

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**2 May 2000**

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. J. W. THWAITES

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The Hon. LOUISE ASHER

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Mr P. J. RYAN

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Cooper, Mr Robert Fitzgerald	Mornington	LP	Naphtine, Dr Denis Vincent	Portland	LP
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Leighton, Mr Michael Andrew	Preston	ALP			

<sup>1</sup> Resigned 3 November 1999

<sup>2</sup> Elected 11 December 1999



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**Tuesday, 2 May 2000**

**The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.06 p.m. and read the prayer.**

**CONDOLENCES**

**Ian Francis McLaren**

**The SPEAKER** — Pursuant to the new practices set down in the sessional orders I advise the house of the death of Ian Francis McLaren, OBE, member of the Legislative Assembly for the electoral district of Glen Iris from 1945 to 1947, member for the electoral district of Caulfield from 1956 to 1967 and member for the electoral district of Bennettswood from 1967 to 1979. He was Deputy Speaker and Chairman of Committees from 1973 to 1979.

In accordance with the new sessional orders I ask members to rise in their places as a mark of respect to the memory of the deceased.

**Honourable members stood in their places.**

**The SPEAKER** — Order! I ask honourable members to take their seats.

I indicate to the house that I shall convey our message of sympathy from the house to the relatives of the late Ian Francis McLaren.

**BUSINESS OF THE HOUSE**

**Webcasting of proceedings**

**The SPEAKER** — Order! I wish to advise the house that I have given permission to the Department of Treasury and Finance for the use of a third camera in the chamber to enable a webcast of the Treasurer's budget speech today.

**Mr Maclellan** — I raise a point of order in regard to a sessional order adopted in a resolution of the house on 18 February 1998 and amended on 27 May 1999 in respect of the televising and broadcasting of proceedings from the house.

Under the first provision sound and other transmissions are permitted. The second provision states that:

... the following conditions be required to be observed by media organisations making sound and/or visual transmissions or broadcasts from the Legislative Assembly chamber ...

The document goes on to specify what must be provided for, Mr Speaker: firstly, that transmissions or broadcasts must be accredited by you; secondly, that the sound must be recorded in respect of proceedings and not in respect of points of order et cetera. Further, it provides that:

- (e) Visual and/or sound recording of any particular proceeding must provide equality between government and non-government members.
- (f) Visual and/or sound transmissions or broadcasts of, or broadcasts or rebroadcasts of recordings of, proceedings shall be such as to provide in context a balanced presentation of differing views and ...

The section continues on matters not related to the context before the house. Under (k) the document states:

Media personnel are required to obey any instruction given by Mr Speaker or Mr Speaker's delegates;

Mr Speaker, your letter to the Treasurer dated 27 April indicating your intention to approve of the arrangement just announced to the house included the following statement:

Additionally, I also draw your attention to paragraph 2(e) of the Legislative Assembly televising and broadcasting resolution ...

'Visual and/or sound recording of any particular proceeding must provide equality between government and non-government Members'.

Accordingly, I trust that this will be taken into consideration when facilitating the live webcast event.

You might also have included 2(f), Sir.

I have drawn your attention to the fundamental documents, Mr Speaker. The issue is that you, Sir, have to be satisfied that the media organisation — in this case the Department of Treasury and Finance — is going to provide fair and equal opportunity to both sides to present both points of view in a context of a fair representation of the proceedings of the house. You have indeed raised that issue with the Premier as Treasurer in your letter to him, Mr Speaker, and I seek your guidance as to whether you are satisfied that that will be honoured by giving both sides equal opportunity in respect of the matter.

*Honourable members interjecting.*

**Mr Batchelor** — On the point of order, Mr Speaker, much of what the honourable member has put to you is an historical retelling of the origins of sessional orders and does not address any of the issues he attempted to raise in the alleged point of order. The issue for you to

consider, Sir, is whether permission will be given to all parties in the house who request it.

The government has sought and been granted your permission to broadcast on the web the proceedings of today's budget presentation by the Premier. The request has come from the Department of Treasury and Finance. If the opposition requested permission to broadcast the reply of the Leader of the Opposition or the shadow Treasurer the government would not oppose it. The opportunity is available, although I am not aware that any request has been directed to you, Sir. In anticipation of the request I foreshadow that the government has no opposition or objection and requests Mr Speaker to grant such a request from the opposition.

**Dr Napthine** — On the point of order, the matter raised by the honourable member for Pakenham relates to the fact that media organisations given permission to make such recording and broadcasts must, under the agreement, provide equal opportunity for both sides of the house. It is not a matter of equality of access: whoever has given permission must provide —

*Honourable members interjecting.*

**Dr Napthine** — It is clear from paragraph (2) of the document headed 'Televising and Broadcasting of Proceedings' —

**Mr Hulls** interjected.

**The SPEAKER** — Order! The Attorney-General!

**Dr Napthine** — Paragraph (2) reads:

the following conditions be required to be observed by media organisations making sound and/or visual transmissions or broadcasts ...

The media organisations are required to meet the requirements under paragraph (2). Subparagraph (e) states:

visual and/or sound recording of any particular proceeding must provide equality between government and non-government members.

It is not about equality of access. The organisations that are permitted to make a recording of or transmit or broadcast a recording by whatever medium must give both sides of the debate.

Opposition members welcome the transmission of the Treasurer's speech on the Internet. We think it is a positive move for the Parliament and should be applauded. However, under sessional orders it is imperative that the opposition lead speaker on Treasury matters, the Deputy Leader of the Opposition, be given

equal rights by the same media organisation and be allowed to have her speech in response to the budget similarly broadcast.

**Mr Thwaites** — On the point of order, Mr Speaker, subparagraph (e) of paragraph (2) provides that there be equality in recording. It does not require equality in transmission. The opposition wants to read into the provisions something that is not there — and it seems to want to force other organisations to pay for it. I am sure that if the opposition applies to have proceedings recorded, the Speaker will treat the application properly.

**Mr McArthur** — On the point of order, I welcome the Deputy Premier's reference to the resolution of the house on 27 May 1999, and in particular to paragraph (2)(e). However, I suggest he read paragraph (2)(f), which states:

visual and/or sound transmissions or broadcasts of, or broadcasts or rebroadcasts of recordings of, proceedings shall be such as to provide in context a balanced presentation of differing views ...

The house clearly anticipated the issue when the former Leader of the House, Mr Gude, moved the motion on 27 May 1999. I inform honourable members that the motion was passed by the house without debate — in other words, that the members of the Labor Party — now members of the government — agreed to the motion with no debate and no questions and without expressing any concerns. They supported the idea that any broadcast of proceedings should provide for coverage of all the points of view, in context and in balance.

Mr Speaker, I suggest that the rules adopted by the house on 27 May last year give you a clear guide on what the house expects whenever you have the opportunity to permit the broadcasting of proceedings, and they also give you the clear authority to direct that any media organisation which records or broadcasts the proceedings of the house must do so in a way that provides equal coverage of the diverse views in the house, in context and in balance.

**The SPEAKER** — Order! I have heard sufficient on the point of order. The honourable member for Pakenham has raised a matter relating to the resolution on the televising and broadcasting of proceedings that was adopted on 18 February 1998 and amended on 27 May 1999, and in particular to paragraphs (1)(d), (2)(e) and 2(f).

The Speaker, being cognisant of those requirements when approached by the Department of Treasury and

Finance for permission to allow the webcast and in granting such permission, drew to the department's attention the requirements for the broadcasting and televising of proceedings as adopted by the house.

To this point the Speaker has not received any formal response to that advice. However, I point out to the house that in allowing the webcast to proceed today and in drawing those matters to the attention of the Department of Treasury and Finance, the Speaker is not in a position to draw or reach a conclusion on whether there has been any breach of those requirements.

I further point out to the house that I, as Speaker, took the decision to allow the webcast to take place because, as the house is well aware, the information technology subcommittee of the House Committee is currently looking at all IT issues involving the Parliament. I believe that today's exercise will be a catalyst and a good pilot for the subcommittee to examine with a view to recommending longer term arrangements for the webcasting of the proceedings of the chamber.

I find that there is no point of order.

**Mr Maclellan** — On a further point of order, Mr Speaker, and to help you with the context, I refer to paragraph (2) of the resolution:

the following conditions be required to be observed by media organisations making sound and/or visual transmissions or broadcasts from the Legislative Assembly chamber or sound and/or visual broadcasts or rebroadcasts of recordings of proceedings ... pursuant to paragraph (1)(d) and any breach of the exceptions and these conditions may result in the immediate suspension of privileges by Mr Speaker.

