcement and tightening up of the ticketing provisions, particularly when people are found to be travelling without a valid ticket. That is yet another issue that arises because of the complete disaster that the Onelink ticketing system has been for public transport.

Finally I refer to the bill as it relates to tolls. Clause 48 will amend the Melbourne City Link Act to rectify drafting problems. I remind honourable members that

the act originally provided for Transurban to fine a motorist on the City Link tollway multiple times during a single journey. It provided that a motorist who used the tollway without a transponder or without having sufficient money in an account could be fined in respect of each tolling gantry he or she passed under during the journey. That problem was rectified by an earlier amendment and now the house is being asked to pass yet another amendment to tidy up the associated administrative arrangements.

The opposition is also seeking clarification on the issue of authorised persons who work for Transurban or other agents and who administer the toll accounts reporting toll offences to the traffic camera office. Due to an oversight, permission to do that was given only to Transurban employees. The bill will allow that authority to be spread more widely.

On what is perhaps the eve of the opening of the City Link project the government is asking the house to resolve one of the most controversial aspects of the project, the multiple fining of tollway users, despite earlier promises that that would not happen. That the problem is being rectified in a bill that deals with rail corporations is a clear indication that the sloppy attitude the government takes to drafting changes to the Transport Act has caught on with the Melbourne City Link Authority and that it also has problems.

In conclusion, the opposition is concerned about the thrust of the bill, which is to provide legislative support for the privatisation of the public transport system and administrative relief in relation to the privatisation of roads. It also provides for the establishment of the Spencer Street Station Authority and allows for the fragmentation of and changes to the institutional arrangements that are to be set in place for the privatisation of public transport. Labor finds many of the key provisions of the legislation objectionable. It voted against them when they were before the house in their own right and will vote against them now. The government has incorporated in the bill a number of components that the opposition would not have objected to had they been handled separately. However, on balance, the opposition cannot support the bill.

Mr Loney interjected.

Mr BATCHELOR — In fact, as the honourable member for Geelong North said by interjection, it cannot trust the government.

Debate adjourned on motion of Mr ROWE (Cranbourne).

Debate adjourned until later this day.

LONGFORD ROYAL COMMISSION (REPORT) BILL

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

Second reading

Debate resumed from 13 May; motion of Mr W. D. McGRATH (Minister for Police and Emergency Services).

Mr LONEY (Geelong North) — The Longford Royal Commission (Report) Bill will allow for the publication with full privilege of the report of the Longford royal commission without its having to be tabled in Parliament. It is due to be delivered by 30 June 1999.

At the outset I want to make a couple of points clear. Firstly, the opposition has no objection to the publication of the report immediately it becomes available. Secondly, the opposition has no objection to the publication of the report with full privilege attached to it. Those elements of the bill do not present a problem and the opposition will not oppose them.

However, the opposition is concerned that the bill is a mechanism designed by the government to avoid the report having to be considered and debated by Parliament almost immediately following its release. For that reason, I propose in committee stage to move the amendment I have circulated:

> Clause 4, page 3, after line 2, insert —
>
> "() There must be fixed a day and time for the next meeting of each house that is within 7 days after the receipt by the clerk of the House of a copy of the report referred to in sub-section (1).".

The amendment must be considered in the context of the bill. I make it abundantly clear that the opposition is not seeking to stop the publication of the report immediately it becomes available or the attaching of privilege to it. The opposition agrees with the action the government proposes in those respects. The opposition is asking only that Parliament be recalled within seven days of the report's being received. I make that abundantly clear in case government members might wish to run an argument that the amendment is about preventing the publication of the report. It is not.

It adds that the report will go from the commissioner, Sir Daryl Dawson, to the Governor and the minister, and from there to the Clerk of each house of the Parliament, who will then cause it to be published with privilege — if this bill is passed — and arrange for the

recall of Parliament within seven days to consider and debate the report. I want to make that point quite clear, Mr Acting Speaker, so that we understand precisely what we are talking about. The foreshadowed amendment is not in any way intended to stop the publication of the report prior to the sitting of Parliament, as was suggested earlier.

The opposition believes an intention to deny Parliament the opportunity to consider and debate such a matter promptly is a tactic that is virtually without precedent in Victoria. Privileged publication without tabling in Parliament is allowed for in some states, as referred to in the second-reading speech, but in all the examples that I have been able to find it is reserved for exceptional circumstances — for example, presentation of a royal commission report after the calling of an election when there is no opportunity for it to be tabled in the house because Parliament has been prorogued. The New South Wales Royal Commissions Act has a standing provision to that effect, section 14B, as referred to in the second-reading speech.

That is not contentious. What is contentious is the way the provision is intended to be used. The precedents of other states and the commonwealth show that it is to be used in exceptional circumstances and for matters such as those I have just outlined. The opposition believes to use it as a tactic to avoid parliamentary consideration and debate at a time close to the delivery of the report is a bad new precedent for this Parliament to set. The mechanisms provided in the New South Wales act and elsewhere are not designed as a device by which parliamentary accountability is simply avoided by the government of the day. The opposition believes, however, that that is what this bill is about at heart.

Avoidance of accountability is a feature of this government's approach. It shines through in its approach to the Longford royal commission — the royal commission the government did not want to have. After the hydrate incident of June last year the argument promoted by the government and the Premier was that the incident had nothing to do with government at all; they attempted to wipe away responsibility.

When public pressure for a royal commission into the Longford incident became unbearable the government was forced, kicking and screaming, to do something. Then, consistent with its general approach, it gave the royal commission unusually narrow terms of reference to avoid scrutiny of its own actions and inaction. The first thing that stands out in the terms of reference is that the word 'government' appears nowhere in the entire document. That can be nothing other than the deliberate action of a government trying to ensure that it is excluded from the terms of reference.

Term of reference 2H deals with a breach of or non-compliance with any relevant statute or regulation by Esso or BHP, but it does not deal with the even more central questions of whether the regulations or statutes were adequate and whether they were a contributing factor. Those matters should have been included. The Victorian public is entitled to have those questions asked, investigated and answered.

The inquiry was given a short time line for production of its report. You may recall, Mr Acting Speaker, that the original deadline was February. The inquiry was to be concluded very quickly indeed. We are now talking about a release date of 30 June.

The government's highly paid lawyers argued in the royal commission against any turn of events in the hearings that could cause the commission to consider government actions or inaction. According to an article in the *Age* of 20 January entitled 'Gas inquiry has eye on government' Mr Mark Dean, counsel appearing at the commission for the Victorian Trades Hall Council, made an application for an extension to ensure the government's role and responsibility could be examined. According to the article he told the inquiry:

> It is incumbent on the state of Victoria to be involved in a consideration of how industry at Longford will be regulated in the future, and how the continuity of Victoria's gas supply will be maintained.

Most Victorians think that is a reasonable proposition. The terms of reference, some government statements and the final government submission to the royal commission, however, make it clear that the government put Esso in the frame.

Esso itself argued that the government should be included in the commission's focus. An article in the *Australian* of 28 January entitled 'Esso cites state role in gas blast' reports:

> Esso has called on the Dawson royal commission to investigate the role of government in the fatal gas explosion at Longford last year, warning the inquiry would prove 'futile' otherwise ...
>
> The company argued that if the commission was to properly discharge its functions it would examine the government's responsibility for ensuring continuity of supply, policies in relation to gas storage facilities, alternative sources of supply and whether the government caused or contributed to supply interruption.
>
> 'To make recommendations in a vacuum without appreciating those matters would be to make recommendations that may be futile or impossible to implement', the Esso submission said.

That is entirely correct. You cannot analyse such events in a vacuum or confine your consideration to the actions of one party, no matter how desirable for your own protection such a strategy might be; but that is precisely what the government did.

The *Age* of 28 January carries an article entitled 'Blame not all ours, says Esso' and the *Australian* of 14 October 1998 carries a short piece by Michael Magazanik entitled 'A little falls a long way short', which states:

> It's a strange day in Jeff Kennett's Victoria when big business and the trade unions side against the government, but the royal commission into the Longford gas disaster has forged an unusual alliance.

The point of that comment is that the terms of reference should have been wide enough to include issues such as Victoria's supply monopoly and the regulation of it.

The editorial in the *Age* and the editorial in the *Australian* of 14 October headed 'Critics savage Kennett inquiry' indicate the view of the media. The argument was put but opposed by the government, which is not surprising. The obstacle for the commission was summed up by Mr James Judd, counsel assisting the commission:

> ... what the commission is quite plainly not invited or authorised to do is to conduct an inquiry into and make recommendations concerning the general gas regulatory system or to propose a new one.

Honourable members should notice that counsel assisting said the royal commission was 'not invited or authorised'. He was clearly referring to the state government. In spite of that, throughout the inquiry the royal commission chairman, Sir Daryl Dawson, showed interest in some of the wider issues. In considering argument from parties to the commission who were seeking an extension of the terms of reference to clarify that government actions and inactions and the total regulatory regime should form part of the inquiry, Sir Daryl said at page 1830 of the commission transcript:

> It may be helpful to you to indicate that an investigation of the causes of the accident, the regulatory scope which applied, if it was a cause, would be something which the commission could make findings about.

Sir Daryl is clearly indicating this was something he believed fell within the compass of the royal commission and was something, if appropriate, about which a finding may be made. If the commission examined that issue and made recommendations about the government's performance and about how we would ensure security in the future, what is the correct way to go and what should be done about it, is it not appropriate for the report to be debated in this place and be given proper scrutiny? Yet this bill militates against that happening. It is not as though the Longford disaster was not considered to be an important matter. About eight months ago it was considered to be important enough to hold a $2 million royal commission, which at the time of calling the Premier was reported in the *Age* of 13 October as having said:

> Victorians were owed nothing less than the most serious investigation.

It would seem the investigation we had to have then was to be taken with all seriousness, but some six months later it is not serious enough to have Parliament consider and debate the report.

If the bill proceeds unamended it is clear the people of Victoria have been short-changed. The bill will not allow any opportunity for the people's representatives to discuss the findings of the report of the Dawson royal commission in proximity to the presentation of the report. There will be no opportunity to discuss the findings of the report or to examine the best ways to ensure that an event like this never happens again.

It is ironic that in the same week that the heart has been ripped out of the Freedom of Information Act and the last report of the independent Auditor-General has been tabled, there is before the house a bill that arrogantly sets out to defy parliamentary convention. In its current form the bill provides no real and sensible opportunity for parliamentary debate. Honourable members will have no opportunity to assess or debate the report's findings either when it is released or soon after. The move to release a royal commission report without parliamentary debate does not have precedent in this state. It is not a good precedent to now establish.

There are some examples elsewhere but they were based on special circumstances. There is no special circumstance in this case. One must keep asking the question: what is the special circumstance? The only special circumstance is that the government prefers to keep the release of the report fully within its control so that it can put its spin on the findings before proper scrutiny can take place.

Last Monday the Premier conceded that there was no way he could guarantee the secure supply of gas to Victorian households. The lives of the old and the sick in Victoria are being put at risk — 1.35 million households with gas will again be put in a position where they may have to cope without it. The attendant consequences on the Victorian economy will again be brought into focus. Yet, Victorians are being told that

the report which is asked to consider ways of mitigating these effects will not be debated in this place.

The way the bill is currently drafted, that opportunity will be missed. Under the bill the government will control the release of the final report and the role of the government and its agencies — the Victorian Workcover Authority and Vencorp — will not be subjected to the full and frank debate that they should receive. Many issues of fact should be debated in this place consequent upon the release of the report. The government allowed a monopoly supplier of gas to operate unsupervised. It disbanded the Gas and Fuel Corporation. Before the corporation was split up and sold it had a statutory responsibility:

> ... to provide a safe, economical and effective gas supply.

The government disbanded the gas supply group of the Gas and Fuel Corporation. It decided to delay the construction of the south-west pipeline and turn the New South Wales interconnect into a garden hose instead of the fire hose that it was meant to be. It was this government that decided to reduce the inspection powers of the Workcover Authority. The royal commission heard the testimony of the senior Workcover official who admitted that there was no inspection of gas plant 1; that the Workcover Authority spent less than 3 hours inspecting Longford prior to relicensing the plant; and that the vessel that exploded was routinely inspected prior to the introduction of the 1995 plant safety regulations but that since 1996 there had been no Workcover Authority inspection of the boiler and pressure vessels at the site. The royal commission also heard that since 1995 the total number of inspections at the Longford site by Workcover Authority inspectors had fallen dramatically.

In conclusion, it is for all these reasons that the opposition's amendment must be supported. Parliamentary debate within seven days of the release of the report is a parliamentary convention across Australia. It should not be broken here. Government members must decide whether they will support the opposition or allow another parliamentary convention to go out the window.

The amendment does not frustrate what the government says it wishes to do. It does not frustrate the government in its ability to publish the report and attach privilege to it. It allows the government to do that while still operating within the ambit of established precedence of parliaments across the country.

Accepting the amendment to be moved in the committee stage is the only way to ensure the final report of the Dawson royal commission will be properly considered. That is what Victorians want and deserve. When the house moves into the committee stage I will urge it to support the opposition's simple amendment.

Mr STOCKDALE (Treasurer) — I thank the honourable member for his contribution. I note that the Labor Party will move an amendment during the committee stage but will not oppose the bill.

I thank the Labor Party for its support. It is obviously important that provisions are put into place to enable the presentation of the report and to provide the usual privilege in relation to its contents. The government will not support the ALP's amendment on the ground that it is unnecessary, inherently undesirable and probably, in the end, unworkable. I note it is also not part of the relevant New South Wales legislation, although the honourable member purported to rely on that legislation when speaking to his amendment.

The government believes the bill is important. The community can have great confidence that gas supplies will be maintained throughout the coming winter. The government, prudently, is not giving a guarantee; nobody can ever give an unqualified guarantee that gas supplies will be maintained, but there is every reason to believe that adequate supplies will be available from Longford. In any case, substantial contingency arrangements have been put in place. I suspect our problem this winter will be the government's obligations to take gas from sources other than Longford and thereby reduce the amount of gas taken from Longford.

The government does not know what lies ahead in Victoria's weather conditions but, barring anything but the most severe of winters — which would cause problems in any case — it believes Victoria's gas supplies will be secure during the winter.

The government has been monitoring the performance of Esso in restoring supplies. Esso has reported regularly to the government that the process is going well. The government has retained Stone and Webster, undoubtedly the world's leading engineering consulting firm, to monitor the performance of Esso in restoring supply capability. That company tells us there is good reason to share the confidence expressed by Esso.

I am sure the opposition will join the government in acknowledging the work of the workers on the site who, in sometimes difficult conditions and despite the fact that from time to time they have been led astray by ill-judged actions of union officials, have shown a strong commitment to carrying the works through. It is

a pity they have been let down, that something approaching one-third of available working days have been lost by industrial disruption at the behest of union officials and, perhaps, the Victorian Trades Hall Council. But the workers have shown the same type of commitment they and their predecessors have shown over the past 30 years. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

Mr LONEY (Geelong North) — I move:

Clause 4, page 3, after line 2, insert —

"() There must be fixed a day and time for the next meeting of each House that is within 7 days after the receipt by the clerk of the House of a copy of the report referred to in sub-section (1).".

I will not speak at length about the amendment as I dealt with its purpose during the second-reading debate. However, I take this opportunity to support the comments of the Treasurer regarding the contribution of workers at the Longford site in restoring gas supplies. Since the time of the explosion, and afterwards, they have put in a tremendous effort to clear the site, restore Victoria's gas supplies and rebuild the unit. All Victorians will be thankful for the contribution they have made.

The opposition agrees with the government's acknowledgment of the work done by Sir Daryl Dawson, his fellow commissioner and the parties to the royal commission in attempting to find the truth and to work towards ensuring some solutions so that this sort of thing may not happen again in Victoria or, if we had a similar supply crisis, at least its effect would be mitigated through the work of the royal commission. The opposition acknowledges the work done by the royal commission including the work of its staff, counsel assisting, and the parties.

Mr CLARK (Box Hill) — I wish to make a few brief comments about the amendment. During his contribution to the second-reading debate the honourable member for Geelong North cited the provisions of the Royal Commissions Act 1923 of New South Wales as a precedent for the legislation. He was correct in so doing.

I understood him to cite that precedent with approval. But the Royal Commissions Act did not contain a provision of the sort the honourable member proposes to have inserted in the bill through his amendment. To the extent to which that provision is a precedent it therefore supports the provisions of the bill as they stand.

I also refer the honourable member to the West Gate Bridge Royal Commission Act 1970. Section 7(1) of that act contains a provision similar to the one in this bill, and it states:

> On receipt of a copy of a report from the commission by the Governor in Council a copy shall forthwith be delivered to the Clerk of the Legislative Council and a copy to the Clerk of the Legislative Assembly for presentation to the Council and Assembly respectively and the report shall forthwith be published by the government printer.

The section further provides for privilege in relation to the publication of the report to achieve a result similar to that to be achieved by the bill now before the committee.

In the debate on that 1970 act the opposition of the day, led by the Honourable Clyde Holding, did not take exception to what was then clause 7. The bill was passed extremely quickly with the unqualified support of all sides of the house.

The opposition is looking at precedents in support of the amendment, but precedents do not favour it. In the past, parliaments took the view that it was a matter for judgment and decision at the time as to whether to recall Parliament. It was not considered necessary to build in mandatory provisions of the sort proposed in the amendment. For those reasons, I suggest that the precedents favour the provisions in the bill and that the amendment is unnecessary.