Mr Speaker, I ask that unless you are satisfied that the conditions will be agreed to and abided by, you suspend the media organisation.

**The SPEAKER** — Order! That is a similar point of order to the one the honourable member raised previously. At this point the Speaker is not in a position to ascertain whether there has been a breach of any of the requirements for the broadcasting or televising of proceedings. There is no point of order.

## QUESTIONS WITHOUT NOTICE

### Bonlac Foods

**Dr NAPHTHINE** (Leader of the Opposition) — I refer the Premier to the unfortunate closure of Bonlac's milk processing plants in Toora, Drouin and Camperdown and ask what assistance the government

will give to those communities directly affected by the closures.

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for the question. I share his concerns for the communities affected by the closure of the plants, on which Bonlac has briefed the government and, I understand, the opposition parties. The closures have been in the pipeline for some time and are obviously due to the competitive environment in the area.

As the opposition leader knows, they are not related to the deregulation of the dairy industry, which is supported by all sides of the Parliament. The government will be providing support and assistance to those communities affected through various means. For example, through the Regional Infrastructure Development Fund, the Better Regions, Better Cities and Better Suburbs projects and the other facilities it has provided the government will actively seek to support those communities in regional and country Victoria. We will work with them and the local councils to see what we can achieve to make sure that skills training and support for families are in place, including assistance for new jobs.

### Melbourne Aquarium: legionnaire's disease

**Mr CARLI** (Coburg) — I refer the Minister for Health to the tragic legionnaire's disease outbreak at the Melbourne Aquarium and ask him to tell the house what action the government has taken in relation to the outbreak.

**Mr THWAITES** (Minister for Health) — The number of people confirmed as having contracted legionnaire's disease as a result of the outbreak associated with the Melbourne Aquarium has now reached 47. Tragically, 2 people have died and 9 are in a critical condition. Of the 47 people confirmed with the disease, 46 had visited the aquarium and the other person, a man aged 26, had walked by it.

On behalf of the government and, I am sure, all members of Parliament, I extend my sympathies to the families of those who died and to all people who have been affected by this tragic incident.

We must do everything we can to ensure that the patients get the very best care possible, and that is the reason the department has promptly set up a system to ensure early treatment for anyone who may be affected.

On the evening of 26 April the public health division of the Department of Human Services was first notified of the cases of legionnaire's disease, and by the following morning investigations into the case histories had

already commenced and it was learned that the patients had visited the Melbourne Aquarium. The public health division staff immediately attended the aquarium to inspect the cooling towers and collect for testing water samples from the towers and other sources. They also requested immediate disinfection of the cooling towers. The final results of the tests will be known shortly. However, the fact that so many of the affected people have been associated with the aquarium makes it clear that it is the source of the legionella.

A legionnaire's disease hotline has been established and an estimated 5000 calls from the public have been answered by the public health division. I thank all of those who have helped on the hotline and the doctors and other members of the public health division who have worked almost nonstop on this issue for the past week.

A health alert has been sent to all hospital intensive care units and emergency departments. Interstate health departments have also been alerted. The government wants to ensure that anyone with possible flu-like symptoms should come forward, and I can report that the public health campaign has been successful. Five recent sufferers of the disease who sought prompt treatment have not required hospitalisation.

The government is also undertaking workplace surveillance at the aquarium to ensure that workers are not affected. To date there are no confirmed cases among the staff, but two are under investigation. The department is carrying out an urgent investigation to try to ascertain the cause of the spread of legionnaire's disease in this case. I expect preliminary advice by the end of this week, and I hope that will narrow down the range of possible causes. The full advice as to the possible cause may take longer because it is sometimes difficult to determine exactly what has caused the disease. There are a number of hypotheses about dust contamination and other possibilities, but none of them have been established yet.

The government is concerned to put in place a proper regulatory framework for ensuring that legionnaire's outbreaks are minimised. When I became the Minister for Health I established an expert working party to improve the regulatory framework relating to water cooling towers and the spread of legionnaire's disease. That working party is considering a number of issues, including upgrading regulations and increasing penalties, ensuring guidelines for maintenance are fully regulated, providing ongoing legionella education targeted at building owners, and establishing a statewide register of cooling towers and a program of inspection and auditing.

The expert working party is meeting again this week to determine whether any factors in the aquarium tragedy need to be taken into account in making final recommendations to the government. I expect to receive the recommendations shortly and will then inform the public.

### Lake Eildon

**Mr RYAN** (Leader of the National Party) — Will the Minister for State and Regional Development inform the house what government programs are available to assist local tourism operators in the Lake Eildon area who are suffering financial difficulties due to the extremely low level of the lake and whether they will be implemented?

**Mr BRUMBY** (Minister for State and Regional Development) — I thank the honourable member for his question. I am surprised he did not direct a question about tourism initiatives to the Minister for Major Projects and Tourism, who I understand has visited the area on a number of occasions, including yesterday. It is a very timely question as the minister's visit indicates the full support of the Bracks government to assist tourism operators in the area.

It is worthy of note that the extraordinarily dry conditions in the Lake Eildon area have created enormous difficulties for tourism operators, although in recent weeks the fact that the media has worked with the industry and the government to publicise the plight of those operators has seen an enormous number of people visiting Lake Eildon, particularly Bonnie Doon, to look at the old homestead. Those unique sights will probably not be visible again for another 50 to 100 years. Indeed, the government hopes this is literally a once-in-a-lifetime opportunity of which people will avail themselves. As the Minister for Major Projects and Tourism has been saying to the Victorian people, this is a unique opportunity to visit Lake Eildon. It is very dry at the moment but it will not stay that way for long. People should get out there and enjoy the sights while the opportunity exists.

The Minister for Major Projects and Tourism has taken a very close interest in the area, and I can assure honourable members and the Leader of the National Party, who raised the issue, that the Premier's budget speech today will contain further initiatives to support the growth of the domestic tourism industry in Victoria.

### Health and Safety Week

**Ms ALLAN** (Bendigo East) — I refer the Minister for Workcover to the fact that this is Health and Safety

Week and ask him to inform the house of the latest action the government is taking to prevent workplace accidents, particularly in regional Victoria?

**Mr CAMERON** (Minister for Workcover) — I thank the honourable member for Bendigo East for her question and for her ongoing support of the culture of health and safety in workplaces, particularly in regional Victoria. No doubt it is one of the reasons the honourable member did so well at the last election.

This is Health and Safety Week — the biggest the state has seen. Naturally, it is a tripartite arrangement with businesses, unions and government being involved. Equally, it is occurring in both country and city areas. Many activities are being conducted all around the state, including a hypothetical as to whether safety is affordable, with which VECCI has been involved, and a moot court on industrial manslaughter. One of the commitments of the Bracks government was to introduce the crime of industrial manslaughter, together with ensuring that Victoria has the toughest occupational health and safety laws in Australia. Such a commitment complements the fact that the government has increased the number of inspectors so that there will be greater implementation of the law.

The government wants to ensure a culture of health and safety across the board. Many good companies have the right culture, and as a result they do not experience workplace injuries. Obviously that is good from a business point of view because those companies do not have employees who cannot work, but it is equally good for the workers because they are prevented from suffering injury.

I highlight that fact by outlining that, a fortnight ago, I was with the Minister for Energy and Resources when a Premier's commission was given to Worsley-ABB, a joint-venture company with an average of 300 workers on oil rigs. It is involved in a dangerous industry, but not a day has been lost as a result of injury in 10 years. Honourable members would understand why that outstanding effort earned a Premier's commission. Obviously the government would love to see that culture embraced across the entire state.

This week a range of events are taking place in Victoria. The government is very keen to see an improvement in health and safety in regional Victoria. Nearly two-thirds of the events on the week's program are in regional areas, which is very important because all too often not as many health and safety representatives are seen in regional areas as are seen in the city. That means there is no extra impetus at work places to ensure an improvement in the health and

safety culture. Another factor affecting regional Victoria is the unnecessarily high rate of injuries and death in the farming industry. Only 5 per cent of the work force is involved in farming but, unfortunately one-third of industrial deaths are in that area. Sadly, there was a death in Gippsland yesterday involving a farmer and a tractor. That is why the government is promoting the culture of health and safety in the country through Workcover.