Committee divided on amendment:

Ayes, 28

Andrianopoulos, Mr	Hulls, Mr
Baker, Mr	Kosky, Ms
Batchelor, Mr	Langdon, Mr (*Teller*)
Bracks, Mr	Leighton, Mr
Brumby, Mr	Lim, Mr
Campbell, Ms	Loney, Mr
Carli, Mr	Micallef, Mr
Cunningham, Mr	Mildenhall, Mr
Davies, Ms (*Teller*)	Pandazopoulos, Mr
Delahunty, Ms	Robinson, Mr (*Teller*)
Garbutt, Ms	Savage, Mr
Gillett, Ms	Seitz, Mr
Haermeyer, Mr	Thwaites, Mr
Hamilton, Mr	Wilson, Mrs

Noes, 51

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

Amendment negatived.

Clause agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

CONSTITUTION (REQUESTS) BILL

Second reading

Mr HONEYWOOD (Minister for Tertiary Education and Training) — I move:

> That this bill be now read a second time.

As honourable members will be aware, the people of Australia will be voting at two referenda later in the year. These will determine whether Australia is to become a republic and whether a preamble should be added to the commonwealth constitution.

As members will also be aware, the commonwealth constitution is contained in clause 9 of a United Kingdom act — the Commonwealth of Australia Constitution Act, which I will refer to as the Constitution Act.

Should Australia become a republic, that act will need to be amended as it contains in its preamble and clauses a number of references that would be incongruous or absurd to retain. In addition, most of the clauses in the Constitution Act will be unnecessary if the republic referendum is passed. For example, it is considered that it would be completely inappropriate for the document establishing the Australian nation to retain references in its preamble to the people of the colonies uniting under the Crown of the United Kingdom of Great Britain and Ireland should the people have voted to sever the ties with the Crown.

Of the clauses in the Constitution Act, it is necessary only to retain clause 1 — the short title of the act — and clause 9, which contains the constitution itself. Clause 2, which provides that references in the act to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom, would be incongruous and redundant. So would clause 8, concerning the Imperial Colonial Boundaries Act 1895.

Clauses 3 and 4, dealing with the proclamation and establishment of the commonwealth, are now spent. Clauses 5 and 6 will be unnecessary as the constitutional changes included in the proposed Constitution Alteration (Establishment of Republic) Act 1999 insert into the constitution provisions which replicate those clauses. Covering clause 7, dealing with the Federal Council of Australasia and laws passed by it, no longer has any practical application. It is therefore considered that the Constitution Act must be amended to remove these incongruent and unnecessary references if the republic referendum is approved. The means, however, of amending that United Kingdom act are not simple or straightforward. As the act is not part of the commonwealth constitution, it cannot be amended by a referendum under section 128 of the commonwealth constitution.

The Constitution Act can, however, be altered or repealed by the commonwealth Parliament if two things happen. First, the limitation in another United Kingdom act, section 8 of the Statute of Westminster 1931, must be removed. That section has been considered to prevent changes to the Constitution Act as it states that:

> ... nothing in this act shall be deemed to confer power to repeal or alter the ... Constitution Act of the Commonwealth of Australia'.

Secondly, the commonwealth Parliament must be empowered to amend the Constitution Act. Both of these can be achieved by requests to the commonwealth Parliament by all of the state parliaments.

The Statute of Westminster limitation can be removed by the commonwealth Parliament if it is requested to do so by all of the state parliaments pursuant to

section 15(1) of the Australia Acts. Once that limitation is removed, the commonwealth Parliament is empowered by virtue of section 2(2) of the Statute of Westminster to amend the Constitution Act.

The commonwealth Parliament can also be empowered by a request from all of the state parliaments to the commonwealth Parliament pursuant to section 51(38) of the commonwealth constitution. That provision allows the commonwealth Parliament to exercise any power which can, at the establishment of that constitution, be exercised only by the Parliament of the United Kingdom — such as the amendment or repeal of the United Kingdom acts — if the state parliaments request it to do so.

The bill before the house makes those requests. The bill will, when enacted, request the commonwealth Parliament to enact a commonwealth act — the Commonwealth of Australia Constitution Act Amendment Act 1999. That act will:

amend section 8 of the Statute of Westminster so that it does not prevent the repeal of sections 2 to 8 of the Constitution Act or the omission of the preamble to that act;

repeal sections 2 to 8 of the Constitution Act; and

omit the preamble to the Constitution Act.

Once all of the other states make similar requests, the commonwealth Parliament will be empowered to enact the Commonwealth of Australia Constitution Act Amendment Act 1999.

The bill is to commence on the day after the Constitution Alteration (Establishment of Republic) 1999 receives royal assent. This ensures that if the republic referendum fails to pass, the bill will not operate.

However, if the people of Australia approve of the republic referendum, the passage of this bill and similar bills by the other states will enable the commonwealth Parliament to complete the task of ensuring that Australia's constitutional documents are appropriately worded for a new Australian republic.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Friday, 11 June.

DATA PROTECTION BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this bill be now read a second time.

The Victorian government is committed to helping all Victorians take full advantage of the opportunities and benefits of the information age.

One consequence of the information age has been that personal information has become a valuable resource. The ability to collect, store, manipulate and transfer this information has developed at a remarkable pace. Worldwide, information privacy has become an important priority for governments, businesses and consumer groups.

While the market should lead the development of standards for electronic commerce in Australia, governments have a responsibility to establish a facilitative legal framework.

This bill takes the initiative in addressing the issue of information privacy and provides a flexible privacy framework to address the needs of all Victorians in the information age.

Information privacy is also an international issue with the capacity to affect significantly our ability to integrate and compete effectively in international markets. Therefore, a nationally consistent approach to privacy, capable of adoption throughout Australia, is highly desirable.

While the policy behind the Victorian bill is not to distinguish between the application of information privacy principles to both the public and private sectors, the bill is sensitive to federal developments in this area. In particular, the bill has been drafted to include a clearly separable division relating to the private sector so that if suitable national legislation is passed, Victoria can repeal, modify or not proceed with our legislation in relation to the private sector.

The bill has benefited from extensive and wide-ranging public consultation, including the issuing of detailed discussion papers, exposure draft legislation and briefing sessions. The contributions made by individuals, privacy and consumer groups, businesses and industry groups have greatly assisted in the preparation of the bill.

Data protection requires a careful balancing of competing objectives:

to ensure that the collection, use, storage, disclosure and quality of personal information takes account of the individual's right to privacy;

to ensure that this does not unnecessarily impede the operation of businesses and the economy generally;

to ensure that legitimate public interests which may outweigh the individual's right to privacy — for example, the free flow of information — are properly recognised.

The bill covers personal data protection, or information privacy, of the individual. Data protection is focused on information about an individual, or information from which an individual may be identified. It is more specific than privacy in its general sense. The bill does not regulate broader privacy issues.

The bill will protect the privacy of personal information where it is contained in a document that is in the possession, or under the control, of an organisation in Victoria, regardless of where the document is situated.

The bill provides support for self-regulatory codes of practice underpinned by a default legislative scheme.

Unless an approved code of practice provides otherwise, the collection and handling of personal information will be governed by information privacy principles (IPPs) based on the National Principles for the Fair Handling of Personal Information (the national principles). The national principles were developed by the federal Privacy Commissioner in consultation with a wide range of stakeholders. They aim to establish a national benchmark for the fair handling of personal information that can be applied across jurisdictions, industries and fields of activity and have been adopted in order to promote national consistency.

The bill imposes obligations on companies, government departments, councils and individuals to comply with the IPPs. The IPPs establish a broad framework within which to handle personal information in a responsible and transparent manner. They ensure that people are given some control over the way information about them is collected, used, disclosed, stored and transferred.

The bill is not retrospective. However, the IPPs will regulate the use and disclosure of any current stores of personal information, as well as prescribing rights to access, regardless of when it was collected. The phase-in period prevents any obligations arising under the legislation, except for the security and access principles, until 12 months after the bill comes into force.

Victoria will appoint its own Privacy Commissioner to administer the regime. He or she will work closely with the federal Privacy Commissioner so as to maintain a consistent national approach to data protection issues. The bill requires there to be consultation when a code of practice relates to the private sector.

The bill provides for an arrangement to be entered into with the commonwealth whereby the federal Privacy Commissioner may exercise or discharge all or any of the duties, powers and functions of the Victorian Privacy Commissioner in respect of the private sector.

It is intended that such an arrangement with the commonwealth would only be made following the enactment of an acceptable national legislative regime. In the absence of national legislation, the Victorian Privacy Commissioner will exercise all functions in respect of both the public and the private sectors.

The functions of the Privacy Commissioner are very widely drawn and include:

promotion of the IPPs;

issuing guidelines in relation to the development of codes of practice;

conducting investigations and conciliation of complaints; and

providing advice and training on the operation of the scheme.

In carrying out functions, the Privacy Commissioner is to have regard to the objects of the act, in particular to balance the interests in the free flow of information with the interests in maintaining the privacy of personal information.

The bill also provides a flexible framework that builds on and promotes self-regulation through the development of privacy codes of practice. The bill encourages businesses, government departments and other organisations handling personal information to develop codes of practice.

The option of developing a code allows substantial flexibility in the way that organisations can manage personal data and implement the IPPs. The Victorian scheme allows approved codes of practice to set standards for information handling that differ from the default scheme. Organisations that choose to operate by codes of practice can tailor their obligations to the specific needs of their business or industry.

Approved codes may govern all or only some aspects of the data handling and complaints procedures of an organisation.

Codes may create lesser or greater standards than those specified in the IPPs provided that they meet two criteria, to be assessed by the Victorian Privacy Commissioner. First, a code must substantially achieve the objects of the bill. Secondly, a code must not be contrary to the public interest.

Organisations may appoint a person to be code administrator. Information relating to complaints handled under a code would be reported, by the code administrator, to the Privacy Commissioner.

The bill establishes an inclusive scheme. That is, unless specifically exempted, the information handling practices of all people, companies, councils and government departments in Victoria will fall within its terms. However, the bill provides that any inconsistent provision in any other commonwealth or Victorian legislation will prevail. Data protection is also expressly subject to freedom of information legislation.

There are some exemptions built into the bill itself that explicitly recognise a competing public interest as outweighing the data protection regime either entirely or in specific areas.

The bill will not regulate the collection of information by an individual in connection with that individual's personal, household or domestic affairs. It will not apply to personal information held in relation to the performance of judicial or quasi-judicial functions. It will not apply to publicly available information including public records and information held in libraries, museums and galleries.

Partial exemptions are also granted with respect to news activities, in order to provide a balance between supporting freedom of the press and personal information protection. An exemption is also granted to organisations that legitimately gather statistics or conduct research other than for publication in a form that identifies any person.

There is no blanket exemption under the bill for the activities of law enforcement agencies. It is not intended that the bill interfere with any legitimate functions of law enforcement agencies. The bill attempts to balance these interests by allowing limited departures from information handling standards where it is reasonable in the circumstances.

The IPPs will apply so far as is practicable to regulate the use of personal information held on public registers. The bill will in most cases treat uses outside the legitimate purposes for which public register information was collected as interferences with personal privacy.

The bill also provides for the resolution of complaints. Individuals must complain to the organisation first. In cases where a code of practice specifies a complaint mechanism, that mechanism must be followed first. Where complaints are not resolved satisfactorily at this level, it is possible to refer the complaint to the Privacy Commissioner. The Privacy Commissioner has a discretion to decide not to entertain complaints in certain circumstances.

Although the Privacy Commissioner has significant powers to conduct investigations and conferences, he or she is not established as a tribunal, and cannot issue determinations that are binding on parties to a complaint. The Privacy Commissioner's principal function in this area is in the conciliation of complaints.

The Victorian Civil and Administrative Tribunal (VCAT) has jurisdiction where a complaint is not resolved by conciliation. The VCAT may make binding determinations to resolve complaints. It can make orders including restraining or mandating conduct of the respondent, orders for compensation to the complainant to a maximum of $100 000 and orders for correction of information or that a code administrator take specified steps.

The bill also provides a mechanism for addressing serious contraventions of codes or the legislation. It gives the Privacy Commissioner the power to issue a compliance notice in cases where a suspected breach of the IPPs or a code is serious or flagrant or has been repeated on at least five occasions within the previous two years.

Outsourcing is an important issue for government and business groups, particularly those who frequently provide an outsourcing service. It is also an important issue for individuals whose personal information is being transferred to third parties, perhaps situated overseas, for processing.

An outsourcing organisation will continue to be liable for information privacy breaches where it did not put in place a suitable contractual arrangement with the outsourced service provider capable of being enforced in Victoria.

Section 85 statement

Clause 73 of the bill states that it is the intention of clause 7 to alter or vary section 85 of the Constitution

Act 1975. I therefore make the following statement under section 85(5) of the Constitution Act of the reasons for altering or varying that section.

Clause 7 provides that the bill does not give rise to any civil cause of action or create any enforceable legal right otherwise than as specifically provided in the bill. Similarly, nothing in the bill is to be construed as giving rise to criminal liability except to the extent expressly provided for.

The bill is intended to create specific rights and obligations in relation to information privacy, and to provide readily accessible and fair dispute resolution mechanisms, including scope for review. The bill is not intended to give rise to broader rights and obligations outside those expressly provided in the bill. The reason for the alteration or variation to section 85 of the Constitution Act 1975 is to ensure that the scope of the bill meets these expectations.

An important amendment relates to the Parliamentary Committees Act 1968. This provides that the Scrutiny of Acts and Regulations Committee will assess legislative proposals for consistency with the data protection regime, in particular to consider whether legislation unduly requires or authorises acts or practices that may have an adverse impact on personal privacy.

A key element of the government's information technology policies is to enable small to medium-size Victorian based enterprises to participate in the online economy as effectively and efficiently as larger firms. By promoting world best practice, the bill will enable the businesses it covers to establish their credentials as informed and trustworthy managers of personal data throughout the world and across a variety of data protection laws, codes and contracts.

The bill is an innovative, workable and effective response to the issue of information privacy. It will promote business and community confidence in the online environment without imposing unnecessary burdens of government regulation. It provides the basis for implementing a Victorian data protection regime and will ensure that all Victorians are well placed to participate in the global information economy.

I commend the bill to the house.

Debate adjourned on motion of Mr CARLI (Coburg).

Debate adjourned until Friday, 11 June.

WATER INDUSTRY (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

The main purpose of the Water Industry (Amendment) bill is to abolish Melbourne Parks and Waterways and transfer its property, rights and liabilities to the state. In doing so, land owned by MPW and forming a significant part of Melbourne's metropolitan parklands will be permanently reserved for public purposes. This will be a major addition to the Crown land permanently reserved within Melbourne for parks and open space.

MPW was established in 1993 within Melbourne Water and in 1995 was made a statutory authority under the Water Industry Act 1994 as part of the government's reform of the water industry. Its purpose has been to manage open space, parks and waterways in the metropolitan area.

One of MPW's key achievements has been to continue the work of Melbourne Water and the former Melbourne and Metropolitan Board of Works in developing a magnificent system of metropolitan parklands throughout Melbourne, including in the Yarra, Maribyrnong and Dandenong valleys, and at Braeside, Plenty Gorge and Point Cook. These areas are enjoyed by millions of visitors each year. Much of the land comprising the parklands was purchased for public open space as part of a long-term program to develop the metropolitan park system, and is currently owned by MPW.

The creation of Parks Victoria under the Parks Victoria Act 1998 established a world-class park management agency combining the expertise of MPW and the former National Parks Service. It was no longer considered necessary to retain MPW as a separate organisation to manage parks and waterways in the metropolitan area. However, as indicated when the legislation to create Parks Victoria was introduced, MPW was retained as a shell authority to enable an orderly wind-up of its affairs. It is now appropriate to introduce legislation to complete the wind-up and abolish MPW.

The bill provides for the surrender of over 4000 hectares of land owned by MPW within the metropolitan parks system to the Crown to be permanently reserved under the Crown Land (Reserves) Act 1978 for public purposes — recreation, leisure, tourism and conservation — or, in the case of

an area of native grasslands at Cooper Street near Merri Creek, for conservation purposes. The bill saves existing leases.

When the land is surrendered to the Crown, rights and easements over that land will cease. However, prior to the intended commencement of the relevant provisions on 1 July 2000, all rights and easements will be reviewed to ensure that those that should continue are continued by agreement or another arrangement.

The land at Wattle Park currently vested in MPW by the Wattle Park Land Act 1991 will also be transferred to the Crown and permanently reserved under the Crown Land (Reserves) Act 1978 for public purposes. Consequently, the Wattle Park Land Act becomes redundant and is being repealed. The bill saves any rights relating to the Wattle Park Chalet and the golf course and tennis courts.

In relation to waterway management and regional drainage functions, the bill amends the Water Industry Act 1994, the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958 to remove reference to MPW and to better define the respective waterway responsibilities of various parties under part 4 of the Water Industry Act and Melbourne Water Corporation under the MMBW act. In general, the legislative responsibilities of the minister administering part 4 and the secretary will focus on recreation and other activity on the waterways while those of Melbourne Water will focus on the non-recreational waterway and drainage management functions. The bill will also enable the secretary to enter into management agreements for Crown land reserves and for waterways land.

The provisions of several acts are consequentially amended as a result of abolishing MPW. These changes include amending the Crown Land (Reserves) Act 1978 to enable the minister to compulsorily acquire land for public parks and recreation purposes in the metropolitan area, as MPW is currently able to do. This is in addition to the existing powers of the minister to compulsorily acquire land under the Crown Land (Reserves) Act for conservation purposes.

In conclusion, the bill consolidates the reforms in park management commenced with the establishment of Parks Victoria. However, in the process of abolishing MPW, the bill also places additional significant areas of the existing metropolitan parklands throughout Melbourne in Crown ownership. The permanent reservation of those areas for public purposes will be a legacy to future generations equally significant to that created with the reservation of the splendid parks and gardens around central Melbourne over a century ago.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Friday, 11 June.

CHINESE MEDICINE REGISTRATION BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

The Chinese Medicine Registration Bill establishes a comprehensive system of regulation of the practice of Chinese medicine and the dispensing of Chinese herbs. The principles of the Chinese Medicine Registration Bill are to minimise the community's exposure to the health risks associated with the practice of Chinese medicine and to promote consumer choice in access to health care options.