About a fortnight ago the government announced a farm safety course, which it is keen to promote. A subsidy will be provided for the course, and the government is establishing a farm safety aid program so people will be available in country Victoria to promote farm safety. I am pleased that the Victorian Farmers Federation is very encouraged by what the government is doing and has taken an active role in the past few years. The government is very keen to work with the VFF to ensure we are getting the message across to as many people as possible.

A great range of activities are taking place during Health and Safety Week, and I encourage people to take part. The government is determined to work with businesses, unions and workplaces around Victoria to improve the culture of health and safety.

### **A. V. Jennings**

**Dr NAPTHINE** (Leader of the Opposition) — I refer the Premier to the fact that home builder A. V. Jennings has decided to shut up shop in country Victoria and ask: did the government offer any incentives or inducements to A. V. Jennings not to close its operations in rural Victoria; if so, what were they?

**Mr BRACKS** (Premier) — The A. V. Jennings closure affected something like 20 staff around the state as part of the consolidation that is happening in the building industry more broadly. Even though it is a small location in Victoria, it is regrettable. A. V. Jennings did not seek direct support from the government, but of course the government will provide assistance and support to those communities affected.

### **Port Phillip Prison: deaths**

**Mr WYNNE** (Richmond) — I refer the Minister for Corrections to the coroner's findings last week that the former Kennett government and a private prison operator were partly responsible for the death of several prison inmates. Will the minister inform the house what action the government is taking to examine and act on those findings?

**Mr HAERMEYER** (Minister for Corrections) — The findings of the coroner last week relate to the tragic situation where a number of people died at Port Phillip Prison over a fairly short period of time as a result of suicide. The coroner's findings are a damning indictment of the mismanagement, arrogance and blind ideology with which the previous government handled the prison system in this state. It reflects a repeated failure of the private prison system, and Port Phillip Prison in particular, to meet prison service agreement requirements.

I have learned that the previous government approved the design requirements that are condemned in the coroner's report — that is, the design faults that were built into the prison were actually approved and ticked off by the previous government. It was a hands-on exercise by the previous government.

I note that eventually the previous government, something like 21 months after the first suicide, issued a default notice relating to security issues, including failure to appropriately contain prisoners in a safe and secure manner as evidenced by the number of prisoner deaths due to unnatural causes and the extent of self-harm incidents, failure to control the entry of contraband evidenced by the level of illicit drug-taking in the prison and failure to comply with the Victorian prison drugs strategy.

The former government constantly informed honourable members that everything was rosy and hunky-dory and not worth worrying about. The former government approved the design of the prison. Therefore, it comes as no surprise that 21 months elapsed before the issue of a default notice. Clearly, it was reluctant to act.

The Bracks Labor government welcomes the report of the coroner. The coroner's recommendations are being considered with a view to their full implementation. The government has nothing to hide and does not run away from the issues. The running of the private prison industry raises serious concerns, particularly management, security, safety and operational issues that go beyond those addressed by the coroner.

I have ordered an independent investigation of the operations and management of the three Victorian private prisons, together with a more rigorous contract management arrangement. The former regime of ticking off a set of flimsy contractual performance criteria will no longer operate. The government will require the contract monitors to advise on whether it is receiving good correctional management from the prisons.

The Victorian private prison industry is on notice. The government will not tolerate poor security or poor occupational health and safety, prison management and practice. It will rigorously pursue the options available under both the contracts and the law to ensure that the prisons meet their obligations. The free ride for private prisons is over.

### **Rural Victoria: doctors**

**Mr DOYLE** (Malvern) — Will the Minister for Health advise the house how many doctors have been recruited and placed in rural Victoria under the Victorian overseas-trained doctors recruitment program since the Labor government came to power?

**Mr THWAITES** (Minister for Health) — The government supports the overseas-trained doctors recruitment program, as did the former government. However, for the program to proceed the support of the federal government is required. The government is still waiting for that support.

### **Harness racing**

**Ms BEATTIE** (Tullamarine) — I refer the Minister for Racing to the government's commitment to grow Victoria's harness racing industry. Will the minister inform the house of details of a summit on 15 May to discuss the future of harness racing?

**Mr HULLS** (Minister for Racing) — I thank the honourable member for Tullamarine for her ongoing interest in Victoria's racing industry. The harness racing industry is important to Victoria statewide. In addition to the weekly program at Moonee Valley, country race meetings involving 35 licensed and picnic country clubs hold more than 400 meetings each year. Of the more than 3000 licensed trainers and drivers many are at grass-roots level, racing one or two horses as a hobby. Whether it be the Inter-Dominion final or a country picnic meeting, harness racing remains a unique and exciting spectacle.

The government came to power with a policy of supporting all Victorian racing, and it intends to deliver. Unlike the thoroughbred and greyhound racing industries the harness racing industry has no strategic plan. I advise the house that the Harness Racing Board has agreed to my proposal to hold a harness racing summit in Victoria on 15 May.

Although it may be of no interest to opposition members, harness racing is important to country Victorians, particularly those in Benalla — but don't mention the war! My office has received many telephone calls, letters and submissions from people

wanting to be involved in the future of harness racing which indicates no shortage of interest in or opinion on its future.

The summit will be open to the public. I encourage everyone who is interested in harness racing to participate and contribute in a positive way. A series of workshops will tackle stake money, race programming and industry management issues.

Several vacancies will shortly occur on the Harness Racing Board. Following the summit an entirely new government structure for Victorian harness racing may occur. The government will advertise for expressions of interest to fill available positions. The government wants a broader cross-section of board representation, including women and young people. The government wants to bring on the next generation of leaders for this important sporting industry.

Members of the harness racing industry need to work together to advance the sport towards a common long-term vision and the summit, which will take place on 15 May, represents an important starting point in the process.

### **Budget: webcast**

**Dr NAPTHINE** (Leader of the Opposition) — I refer the Premier to the letter addressed to him as Treasurer by Mr Speaker in relation to the Internet broadcast of the budget speech. Has he responded to the Speaker's letter, and in keeping with traditions of budget and budget reply broadcasts will the government offer the same facility of an Internet broadcast funded by Department of Treasury and Finance for the speech to be given by the shadow Treasurer?

**Mr BRACKS** (Premier) — Mr Speaker, I know that you have ruled on a related matter to this question. The facility that has been mentioned by the Leader of the House and the government side is open for the opposition for its budget reply.

**An honourable member** interjected.

**Mr BRACKS** — I will come to that. If the opposition believes that it is a high priority, it has a global budget from which it can take that funding in the future.

**Mrs Peulich** — That is democracy at a price!

**The SPEAKER** — Order! The honourable member for Bentleigh shall cease interjecting.

### **Post-compulsory education and training: ministerial review**

**Ms GILLETT** (Werribee) — Will the Minister for Post Compulsory Education, Training and Employment advise the house on the interim report of the ministerial review into post-compulsory education and training pathways in Victoria, and the public response following the release of the documents?

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — Honourable members will recall that at the beginning of this year I appointed a ministerial review into post-compulsory education and training pathways. The review has looked at ways in which the government can improve the post-compulsory years and provide education for young people so that more of them are connected to education, training and employment than was the case under the previous government. The review is chaired by Mr Peter Kirby, whom I am sure would be supported by all honourable members. He has done a magnificent job.

The review has undertaken detailed consultations. To date it has received 223 submissions, conducted 12 principal forums across the state and scheduled 16 hearings — 10 in rural Victoria and 6 in metropolitan locations — 5 of which have been completed. More hearings will take place in regional Victoria than in metropolitan areas — something the opposition would not understand! Members of the review have had discussions with over 17 organisations and there are youth forums planned. It is a well-researched review.

The review has provided me with an interim report indicating that things need to change, that the current system does not look after enough young people and that the boundaries between schools and training need to be broken down so there are more options for young people. The government is very supportive of that.

The public response to the interim report has been positive. The government hoped it would have bipartisan support for the report, but that has not happened. Last Wednesday evening on radio 3LO I spoke about the interim report. I was happy to take talkback calls, unlike opposition members, who do not like to hear anything, and there was a phone call from the honourable member for Hawthorn — Talkback Ted. I think he was a bit surprised to get on because when he was asked whether he had read the report he said, 'No' and that he had been unable to do so because the report was not available on the web site. The

compere's response was 'Oh, that's where I got it from this afternoon'.