The government commenced a review of the practice of Chinese medicine in 1995, resulting in the publication of the groundbreaking report *Towards a Safer Choice: the Practice of Traditional Chinese Medicine in Australia*. Since then, a ministerial advisory committee has advised on required changes to legislation. The final report of the committee was published in July 1998 and recommended that Chinese medicine should be regulated in the same way as other registered health care professions.

The prime concern of the government is to ensure that the practice of Chinese medicine is safe to the public. This requires that:

the training of primary care practitioners be of a high standard;

that there be mechanisms for establishing and enforcing clinical standards of practice;

that the public and other health care practitioners are easily able to identify those who are well qualified; and

that consumers have access to effective mechanisms for dealing with any complaints that may arise in relation to their Chinese medicine treatment.

The commonwealth and state health ministers agreed that Victoria should take the lead to establish a model of regulation. An extensive consultation process since 1995 has demonstrated considerable support for this initiative, and a recognition that the time has come to regulate in the public interest this growing area of health care provision. This legislation will provide a model for other jurisdictions around the world to follow. Victoria should be proud that this act establishes world best practice.

The practice of Chinese medicine includes a range of modalities, including Chinese herbal medicine, acupuncture and Chinese herbal dispensing. There is no intention to regulate every aspect of the practice, such as Chinese therapeutic massage, food therapy and exercise therapy, but simply to ensure that those who provide Chinese medicine services are properly qualified, and those aspects of the practice which present significant risks to the public are regulated.

The provisions of this bill establish a Chinese Medicine Registration Board with the power to register suitably qualified practitioners in one or more of the three divisions of registration: Chinese herbal medicine; acupuncture; and Chinese herbal dispensing.

The bill also includes amendments to the Drugs Poisons and Controlled Substances Act to establish a new schedule of herbs. The provisions will allow control of and access by qualified endorsed Chinese medicine practitioners and Chinese herbal dispensers to herbs that have therapeutic properties but are considered potentially toxic and dangerous unless prepared, prescribed and supplied correctly.

There are professional level courses in Chinese medicine provided by several Victorian universities and by private providers accredited by the ministry for tertiary education and training. In preparing this legislative proposal to establish minimum qualifications and practice standards, the Department of Human Services has worked closely with the Department of Education which has responsibility for accrediting higher education courses offered by private providers. The Chinese Medicine Registration Board will have a role in approving such courses for the purposes of registration of their graduates.

There are many practitioners, both unregistered and those registered by another registration board, who will be affected by this legislation — for example, there are other traditions of acupuncture which have derived from the Chinese tradition, such as Japanese acupuncture. It is intended that the board will have responsibility for registering practitioners from any of these traditions. In such instances, the prime concern of the board should be to ensure that these practitioners are safe and competent to practise within their own tradition of acupuncture, without requiring an understanding of the full body of Chinese medicine knowledge.

It is not, however, intended that the board will regulate the practice of veterinary acupuncturists. This role should continue to reside with the Veterinary Practitioners Registration Board. Registered veterinary practitioners should not be considered to be in breach of the Chinese Medicine Registration Act for using the title 'veterinary acupuncturist' on condition that they treat only animals and within the requirements of the Veterinary Practice Act 1997.

There are also unregistered practitioners who practise other types of herbal medicine. These provisions are not intended to prevent, for example, western herbalists from practising within their tradition and using the terms 'herbalism' or 'herbalist' to describe their practice. They should not be required to register with the new board, unless they wish to adopt the protected titles or hold themselves out as being qualified to practise Chinese herbal medicine.

There are many registered health practitioners, such as medical practitioners, nurses, chiropractors and physiotherapists who are adopting Chinese medicine modalities, particularly acupuncture. The bill provides for amendments to the relevant registration acts to exempt these practitioners from the requirement to register with the Chinese Medicine Registration Board in order to use protected titles if they have met the qualifications and practice standards established by their own board.

It is expected that standards will be established in consultation with the Chinese Medicine Registration Board, and that in investigating and hearing any complaints against an exempted practitioner, the relevant board will ensure it has access to suitable Chinese medicine expertise on which to base its findings and determinations.

The legislation is also not intended to regulate unregistered practitioners of other forms of complementary medicine, except where they make claims to be qualified to practise Chinese medicine, or where they wish to prescribe and dispense Chinese herbs which have been included in schedule 1 of the poisons list under the Drugs Poisons and Controlled Substances Act.

The new Chinese Medicine Registration Board is to have seven members — four Chinese medicine practitioners, a lawyer and two persons who are not Chinese medicine practitioners. The board will have the power to establish advisory committees and expert panels.

The board will be an incorporated body and independent of government. It will be responsible for assessing and approving appropriate qualifications which lead to registration. The board will be responsible for the registration of Chinese medicine practitioners and Chinese herbal dispensers, and for investigations into the professional conduct of registered practitioners.

The bill includes a comprehensive outline of what constitutes unprofessional conduct and contains wide-ranging disciplinary powers for the protection of the public. It enshrines the board's ability to promulgate codes of practice to enhance the best quality provision of Chinese medicine, consistent with the approach to regulation of other registered health professions.

There are Chinese herbal dispensers who may choose not to register with the board if they do not wish to use the protected title 'Chinese herbal dispenser' or dispense Chinese herbs that have been included in schedule 1 of the poisons list in the Drugs, Poisons and Controlled Substances Act. Such practitioners are free to carry on their business without seeking registration, but should be encouraged to ensure that their Chinese herbal dispensing practice meets the guidelines and codes of practice established by the board.

The amendments to the Drugs, Poisons and Controlled Substances Act are intended to provide controls at the point where Chinese herbal medicines containing scheduled herbs are supplied to patients. It is not intended at this point to regulate the activities of importers and wholesalers of scheduled Chinese herbs. The board will have the power to issue codes of practice and guidelines in relation to the preparation, storage, labelling, prescribing and issuing to patients of Chinese herbal medicines which contain scheduled herbs. If, however, safety issues emerge and the powers of the board are insufficient to adequately protect the public, then further regulation of these areas under the Drugs, Poisons and Controlled Substances Act will be considered.

The bill makes it an offence for anyone who is not a registered Chinese medicine practitioner or Chinese herbal dispenser to use titles which may suggest that they are registered in any of the divisions of the register when they are not. Such title protection is the established method by which the government can protect the public from unregistered people practising Chinese medicine.

A further measure to enhance public safety is the board's ability to promulgate codes of practice. These codes may outline what is acceptable Chinese herbal medicine, acupuncture and Chinese herbal dispensing practice. The codes may address any aspect of practice. Breaches of codes of practice will be considered as possible unprofessional conduct and may attract a range of penalties up to deregistration for registered practitioners and substantial penalties for commercial operators.

Where an unregistered person breaches the scheduling requirements of the Drugs, Poisons and Controlled Substances Act, investigation and, if necessary prosecution of such breaches will rest with the Drugs and Poisons Unit of the Department of Human Services. Where a registered practitioner breaches such requirements, the board and the department will determine their respective responsibilities.

Stringent advertising provisions are included in the bill to further facilitate protection of the public. The bill also creates a power for the board to prepare guidelines for minimum acceptable standards for advertising Chinese medicine services.

The bill observes Victoria's obligations under the national agreements on mutual recognition and competition policy.

I now wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by clause 56(3) of this bill. Clause 93 expresses the intention of clause 56(3) to alter or vary section 85 of the Constitution Act 1975.

Clause 56(3) of the bill operates to alter or vary section 85 of the Constitution Act 1975 by providing that no action for defamation lies against the board or its members for giving a notice under clause 56(1). Clause 56(1) requires the board to notify any determination to impose conditions, limitations or restrictions on the registration of a Chinese medicine practitioner or Chinese herbal dispenser or suspend or cancel the registration of a Chinese medicine practitioner or Chinese herbal dispenser: in the *Government Gazette*; to the Chinese medicine registration authorities in all other states and territories of the commonwealth and in New Zealand; to the Health Services Commissioner; and if the Chinese medicine practitioner or Chinese herbal dispenser is an employee, to his or her employer.

The purposes of the act will not be fulfilled if Chinese medicine practitioners or Chinese herbal dispensers whose practice has been restricted or who have been suspended or deregistered can continue to practise either in Victoria or elsewhere because notice of the board's action has not been communicated to the relevant authorities. This provision is essential to ensure that the board and its members can communicate vital information to the relevant authorities without the threat of civil action for defamation against them.

Development of this bill has involved an extensive process of consultation and discussion. The Chinese medicine profession, consumer groups, the various health practitioner registration boards, and other professional associations have been most helpful and constructive in the shaping of this comprehensive model of Chinese medicine regulation. We are also grateful to the Australian Chinese community and the state administration of traditional Chinese medicine of the Peoples Republic of China for their assistance and support in formulating the legislative proposals.

I commend the bill to the house.

Debate adjourned on motion of Ms CAMPBELL (Pascoe Vale).

Debate adjourned until Friday, 11 June.

RAIL CORPORATIONS AND TRANSPORT ACTS (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr COOPER (Minister for Transport).

The ACTING SPEAKER (Mr McArthur) — Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Mr ROWE (Cranbourne) — The bill has been introduced by the government to assist in the completion of reforms to public transport. The bill was described by the opposition as being somewhat confusing. One can understand why the opposition would find a bill of this nature confusing — because it facilitates the completion of the reform of a transport system from a system to a service!

As the opposition spokesman on public transport said, the bill paves the way for the completion of the sale or the franchising of public transport trams and trains. The privatisation of buses and the establishment of the National Bus Company have resulted in a great step forward in the services provided to the people of the eastern suburbs, with the delivery of bus services to within 400 metres of each household within the franchise area.

The bill also creates the Spencer Street Station Authority as a statutory corporation. The authority will assume control from the Docklands Authority of the land around the Spencer Street railway station incorporating the Spencer Street rail yards and rail line so that the redevelopment of the area and the development of the Spencer Street station precinct will be commensurate with the good delivery of public transport services, allowing access to and use of rail lines that run through the precinct with limited disruption and realignment and the ongoing smooth operation of rail services.

Spencer Street is an important Victorian public transport precinct, with trams, interstate and metropolitan trains and a major bus terminal. It is important that the precinct be developed with that in mind. To that end, the bill establishes the Spencer Street Station Authority.

The bill amends a number of acts, including the Rail Corporations Act and the Transport Act, and makes other associated amendments.

As was rightly pointed out by the opposition spokesman, the amendments allow for the successful completion of the privatisation of public transport. One of the amendments allows bidders for the rail system to break up their bids between different corporate entities and have those recognised in the agreements, subject to Governor in Council approval.

The opposition spokesman discussed the poor operation of British rail systems. Having visited the United Kingdom last year for the purpose of meeting with the regulators of its privatised rail systems, I discovered a different story. The British railways are operating better following a huge reinvestment in infrastructure and rolling stock. It is reasonable to expect timetable interruptions and scheduling problems on any rail system when major capital works are undertaken. Virgin Rail and others have invested in excess of £2 billion in the purchase of rolling stock alone. One has only to consider the multiplier effect of such investment in the delivery of additional jobs to the British economy to realise the benefits that flow from it. The British economy is running strongly, partly because of the privatisation activities of the previous conservative government and the consequent generation of reinvestment.

Although the transport minister in the United Kingdom is one of the troglodytes of the trade union movement — similar to the people down at the Trades Hall Council — the Labor government has decided not to change any aspect of the privatisation of British Rail. That demonstrates how far behind the times the Victorian Labor opposition is. The opposition seeks to mislead the public by using words that paint a false picture of the operation of private rail services.

The opposition spokesman also raised the concept of competition between the private entities. The entities do not compete on the same railway line, but there is benchmark competition. The companies must perform to a set of standards that are set down by the government as guarantees and are written into ironclad contracts — guarantees in relation to the delivery and scheduling of services and guarantees in relation to the fare structure, which remains within the control of the government.

One of the other aspects of the bill is the opportunity for the private transport operators to have specific conditions gazetted and put into effect in relation to their company-issued tickets, as opposed to standard Metcard tickets. It is an important initiative. The system is already practised by the National Bus Company, which issues its own tickets within its franchised areas. Not everybody wants to use bus-rail-tram transport and operators may see benefits in the use of single-mode tickets.

For example, Bayside Trains runs a service from Cranbourne to Melbourne. It will be able to offer patrons a single-mode ticket that may be significantly cheaper for people who do not need to use a tram. For example, some people want to travel only from Cranbourne to Oakleigh, from Cranbourne to Dandenong or from Cranbourne to Springvale. Surveys conducted in local municipalities indicate that many people in my electorate work south of Springvale Road. They do not need to use the three-zone, multimodal ticket that is now available and would benefit from the availability of a train-only ticket. The extension of the availability of such tickets to trains and trams is an important initiative.

The bill provides for authorised revenue protection enforcement officers for buses. There are already revenue protection officers on the train and tram systems. The bill will allow bus operators to authorise approved persons of suitable character to undertake those duties on buses. They will also have the power to remove offenders, demand names and addresses and charge people with travelling without valid tickets. The bill amends the definitions section of the Transport Act. It also provides for the City Link contractors to pass on information to the traffic camera section of the police department to enable it to issue infringement notices for breaches on City Link, such as travelling without a transponder or not having paid the relevant toll.

It is worth reiterating that in the early stages of the implementation of the City Link project some leeway will be granted to people who use the system without a transponder or without obtaining a day pass. In the first instance they will receive a warning letter and will not have to pay the toll. They will be politely advised that next time they use City Link they must remember to pay the toll. The second time I am sure the letter will be harsher, and the third time it will be accompanied by a penalty notice.

In a previous debate on the payment of fines, tolls and fares, it was interesting to hear the response of the honourable part-time — or short-term — member for Mitcham and his encouragement to his constituents to not validate their tickets before travelling on trains. The opposition needs to examine its attitude to public transport and to the innovations introduced by the government.

I was stunned today to realise that the shadow Minister for Transport is claiming ownership of all the government's initiatives in public transport. I congratulate the Minister for Transport on having given the opposition spokesman such a great briefing on the bill and on having persuaded him by gentle caressing and manipulation in answering the questions put to him.

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member ought to watch where he is going with gentle caressing and manipulation.

Mr ROWE — The Minister for Transport is so good at it.

Mr Cooper — How do you know? Explain yourself!

Mr ROWE — The minister has manipulated the opposition transport spokesman into a position where he now believes in all our transport policies — our great reforms like the City Circle tram service, the Nightrider bus service and the Spencer Street Station Authority, and I am sure privatisation is one of the milestones in public transport reform in this country that will finally be embraced by the Labor Party.

I am sure that once it is finalised the privatisation of public transport will deliver to Victorians services that are safe, clean and efficient and, most importantly, are

at levels at which there will not be dramatic increases in fares so that the government subsidy, which has been reduced by many hundreds of millions of dollars since 1992, will again decline.

Those improvements have been seen in the British Rail experience. I know from my meetings with regulators in the United Kingdom — they showed me the figures — that the projections are that by 2006 there will be a positive cash flow from public transport in the UK, all through privatisation. That is what we have to look forward to in Victoria. We have seen the results of the privatisation of country rail services to Warrnambool and Shepparton, and they are both working extremely well. Patronage is up, service to the clientele is up — which is most important — and people are being attracted to using rail.

The opposition's claims about fare evasion are unwarranted. They are obviously without factual basis because the Auditor-General reports an increase in revenue collection, which is contrary to the comments of the opposition. The opposition's claims about fare evasion and loss of revenue because people are not paying fares on trams and trains have been proven to be wrong. Revenue collection is up, service to the people of Victoria is up and the ticketing system is working. Compared with the overseas ticketing system ours is very simple. One need only press a maximum of four buttons. I know the opposition would find it hard to push 1, 2, 3 and 4 together, but I am sure even the honourable member for Thomastown will eventually understand that you do not have to put superglue and things into coin slots to make the ticketing machines work!

Victoria has a great transport system and a service that is being delivered to the public as it has never been delivered before. The establishment of the Spencer Street Station Authority will see that area developed in a manner sensitive to public transport, enhancing its modal interchange aspects. The remaining amendments will ensure the full and final completion of what has been a great reform to public transport in Victoria.

Mrs MADDIGAN (Essendon) — I join my colleagues on this side of the house in opposing the Rail Corporations and Transport Acts (Amendment) Bill. 'Amendment' is a bit of an understatement in relation to this bill because it tries to fix up just about everything in the transport sector except the e-tag system — no doubt if the government thought it could fix that up as well it would have included it, but perhaps that will be in the next transport amendment bill.

The bill is a real hotchpotch of provisions. It jumps from clause to clause. It is everything that the government either got wrong, forgot about or wished it had put in the legislation in the first place. It even amends provisions that have not yet been enacted. It is a very confusing and badly drafted measure and one of which the government can hardly be proud if its aim is to introduce sensible and reasonable legislation. The major provisions of the bill have been referred to by previous speakers. The bill further fragments the rail and tram franchise system by allowing subcontracting and ensures the subcontractors are covered by the provisions of earlier legislation.

As the honourable member for Cranbourne so rightly said, the establishment of the Spencer Street Station Authority, which is included in the bill, is an idea of the Labor Party. Anyone who has a strong interest in public transport routes will be pleased with that part of the bill because it is important, with the many changes being made to the Docklands area and in the city, that public transport interchange systems are protected.

There is some concern, particularly in the Docklands precinct, about the preservation of historic buildings. It is a shame that the road proposed for the Docklands will travel through part of Batman's Wall, which is on the Victorian Heritage Register. It is worth recalling that the reason for the new road through the Docklands is that half of Footscray Road has been closed. The new road will allow motorists to travel through the Docklands, and Footscray Road has been closed off to try to push motorists onto the Tullamarine tollway. That demonstrates not only the extent to which the privatisation of roads is affecting the transport system in suburbs some kilometres away but also that it is destroying buildings on the Victorian Heritage Register. There is little for the government to be proud about. I hope with future road and rail transport initiatives the Minister for Planning and Local Government, who has responsibility for heritage matters, will be more inclined to support the legislation he administers.

The bill gives the City Link operator the power to report toll or traffic enforcement problems to the police and private bus operators the authority to fine fare evaders. One cynic suggested the other day that it does not matter that the transport ticketing system does not work because the government's focus is on fining people. It is more lucrative than selling them tickets! I am sure honourable members have received, as I have, many complaints from constituents about their treatment by public transport inspectors. The bill deals with the authorisation and certification for inspectors to operate on buses. I hope the process they go through in dealing with customers will be a substantial

improvement on what we have seen from the current operators on trams and trains.

I shall refer to a couple of cases that have come to the attention of my electorate office. In fact, I have written to the minister about some of them. One case concerns a resident from Ascot Vale who is on a disability support pension. She had just been to the doctor for a CAT scan, and in her nervous condition she forgot to validate her ticket. When she was approached by an inspector she explained to him that she was upset because she had been to the doctor and was concerned about her health, but he was not at all interested. Another passenger did not have a ticket either, but when she asked why she was going to be fined when the other person was not, the ticket officer responded, 'It's your lucky day'. That is not the sort of off-hand treatment that is likely to encourage people to have any sympathy or respect for the system.

I received another complaint from a gentleman who was illiterate. He did not have a ticket. He had got on a train at Newmarket which — —

The ACTING SPEAKER (Mr McArthur) — Order! Was it a written complaint?

Mrs MADDIGAN — Yes, it was written by a friend of his. No, it was a verbal complaint. I am glad you find it so humorous, because he didn't. Perhaps if he had not been fined he might have been able to laugh as well.

As the gentleman did not know how to use the automatic ticketing machine he intended to purchase a ticket at Essendon when he got off the train. When he explained his situation to the inspector and the staff a number of comments were made about his literacy, which he found most distressing. Those comments and comments made by other people are not likely to make people believe the system is there to assist them.

It is important for regulations to reflect the need for inspectors to be flexible and to take into account the various situations people may find themselves in. I was reminded of another case by the honourable member for Morwell. A country student who had travelled to Melbourne to attend a tertiary institution had never used the system before. She had a health care card and bought a concession ticket in the belief that the card was the basis for obtaining a concession ticket. In fact a person has to get a special card from Centrelink. The first day the student travelled on public transport she was pulled up by an inspector. She explained to the inspector that it was the first time she had used the system, but she was fined $100, which I believe was most unfair.

Another case reported to me involved an overseas student who purchased a $105 concession ticket. An inspector told him that he was not entitled to purchase a concession ticket because he was not an Australian citizen. The inspector took the $105 concession ticket, did not give him a refund for it and forced him to buy another ticket so he could continue to travel.

The honourable member for Mildura has referred to me a case involving a young child who caught a train for the first time. The child could not get the suburban railway ticket machine to work because it was broken — it was one of the many machines that have been vandalised according to the Auditor-General's report. It was explained to the stationmaster that the machine did not work, yet a $100 fine was imposed.

Those fines are quite severe and distressing for people who are not used to the system. People who are not used to the automatic ticketing system find it difficult. I have seen people using Onelink automatic ticketing machines for the first time, and I can say it is confusing for them, particularly if they want to buy more than one ticket. Those people have reasonable complaints. Warnings about the system should be given to people before they use it. The honourable member for Cranbourne spoke about warnings being given to people who will be using City Link for the first time. Some generosity will be shown to people using that system for the first time.

Many people have made verbal complaints to me because my office is not far from the Moonee Ponds railway station. Given that it is a new system and that people have real problems using it, the provisions should guide the behaviour of inspectors to make them more user friendly. Given that the bill contains provisions dealing with bus inspectors, the government could also investigate how procedures and guidelines could be drafted to ensure that inspectors help people to understand how to use the system instead of leaving them believing that the system is unfair and that it costs them a great deal of money they can ill afford.

The opposition has always opposed the privatisation process, and it will continue to oppose it, regardless of what the honourable member for Cranbourne might think or hope. Many other Victorians strongly oppose it, too. My electorate has a high public transport usage because it is fortunate enough, as an inner suburban area, to have both train and tramlines.

Mr Spry — How are your feet?

Mrs MADDIGAN — I walk a lot, if the honourable member for Bellarine is interested. My feet are quite good. Walking is an excellent form of transportation, and I recommend it to him, particularly along the Queenscliff bike path. The honourable member for Bellarine might enjoy that path on a sunny afternoon.

The honourable member for Cranbourne suggested that the Labor Party would come to support the privatisation of the public transport system. I can assure him that that is wrong because the continuing Labor Party policy states that if there is anything left that has not been privatised when the opposition is returned to government at the next election privatisation will come to a halt and no further action will be taken.

The honourable member for Cranbourne spoke glowingly about the British system. That surprises me because I have a number of recent newspaper articles from the United Kingdom that do not give such a glowing report on the privatisation of the system. An article in the *Times* in February, headed 'Railway firms under fire for late trains', states:

> Only one of Britain's 25 train companies qualified for top marks yesterday under a new grading system designed to shame the worst performers on the rail network.

It would appear the rail network is operating so badly in the United Kingdom that it has had to bring in a new system of assessment to try to keep it up to the mark. The article states that Mr John O'Brien, the rail franchising director:

> ... confirmed the findings of a survey by the *Times* which showed last week that the majority of routes in Britain had suffered a fall in punctuality during 1998.

The privatised system that was supposed to be wonderfully efficient — the government keeps telling us that privatisation will give Victoria a wonderfully efficient system — does not seem to be working all that brilliantly in the United Kingdom. However, the honourable member for Cranbourne has said that it is the model for the Victorian system. The article also states:

> He [Mr O'Brien] said that punctuality remained the major problem for train companies, with 37 of the 68 route groups worsening. 'Punctuality remains poor and these results are not good enough', said Mr O'Brien.

The article reports Mr O'Brien as suggesting that:

> ... some 50 000 peak-time trains, one in six of the total, are delayed each month.
>
> The Central Rail Users' Consultative Committee said the performances by companies on some routes was 'truly awful' and that performance was not improving despite incentives.

Another article that appeared in the *Times* in February states:

> Almost 3500 train drivers are to be recruited under plans to tackle unpunctuality on the railways ...
>
> Tensions are running high within the rail industry, which has been lambasted by Mr Prescott as a 'national disgrace' ...
>
> Concerns over safety on the railways has brought Railtrack under heavy pressure.

It is interesting to note that provisions in the bill deal with the end of franchise periods, the ownership of rolling stock and other related matters. Those provisions are of concern. At the end of a franchise period the rolling stock purchased by a franchisee from the state returns to the state, but any new rolling stock belongs to the franchisee. That makes it difficult. Although the bill contains provisions to ensure that stock is kept in the system until new stock is purchased, it will be difficult for future governments to change the operators of those systems because of the difficulty in purchasing new stock.

Punctuality has not improved in the United Kingdom and the system is experiencing other problems, including problems with track maintenance. There will also be difficulties in Victoria in ensuring that franchisees can be changed if they do not reach the operation levels set for them.

A further article in the *Guardian Weekly* of 11 April this year states:

> Railtrack's poor performance and lack of investment has been seriously questioned in a searching examination of the privatised monopoly in an independent survey commissioned by the rail regulator.

The article states further:

> The report has exposed the company's poor punctuality, caused by a mixture of failing infrastructure and bad management in handing back track under repair on time to train operating companies.

That illustrates one of the concerns mentioned in the bill — what happens when franchise companies extend the franchise to other people? I understand that recently it was mentioned on the radio that Hillside Trains was considering purchasing Hurstbridge station, as was the possibility of letting a contract to Kings Parking to run the car park and charge for it. Hillside also looked at getting a separate operator to run the railway station. That mixture and downgrading of functions of the railway will cause the same sorts of problems here as have occurred in Britain.

The claims of the honourable member for Cranbourne and the government that the system is operating well in England are untrue. The evidence I have cited is not just anecdotal or based on what I may have seen while travelling on trains, although I have not had the same experience as the member opposite. My evidence is based on valid independent survey results faxed from the British Railway Regulator, which show that privatisation is not delivering the targets promised to that community. There is no reason to suggest that things will be any better in Victoria.

Melbourne City Link also gets a mention in this ragbag of activities, which covers the enforcement of tolls. The community still does not accept tolls. Many motorists who have paid their money, some as early as February, have yet to receive their tags. The fact that there are still so many problems in trying to work out the accounts is hardly likely to strengthen anyone's belief that a privatised system will work better than a public one.

The Labor Party will continue to oppose the privatisation of the Tullamarine Freeway and the regressive tax of a toll — it is a tax, regardless of what the government might say about it. The Labor Party will continue to oppose any privatisation schemes put forward by the coalition Liberal government.

Mr JASPER (Murray Valley) — In expressing support for the Rail Corporations and Transport Acts (Amendment) Bill I indicate at the outset that I am well known for my support of passenger services, particularly in country Victoria. I strongly support the provision and upgrading of those services, the introduction of efficiencies and the general improvement of services to the public. However, in his second-reading speech the Minister for Transport said:

> This bill supports and facilitates the government's program of public transport reform. One of the bill's principal purposes is to create a new statutory rail corporation called the Spencer Street Rail Authority.

Later in the speech he said:

> The bill generally provides for finetuning of the provisions relating to the franchise arrangements and the operating arrangements for private operators of tram and train services, as well as clarifying the provisions for enforcement of transport-related offences.

I listened with a great deal of interest to the comments of the honourable members for Thomastown and Essendon. I have to say that the hypocrisy of their comments had to be heard to be believed, and they could not be believed because they were so hypocritical. I made some notes of the contribution of the honourable member for Thomastown. He stated that opposition to privatisation in Victoria, particularly privatisation of parts of the transport system, is based on the number of bills that have been introduced in Parliament. He then said that the bill was wrong and that when the opposition gets into government — if it ever gets into government — it would seek to amend this legislation and the related acts.

I remind the honourable member for Thomastown of the bills the Labor government introduced in the 1980s. I will refer to just two. The Liquor Control (Amendment) Bill was debated in 1986. Those of us who were here in 1986 will remember there were hundreds of amendments. We debated the bill as it was presented to us, and there were hundreds of amendments which we were supposed to debate at the same time.

In 1989 the new water bill was before Parliament. Again, those of us who were there will remember — I know the Minister for Transport remembers it well — that once again hundreds of amendments to the bill were moved. Yet the honourable member for Thomastown is saying we should not have all these bills; we should not be finetuning legislation!

The bill under discussion proposes changes to the Victorian transport system to ensure increased efficiency and better service. Moving towards privatisation will produce profit, which has to be the bottom line. The honourable member for Essendon made comments that showed total opposition to privatisation. What was the debt in Victoria in 1992 — $32 billion, $33 billion? How has it been reduced to approximately $6 billion? By privatisation — selling off some of the assets owned by the state — and it is working well, particularly the privatisation of electricity, which is one of the great success stories for Victoria and is being utilised around the world as a model.

It is necessary to remember those thoughts and the changes implemented since 1992. It is also necessary to remind ourselves of the lack of action taken by the Labor government from 1982 to 1992 and the massive debt that was run up during those 10 years. We need only reflect on that to understand the difference between the thinking of the opposition and that of the coalition and the actions that have been taken.

I refer again to the hypocrisy of the comments of opposition members. I remind the opposition of the huge losses sustained by the public transport system in the 1970s and in the 10 years from 1982, when hundreds of millions of dollars were being lost every year. Things had to change; everyone recognised it.

Nothing was being done. The then Labor government tried to improve the situation. Everyone remembers former Minister for Transport Steve Crabb, one of the better ministers of the Labor government. He tried very hard to overcome the problems, but it was too difficult. He had to contend with the unions, the problems of trying to improve an antiquated system with no money being spent on it, and lack of service. The bottom line was that the public transport system and the people of Victoria sustained a huge loss.

Now we have seen the change, which is dramatic. I am reminded of the efforts of Steve Crabb when he was the Minister for Transport. He said, 'I will fix this. We will borrow money and reduce the staff in the public transport system'. So he borrowed something like $60 million. Attempts were made to upgrade the system, to reduce staff numbers and to stop all the featherbedding and overcome the union problems that were occurring. After the money had been spent I asked the former minister how it went. He said, 'What really happened in the finish was that as we were putting staff off they were putting them on again'. They had no fewer staff at all! In the 1980s there were something like 33 000 public transport staff. How many are there now? There are fewer than 9000. The staff numbers were reduced from 33 000 to 9000! That speaks for itself — and we have a better service. There is no doubt that the need for change was recognised in the 1980s but nothing happened to bring it about; there were no results. The service was still losing hundreds of millions of dollars.

We then entered the 1990s. In 1992 the need for change was apparent. The government decided that it needed to look at the existing facilities and assets and the various areas that were under the control of government that could be changed to reduce the debt and provide better service to Victorians. The sale of some of those assets has been of great benefit to the state of Victoria. I might add, before someone interjects, that the government has made it clear that it is not selling off the state's water industry. I am pleased to indicate that the Premier and Treasurer have confirmed that the water industry is not up for sale.

Honourable members interjecting.

The ACTING SPEAKER (Mr Perton) — Order! The honourable member for Murray Valley is an Acting Speaker and as such knows the rules of debate. The debate is on the Rail Corporations and Transport Acts (Amendment) Bill, and water corporatisation or privatisation is well beyond the ambit of the debate.

Mr JASPER — I appreciate your comments, Mr Acting Speaker, and also indicate that, as you would be very much aware, passing reference was being made to that issue to ensure that the actual position was brought home clearly to the opposition.

Ms Campbell interjected.

Mr JASPER — I will be interested to hear the comments of the honourable member for Pascoe Vale.

Changes occurred in 1992. I admit that I was extremely concerned in those early years of coalition government about the possibility that country Victoria would have no passenger rail services. I am pleased to say that passenger rail services are being provided at a very high standard for those of us living in country Victoria.

In those early years of the Kennett government there was pressure to gain efficiencies, to consider the introduction of change and to reduce the massive losses that Victoria was experiencing in the transport industry. I congratulate the former Minister for Public Transport, Alan Brown, on the work he did in introducing reform and ensuring that the inefficiencies in the industry were addressed, service delivery was improved and facilities were upgraded. That reform has been carried on by the current Minister for Transport. The delivery of improved services has been well recognised and supported by the general public.

The government was prepared to take the action required to gain those efficiencies. As a result Victoria has seen not only improvements in passenger rail services but an upgrading of the infrastructure generally. Victoria now has cleaner trains that generally run on time. Money has been spent on the upgrading of metropolitan railway stations, and that has been carried through into country Victoria. Since 1992 Victorians have seen positive action by the government in upgrading rail services and achieving efficiencies, and they will continue to see improved efficiencies in the future. I want to highlight one of the changes implemented in passenger rail services in country Victoria, which at one stage faced dramatic reductions. Country passenger services were retained and improved, resulting in increased patronage, reduced losses and a better service overall.

Each day three services run each way between Wodonga and Melbourne. When the government was making changes to the service it sought to introduce for one of those services each day a combination of bus and rail. Passengers would get on a bus at Wodonga, Springhurst, Wangaratta or Benalla, which would take them to the Seymour station where they would transfer

to a train service to Melbourne. People did not utilise the service and there was a 75 per cent drop in patronage. Following representations to the government and recognition on its part that the service was not being supported by the general public, a Sprinter train was introduced, resulting in a 75 per cent increase in passenger utilisation compared with the earlier train service. That highlights the fact that when services are improved and facilities upgraded people will use them, and that is the bottom line.

I strongly support the government's actions over the past two years in privatising the system and progressively introducing the changes that were introduced, including corporatisation and the establishment of statutory corporations for trams and trains, among them country passenger and freight services.

Privatisation will provide a further upgrade in the service and facilities provided to users of the rail system to ensure that we draw people back to rail passenger and other services provided through the transport network around metropolitan Melbourne in particular.

The recently successful sale of V/Line Freight is a step in the right direction to ensure that more and more country Victorians use the privatised V/Line Freight service, now called Freight Victoria. If that organisation improves and upgrades services even further, it will find that people in country Victoria will increase their utilisation of the service. Rail transport will present stronger competition to road transport, and that is what we are looking for — active competition. Competition is what it is all about, and Victorians will see that with the improvements introduced by Freight Victoria in country Victoria. Rail transport services will be in direct competition with road transport services. If the amount of freight being shifted by rail in country Victoria can be increased, it will reduce the number of trucks on Victoria's roads and reduce the pressure on the road system generally.

Tenders have now been called for the V/Line Passenger service in country Victoria, and apparently announcements will be made shortly about the successful tenderers. Further steps will be taken to upgrade and improve the service, and that will mean increased patronage and usage of the service generally. The bill is a further step in the overall upgrading of transport services across Victoria which will draw passengers back into the system.

I have not mentioned at any length the services being provided in metropolitan Melbourne. There is no doubt that Melbourne has seen an improvement in those services resulting in increased patronage, and some very successful initiatives have been taken. The City Circle tram, for example, has been a great success. That free service for tourists and others is typical of the work being done in recognising the importance of the services being provided for the movement of passengers around metropolitan Melbourne.

The Spencer Street railway station, where passenger rail services from country Victoria terminate, is of particular importance. That area needs upgrading and improvement to ensure that a continued high standard of service is provided.

In summary, the bill is a further step forward in improving the transport system across Victoria and ensuring that improved services will be provided. I make no apology for my strong support for the rail services provided in country Victoria and in metropolitan Melbourne for the movement of passengers. The retention of country Victoria's passenger rail services, the changes implemented through the establishment of statutory authorities, and now the privatisation of the system, will ensure further improvements in the future. The losses that were sustained in years gone by, through the 1970s and in the 1980s in particular, will be turned around, and the private organisations that purchase the transport services will be able to provide a profitable service for themselves and for the people of Victoria.