In fact the interim report was available on three web sites, not one. In addition, the government sent the report out to a range of people. The honourable member for Hawthorn made a bit of a fool of himself. Even worse, he indicated there seemed to be no problem with the fall in retention rates in Victoria under the previous government. He said that the retention rates had fallen only marginally in the past seven years. That is correct, but they actually fell from just over 86 per cent in 1992 to just over 81 per cent in 1999. He also did not seem to have much of a concern about unemployment and said that unemployment had fallen dramatically since 1992. Not for teenagers, it has not — and that is what the government is concerned about!

The member for Hawthorn was so desperate to be heard that he did not worry about what he had to say. The government is greatly encouraged by the interim report and I hope to get support from others on the opposition front bench. I hope they do not take their lead from the member for Hawthorn but support the government and Mr Peter Kirby and this interim report. I look forward to receiving a final report from the Kirby review.

**The SPEAKER** — Order! The time for questions has expired. A minimum number of questions and answers have been asked and answered.

**Dr Napthine** — I am reluctant to raise this point of order, but it is very important.

*Honourable members interjecting.*

**Dr Napthine** — I am not seeking and do not want to delay the budget speech, which I look forward to hearing. However, in response to an earlier point of order, Mr Speaker, you said you could not make a decision because you could not anticipate how the media organisation to which you had given permission to provide the Internet broadcast would respond to the letter you wrote to it. In response to a question today the Premier advised the house that the media organisation to which you have given permission to provide the Internet broadcast will not meet the requirements of the broadcasting guidelines passed by the former government.

*Honourable members interjecting.*

**Dr Napthine** — The Premier has now admitted that one can purchase coverage of the proceedings of this house.

*Honourable members interjecting.*

**Dr Napthine** — The purpose and intent of the guidelines for the televising and broadcasting of proceedings adopted by the house on 18 February 1998 are clearly specified in their wording. Paragraph (2) of those guidelines provides:

... the following conditions be required to be observed by media organisations making sound and/or visual transmissions or broadcasts from the Legislative Assembly chamber ...

Media organisations to which you, Mr Speaker, give permission are required to meet certain responsibilities, one of which is contained in paragraph (2)(e) which provides:

Visual and/or sound recording of any particular proceeding must provide equality between government and non-government members.

That requirement of the guidelines specifically sets out their purpose and intent. Paragraph (2)(f) provides that visual or sound transmissions or broadcasts or rebroadcasts of proceedings shall be made in such a way as to provide a balanced presentation of differing views. The media organisation is required to present not only one side of the budget debate; it is a requirement and the purpose and intent of the guidelines that it not do so.

It is important that the budget speech be transmitted on the Internet. It is a positive move for the Parliament. However, I will give the Premier and Treasurer the opportunity to advise the house that contrary to the answer he gave during question time he will now provide similar funding from the Department of Treasury and Finance to meet the requirements of these provisions of the guidelines so that the Internet broadcast can go ahead as members on this side of the house want it to.

To meet the requirements of the guidelines we want to ensure equality of opportunity and that similar opportunity is provided to government and non-government members. We want the Department of Treasury and Finance to provide the media organisation that you, Mr Speaker, have approved to undertake this Internet broadcast with the necessary funding to meet the requirements of the house — that is, to provide a balanced coverage to both sides of the house.

In answer to the question the Premier has said that will not be done. I ask the Premier to provide the opportunity for that broadcast to go ahead. I ask him to get on his feet and say to the house that, yes, he will extend the same privilege to the opposition.

**The SPEAKER** — Order! The Leader of the Opposition may not ask the Premier a further question. He is raising a point of order.

**Dr Napthine** — Unfortunately, if the Premier is not able to provide that opportunity to the house, Mr Speaker, I put it to you that you have no alternative but to act to ensure the conditions and intent of the sessional order are upheld. If the media organisation to which you have given permission to do the broadcast is going to provide only a biased broadcast of one side, you have no alternative but to discontinue its involvement in the broadcast, which would be most unfortunate. I would prefer that the Premier and Treasurer advise the house that a similar opportunity will be provided to the shadow Treasurer, and then the house can proceed.

**Mr Thwaites** — On the point of order, Mr Speaker, the Leader of the Opposition is just repeating the point of order he raised previously. He is desperate to hold up the budget. He does not want the good news to get out.

It is clear the opposition is getting what it has asked for. The opposition has been offered exactly what the Leader of the Opposition has asked for — equality of opportunity. The opposition is seeking something that is not mentioned in the resolutions — it wants funding; it wants extra dollars. Clearly there is equality of opportunity for that recording. That is what the opposition has but it is deliberately delaying the proceedings of the house. It does not want the good news in the budget to get out.

**Mr McArthur** — On the point of order, Mr Speaker, in your ruling prior to question time you clearly ruled twice that you are unable to anticipate what the media organisation would do and how it would treat the broadcast of the budget speech. Members of the opposition can accept that ruling because we accept that, while the Chair is responsible for the orderly conduct of the house and has at all times done so even-handedly and with balance, it cannot be expected that you could anticipate the actions of others.

In his answer to the question from the Leader of the Opposition the Premier, who is also the Treasurer and who is the head of the Department of Treasury and Finance — the very organisation that you, Sir, authorised to provide the broadcast and to lodge it on the web at 3 o'clock or thereabouts today — clearly said that the Department of Treasury and Finance would not provide the same coverage for the opposition response to the budget speech. That gets over your problem of anticipating the actions of the Department of Treasury and Finance. The head of the Department

of Treasury and Finance has stipulated in this place that the Department of Treasury and Finance will not fund or provide that broadcast. If the opposition wants to have that broadcast the opposition must fund it out of its own resources.

On behalf of the Opposition I put it to you, Mr Speaker, that that overcomes your difficulties in anticipating the actions of the Department of Treasury and Finance. I also put it to you that the statement by the Premier clearly contradicts the resolution of the house agreed to by all members on 27 May 1999, which the Labor Party when in opposition agreed to without dissent and without question. That leaves you with two options, Mr Speaker. You are now clearly aware that the Department of Treasury and Finance intends to flout the resolution of the house and that it does not intend to take into account the resolution of the house, which states:

visual and/or sound recording of any particular proceeding must provide equality between government and non-government members.

That is a quote from a resolution of the house — one to which the Treasurer has now responded, saying, 'No, that will not be done'. Mr Speaker, that gives you two options. One is to withdraw your approval of the broadcast. I hope that does not happen. I do not seek that. The opposition would like the broadcast to proceed. The second option is contained in clause (2)(k) of the resolution of the house on 27 May 1999, which I quote for the benefit of those who were not members of the house at the time:

Media personnel are required to obey any instruction given by Mr Speaker or Mr Speaker's delegates;

Mr Speaker, it is open to you now to issue an instruction to the Department of Treasury and Finance that coverage must be provided for the speech of the Deputy Leader of the Opposition when she responds to the budget on Thursday, 11 May. Your doing so will enable the broadcast to proceed, as all members of this place wish and in compliance with the resolution of the house passed on 27 May 1999 — a resolution that all members are required to abide by. That is an attractive option and one that gives everybody — —

*Honourable members interjecting.*

**Mr McArthur** — For the benefit of those opposite who were not here on 27 May last year, I point out that that option would allow the resolution of the house to be complied with, would fulfil the wish of the Premier and Treasurer to have the budget broadcast live on the web and would meet the requirement of the house's

resolution that coverage be given evenly to all sides of the debate.

**Mr Batchelor** — On the point of order, I would like to bring some commonsense back to the debate. Mr Speaker, the government sought your permission for the broadcast to proceed, and that has been granted. That should have been the end of the matter. Essentially the opposition is now seeking to go over the same grounds that were gone over earlier.

The government indicated at the beginning of the session that it had no objection to the opposition being given permission to broadcast. If it would like to organise the broadcasting over the web of the shadow Treasurer's budget response it should do so — in fact, the government encourages the opposition to do so. Its response ought to be shown worldwide. It will be illuminating. It ought to be compulsory viewing! Perhaps the opposition would like us to pass a law compelling everybody to watch it. The government will go as far as not only not objecting, but encouraging the opposition to do that.