Mr CARLI (Coburg) — I oppose the Rail Corporations and Transport Acts (Amendment) Bill. It is a bad attempt to amend a series of mistakes the government has made with its transport privatisation program. The omnibus bill — it amends 13 other bills — is clumsy and demonstrates the dysfunctional nature of the privatisation that is occurring in Victoria. It contains a series of amendments to bills, many of which have not even been proclaimed. It provides for changes to amendments that have been amended and amended.

Clumsy legislation has been introduced throughout the government's privatisation program. As yet another attempt to tidy up legislation the bill is another example of that clumsiness. It will muck up the legislation even more and will require the government to introduce yet another bill containing even more amendments. It is characteristic of the speed and lack of preparation that is inherent in the government's privatisation agenda. The privatisation agenda is wrong, and that is demonstrated by the dismal services provided in the transport system in the United Kingdom. The changes provided for in the bill will enable institutional

arrangements to be made for the privatisation of infrastructure.

It was the privatisation of infrastructure in the UK that really demonstrated how poor the privatisation program there was. It established rolling stock companies that hold and lease back the rolling stock to private providers. The rolling stock was sold at discounted prices, which were clearly under value, to rolling stock companies, or roscos. The roscos made a fortune. They held the stock for a while and then sold the stock on, making hundreds of millions of pounds in a short period. That was money the public did not get. Money that should have gone into the public purse was distributed into the hands of the likes of Mr Anderson and Mr Souter, who established the company called Porterbrook, one of the first companies to make hundreds of millions of pounds by on-selling roscos to other companies.

The implementation of the Thatcher reforms was a terrible time for public enterprises. Those reforms resulted in the privatisation of not only the rail system, but also its infrastructure. Billions of dollars went into the hands of some individuals, while taxpayers lost millions of pounds sterling. It was a disgrace.

The disgrace continues. Railtrack, one of the railway infrastructure companies — roscos — in Britain recently announced that it had made a £428 million profit — £1.2 million sterling per day. Critics have described the figure as scandalous and have called for tighter government control of the firm, which owns the rail stations, tracks and signalling in the United Kingdom. Critics include consumer groups and the government itself. Even Mr Prescott, the transport minister, has claimed that the amount of money the companies that own the infrastructure can make is an incredible scandal.

Those companies are able to make exorbitant profits because they are monopolies. The UK has gone from having government monopolies to private monopolies, and the private monopolies have earned monopoly rents and taken as much as they can. Ultimately it is paid for by the taxpayers and consumers.

Last year I travelled from London to Manchester on Virgin Rail. The system really hit me — it cost me a lot of money and its ability to meet timetables and inform me of prices was poor. Before I bought my ticket I was given a series of different prices for how much it would cost me to go to Manchester. The only thing good about the trip was that there were few other passengers because increasingly passengers are deserting the rail system for buses and airlines. Commuters can fly from a London airport to Manchester airport, the second busiest airport after the two main London airports.

Returning to Victoria, the bill will make it even easier for the government to implement the changes necessary for the selling off of the infrastructure. The process will again be mucked up and monopolies will again be created in the private sector — monopolies that will earn considerable money at the expense of consumers, in this case train travellers. Opposition members are very much opposed to that. The UK example shows what can happen — and at what cost! The UK example also shows how difficult it is following privatisation to reform a system to make it better. Once privatisation occurs and monopolies have been set up they are hard to break. I suppose that is the nature of monopolies.

The bill will amend a series of acts. One of the amendments will result in the strengthening of penalties for ticketing offences, particularly on buses. Private bus companies will be given the same legal protection that will be given to the eventual private owners of the train and tram systems. The privatisation and ticketing processes have been disastrous. I know the ticketing system is a disaster because of the amount of fare evasion mentioned in the Auditor-General's report and from my experiences of using the train and tram systems.

Coburg is well serviced by trains and trams, and I make much use of them. From using the system and talking to others who use it, I know that it has a series of problems. One of the problems is that machines break down. Many people have come to my office having been fined as a result of machines breaking down. The onus of proof in such circumstances is on the consumer, who is now an offender. Many people who have been stopped because they have not had tickets and who have said, 'The machine was broken', have had to provide proof. It is not all that easy to prove that the machines were not functioning and that you were not able to buy tickets.

I have also been approached by a series of people who had bought valid tickets but who for a range of reasons had not validated them every time they changed their modes of transport on the day — they forgot, it was too crowded on the trams or they were simply not aware of it. They had been fined for having valid tickets but not validating them on all occasions. I have taken the matter up with the minister.

Another matter of concern is concessions. There has been a significant crackdown on people who travel on public transport with concession tickets. Situations have occurred where people have been advised that their

health cards and other forms of concession identification are not valid and that they must have particular identification that is available from Centrelink. Those people have also been fined, even though they have proved clearly that they are eligible for concessions. No doubt when they were informed of the situation they would have gone to Centrelink to seek the proper concession cards. Although I agree that people should pay their fares and not rip off the system, the system that is in place at the moment does not make it easy.

We have a series of problems including ticket machine failures and people who, for a whole host of reasons, no longer want to pay. Evasion is increasing, and as a result even people who want to be seen to be contributing to the system feel less obliged to pay. The system is now entering a period of crisis.

The bill has positive elements encompassing a large number of items the opposition would support, but because it is an omnibus bill the opposition opposes it. Provision for the Spencer Street Station Authority, for example, is not bad. It is a pity, however, that — like every other privatisation initiative in Victoria — transport privatisation will be controlled by the Treasurer. The privatisation of the public transport system is driven not by the needs of the consumer, the department or the system itself as part of the state's infrastructure but by the Treasurer. We see that over and over again. Why is the Treasurer always behind privatisation actions? Because the government works from an ideological standpoint, not from any overall analysis or planning for the future.

The Treasurer is a major proponent of and believer in privatisation. He went to the United Kingdom during the golden age of Margaret Thatcher when that government was setting out to privatise everything and create the new world order. When he came back he was a zealot for reforms of that kind, even though, as we now know, the Thatcher agenda failed and the Blair government is trying to repair the mess. Yet the Treasurer is still a zealot and seeks to influence every government department and to privatise wherever possible.

The opposition has consistently opposed unnecessary privatisation and the ideological position taken by the government. Members of the opposition are sceptical of zealots and of the dogma that has been such a part of the privatisation process.

This dog's breakfast of a bill, as well as being an attempt to facilitate privatisation, is designed to fix up the mess created by earlier legislation that was not drafted properly. It contained phrases that were not expressed properly, and it was simply not drafted as it should have been. No doubt we will be here again and again while this government is in office considering amendments of this type. The government cannot get the legislation right and cannot present it properly.

I support the honourable member for Thomastown and the honourable member for Essendon in their opposition to the bill. The opposition will continue to oppose privatisation of our public transport system.

Mr A. F. PLOWMAN (Benambra) — I have heard it all before. Every time the honourable member for Coburg speaks on an issue of this kind he talks about the horrible ills of privatisation. Privatisation seems to be a bugbear of the opposition's; it cannot appreciate the benefits accruing to all sorts of public services from outsourcing and privatisation. The problem seems to be the word itself. It gives opposition members the horrors.

It is extraordinary that we keep harping back to the experiences of other countries. True, some of the United Kingdom experience was less than satisfactory. However, Victoria has had the benefit of that experience and can determine the changes needed in our transport system in that light. We can utilise the UK experience and the experiences of other countries that have privatised public transport to improve and greatly enhance the system in this state.

The honourable member for Coburg also said that the system here is in crisis. He cannot be spending very much time on public transport. I never bring a car to Melbourne unless I absolutely have to. At every opportunity I use the train to come to Melbourne because it is punctual.

Mr Spry interjected.

Mr A. F. PLOWMAN — I acknowledge the interjection. Anything that gets me anywhere on time must be a damn good service!

Government Members — Hear, hear!

Mr A. F. PLOWMAN — If I get on the train at Albury at 6.20 a.m. or in Wodonga at 6.28 a.m. I arrive in Melbourne by 10.05 a.m., and then I can go straight to my meeting. Or I can get on the earlier train that leaves at about 3.50 a.m. and be here at 7.00 a.m. for an early meeting. It might sound extraordinary to some of the city members — —

Government members interjecting.

Mr A. F. PLOWMAN — I thought a few of the city members had a bit of a bush background, but obviously they haven't.

On the train you can sit back and relax; you can have a sleep if you need it; you can read; or you can talk to constituents to get a bit of local knowledge.

An Honourable Member — You can use your laptop.

Mr A. F. PLOWMAN — Yes, you can use your laptop too, if you are computer literate, which some of us are very fast becoming.

The honourable member for Coburg suggested that the bill fixes up the mess of previous bills. What he fails to realise is that the bill accommodates change; it does not deal with messes. As the transport system changes the legislation needs to be updated to accommodate the changes. It was made clear throughout the second-reading speech that the legislative changes are designed to accommodate changes occurring in public transport — and those changes are for the better.

I am a public transport user. Not only do I catch the train to Melbourne, but when I am here I am without a car, so if I want to go somewhere I have to use the Met. If a country boy like me can use the Met it has to be pretty damn good, and it is. It is punctual. If it says on the board that the train is going to leave at such and such a time or that it is a minute or two away, you know it is right. It is a damn good system. Punctuality is not my long suit, but it is certainly the long suit of the Met and V/Line.

A Government Member — It's something strange to you, isn't it?

Mr A. F. PLOWMAN — It's something I'm getting better at, Mr Acting Speaker.

In the few minutes remaining to me I shall refer to some comments made by the honourable member for Thomastown. He said the Spencer Street Station Authority is a sensible step. I am delighted to hear that. It is sensible, much needed and long awaited. Spencer Street has the potential to be one of the greatest railway stations in Australia. It is in the centre of great development including the Docklands, and is right inside the CBD. It has enormous potential for development.

The Spencer Street project will be one of the great developments of Melbourne. It will attract many visitors. If honourable members have any doubt about how good it will be, I suggest they visit the City of Kyoto in Japan where the central railway station was the typical bland, unattractive station with thousands of trains passing through it, including the Shinkansen bullet train from three different directions. The city has made the station the very heart of the city. The new development is centred around what used to be a railway station, but now it has 15 to 17 floors of shopping and commercial development with no residential units. It is the most magnificent centrally based public transport railway service in Japan.

The contribution of the honourable member for Thomastown was extraordinary. He suggested that the government had stolen Labor Party policy. The Labor Party is so bereft of policy that when its members see the government developing a good plan they imagine it is their plan. They say, 'We just locked it in the closet and did not tell anyone about it'. The development of Spencer Street station will occur because of the actions of the Kennett government and because this government has the money to develop the project. Where would the former Labor government have obtained the money to develop the project?

Mr Maclellan — They could have borrowed it from Pyramid!

Mr A. F. PLOWMAN — That is a good point. The government not only develops policies that will fundamentally change the centre of Melbourne but also has the ability to pay for them.

The other aspect of the proposal that I appreciate is that the government has taken the hard decision to separate the development from Docklands. Docklands is a brilliant concept and the authority has the capacity to develop a project that will be the envy of cities around Australia. If both projects were developed or managed jointly, there could be a conflict of interest. The Spencer Street Station Authority will primarily ensure that public transport requirements are the no. 1 priority. I believe the Spencer Street station development will complement the Docklands project and be the equal of the City of Kyoto development.

The honourable member for Thomastown believes privatisation is an ogre. Those projects can occur only through the involvement of the private sector. If they were not funded by private enterprise they would be built at taxpayers' expense. I again ask the opposition: how would it pay for the Spencer Street development? Victoria will be so much better off because of those projects, and Victorian taxpayers will not have to pay for them.

The honourable member for Thomastown referred to the Hilmer competition provisions being abandoned in this legislation. How can competition work if public services are retained as public sector entities? If public transport is controlled and operated by government agencies, how can the concept of competition as suggested by Hilmer be introduced in all areas of public endeavour? I suggest the opposition has not thought through that concept.

Being a constant traveller on V/Line over the past six or seven years I have seen the standard of delivery of that service improved incrementally. The service is now more timely, and the conductors are courteous and friendly, which is reflected by the increased patronage. The majority of people who use the northern line service to Albury–Wodonga are repeat customers. The separation of the freight and passenger services is of benefit to the system. The government is concerned about trying to do things better. The freight service can concentrate on its core business while the passenger service can concentrate on its passengers, increasing patronage, improving services and getting people who use cars off the road and on to public transport. I know the passenger service operators are doing it much better. During the six or seven years since I have been a member of this place I have noticed the consistent improvement of that service.

I refer now to a matter close to my heart — the relocation of the railway line in Wodonga. I am delighted that the Premier has committed $19 million to the project. I am equally delighted that because the government is still waiting for a matching grant from the federal government, the Premier has decided to leave the money on the table for another 12 months. It will make more difference to the Rural City of Wodonga than any other infrastructure project. It will open up the central area of the city for development and take out about 15 railway crossings with the total redevelopment removing 18 railway crossings from the fastest growing city in country Victoria. It is a wonderful service and the provisions in this bill will make it even better. I commend the bill to the house.

Mr BRUMBY (Broadmeadows) — The provisions of the Rail Corporations and Transport Acts (Amendment) Bill traverse a wide range of issues involving public transport and, as pointed out by previous speakers, it impacts on 13 acts of Parliament. It is an omnibus bill, a dog's breakfast, accurately described as such by the honourable member for Thomastown. The bill has some good things in it, but most of its provisions are bad. Because it is an omnibus bill and makes amendments to bills previously amended but yet to be proclaimed, the opposition is not happy about the process and, therefore, opposes the measure.

One of the positive aspects of the bill is the creation of the Spencer Street Station Authority. I support that strongly. For the benefit of the Minister for Transport and government members, who have been coy about the origins of the proposal, I will set the record straight.

I refer to the document *Melbourne Access 2000: the balanced transport alternative to City Link*, released by me as Leader of the Opposition in April 1995. That excellent document committed the Labor Party to the redevelopment of Spencer Street railway station. As a key element of Labor's strategy the document contained the following 10-point plan:

1. Completion of the Western Ring Road from the Hume Highway to the West Gate Freeway.
2. Construction of a Docklands link road.
3. Improvements to the Tullamarine Freeway.
4. Public transport improvements.
5. Construction of a rapid transit link to Melbourne Airport.
6. Redevelopment of Spencer Street station as an integrated transport interchange.
7. Construction of a Domain tunnel.
8. Construction of a link from Batman Avenue to Spring Street.
9. Development of transport improvements in the south-eastern corridor.
10. Getting the process right.

Page 18 of that 60-page report contains more detail on Labor's proposals for Spencer Street station and the upgrade of the Upfield rail line. Chapter 6 on page 38 is headed 'Redevelopment of Spencer Street station'. I refer to what Labor then said:

> The Kennett government is proposing to effectively close Spencer Street station and squeeze country and interstate trains and buses into Flinders Street station. Labor regards this as inappropriate because of the central role that Spencer Street station can play in better linking the various transport modes that service Melbourne's CAD.
>
> It also believes that it is undesirable to add to the barrier between the city centre and the Yarra River Bank by channelling further traffic into Flinders Street station.
>
> In proposing to close Spencer Street the Kennett government also fails to understand the fundamental difference between a central metropolitan commuter rail station and a long-distance transport terminal. Commuters pass rapidly through a station, normally in less than 2 minutes, and are only seeking basic convenience services. A long-distance terminal, on the other

hand, needs to cater for longer-stay travellers. They expect a higher level of comfort akin to the convenience found in airport terminals.

Melbourne Access 2000 therefore proposes the redevelopment of Spencer Street station to provide a modern terminal for the airport link, the Sydney XPT and a comprehensive interchange for country and metropolitan trains and buses.

This redevelopment would encompass a large building constructed over the rail lines with a first-floor level concourse. Buses would leave by ramps direct to Spencer Street and Footscray Road, linking up to either the southern or western bypasses for a direct route out of the city centre.

The opportunities for related office development at Spencer Street suggest that this project would be attractive to the private sector.

The Kennett government has sought to incorporate a bus interchange into its Federation Square project. However, while Labor strongly supports the Federation Square concept it believes that the bus interchange is better located at Spencer Street where there would be easy, direct linkages to other major transport modes.

The opposition costed that with a government contribution of $20 million, the remainder being private sector development. The proposal in the bill is a Labor initiative. I congratulate the government on having the courage, vision and foresight to steal the Labor idea that I released and developing it into legislation.

A good former Premier, Sir Rupert Hamer, was a master at stealing Labor policy. He would steal good Labor policy and claim it as his own; he described what was left behind as socialist dogma. I am pleased that the government is stealing good aspects of Labor policy.

Mrs Shardey interjected.

Mr BRUMBY — There is nothing new about the ignorance of the honourable member for Caulfield. You can protest however you like, but it was Labor's idea and policy.

Mr Maclellan interjected.

Mr BRUMBY — It was widely released; I did the press conferences.

Mr Maclellan interjected.

Mr BRUMBY — Go to the library and get a copy, Minister. While the minister is in the chamber to hear about it I mention that point no. 8 of *Melbourne Access 2000* was the construction of a link from Batman Avenue to Spring Street. What's in a street? The minister asks, 'What is there between two streets?'. The Labor Party policy states:

This new link, over the rail yards, will be the most significant of a series of improvements to city fringe distributor roads. This will reduce conflicting traffic movements which currently create bottlenecks. Hoddle Street will be freed up for north-south movements, Brunton Avenue for access to the inner northern suburbs and City Road for access to and from Southbank.

The general principle of putting a freeway over the railyards was a Labor idea; it was stated in the Labor document. The only contentious issue was whether it linked Batman Avenue with Spring or Exhibition streets. The government has moved it one block down. I remind the house that it was a Labor idea. I congratulate the minister for embracing another Labor initiative so enthusiastically.

They are the positive aspects of the bill. However, the opposition is concerned about aspects of public transport privatisation. The Labor Party does not have an ideological view about privatisation. In the past, federal and state Labor governments have privatised services. Privatisation needs to be examined on a case-by-case basis. Victoria has an integrated rail system with linkages; it is also multimodal. The Labor Party is most concerned that if you sell it off, firstly, you will transfer ownership to an overseas owner and, secondly, you will not get the linkages and coordination needed in the system.

Other honourable members have referred to difficulties about privatisation. The *Age* of 27 September 1998 carried a headline 'Potential rail buyers under fire in the UK'. Another in the *Herald Sun* of 18 February 1999 reads 'PTC bidders show poor track record'. That refers to the foreign bidders' track record in Britain.

I will focus on a couple of matters. It is fair to say that the legislation, despite our opposition and eloquent arguments, will be passed. If so, I would like to see the establishment in Victoria of an essential services commissioner whose job it would be to properly oversee the operation of what will be effectively a privatised transport system. A call was made in August 1998 by Cr Peter McMullin of the Melbourne City Council for stronger regulation. Labor has since released its policy on this matter in which it said it is committed to the appointment of an essential services commissioner whose job it would be to oversee not only the gas and electricity industries but also public transport. It is crucial that consumers' rights are protected.

I also raise a broader issue. I refer to an article by Kenneth Davidson in an October 1998 edition of the *Age* headed 'Why we neglect rail at our peril'. That article followed the Channel 10 miniseries on the 1997 Granville train disaster. In a well-argued article

Mr Davidson makes clear beyond doubt the importance of substantial investment in public infrastructure for safety and economic reasons.

The other issue I raise is about potential job losses that could occur through privatisation. I refer to an article in the *Age* of 22 February 1999 which summarises the situation well, under the headline '$1 billion blow to state feared when train system sold'. The article states:

> The state economy could lose up to $1 billion in business if new trains and trams are made overseas and not in Victoria after the public transport system is sold, according to a leading business group.
>
> Business East, the economic development body for Melbourne's eastern suburbs, issued the warning as it stepped up its campaign for changes in the tender documents for the sale of the state's five train and tram companies.

I agree with the comments made by Business East executive director Mr Craig Kirkwood. It is disappointing that a provision supporting his call for bids to be required to include a commitment to regional development is not in the legislation. I do not always give the Howard government a pat on the back, but when it sold the South Australian arm of the South Australian National Railways Commission his government required the bidders to detail what they would do for regional development. The bid awarded by the Howard government went to the second-highest bidder because its regional development and jobs bids were the best.

The potential exists for $1 billion investment in construction. The honourable member for Ballarat West is in the chamber. The contract requires a commitment to regional development and will mean jobs for Ballarat, Bendigo, parts of the Latrobe Valley and other parts of regional Victoria, including Geelong. I urge the government to examine the issue.

I turn now to the proposal for the fast-rail link from the Melbourne CBD to the airport through my electorate of Broadmeadows. The Labor Party supports the link in principle. However, it has huge concerns about the appalling way the matter was handled. On 22 February the Hume City Council, which is pro-development, decided to vigorously oppose the link because of the lack of information, detail and commitment to undertaking a proper environmental impact study. The decision was made after much consideration. Several meetings were held with the Department of Infrastructure but whenever specific detail was requested it was not forthcoming. It is not good enough.

Although a fast-rail link is needed between Melbourne Airport and the CBD, whether it be 5, 10, 20 or more years away, it should not plough through the middle of my electorate without consultation or an environmental impact study being carried out. Project proponents and the department have at best been secretive.

I urge the Minister for Planning and Local Government to examine what has transpired and reconsider the issue. Unfortunately, I do not have time to go through the entire council document, which comprises 15 pages of concerns about the proposal.

The honourable member for Benambra referred to the government's commitment of $18.5 million to shift the railway line at Wodonga. As the shadow minister for regional development I welcome that commitment. I would have liked to see a firm allocation in the budget; although it is not there, the commitment is positive news for Albury–Wodonga.

In my electorate provision is made for the rail line that currently ends at Craigieburn to be extended to Coolaroo, Somerton and further. The Labor government made a commitment in 1992 to extend that line. That area has seen a huge population growth. Some 5000 people reside at Roxburgh Park, 3300 at Coolaroo, 13 500 at Meadow Heights, and 11 000 at Craigieburn but currently the electrification goes only to Broadmeadows. I would like the government to prioritise that issue. Earlier I raised it over the table with the Minister for Transport and I hope he examines it.

An absurd situation exists in Victoria where half of the state's freight lines are broad gauge and the other half are standard gauge.

It is like having half the state on personal computers and half on Macintoshes — they have a great deal of difficulty talking to each other. A number of reports have been produced on the matter. The Maunsell report, a copy of which I hope to be provided with next week, was commissioned to look at the cost-benefit ratios of standardising the whole state. Maunsell looked at three options, the first of which was to standardise parts of the network in the Geelong area. The second option was to standardise a large part of the country network at a cost of $180 million. The third option was to standardise the whole system, including the Met, for $300 million. Maunsell found that there were considerable gains for the state in standardising the rail gauge. It is absurd that we are about to enter a new millennium with half the state on one gauge and half on another. It is nonsense. I want to see a unified rail system in Victoria.

Maunsell pointed out a range of benefits. I have seen only the executive summary, not the full report, but I

know that many benefits were listed, including that standardisation would allow for flexibility in the use of rolling stock and access to world rolling-stock markets, the costs associated with transhipping would disappear, it would create more flexibility in the interstate network, and it could link in with the high-speed rail link between Melbourne and Darwin, which would require the standardisation of the line from Shepparton to Tocumwal. Above all it would mean jobs and opportunities for Victorians, especially south-west Victorians, and a real boost to the state as a whole, particularly to the ports of Portland and Geelong. Victoria would be able to grab more product from southern New South Wales.

The bill deals with City Link and toll evaders. The Minister for Transport is at the table, and I say to him that there is every chance that I and many other members of Parliament will be toll evaders. I rang Transurban eight weeks ago to obtain an e-tag. I supplied all relevant details over the phone, including my Mastercard number, and I thought that would be the end of the matter. Two and a half weeks later I received some forms that had to be filled in. I filled in the forms and sent them off. That was six weeks ago and I have heard nothing. It is a joke. If I do not have my e-tag by the time City Link opens I will be a toll evader because I will be using the freeway.

I will not put up with this grossly incompetent program. I have done everything correctly. I have made the calls and filled in the forms. This appalling and sloppy arrangement means that I am disadvantaged. There could be a few toll evaders because of the poor performance of the company.

I again ask the Minister for Transport to make sure that City Link and Transurban are brought to account and are required to provide decent services to consumers such as I, who have done everything right and heard nothing from the company.

Mr JENKINS (Ballarat West) — The establishment of the Spencer Street Station Authority is great news. It is a fantastic opportunity to redevelop the area with the Docklands project — the new stadium, the new bridge over the rail tracks from La Trobe Street to Docklands and the new tram route.

The historic precinct surrounding Spencer Street station was redeveloped in the 1960s and is now looking shabby. The new authority will use commercial imagination to ensure the area is redeveloped in accord with the standards of its surrounds.

I recall as a young lad arriving on the steam train from Ballarat in the wooden carriages, with the red-capped porters waiting to carry the cases and the railway pie and coffee always ready for us at the refreshment rooms. Those times have gone. Stainless steel trains have arrived, and we need to look to 2000 and beyond. This project, under the control of the new authority, will give us a modern transport terminal for trains, coaches and taxis.

For this terminal to work properly we need good trains. Under the heading 'Fast tracking Ballarat' the front page of a supplement to Tuesday's Ballarat *Courier* is a colourful sketch of an upgraded track from Melbourne to Ballarat. It is a major story. Experts say if a few kinks were taken out of the track we could get from Ballarat to Melbourne in under an hour, which would be fantastic for the great city of Ballarat. The Minister for Transport, my colleague from Ballarat East and I strongly support the project.

The supplement includes information on freight transport and passenger services. The Ballarat community is right behind the project. Mayor Judy Verlin, who will be taking this seat in the next Parliament, is reported as saying:

> ... her council is committed to the push ... She says a side benefit of the campaign would be the support it would give to other towns in the western region such as Ararat.

It will be a great boost for regional Victoria and regional development.

In Ballarat there is a new information technology park at Mount Helen. Many people are commuting between Melbourne and Ballarat. The government needs to provide facilities for commuters to work on the train. The newspaper gets boring, even in the hour or less it will take to arrive. The opportunity will exist for commuters to plug in their computers and work all the way to the office.

Who knows what communications will be like in 10 years? People may be able to program their computers on the train and communicate via radio waves to the station or their offices. That is not beyond reality in the future.

That service may be just one of the delights available in the new terminal at Spencer Street, which I believe should be established under the new authority to the standard of an airport. Melbourne Airport's facilities make it one of the leading airports in the world. Why can't Spencer Street be the leading transport facility for land transport in the world? That can be done with good thinking, good planning and commercial reality. A

huge space above the building could be used for commercial interests. Car parking could be underground if need be, and trains, coaches and taxis could service commuters.

The project will be associated with Docklands and will give us the opportunity to have services from interstate, Ballarat, Geelong, Seymour and Traralgon, and even from Rutherglen and Wangaratta for the use of the honourable member for Murray Valley. The very fast XPT train between Wodonga and Melbourne gives excellent service. In August I will again travel on that service and check it out. The service runs on time and ensures also that the worthy member for Benambra arrives on time.

What could be better than having a magnificent terminal where trains from Wodonga, Ballarat or Geelong could glide in without being impeded by delays from the metropolitan network, which can be extremely frustrating? The train from Ballarat to Melbourne often sits outside the Sunshine railway yard waiting for the suburban train to go past. Country passengers are delayed, and that is not right. The Minister for Transport has worked hard to ensure the installation of a third line for that area to alleviate that problem. I trust that will happen very soon.

The proposed services will allow commuters to travel into the city and then be taken to their workplaces. I can visualise what will happen in the future with our transport system. Victorians will have the opportunity of commuting across the state much faster and will enjoy pleasant surroundings at the Spencer Street terminal. I hope the new authority has the imagination required to include the use of air space and underground space, and provide easy access to the great new Docklands stadium. Commuters from Geelong, Ballarat and Wodonga will be able to travel by train to the terminal, and walk over the rail line via a bridge into the Docklands stadium to see football, cricket or pop concerts.

As a result of all the housing development in the Docklands precinct in the future, Melbourne will require further commercial development. Why shouldn't it be on that particular site? I hope consideration will be given to keeping some of the historical features around the Spencer Street area to provide a reminder of Melbourne's early railway days.

On the subject of history, there is an opportunity to have a decent railway museum somewhere. It should not be located in the Docklands area. I suggest to the Premier that the ideal spot for an Australia-wide railway museum is Ballarat, which already has a wonderful historic railway complex with bluestone sheds and goods and carriage sheds. It is one of the few places in Victoria that has goods shed with samples of original British double-sided rails that could be turned over when one side wore out.

Ballarat also has an excellent collection of railway memorabilia, including the Lydiard Street railway gates and a semaphore signal set-up. A magnificent railway museum could be located at the railway station.

My imagination runs wild about this. Tourists could come to Melbourne either by the proposed new fast train or by steam train. It would be great to run a stream train from the historic Spencer Street railway station to historic Ballarat where tourists could visit the railway museum, Sovereign Hill, the Great Southern Woolshed and all the other features of the city and its surrounds. We could have a loop from Ballarat through Meredith to Geelong, and then my colleague from Geelong could enjoy a train service to Melbourne. It could be a fast train or a slow steam train — whichever one chose. The opportunity exists for both services to be provided and for a railway museum to be established at Ballarat.

Much of the very early railway rolling stock, including the engines and carriages down at Newport, is rusting out in the open. It could be placed in the existing sheds at Ballarat and be part of a brand new railway museum.

The opportunity exists to develop tourism and a transport system that would be of benefit to Victorian country people who could come to the very modern centre at Spencer Street where the facilities will be upgraded. It would also benefit suburban travellers who travel to Spencer Street to join the underground. The Warrnambool line also has a steam train service that zooms through Geelong to Melbourne. Those trains could also use the brand new terminal I propose. The opportunities are enormous. I hope the Premier will pick up my hint about the railway museum as he leaves the chamber. This might be my last speech, so I am making the most of it!

The Ballarat *Courier* article by the deputy editor, a very learned journalist who has written much about opportunities, mentions the freight and transport opportunities for Victoria. I agree with what the honourable member for Broadmeadows said about the rail gauge saga: it was one of the biggest mistakes ever made in transport planning in Australia. We have suffered greatly from that over many years. I well remember that on the way to a scouts jamboree in Sydney we had to change at Albury where the platform seemed to be about 100 miles long — it is the longest in the Southern Hemisphere. The train pulled up and

everybody got out and crossed the platform to the other side to the New South Wales train that travelled on the four-and-a-half gauge. The same thing happened coming home. What a shemozzle that was.

It was a shemozzle also when the engines were changed at Serviceton because one railway company operated the steam train on the Victorian side and another company on the Serviceton side. It was unbelievable. We paid dearly for that. The quicker we get standard gauge throughout the country the better. Standard gauge rail lines need to go through much of Victoria, particularly in the northern and western parts of the state. The Ballarat to Ararat line, which was chopped off by the federal Labor government, must be reconnected. We missed out on the Ballarat connection because 400 metres at the Ararat end of the line was not connected.

The Ballarat to Ararat railway line should be restored and converted to standard gauge to complete the standard gauge link from Ararat, through Ballarat and Geelong, to Melbourne. What a great thing for Ballarat and the rest of Victoria that would be. It is all mentioned in the four-page report in the Ballarat *Courier*, to which I have already referred. I notice the article includes a photo of a lovely young lady, Kay Macalister, who commutes from Melbourne to Ballarat daily and who happens to work for the Honourable Rob Knowles, the Minister for Health in another place. She is looking forward to a faster train service so she can sleep in for another 20 minutes.

The newspaper articles confirm that the bill is just right for Ballarat. It is very efficient of the Minister for Transport to have the Spencer Street station area upgraded and developed further. The development will be unique to Victoria and will bring the whole of the transport system into the modern era. Honourable members who take the time to go to Spencer Street station and observe how handicapped people have to get around will find the facilities are very ordinary. It is no encouragement to visitors that the great state of Victoria — the greatest state in Australia — has as one of its prime transport facilities a terminal that can be described only as very ordinary.

The new authority will address that issue without incurring huge costs. It will use the experience of its members and commercial reality to seize opportunities. The Minister for Planning and Local Government has some grand ideas for the area. He is supported by the Minister for Transport, who is so relaxed about the whole issue he has said it is a great opportunity to encourage country members to support the bill.

In conclusion, I reiterate that the history of Spencer Street station, Ballarat and the Melbourne–Ballarat railway line is important. The line between Melbourne and Ballarat was built in 1862 to service the potato country. There is a great big loop in that line — it goes from the Gordon station to Millbrook, to Wallace, to Bungaree, to Dunnstown and down to Mount Warrenheip. Originally there were six stations in that loop, today there are none and there is an express service. It takes an extra 5 to 8 minutes to traverse the big loop, resulting in the use of extra fuel and causing wear and tear on the track. If the line went straight through great efficiencies would be achieved. People would be rushing to get to Melbourne and Ballarat on this great rail line. This great historic line is part of a bill that will have the effect of promoting Ballarat. The Minister for Transport will be able to claim for the Ballarat area an efficient, modern and worthy rail service.

In conclusion, we do not want to go back to the dim dark ages of foot-warmers in our carriages because they are a thing of the past, as are the old wooden carriages with two little latches to open and close the windows. We need modern, airconditioned trains.

I hope the shadow Minister for Transport will be able to visit me in Ballarat in my retirement and enjoy a cup of coffee with me after I greet him at the Ballarat railway station!

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! I would like to grant the honourable member an extension of time, but sessional orders do not permit it. The honourable member's time has expired.

As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act, the question is:

> That this bill be now read a second time.

As there are fewer than 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

House divided on motion:

Ayes, 50

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms	Napthine, Dr
Clark, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr

Dean, Dr
Dixon, Mr (*Teller*)
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
McArthur, Mr
McCall, Ms
McGill, Mrs
McGrath, Mr J. F.
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A. F.
Reynolds, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr E. R. (*Teller*)
Smith, Mr I. W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wade, Mrs
Wells, Mr

Noes, 29

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

Motion agreed to by absolute majority.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 7, line 2, omit "2A" and insert "2E".

2. Clause 17, line 6, before "In" insert "(1)".

3. Clause 17, after line 21 insert —

'(2) In section 2 of the Principal Act, for sub-sections (2C) and (2D) substitute —

"(2C) The Governor in Council, by Order published in the Government Gazette, may declare that a specified body corporate, being a body corporate that —

(a) is a party to a lease of rail infrastructure (within the meaning of the **Rail Corporations Act 1996**) by the Director acting on behalf of the Crown or the Public Transport Corporation or Rail Track or the Spencer Street Station Authority; or

(b) is a party to a contract with the Secretary or the Director acting on behalf of the Crown for the provision by that body corporate of a passenger service —

is, on and from a specified date, a train operator for the purposes of a specified provision of this Act.