But the opposition is substantially funded from the public purse. Over \$500 000 in funding is provided to the opposition. What it is seeking today is not permission, because if it had wanted permission it would have already applied to you, Mr Speaker. The opposition would not have sent you a written request for permission, because what it is doing today is asking the government to put its speech on the government's web site because the opposition's site is no longer there. Gone is [www.jeff.com.au](http://www.jeff.com.au). The opposition does not have a web site, and it wants us to put its budget reply on our site. If it does not want that it wants us to fund it. The opposition is already getting the funding. If it had been an important priority the opposition would reallocate the resources from within the existing funds given to the Leader of the Opposition to carry out such activities.

You should reject it. We should get on with the budget so they can hear the fantastic news that is about to be delivered.

**Mr Perton** — On the point of order, Mr Speaker, you have been left in a most difficult position.

*Government members interjecting.*

**Mr Perton** — Indeed, the laughter of members opposite and the contempt for Parliament being shown by the minister is — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order.

**Mr Perton** — Your job, Mr Speaker, is to defend the Parliament against the executive. You and I had a conversation on Friday during which you made it clear to me that you believed the rules relating to media organisations also relate in these circumstances to the Department of Treasury and Finance. I will not raise the additional point of whether the Department of Treasury and Finance can be a media organisation, but it is clear the advent of the Internet and web sites throws up new constitutional issues.

You have written to the Treasury requiring it to comply with the broadcast rules. In that sense you have ruled that Treasury is a broadcast organisation. In his answer to the last question without notice the Treasurer, who is the head of that department, made it clear that he would not comply with your requirement.

A web broadcast is not a simple matter. You expressed your frustration to me, Mr Speaker, that the Parliament's information technology unit has shown itself manifestly incapable of producing a web broadcast. As a result, by arrangement with the media you have given the Department of Treasury and Finance permission to use the television camera in the Hansard box as well as the camera in the public gallery. In addition, another expensive Internet camera and other equipment necessary to undertake the web broadcast have been set up in the gallery. You have not been informed about how much is being paid as a media fee.

You have ruled, Mr Speaker, that the Department of Treasury and Finance is a media organisation, and you have required it to comply with the rules. You now have the head of that department saying to you that he will not comply with your rules.

**Mr Bracks** interjected.

**Mr Perton** — By way of interjection he now says, 'I did not say that', but the media is up there in the gallery and members of the media have recorded his words.

In my submission, Mr Speaker, you have only one option, which is to require the Treasurer to get to his feet now and give you an undertaking that as the head of that organisation he will provide exactly the same broadcasting facilities to the opposition as have been provided to the government.

I note that the honourable member for Gippsland South was conversing with members of the front bench. If the

Premier wants to go further and provide that sort of coverage to the Independents, that would be appropriate, too. In fact, it is probably appropriate to have the whole budget debate broadcast.

You are now in an impossible position, Mr Speaker, unless the Treasurer gets to his feet and gives you the undertaking you required by letter from the Department of Treasury and Finance.

**The SPEAKER** — Order! The point of order provided for a wide-ranging debate about the problems associated with information technology issues involving the Parliament. In raising the point of order the Leader of the Opposition sought an assurance that the equal balance requirement in the televising and broadcasting rules of the Parliament would be applied.

In the debate on a previous point of order I advised the house of what I perceived the current situation to be. The Leader of the Opposition seemed to rely on an answer provided by the Premier during question time today. I was listening intently to the answer provided by the Premier and I heard him say he would be willing to make available the facilities required for the broadcasting or webcasting of proceedings on a future occasion. However, the question of costs was not satisfactorily resolved.

I believe that in the current predicament in which the house finds itself I have little choice but to proceed with the webcast today as previously arranged and to take on board, for the House Committee to address, the whole host of IT issues that have arisen as a result of the point of order. There is no point of order.

*Honourable members interjecting.*

**The SPEAKER** — Order! I remind honourable members that they should remain silent at all times when the Speaker is on his feet.

**Mr Phillips** — Turn on your microphone.

**The SPEAKER** — Order! Particularly the honourable member for Eltham!

## BENALLA: BY-ELECTION

**The SPEAKER** — Order! I advise the house that on 18 April I issued a writ for a by-election for the electoral district of Benalla, to be held on 13 May.

## PETITIONS

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

### Scotchmans Creek

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that we urge the government to ignore an ill-conceived petition currently being submitted on the subject of Melbourne Water's proposal to clean up Mount Waverley Creek, downstream (east) of Regent Street, Mount Waverley.

Your petitioners therefore pray that the government supports the long-term health of our creeks and the proposals by the Friends of Scotchmans Creek on this issue, which include:

close cooperation with Melbourne Water

retention of weeping willows but removal of basket willows which have caused parts of the creek to become heavily silted up, stagnant and smelly; and

carrying out minor creek re-establishment and revegetation of the affected area with acceptable native and aquatic plants.

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

**By Mr SMITH (Glen Waverley) (116 signatures)**

### Scotchmans Creek

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 protest against the proposal of Melbourne Water and the City of Monash to poison and cut down willow trees in Scotchmans Creek reserve (*Melway* reference page 70).

We call on the government to prevent this from occurring.

Further we call on the government to ensure that Melbourne Water and the City of Monash provide and maintain an environment in which the willows can thrive and regenerate for the length of the creek reserve, being from the Regent Street and Waverley Road corner up to the entrance to the Holmesglen TAFE nursery.

Further that the government ensures that Melbourne Water and the City of Monash provides a clear view of the willows by clearing and pruning any vegetation as necessary. The willows must be visible from Regent Street, Waverley Road, Lawrence Road, Blackburn Road and Bunker Avenue and any residence, other buildings or place that might overlook the willows.

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

**By Mr SMITH (Glen Waverley) (375 signatures)**

**Police: Emerald station**

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

The humble petition of the undersigned citizens of the state of Victoria sheweth the need for additional and continuing police services in Emerald and the surrounding area.

Your petitioners therefore pray that the Minister for Police and Emergency Services provides the necessary resources to ensure that the Emerald police station is fully staffed and provides a 24-hour service to the community.

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

**By Mr MACLELLAN (Pakenham) (276 signatures)**

**Laid on table.**

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

*Alert Digest No. 5*

**Ms GILLETT (Werribee) presented *Alert Digest No. 5 of 2000* on:**

**Accident Compensation (Common Law and Benefits) Bill**

**Adoption (Amendment) Bill**

**Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill**

**Chinese Medicine Registration Bill**

**Disability Services (Amendment) Bill**

**Electronic Transactions (Victoria) Bill**

**Environment Protection (Enforcement and Penalties) Bill**

**Equal Opportunity (Breastfeeding) Bill**

**Equal Opportunity (Gender Identity and Sexual Orientation) Bill**

**Essential Services (Year 2000) Act 1999**

**Federal Courts (Consequential Amendments) Bill**

**Local Government (Governance) Bill**

**National Taxation Reform (Further Consequential Provisions) Bill**

**Planning and Environment (Amendment) Bill**

**Vocational Education and Training (Council Membership) Bill**

**Witness Protection (Amendment) Bill**

**together with appendices.**

**Laid on table.**

**Ordered to be printed.**

**PAPERS**

**Laid on table by Clerk:**

Mr Hulls presented by Command of His Excellency the Governor:

County Court — Report for the year 1998–99 —  
Ordered to lie on the Table.

Ballarat Health Services — Report for the year 1998–99

Barwon Health — Report for the year 1998–99 (two papers)

Bendigo Regional Institute of TAFE — Report for the year 1999

Box Hill Institute of TAFE — Report for the year 1999

Central Gippsland Institute of TAFE — Report for the year 1999

Chisholm Institute of TAFE — Report for the year 1999

Council of Adult Education — Report for the year 1999

*Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s. 17D — leases by the Southern Grampians Shire Council (two orders)

Djerriwarh Health Services — Report for the year 1998–99 (two papers)

Driver Education Centre of Australia — Report for the year 1999

East Gippsland Institute of TAFE — Report for the year 1999 (two papers)

East Wimmera Health Service — Report for the year 1998–99

*Financial Management Act 1994:*

Reports from the Minister for Environment and Conservation that she had received the 1998–99 Annual Reports of the:

Eastern Regional Waste Management Group

Northern Regional Waste Management Group

South Eastern Regional Waste Management Group

Western Regional Waste Management Group

Report from the Minister for Health that he had received the 1998–99 Annual Report of the Edenhope and District Memorial Hospital

Report from the Minister for Post Compulsory Education, Training and Employment that she had received the 1999 Annual Report of the International Fibre Centre Ltd (IFC)

*Financial Management (Financial Responsibility) Act 2000* — Budget Paper No. 2 — 2000/01 Budget Statement

Gordon Institute of TAFE — Report for the year 1999

Goulburn Ovens Institute of TAFE — Report for the year 1999

Hepburn Health Service — Report for the year 1998–99

Holmesglen Institute of TAFE — Report for the year 1999

Kangan Batman Institute of TAFE — Report for the year 1999

Mercy Public Hospitals Incorporated — Report for the year 1998–99 (four papers)

National Crime Authority — Report for the year 1998–99

Northern Melbourne Institute of TAFE — Report for the year 1999

*Planning and Environment Act 1987:*

Notice of approval of the new Frankston Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Boroondara Planning Scheme — No. C7

Darebin Planning Scheme — No. C5

Kingston Planning Scheme — No. C1

Stonnington Planning Scheme — Nos L67, L68

Yarra Ranges Planning Scheme — No. L120

Portland and District Hospital — Report for the year 1998–99 (two papers)

Rural Northwest Health — Report for the year 1998–99

South West Institute of TAFE — Report for the year 1999

Statutory Rules under the *Magistrates' Court Act 1989* — SR No. 27

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 112/1999, 27

Sunraysia Institute of TAFE — Report for the year 1999

West Wimmera Health Service — Report for the year 1998–99 (two papers)

William Angliss Institute of TAFE — Report for the year 1999

Wodonga Institute of TAFE — Report for the year 1999

Wonthaggi and District Hospital — Report for the year 1998–99.

## GOVERNOR'S SPEECH

### Address-in-reply

**The SPEAKER** — Order! As directed by the house, on 27 April 2000 I waited upon His Excellency the Governor and presented to him the address of the Legislative Assembly agreed to on 16 March 2000 in reply to His Excellency's speech on the opening of Parliament.

His Excellency was pleased to make the following reply:

Mr Speaker and honourable members of the Legislative Assembly:

In the name and on behalf of Her Majesty the Queen I thank you for your expressions of loyalty to Our Most Gracious Sovereign contained in the address you have just presented to me.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this state.

James Gobbo  
Governor of Victoria.

**Honourable Members — Hear, hear!**

## ROYAL ASSENT

Message read advising royal assent on 18 April to:

**Corporations (Victoria) (Amendment) Bill**  
**Education Acts (Amendment) Bill**  
**Financial Management (Financial Responsibility) Bill**  
**Flora and Fauna Guarantee (Amendment) Bill**  
**Prevention of Cruelty to Animals (Amendment) Bill**  
**Prostitution Control (Planning) Bill**  
**Renewable Energy Authority Victoria (Amendment) Bill**  
**Road Safety (Amendment) Bill**

## APPROPRIATION MESSAGES

Message read recommending appropriations for:

**Accident Compensation (Common Law and Benefits) Bill**  
**Environment Protection (Enforcement and Penalties) Bill**  
**National Taxation Reform (Further Consequential Provisions) Bill**

## APPROPRIATION (2000/2001) BILL

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2000–01.

Estimates ordered to lie on table.

*Introduction and first reading*

Mr BRACKS (Treasurer), pursuant to standing order no. 169, introduced a bill to appropriate certain sums out

**of the consolidated fund in respect of the financial year 2000–01 and for other purposes.**

**Read first time.**

*Second reading*

**Mr BRACKS** (Treasurer) — I move:

That this bill be now read a second time.

**Introduction**

This is the first budget of the Bracks Labor government.

It's also the first budget speech in any Australian Parliament to be broadcast 'live' on the Internet.

But more importantly, this is the first time that all Victorians, wherever they live in the state, have been able to directly participate in the proceedings of their own Parliament.

I'm proud to welcome all of you who are watching this historic broadcast.

**Election commitments delivered in full**

Mr Speaker, at the last election my team promised to deliver on four key pillars:

- responsible financial management;
- promoting growth across the whole state;
- delivering improved services; and
- restoring democracy.

These four key pillars formed the basis of the 115 service delivery initiatives that were promised at the last election, and described in *Labor's Financial Statement*.

I am proud to say that this budget — our first budget — delivers on those commitments.

It delivers on each and every one of our commitments in education, health and community safety.

It delivers on Labor's commitment to the people of regional Victoria.

There are no 'core' and 'non-core' promises here.

There's no wriggling and twisting around to get out of our election promises.

In the election campaign, we said we would only promise what we could deliver. In this budget, we have delivered what we promised.

Prior to the election, we undertook a rigorous and disciplined process of policy development and consultation.

We went to the electorate with clear and responsible commitments.

We put before Victorians a full plan for our term in office.

We chose a new style of political campaigning, because we wanted to be a new style of government. One that Victorians could trust.

This budget honours that trust.

What's more, the 2000–01 budget documents put the state's finances before Victorians in an unambiguous and open manner.

For the first time in Victoria, the budget papers include a scorecard, measuring the government's promises against what we have delivered.

For the first time, the budget papers set out estimates of revenues forgone through exemptions and concessions included in tax legislation.

Victorians can now see very clearly what those exemptions and concessions cost.

And for the first time since the move to accrual accounting, the budget papers detail the cost of each individual output.

Victorians can now understand how and where their money is being spent.

The 2000–01 budget lifts the veil of secrecy surrounding recent budgets and marks the start of a new era in open and honest budget documentation.

**Responsible financial management**

As promised, this budget delivers a financially responsible and socially progressive blueprint for Victoria.

It provides a sound and stable financial basis to enable the whole state to grow.

Central to our election platform was the commitment to maintain a substantial operating surplus. The first

Bracks Labor government budget delivers on this promise.

We have fully funded our election commitments at a cost of \$426 million in 2000–01.

After allowing for that — and for unexpected and unavoidable expenditure on key services — a budget operating surplus of \$592 million is forecast for 2000–01.

Looking further ahead — surpluses averaging more than \$450 million are projected over the remainder of the forward estimates period.

An operating surplus of this level will ensure that the government's target of an ongoing surplus of at least \$100 million is resilient to moderate economic downturns.

Responsible financial management also involves keeping state liabilities at prudent levels.

Victoria's triple A rating was affirmed by Standard and Poor's on 20 December 1999, and awarded by Moody's Investors Service on 8 February 2000.

Both ratings agencies cited Victoria's exceptionally low debt levels, strong fiscal position, and the government's commitment to financial responsibility as the key reasons for awarding Victoria their highest credit rating.

The government is committed to retaining these financial settings.

The 2000–01 budget further reduces state liabilities.

Budget sector net financial liabilities are expected to fall from 10.9 per cent of GSP as at June 1999 to 7.7 per cent by June 2004.

In particular, the government is putting \$250 million of the 1999–2000 surplus towards fully funding the Emergency Services Superannuation Scheme.

The government is adopting a new funding framework for superannuation, with the aim of achieving 100 per cent funding of the Victorian government's superannuation liabilities by 2035, 15 years ahead of previous estimates.

Finally, state government net debt is expected to decline from \$6.2 billion to \$4.7 billion over the forecast period.

The critical elements of financial responsibility are in place.

So too are the economic fundamentals.

### Growing the whole state

Robust Victorian economic growth is expected to continue, although at a more sustainable pace — 4¼ per cent this year and 3½ per cent in 2000–01.

On the back of this growth, the Victorian unemployment rate is forecast to keep improving, making the government's 5 per cent target achievable.

Private investment remains robust. Latest Australian Bureau of Statistics expectations data indicate a rise in Victorian capital expenditure of around 20 per cent in 2000–01.

This government wants to ensure that all Victorians share in the benefits of the state's economic prosperity. Unfortunately over the last seven years, large areas of Victoria have missed out.

Since the start of 1994, employment in metropolitan Melbourne has grown almost 17 per cent, compared with 8 per cent in the rest of the State.

Despite the fact that Victoria is now gaining population from other states for the first time in 25 years, many regions in the state have experienced very low rates of growth, and even losses of population, in recent years.

We have a clear plan for growth across Victoria. It is a vision that was endorsed at the recent Growing Victoria Together Summit.

This is a pro-business budget.

*Opposition members interjecting.*

**Mr BRACKS** — Breaking all conventions again! We didn't do this to Stockdale!

It focuses on a plan to improve Victoria's competitiveness, attract new investment and generate jobs.

The key components of that plan are investment in world class economic infrastructure, a fair and competitive taxation system and a skilled work force — underpinned by a sound state financial performance.