(2D) The Governor in Council, by Order published in the Government Gazette, may declare that a specified body corporate, being a body corporate that —

(a) is a party to a lease of tram infrastructure (within the meaning of the **Rail Corporations Act 1996**) by the Director acting on behalf of the Crown or the Public Transport Corporation or Rail Track or the Spencer Street Station Authority; or

(b) is a party to a contract with the Secretary or the Director acting on behalf of the Crown for the provision by that body corporate of a passenger service —

is, on and from a specified date, a tram operator for the purposes of a specified provision of this Act.'.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

FREEDOM OF INFORMATION (AMENDMENT) BILL

Second reading

Debate resumed from 27 May; motion of Mrs WADE (Attorney-General).

The SPEAKER — Order! The question is:

That this bill be now read a second time and a third time and the bill be transmitted to the Legislative Council and their concurrence desired therein.

House divided on question:

Ayes, 50

Andrighetto, Mr
Ashley, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Dixon, Mr (*Teller*)
Doyle, Mr
Elder, Mr
Elliott, Mrs
Maclellan, Mr
McNamara, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A. F.
Reynolds, Mr

Finn, Mr
Gude, Mr
Henderson, Mrs
Honeywood, Mr
Jasper, Mr
Jenkins, Mr
John, Mr
Kennett, Mr
Kilgour, Mr (*Teller*)
Lean, Mr
Leigh, Mr
McArthur, Mr
McCall, Ms
McGill, Mrs
McGrath, Mr J. 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

Noes, 29

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Bracks, Mr
Brumby, Mr
Cameron, Mr (Teller)
Campbell, Ms
Carli, Mr
Cunningham, Mr
Davies, Ms
Delahunty, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hulls, Mr
Kosky, Ms
Langdon, Mr (Teller)
Leighton, Mr
Lim, Mr
Loney, Mr
McLellan, Mr
Maddigan, Mrs
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Robinson, Mr (Teller)
Savage, Mr
Seitz, Mr
Thwaites, Mr

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

FOOD (AMENDMENT) BILL

Second reading

Debate resumed from 26 May; motion of Dr NAPTHINE (Minister for Youth and Community Services) and Mr THWAITES'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 proper consultation with local government, small business and the food industry takes place in relation to unnecessary costs and duplication in food safety regulation'.

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

Ayes, 52

Andrighetto, Mr
Ashley, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Maclellan, Mr
McNamara, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Dean, Dr
Dixon, Mr (*Teller*)
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
McArthur, Mr
McCall, Ms
McGill, Mrs
McGrath, Mr J. F.
McLellan, 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
Tehan, Mrs
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
Davies, Ms
Delahunty, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hulls, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Leighton, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Robinson, Mr (*Teller*)
Seitz, Mr
Thwaites, Mr

Amendment negatived.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

GAS INDUSTRY ACTS (FURTHER AMENDMENT) BILL

Circulated amendments

Circulated government amendments 1 to 17 as follows agreed to:

1. Clause 2, line 2, omit "and 34" and insert ", 34 and 35".
2. Clause 2, line 9, omit "and 34" and insert ", 34 and 35".
3. Clause 8, line 25, before "In" insert "(1)".
4. Clause 8, after line 29, insert —

"(2) After section 16H(9) of the **Gas Industry Act 1994** **insert** —

"(9A) An offence under sub-section (9) is an indictable offence.".

5. Clause 17, after line 11, insert —

"(2) An offence by a body corporate under sub-section (1) is an indictable offence.".

6. Clause 17, line 12, omit "(2)" and insert "(3)".

7. Clause 17, line 18, omit "(3)" and insert "(4)".

8. Clause 17, line 23, omit "(3)" and insert "(4)".

9. Clause 17, line 23, omit "(2)" and insert "(3)".

10. Clause 17, page 17, after line 4, insert —

"( ) An offence under sub-section (1) is an indictable offence.".

11. Clause 17, page 17, line 5, omit "(2)" and insert "(3)".

12. Clause 17, page 17, line 10, omit "(3)" and insert "(4)".

13. Clause 17, page 17, line 15, omit "(4)" and insert "(5)".

14. Clause 33, after line 25, insert —

"(3) An offence under sub-section (2) is an indictable offence.".

15. Clause 33, line 26, omit "(3)" and insert "(4)".

NEW CLAUSES

16. Insert the following New Clause to follow clause 34 —

"AA. ***Supreme Court — limitation of jurisdiction***

At the end of section 117A of the **Gas Safety Act 1997 insert** —

"(2) It is the intention of section 109, as amended by the **Gas Industry Acts (Further Amendment) Act 1999**, to alter or vary section 85 of the **Constitution Act 1975**.".

17. Insert the following New Clause to follow clause 37 —

"BB. ***Magistrates' Court Act 1989***

In Schedule 4 of the **Magistrates' Court Act 1989**, before item 57 **insert** —

'**56E.** ***Gas Industry Act 1994***

Offences under section 16H(9) or 62JA(1) of the **Gas Industry Act 1994** and offences by a body corporate under section 62J(1) of that Act.

56F. ***Gas Safety Act 1997***

Offences under section 107 of the **Gas Safety Act 1997**.'".

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 6 May; motion of Mr STOCKDALE (Treasurer).

Motion agreed to by absolute majority.

Read second time.

Circulated amendments

Circulated government amendments 1 to 21 as follows agreed to:

1. Clause 2, line 2, omit "section 8" and insert "sections 8, 16, 17, 18 and 19".

2. Clause 2, after line 4, insert —

"( ) Sections 16, 17, 18 and 19 come into operation on a day or days to be proclaimed.".

3. Clause 2, line 5, omit "(3)" and insert "(4)".

4. Clause 6, after line 15, insert —

"(8) an offence by a body corporate under sub-section (7) is an indictable offence.".

5. Clause 6, line 16, omit "(8)" and insert "(9)".

6. Clause 6, line 21, omit "(9)" and insert "(10)".

7. Clause 6, line 25, omit "(9)" and insert "(10)".

8. Clause 6, line 25, omit "(8)" and insert "(9)".

9. Clause 6, line 33, omit "(10)" and insert "(11)".

10. Clause 6, page 6, after line 5, insert —

"( ) An offence under sub-section (11) is an indictable offence.".

11. Clause 6, page 6, line 6, omit "(11)" and insert "(13)".

12. Clause 6, page 6, line 8, omit "(10)" and insert "(11)".

13. Clause 6, page 6, line 11, omit "(12)" and insert "(14)".

14. Clause 6, page 6, line 16, omit "(13)" and insert "(15)".

15. Clause 6, page 6, line 16, omit "(10)" and insert "(11)".

16. Clause 6, page 6 line 26, omit "(14)" and insert "(16)".

17. Clause 16, after line 24, insert —

"(3) An offence under sub-section (2) is an indictable offence.".

18. Clause 16, line 25, omit "(3)" and insert "(4)".

NEW CLAUSES

19. Insert the following New Clauses to follow clause 12 —

'AA. *VPX as transferor company*

In the Electricity Industry Act 1993 —

(a) in section 153TQ(1), in the definition of "transferor company", for "VPX" **substitute** "Victorian Power Exchange Pty Ltd A.C.N. 080 200 371.".

(b) in section 153TR(2), for "VPX" **substitute** "Victorian Power Exchange Pty Ltd A.C.N. 080 200 371.".

BB. *Correction of Year 2000 figures in Tariff Order*

(1) After section 158C(5) of the **Electricity Industry Act 1993 insert** —

"(6) The Order in Council made under section 158C on 28 October 1997 and published in the Government Gazette on 30 October 1997 has effect, and is deemed always to have had effect, as if for the table set out in Part A of Attachment 6 in the Order there were substituted the table set out in Schedule 4 of this Act.".

(2) After Schedule 3C of the **Electricity Industry Act 1993 insert** —

"SCHEDULE 4

TABLE SUBSTITUTED IN TARIFF ORDER

	FINANCIAL YEAR ENDING 30 JUNE						1 July 2000 — 31 December 2000
Customer	1995[1]	1996	1997	1998	1999	2000	
Network VPX	149 398 216	210 073 465	214 579 919	220 481 261	224 132 134	226 325 289	114 107 095
Connection Charges Loy Yang Power Station	1 752 219	2 445 457	2 426 945	2 400 761	2 341 723	2 296 291	877 257
Loy Yang B Power Station	542 000	1 987 697	1 979 491	1 991 631	1 961 551	1 931 766	945 843
Hazelwood Power Station	1 106 274	1 533 332	1 502 967	1 494 625	1 440 586	1 386 867	658 021
Yallourn W Power Station	705 342	1 004 875	1 002 422	1 016 145	996 303	976 696	472 172
Newport Power Station	1 472 427	2 064 432	2 044 448	2 051 709	2 002 434	1 953 554	942 805
Jeeralang Power Station	227 820	319 418	316 325	317 449	309 825	302 262	145 875
Eildon Power Station	178 192	255 657	257 933	266 632	262 004	257 469	123 414
Citipower	5 048 767	6 972 838	6 956 647	6 587 972	6 398 314	6 702 215	3 574 546
Eastern	5 835 781	8 061 822	8 040 292	7 641 417	8 038 254	8 223 657	4 385 990
Powercor	9 429 315	13 014 181	12 982 380	12 328 026	12 256 183	12 834 563	6 845 161

United	**6 466 877**	**8 933 957**	**8 904 439**	**8 415 727**	**8 103 555**	**8 054 830**	**4 295 948**
Solaris	**4 246 904**	**5 859 473**	**5 846 522**	**5 538 244**	**5 383 449**	**5 669 561**	**3 023 793**
TOTAL	**186 410 134**	**262 526 603**	**266 840 731**	**270 531 599**	**273 626 315**	**276 915 020**	**140 397 921**

Notes:

(1) These figures are calculated for the 9 months of the Financial Year commencing on 3 October 1994 and ending on 30 June 1995.".'.

20. Insert the following New Clauses to follow clause 13 —

'CC. *VENCorp to succeed VPX*

In the Electricity Industry Act 1993 —

(a) in section 3(1), the definition of "PoolCo" is **repealed**;

(b) in section 3(1) **insert** —

"**"VENCorp"** means Victorian Energy Networks Corporation established under Part 2A of the **Gas Industry Act 1994**;';

(c) in section 3(1), for the definitions of "Victorian Power Exchange" and "VPX" **substitute** —

"**"Victorian Power Exchange"** or **"VPX"** means VENCorp;'.

DD. *Company to succeed statutory corporation*

In section 3(1) of the **Electricity Industry Act 1993**, for the definition of "VENCorp" **substitute** —

"**"VENCorp"** means Victorian Energy Networks Corporation Pty Ltd A.C.N. 081 026 066'.

EE. *Part 2A substituted*

For Part 2A of the Electricity Industry Act 1993 substitute —

"PART 2A — ELECTRICITY TRANSMISSION

41A. *Electricity transmission*

(1) Without limiting any other functions of VENCorp, the functions of VENCorp in relation to the electricity industry are —

(a) to plan, and direct the augmentation of, the electricity transmission system;

(b) to provide information and other services to facilitate decisions for investment and the use of resources in the electricity industry.

(2) This section has effect subject to the National Electricity (Victoria) Law and the National Electricity Code.".

FF. *Further amendments to Electricity Industry Act 1993*

In the Electricity Industry Act 1993 —

(a) in section 4(1), **omit** "VPX," (where twice occurring);

(b) in section 26(4), **omit** "VPX,";

(c) in section 28, **omit** "or VPX" (wherever occurring);

(d) in section 29(3), **omit** "VPX";

(e) in sections 30, 31, 32 and 33, **omit** "or VPX" (wherever occurring);

(f) in sections 35(13), 36(2), 36A(3) and 37(6), **omit** "VPX,";

(g) in section 38(1) —

(i) **omit** "and VPX";

(ii) **omit** "or VPX".'.

21. Insert the following New Clauses to follow clause 17 —

'GG. *Gas Industry Act 1994*

After section 16C of the Gas Industry Act 1994 insert —

"**16CA.** *Functions and powers relating to electricity*

VENCorp has the functions and powers conferred on it under the **Electricity Industry Act 1993**.".

HH. *Gas Industry (Amendment) Act 1998*

In the Gas Industry (Amendment) Act 1998 —

(a) in section 2(2), for "29, 35, 36 and 37," **substitute** "and 29";

(b) in section 2(4), for "23, 35, 36 and 37," **substitute** "and 23";

(c) Part 3 is **repealed.**

II. *Magistrates' Court Act 1989*

In Schedule 4 of the **Magistrates' Court Act 1989**, after item 56B **insert** —

"**56C.** *Electricity Industry Act 1993*

Offences by a body corporate under section 47D(7) of the **Electricity Industry Act 1993** and offences under section 47D(11) of that Act.

56D. *Electricity Safety Act 1998*

Offences under section 141A of the **Electricity Safety Act 1998**.".'.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PAPERS

Laid on table by Clerk:

Forensic Leave Panel — Report for the year 1998

Planning and Environment Act 1987 —

Notices of approval of the following new Planning Schemes:

Horsham Planning Scheme

Yarra Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Berwick Planning Scheme — No. L146

Delatite Planning Scheme — No. L17

Hume Planning Scheme — Nos. L50, L52

Melbourne Planning Scheme — No. C2

Statutory Rules under the following Acts:

Magistrates' Court Act 1989 — S.R. No. 58

Melbourne City Link Act 1995 — S.R. Nos. 55, 56

Transport Act 1983 — S.R. No. 57

Subordinate Legislation Act 1994 —

Minister's exception certificate in relation to Statutory Rule No. 58

Ministers' exemption certificates in relation to Statutory Rule Nos. 55, 56, 57.

Remaining business postponed on motion of Mr GUDE (Minister for Education).

ADJOURNMENT

Mr GUDE (Minister for Education) — I move:

That the house do now adjourn.

Canadian salmon

Mr LONEY (Geelong North) — I raise for the attention of the Minister for Agriculture and Resources in his capacity as the minister responsible for fisheries the importation of uncooked Canadian salmon. More than a year ago the Canadian government applied to export uncooked Canadian salmon to Australia. The federal minister at the time, John Anderson, refused the application. Subsequently the Canadian government appealed to the World Trade Organisation on the matter. The World Trade Organisation ruled that Australia could not refuse to import Canadian salmon because of a lack of appropriate protocols in place for imports. At that stage the World Trade Organisation gave the Australian government six months in which to respond.

That six months is almost up. I have been informed that the prospects for import of Canadian salmon into Australia are not looking good from Australia's point of view, particularly for Victoria. Meetings to inform players in the fishing industry of the current situation are scheduled.

Canadian salmon are subject to a disease called whirling that makes a fish swim around in circles until it dies — not unlike a Liberal backbencher. If that illness got loose in Victoria it would decimate Victoria's trout stock because both trout and salmon are salmonic fish and both are subject to the disease. The Victorian government is, as I understand it, considering aquaculture of salmon in the bay. If uncooked Canadian salmon were allowed into Australia and the disease got loose, that project could be wiped out.

I request that the minister report on government efforts to ensure, by opposing the importation of uncooked Canadian salmon, that whirling disease is not let loose in Victoria. I also request that in his capacity as the minister responsible for fisheries he again take up with the federal government as a matter of urgency the protection of Victorian waters, which, being clean and healthy, have a natural advantage for aquaculture.

Beekeeping: state forests

Mr JENKINS (Ballarat West) — I raise with the Minister for Conservation and Land Management the access of beekeepers to state forests for beekeeping operations.

These days in many parts of Victoria under regional forest agreements (RFAs) access to state forests for beekeeping operations is denied, and that is causing beekeepers some concern. RFAs place restrictions and establish special protection zones. Areas in state forests that are not already beekeeping sites are not being opened to the beekeeping industry, and beekeepers are starting to get very frustrated by that lack of access. The restrictions are ludicrous, however, because they demand that bees from a licensed beekeeping operation

in a paddock somewhere do not enter an adjacent state forest.

Over time there has been much discussion on the matter, and I ask the minister to instruct her team of beekeeping experts to investigate it thoroughly so that beekeepers can be given appropriate access. The department's apparent hatred of introduced honey bees will cause a further problem a little later on. Australia has about 2000 species of honey bees already. I ask the minister to undertake an assessment of the impact of introduced species that are needed so that they can continue to be bred and used for beekeeping and honey production purposes.

The matter has some technical aspects. Certain varieties of bees are needed in certain areas, and production of agricultural products can be severely curtailed if the right bees are not available. In addition, many introduced European food plants require introduced bees to pollinate them. Production will be lost there too if the right bees cannot be found and used.

A good example in my area is the up-and-coming production of buckwheat, an introduced variety of wheat used in noodle production, especially at the Hakubaku factory in Ballarat. Buckwheat requires introduced honey bees to pollinate it, as a lot of trials have shown.

I ask the minister to investigate the matter in a practical way — no bureaucrats running wild and coming up with a formula for stopping it, please! — so that the problem can be solved.

State Development: industry grants

Mr MILDENHALL (Footscray) — I ask the Attorney-General to ask the Minister for Industry, Science and Technology in the other place to instruct the Department of State Development to list the grants, including the individual amounts and their purpose, provided to industry under the industry assistance program as outlined on pages 84 to 91 of the last annual report of the department.

In March this year I applied for a list under freedom of information. The department refused me access and this week confirmed that decision. In his 1995 special report entitled *Effectiveness of Services Provided to Industry* the Auditor-General said:

> Audit also considers that the department's accountability to the Parliament and the community will be strengthened by annual report of the amount and type of financial assistance provided to each company assisted under the program.

The department has used a Victorian Civil and Administrative Tribunal decision to justify the refusal. However, the document in dispute was a letter containing a legal agreement and a deed of guarantee and only incidentally related to the amount in the grant.

There is no accountability or transparency when taxpayers cannot find out how much of their money is being given to third parties. More than 800 grants were made totalling more than $44 million, yet the department says taxpayers have no right to know who got what. In question time today the Treasurer said that if the amounts were made public companies would shop around and play one state off against another. How can that be credible when the opposition is asking for the amounts months or years after they were granted and when the average grant was around $55 000.