Our plan also targets key drivers of growth.

Since coming to office the government has introduced a set of coordinated and complementary strategies to enable Victoria to take advantage of opportunities from evolving economic, industrial and technological trends.

These include: Linking Victoria — an integrated transport infrastructure program to revitalise the state's rail, roads and ports; Skilling Victoria — a program that recognises the importance of education and training to the long-term growth prospects and individual aspirations of Victorians; and Connecting Victoria — a strategy for growing the state's information and communications technology industry and for sharing the benefits of these technologies across the entire Victorian community.

This budget includes two major initiatives to facilitate the implementation of this plan.

The first provides for business tax cuts totalling at least \$400 million over the next four years.

From July 2001 business taxes will be cut by \$100 million, increasing to \$200 million per year by July 2003.

This cut will keep Victoria's taxes broadly in line with the national average and below New South Wales.

Details of the business tax cuts will be determined following a review of Victoria's tax system — the first since 1983 — which will report by the end of 2000. The terms of reference for this review will be released in the coming weeks.

The second initiative is the establishment of a new \$1 billion infrastructure reserve, Growing Victoria. This represents a 20 per cent boost to infrastructure investment, over and above the level of investment planned for the next four years.

Capital expenditure of \$190 million has already been allocated from Growing Victoria for school modernisation and rail projects.

Future investments of considerable economic and social benefit to the state will focus primarily on the capital components of Linking Victoria, Skilling Victoria and Connecting Victoria.

Some other key infrastructure projects include:

\$240 million for accident black spots, half of which will be spent in regional Victoria;

\$70 million towards extending suburban train and tram lines and introducing flier trains to Dandenong, Ringwood and Frankston;

\$90 million towards regional and metropolitan arterial roads and the Dingley bypass stage 1;

upgrades to the Frankston and Kyneton hospitals — at a cost of \$23 million; and

\$37 million for the development, upgrading or replacement of a number of police stations and facilities.

In 2000–01, total spending on infrastructure projects will amount to \$1.2 billion, rising to \$1.9 billion by 2003–04. This is a major boost to Victoria's economic and social infrastructure and a substantial and long overdue commitment to the economic development of this state.

Other key initiatives that will be implemented in this budget to further enhance the competitiveness of Victorian business include:

a strategic audit of Victorian industry;

the new Manufacturing Industry Consultative Council to advise on strategic directions for this long-neglected sector; and

a new Victorian Economic and Social Advisory Council, which will advise on the economic and social development of the state.

By Growing Victoria together, the government is also delivering on its commitment to rebuild rural and regional communities.

This budget is about a fair share for rural and regional Victoria. It reverses years of neglect and it provides the proof that this is a government ready and willing to give regional areas the support they need to unlock their potential and build for the future.

In addition to the investments that will be undertaken from the Growing Victoria reserve, this government has also introduced specific initiatives, such as:

a \$170 million Regional Infrastructure Development Fund to enhance economic infrastructure in rural and regional areas;

a \$35 million Living Regions–Living Suburbs Support Fund to assist local social and economic projects;

a boost of \$15 million over four years to strengthen regional development organisations and better promote regional investment; and

more than \$22 million over four years for various statewide tourism initiatives.

Regional Victoria will also benefit from the government's strong commitment to information technology, delivered through the Connecting Victoria strategy. We recognise the potential of new technologies to deliver both economic and social benefits to Victoria — to generate new industries, to revitalise existing ones and to create new jobs.

This budget acknowledges that potential through several major initiatives:

\$9 million to boost public Internet access, with a focus on regional areas and on those communities without convenient Internet access;

a \$3.5 million expansion of Skillsnet — a community-based program targeted at technologically disadvantaged Victorians; and

the establishment of an Electronic Export Assistance Centre to help Victorian businesses in trade readiness, promotion and financing.

We promised to be a forward-looking and innovative government when it comes to information and communications technology.

We promised to develop strategies for sharing the benefits of these technologies across the entire Victorian community.

We promised to begin the work of positioning Victoria as the knowledge capital of the knowledge nation.

This budget — along with the Connecting Victoria strategy — delivers on those commitments.

### **Delivering improved services**

The Bracks government is determined that all Victorians have access to the services, resources and opportunities necessary to fulfil their potential.

Over the past seven years, Victorians have seen substantial erosion in their health, education and community services.

The quality of basic infrastructure has declined and many services are unable to keep pace with growing demand.

Funding cuts have undermined our capacity to deliver the standards of services that Victorians expect. They have also had a damaging effect on the wider community.

The Growing Victoria Together summit supported this government's view that a successful, productive and

growing economy is built on an inclusive society, one in which people feel they have a say and a stake. This budget begins the critical task of building a more inclusive society by delivering improved services to the people of Victoria.

After allowing for new expenditure responsibilities taken on from the commonwealth as a result of their new tax system, this budget delivers a 5.2 per cent increase in expenditure.

This increase in spending will deliver improved services in several key areas.

### *Education and training*

Victoria needs a strong education and training system. Such a system underpins the development of a skilled work force capable of adjusting to economic change and opens pathways to emerging job opportunities.

The government is committed to ensuring that all Victorians have the knowledge and skills they need to participate as responsible, informed and productive citizens in our society.

Investments in education and training are not only necessary to improve the competitiveness of the Victorian economy, but are critical to creating a culture of lifelong learning and restoring a sense of community.

To achieve these objectives the budget provides for a range of initiatives including:

\$165 million over four years to employ an additional 350 teachers in primary schools as part of our goal of reducing class sizes from prep to grade 2 to an average of 21 students;

\$121 million for the modernisation of school and TAFE facilities;

\$65 million over four years to expand the pathways open to our young people in the post-compulsory years of education;

\$72 million to assist private and public employers to train and employ a further 16 000 new apprentices and trainees over the next four years; and

\$43 million over four years to employ student welfare coordinators in every secondary college.

### *Health and community services*

Nothing is more important than the health and wellbeing of the Victorian community.

The government faces a major challenge in responding to community demands for a real improvement in hospital service levels and quality while at the same time addressing the financial viability pressures hospitals face as a result of past funding reductions.

This budget marks the end of a long period of decline in Victoria's public hospital system.

In this budget we begin the task of building a world-class hospital system with a \$176 million public hospital strategy that includes:

opening 360 beds and easing the pressure on hospital emergency departments during the winter period;

treating an additional 20 000 patients;

creating a sound financial basis for hospitals by boosting the price paid for casemix-funded services, sub-acute beds and rural hospitals;

funding an extra 70 00 outpatient and other services; and

addressing the falling quality of public hospitals by attracting and retaining nurses, improving cleaning and infection control and expanding hospital-to-home support services.

The government has also initiated a major new capital works program to rebuild Victoria's health infrastructure. As well as the Frankston and Kyneton hospital upgrades, projects include the redevelopment of the Royal Women's Hospital, nursing home upgrades and community care centres in Sunshine and Preston.

The government is currently reviewing options for a major redevelopment of the Austin and Repatriation Medical Centre, with \$5 million allocated to the redevelopment from the budget of the Department of Human Services.

This government will also ensure that patients discharged from hospital receive the community care they need to make an effective recovery through a new hospital-to-home program and an additional \$45 million over four years for community health programs.

We have also committed \$39 million over four years to provide better services for older Victorians, including home and community care, rehabilitation and geriatric assessment beds and health promotion initiatives.

As part of its overall anti-drug strategy the government has committed an additional \$75 million over four

years to prevent illicit drug use, save lives and improve treatment and rehabilitation services.

This government will ensure that families receive the support they need to nurture the next generation of Victorians.

We are restoring and expanding support services for families, with an additional \$35 million in 2000–01 for early childhood services, community services, juvenile justice programs and child protection.

Under this government people with a disability, their families and carers will receive the support and assistance to which they are entitled.

In 2000–01, an additional \$28 million will be spent to reduce the backlog of disability services, improve support to carers and expand community-based accommodation support options.

The budget also provides an additional \$90 million over three years to expand the level of public and community housing by 800 units.

#### *Safer communities*

It is fundamental to the government's vision for the state that Victorians are safe and feel secure in their homes, streets and communities.