This is a secret state. The Auditor-General is right. Good governance and accountability in the state are being irreparably harmed by the mentality that financial arrangements with the private sector should be shielded from parliamentary and taxpayer gaze. The lid should be lifted on the grants. The minister must come clean so that taxpayers know how much of their money is being given to companies and for what reasons.

South–Warrigal road intersection, Moorabbin East

Mrs PEULICH (Bentleigh) — I ask the Attorney-General to refer to the Minister for Roads and Ports in another place a matter concerning the intersection of South Road and Warrigal Road. Both roads carry an inordinate amount of traffic, particularly at peak times.

Mr Pandazopoulos interjected.

Mrs PEULICH — The whole community is certainly getting behind the Parkwood Park development that is being fostered by the former Moorabbin council and the honourable member for Mordialloc.

I ask the minister to investigate installing a left-turn lane from South Road into Warrigal Road. The intersection will ultimately be the beginning of the Dingley bypass. There is currently a right-turn lane, and there is space to develop a left-turn lane, which I believe is necessary to promote the smoother traffic flow.

I ask the minister to direct his department to investigate the feasibility of installing a left-turn lane. As I said, the space is there, and it would require the relocation of only one electricity pole. I do not believe an inordinate

amount of money would be required to install it. South Road is a major connecting road and the installation of the left-turn lane would improve the traffic flow. I ask the minister to investigate the matter.

Workcover: conciliator

Mr HULLS (Niddrie) — I raise for the attention of the Minister responsible for Workcover in another place the actions and conduct of the Workcover Conciliation Service conciliator, Mr Denis MacKinlay.
Mr MacKinlay has an important position as a conciliator, which involves complying with the provisions of the Accident Compensation Act and facilitating good outcomes for employers and injured workers without their needing to go to court.

Mr MacKinlay has an interesting interpretation of what is fair. His idea of a fair conciliation between an injured worker and an employer is to talk to the employer, ignore the worker and then reach a decision.
Mr MacKinlay has a history of sitting down with the employer prior to the worker being present. His habit is then to adopt the employer's position and argue with the worker.

In one case Mr MacKinlay telephoned a worker before a conciliation to tell him the matter had been resolved. Mr MacKinlay told the worker he had spoken to the employer and agreed with him that there was no basis for the dispute and accordingly there was no basis for conciliation — all without having seen or spoken to the worker. What a joke! That would be like a lawyer being telephoned on the morning of a court case and being told by the judge that he had had a word with the other side, he thought the other side was correct, and, 'Don't bother turning up'.

That matter was resolved only because of the intervention of the union, and the case was brought to the attention of the Workcover Conciliation Service. I am pleased to say the service wrote an apology, but that is not good enough.

Mr MacKinlay has not stopped there in his campaign against workers. Most workers who go to conciliation want the matter resolved so they do not have to go to court. If the conciliation officer is unable to facilitate an agreement, he or she can issue what is known as a genuine dispute notice. That is a powerful weapon because, once issued, it virtually forces the worker into court. That power should only be used as a last resort.

However, Mr MacKinlay thinks he can use it as a gun to the heads of workers. Mr MacKinlay has a history of using the power to issue a genuine dispute notice to force workers to do his bidding. He has repeatedly intervened to demand that an injured worker return to work or he will issue a genuine dispute notice and force the worker into court.

In the most recent case he took advantage of the fact that the worker did not have a good understanding of English. In that case he sat down with the employer and worked out a plan for a return to work while the worker had no idea what was going on. The intervention of the Textile Clothing and Footwear Union of Australia led to the union putting a stop to the jumped-up, disgraceful and biased action of Mr MacKinlay.

In the past, the Workcover Conciliation Service has apologised for Mr MacKinlay's actions, but I ask the minister to investigate him. If it is found he has acted improperly or wrongly, he must be sacked.

Gladstone Views Primary School

Mr FINN (Tullamarine) — I ask the Attorney-General to direct to the attention of the Minister for Education the Gladstone Views Primary School in my electorate. It is a wonderful school with an outstanding reputation that extends far beyond the local area of Gladstone Park. The principal of Gladstone Views school, Rob Cook, and the school community have accepted with gusto the government's prioritising of sport and physical education and have employed a full-time physical education teacher.

The trouble is that the school has only a small indoor area for physical education. With the winter months now upon us it makes it difficult for the children to be involved in a full range of sporting activities because the room is so small it would be difficult to swing the proverbial cat.

I ask the minister to allocate funds for the construction of a gymnasium at the school, which now has more than 550 students, with a medium to long-term projection of between 550 and 600 students. Nowadays a newly constructed school to accommodate that number of students would automatically include a gymnasium. The land is there; it is waiting for the construction of a gymnasium. The school should be rewarded for its commitment to the government's plan for sport and physical education.

The children at Gladstone Views deserve the proper facilities to enable them to achieve their full potential in sport and physical education. I ask the minister to examine the situation and rectify those problems at Gladstone Views Primary School as soon as he possibly can.

Austin and Repatriation Medical Centre

Mr LANGDON (Ivanhoe) — I request the Attorney-General to have the Minister for Health in the other place examine a matter raised with me by a constituent of another electorate. He is concerned that adequate funding should be available for the Austin and Repatriation Medical Centre to ensure it has adequate full-time staffing and that the Red Cross has enough resources to fund its blood transfusion service.

The person is a constituent of the Eltham electorate whose daughter is suffering from leukaemia and is a patient of the centre. He gave a personal account of his concerns, which he believes are shared by many patients. He says quality of care is imperative and the staff and doctors do an excellent job. However, the constituent believes the hospital is understaffed with many bank nurses — that is, temporary nurses employed by agencies. He is concerned that the employment of those bank nurses reflects the cutbacks imposed by the government, and he has asked me to raise the issue.

Given his daughter's condition he also expressed concerns about the Red Cross. His daughter requires regular blood transfusions and he is concerned that cutbacks may reduce the quality or availability of blood products.

The constituent spoke to the honourable member for Eltham, who was far more interested in advising him of the wonderful things happening with the hospital and showed very little concern for his daughter. To use the constituent's words, 'He spouted how wonderful the proposed new hospital will be without addressing the drawbacks'. I seek an assurance from the minister that the cutbacks will not affect staffing levels at the Austin hospital or the facilities of the Red Cross.

Rail: Balaclava station

Ms BURKE (Prahran) — In the absence of the Minister for Transport I raise for the attention of the Attorney-General the matter of train services to Balaclava. I recognise that train services in my area have increased by some 12 per cent over the past four years. However, there is an enormous amount of vandalism on trains at night. As a consequence, in the morning those travelling to and from Balaclava on the Sandringham line, which includes Windsor and Prahran, find that the 7.50 and 8.00 a.m. trains are either cancelled or delayed. With more people using the trains at peak time crowding has become a problem.

I have received two letters from Mr David Pollock, who has asked me to raise the issue in the house. One letter states:

> Frankly, the patronage of the line at that time of the morning I believe warrants additional services, let alone train cancellations. By the time the train ex Sandringham arrives at Balaclava it is near impossible to get into the train; consistently people at Windsor and Prahran just have to wait for the next train!
>
> This further delays the trains, the extra time of passengers alighting and attempting to get onto the train...

I ask the minister to address the issue. I ask for his assistance to help my constituents arrive at work on time.

Rural Victoria: suicide

Mr BRUMBY (Broadmeadows) — I ask the Attorney-General to raise with the Minister for Health in another place an important issue that appears to be on the government's backburner. This week is Rural Health Week and concerns have been raised with me by people from rural areas, particularly Gippsland, about anecdotal material that indicates suicide in the male population is a serious and recurring issue.

I question the current status of the parliamentary inquiry into rural suicide and ask what is being done to address the issue. Although attention is being given to youth suicide — and I welcome that — the older male group is particularly at risk. Official figures show that the incidence of suicide in rural and remote areas is far higher than in metropolitan areas. Direct contact with residents of rural Victoria indicates that the figure may be much higher than officially reported. The Premier has shown his awareness of the problem to some degree in statements made last year, but I would like to know what further steps are being taken.

Last month a fundraising ball, the Sheep's Back, was held in Gippsland at Albert By The Lake. The ball was organised by John Lotton, whose family are sheep farmers in Gippsland. The money raised will be used for awareness raising and strategies for those at risk of suicide. It is apparent that there is insufficient backup for the problem. The welfare agency Kilmany Family Care, through John Lotton, has submitted a proposal for an additional worker at Lifeline Gippsland as well as a team of two counsellors and two community development officers to work across East Gippsland.

I have visited East Gippsland on a number of occasions and have noticed significant needs. I ask the minister to advise me of the government's actions in addressing the serious problem of suicide in country areas, particularly

among older males. I ask the minister to take action to support the proposal that has been submitted through Kilmany Family Care for additional workers at Lifeline in Gippsland.

Begging

Mrs ELLIOTT (Mooroolbark) — I raise with the Attorney-General a matter for the attention of the Minister for Police and Emergency Services. I have received a letter from a constituent, who wishes to remain anonymous, about an incident that occurred on 17 May while she was waiting on platform 2 at Flinders Street station for the 3.26 p.m. train to Lilydale. The constituent is a volunteer at the *Polly Woodside* and she had had a fall during the day.

While sitting at the station a young woman approached her and asked her for money. She refused. The young woman went away but came back some minutes later and again asked for money. When my constituent again refused, the young woman kicked her in the leg. The Lilydale train was about to arrive and my constituent felt she could not go in search of help, so she caught the train home. Her husband rang me the next day. In her letter to me she states:

> My personal concern is mainly about the fact that, in many places through the Melbourne metropolitan area, particularly in and near shopping centres, young people are approaching others asking for money. I was approached by two lads aged about 11 in Mooroolbark last week. I do not hand money over. I sometimes feel threatened by the manner of the approach. My three main concerns are: that so many young people are seeing this form of behaviour as acceptable in our society; that many people feel threatened, and as I have found out, may even be physically assaulted. I do not really know what to do in the situation which actually happened to me. Do I try to find a policeman? Do I seek an appropriate official? I do not have a mobile phone so cannot call for help.

Many of us have had the experience in the city of being approached, mainly by people who can only be described as beggars. This is unacceptable behaviour and I ask the Minister for Police and Emergency Services to take action to prevent people being harassed in this way by beggars asking for money.

Victorian Civil and Administrative Tribunal: delays

Mr E. R. SMITH (Glen Waverley) — I refer the Attorney-General to a matter concerning the Victorian Civil and Administrative Tribunal. Many, many claims have been made about delays in the system, and I am calling on the Attorney-General to take urgent action to rectify the situation because so many people have matters before this new tribunal, which grew out of the old Administrative Appeals Tribunal. I ask the Attorney-General to ensure that the delays people are complaining about are fixed and to use her best offices to have it fixed very quickly.

Battered woman syndrome

Ms CAMPBELL (Pascoe Vale) — I ask the Attorney-General to investigate a suggestion by the Chief Justice of Victoria, Justice John H. Phillips, in relation to ongoing physical violence and taunts and the basis for what is often referred to in court cases as battered woman syndrome.

I notice that the laws of provocation were taken up not only by the Chief Justice of Victoria but also by the *Age* in its editorial of 23 April. I am sure the Attorney-General has considered the issue a number of times, particularly in relation to the debate concerning the Heather Osland case.

The women of Victoria would be indebted to Parliament if there were some further investigation of the issue either through the Attorney-General or a parliamentary committee. I ask the Attorney-General to investigate.

Responses

Mrs WADE (Attorney-General) — I will deal first with the matter raised with me by the honourable member from Glen Waverley, who suggested there are considerable delays at the Victorian Civil and Administrative Tribunal (VCAT) in hearing matters. The concern has been in relation to the planning list.

I would have to advise the house that in virtually every other list the delays have been considerably reduced and the tribunal is doing an amazingly good job. In the first 10 months of the financial year the VCAT has dealt with 50 000 cases and anticipates it will have dealt with 65 000 cases by the end of the year.

There are delays in the planning list. That is mainly due to the fact that, as the Minister for Planning and Local Government continually tells us, there is a high level of building activity in the state, and that has led, as it has in the past, to delays in the planning list.

There were even longer delays in 1990, which were mentioned in this house in the second-reading speech on an Administrative Appeals Tribunal (Planning) Bill by the Honourable Neil Pope. He said:

> The current recession in the building industry, together with the implementation of a new listing procedure, has cut the delay before hearing from seven months in January 1990 to 10 weeks.

This government does not believe a recession is the appropriate way to deal with delays in the planning list at the tribunal. That is a Labor solution. The government has other ways of dealing with the problem. I assure the honourable member for Glen Waverley that I have already arranged appointments of an additional full-time planning member and six additional sessional members. In March the government advertised for more members, and I anticipate that we will shortly appoint another three full-time members and another nine sessional members. In addition, I have opened 17 new hearing rooms; a shop-front counter; a restructured registry; and better accommodation for the members.

The VCAT has had the initiative to introduce new cash-flow management techniques; fast-tracking for urgent cases; and a commercial list. It is also carrying out an audit of all matters that have not yet been set down for hearing. So I anticipate that the delays that have been the subject of some comment, which are occurring at the moment although not to the extent that they were back in 1990, will be dealt with relatively quickly.

The honourable member for Pascoe Vale raised an interesting matter with me, and that was the comments by the Chief Justice about the battered woman syndrome. I read the reports in the *Age* and the *Age* editorial. I would hesitate to correct the Chief Justice of Victoria, Mr Speaker, but I feel that he must have been misreported. He was reported as saying that provocation applied in battered woman cases only where there had been a recent incident involving violence against the woman who had subsequently pleaded provocation. That is not the case.

It is possible for the court to take into account a history of violence when considering whether provocation is relevant in a particular case. There is a problem. I have been interested in the issue of provocation. I think there has been a bias in perceiving provocation in circumstances where men claim to have been provoked. It has not been quite the same when women have claimed to have been provoked because of the fact that until recently all our judges were male and perhaps did not understand the circumstances that might provoke a woman and the different life experiences of women compared with those of men. The better solution is the one that has been put — —

The SPEAKER — Order! I should caution the Attorney-General. One of the rules of Parliament is that it does not criticise the judiciary.

Mrs WADE — No, I was certainly not criticising the judiciary. I was saying that perhaps there had been a misreporting.

The SPEAKER — Order! The Attorney-General was saying that because in the past all judges had been men their judgments were perhaps not what they ought to have been.

Mrs WADE — It was just an observation, Mr Speaker. I am inclined to prefer the solution that has been put forward by the model criminal code officers committee, which is that we should think about whether provocation should be abolished altogether and the particular circumstances taken into account when sentencing occurs. However, no decision has been made about that and it will require further consideration by the Standing Committee of Attorneys-General.

The honourable member for Geelong North raised a very important issue relating to the importation of uncooked Canadian salmon following an appeal by Canada to the World Trade Organisation. He explained that Canadian salmon was subject to whirling disease. Through a viewing window I have observed Canadian salmon going up river and I did not notice any whirling at the time. However, I have no reason to believe the honourable member for Geelong North is leading us astray. It is certainly an important issue and I will refer it to the minister.

The honourable member for Ballarat West raised a matter for the Minister for Conservation and Land Management relating to beekeepers and particularly their access to state forests and introduced honey bees. He pointed out that the pollination of certain European trees requires the presence of introduced honey bees. I will take the matter up with the minister.

The honourable member for Footscray asked that the Minister for Industry, Science and Technology in another place instruct his department to list the amounts of grants to industry. He referred to a Victorian Civil and Administrative Tribunal decision that appeared to be contrary to his views, but nevertheless he wants to pursue the issue contrary to the VCAT decision, which is not the usual way the opposition reacts to VCAT decisions. At question time today I thought the Treasurer gave a very good explanation on why those amounts were not listed. I can only assume the honourable member for Footscray did not understand that explanation. He might like to write to the minister about it.

The honourable member for Bentleigh raised a matter for the Minister for Roads and Ports in another place

about the intersection of a major road in her electorate. She asked him to investigate the feasibility of a left-turn lane. I will refer the matter to the minister.

The honourable member for Niddrie made some claims about a Mr MacKinlay leaping to certain conclusions and not dealing appropriately with matters of dispute between employers and employees. He seems to have the same disability that he complains of in that he seems to have leapt to conclusions about that person. I will refer his comments to the minister responsible for Workcover.

The honourable member for Tullamarine raised for the Minister for Education a matter of funds for a school gymnasium. I will refer that matter to the Minister for Education.

The honourable member for Ivanhoe said he had been approached by a member of the public from Eltham regarding funding for the Austin and Repatriation Medical Centre. It seems that person considers the service provided at the Austin is excellent, but he objects to it being provided by staff referred to as 'bank nurses'. I do not know how old that member of the public is. As I recall, nurses used to live in nurses' homes next to the hospitals, but times have changed and nurses do not necessarily want that form of lifestyle now. Maybe it is more difficult for hospitals to employ nurses on the same conditions as in the past.

The honourable member for Prahran said that trains scheduled to leave Balaclava station at 7.50 and 8.00 a.m. were being cancelled due to vandalism overnight. She asked for an investigation of the number of trains at that time in the morning. I will refer that matter to the Minister for Transport.

The honourable member for Broadmeadows raised the very important issue of suicide, particularly among males in country areas. He acknowledged that the Premier has been concerned about the matter and has instituted a number of initiatives and asked for an update on information, particularly about older men. I will pass that matter on to the Minister for Health.

The honourable member for Mooroolbark referred to an incident at Flinders Street railway station affecting one of her constituents who was assaulted by a young woman when she refused to meet her demands for money. She asked me to refer the matter to the Minister for Police and Emergency Services. I can advise the honourable member that I understand that the restructuring in the police force is partly directed at ensuring there will be a response to such incidents where there is an ongoing problem in a particular area. However, I will refer the matter to the Minister for Police and Emergency Services for additional information.

Motion agreed to.

House adjourned 7.32 p.m.