The budget delivers on Labor's commitment to build safer communities by:

allocating \$64 million over four years to place an additional 800 operational police on the streets;

providing an additional \$37 million over three years to develop, upgrade and replace police stations and facilities;

establishing the Office of the Emergency Services Commissioner to facilitate greater coordination of all Victoria's fire and emergency services; and

enhancing public transport safety and accessibility, including an extra 100 railway staff and an additional 100 tram conductors across tram networks.

These measures mark the first steps towards meeting Labor's aim of making our homes, streets and public transport safer.

#### **Restoring democracy and accountability**

The Bracks government has pledged to return Victoria to open, transparent and accountable government.

Already we have moved swiftly to strengthen the power of independent watchdogs and increase community participation in the decision-making process:

We have restored the independence of the Auditor-General.

We have guaranteed the independence and powers of the Director of Public Prosecutions and the Ombudsman.

We have given local governments greater autonomy, allowing a stronger community voice in local issues.

We are restoring compensation for victims of crime.

We are restoring common-law rights for seriously injured workers.

The government has also introduced financial responsibility legislation, setting new standards in government accountability and transparency.

The Auditor-General has been given new powers to review the budget financial statements.

Under this legislation, the Auditor-General reviews the budget and reports to Parliament on budget day whether the estimated financial statements:

are consistent with the stated accounting policies;

are consistent with the government's key financial targets;

are properly prepared on the basis of the assumptions that underlie them; and

that the methodologies used to determine those assumptions are reasonable.

The Auditor-General has reviewed the financial statements under these new powers.

He has reported that nothing has come to his attention during the review that would cause him not to believe that the financial statements are properly prepared and consistent with the budget assumptions and targets.

This independent review is a major achievement in promoting open and transparent government in Victoria.

It is a world's first.

And it assures Victorians that the government's budget decisions are consistent, reasonable and properly prepared.

### **Appropriation bill**

The Appropriation (2000/2001) Bill provides authority to enable government departments to meet their agreed service delivery responsibilities in 2000–01.

The bill supports a financial management system that recognises the full cost of service delivery in Victoria and is thus based on an accrual framework, which includes cash and non-cash assets.

Schedule one of the bill contains estimates for 2000–01 and provides a comparison with the 1999–2000 figures.

In line with recent practices, the estimates included in schedule one of the bill are provided on a net appropriation basis.

These estimates do not include certain receipts that are credited to departments pursuant to section 29 of the Financial Management Act 1994.

### **Conclusion**

Right across the board, in each and every portfolio, this budget marks a new beginning for Victoria and a new era of open and accountable government.

This budget provides a sound financial platform for delivering key services and raising the living standards of all Victorians.

It includes \$426 million to implement our election commitments in full, commitments that focus on improving education, health and community safety.

It locks into place the economic environment that will enable business to prosper: lower taxes, lower debt, a substantial surplus and a boost to economic infrastructure.

It provides for business tax cuts totalling \$400 million over the next four years, meeting our commitment to benchmark these taxes to the average of other states.

It puts in place an additional \$1 billion Growing Victoria infrastructure investment reserve, boosting infrastructure spending by 20 per cent over the next four years.

All these initiatives are fully funded, leaving a budget surplus this year of \$592 million.

Finally, the Auditor-General has independently examined the budget — a process that sets new standards in financial transparency and accountability.

Mr Speaker, this budget passes every test we set ourselves.

We promised to deliver a substantial operating surplus — and we have.

We promised to deliver on our election commitments and to improve services in education, health and community safety — and we have.

We made a commitment to develop an economic framework to grow the whole of the state — and that is what we have done.

We promised to open the books for independent review by the Auditor-General — and we have done just that.

In each and every one of those areas, this budget delivers on Labor's commitments.

Mr Speaker, I am proud to commend the bill — Labor's first budget — to the house.

**Debate adjourned on motion of Ms ASHER (Brighton).**

**Debate adjourned until Thursday, 11 May.**

## APPROPRIATION (PARLIAMENT 2000/2001) BILL

**Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2000–01.**

**Estimates ordered to lie on table.**

### *Introduction and first reading*

**Mr BRACKS (Treasurer), pursuant to standing order no. 169, introduced a bill to appropriate certain sums out of the consolidated fund for the Parliament for the financial year 2000–01 and for other purposes.**

**Read first time.**

### *Second reading*

**Debate adjourned on motion of Dr NAPHTHINE (Leader of the Opposition).**

**Debate adjourned until Thursday, 11 May.**

## PARLIAMENTARY PRIVILEGE

### **Complaint: misleading the house**

**The SPEAKER** — Order! I desire to inform the House that, in conformity with the practice adopted on

19 April 1978, the member for Hawthorn lodged with me on 17 April 2000 written notification of a complaint against the Minister for Post Compulsory Education, Training and Employment.

The complaint alleges that the minister committed a contempt of the house by deliberately misleading the house in question time on Thursday 13 April 2000 when she stated she had not personally assisted in the drafting of a submission by Lavin Australia when it was clear that she had, and knew she had.

The member for Hawthorn has supplied certain documents supporting his claim. I should make the observation that the role of the Chair in this matter is to determine whether the complaint raised falls within the category of contempt.

The points made by the member for Hawthorn in support of his case are these:

- (1) Despite her denial, the minister did personally assist in the drafting of a submission by Lavin Australia;
- (2) Despite her denial, there is a prima facie case that the minister must be taken to have known when she gave her answer that it was untrue.

In relation to the first point that the minister did personally assist in the drafting of a submission by Lavin Australia despite her denial, the member for Hawthorn has produced a number of documents:

- (1) a sworn statement from a person who attended a meeting in Parliament House with the member for Altona, where the member for Altona allegedly assisted with the writing of the document in question;
- (2) a copy of the draft document demonstrating the alleged redrafting in the minister's own handwriting; and
- (3) a copy of the final version of the submission which allegedly demonstrates that its contents reflect the handwritten redraft.

In relation to the second point, that the minister must be taken to have known when she gave her answer that it was untrue, the member has produced argument with documented supporting evidence. I will make copies of the member's complaint available to the house.

The House of Commons has treated the making of a deliberately misleading statement as contempt. I am

satisfied that the matter raised falls within the category of such a contempt.

Further, in determining whether the complaint should be granted precedence over other business of the house, it is incumbent on the Chair to be satisfied that the matter has been raised as soon as is reasonably practicable. In this case, the action complained of relates to a ministerial answer supplied in question time on 13 April 2000 which the member placed before me on 17 April 2000. In my opinion the member has raised the matter in reasonable practical time.

I call upon the member for Hawthorn to now proceed in accordance with the practices of the House.

**Mr BAILLIEU** (Hawthorn) — I move:

That the complaint made by the member for Hawthorn on Tuesday, 2 May 2000, be referred to the Privileges Committee for examination and report.

I make a simple allegation. In question time on Thursday, 13 April 2000, the Minister for Post Compulsory Education, Training and Employment, the honourable member for Altona, deliberately misled the house when she emphatically denied she had not when in opposition personally assisted in the drafting of a submission by Lavin Australia, a submission that she later as minister rejected.

The allegation comes with indisputable evidence that the minister assisted in the drafting. In simple terms, I hold up a copy of the submission, a copy of the draft submission covered with handwriting — —

**Mr Batchelor** — On a point of order, Mr Speaker — —

**An Honourable Member** — You don't like it.

**Mr Batchelor** — I don't like you — of course I don't! I do not like the member at all.

The honourable member for Hawthorn has displayed a number of documents. I understand from his opening comments that he is going to rely on those and other documents. Earlier today, prior to the commencement of the debate, the government, through me, asked for copies of those documents to be made available. In the interests of natural justice I asked that the documents be made available to the government and to the minister in particular so she could understand the nature of the allegations to be levelled against her.

The opposition advised the honourable member for Hawthorn not to make the documents available to us. Mr Speaker, I ask you to require the honourable

member for Hawthorn to make available to the house at the commencement of the procedure all documents that he will quote from or base his arguments on — all documents in his possession regarding the matter. To do otherwise would demonstrate the mockery he is proposing to make of a serious procedure.

**The SPEAKER** — Order! The process in the house has been for a document to be made available upon request by any honourable member. The practice has also been that in cases involving privilege the document be made available upon its being referred to by an honourable member.

Earlier in the day in chambers I asked the honourable member for Hawthorn to have copies available for the benefit of honourable members as he refers to the documents, as those documents will be relied upon by honourable members in making a decision on the motion put forward by the honourable member for Hawthorn. I ask the honourable member for Hawthorn to provide to the house the documents as he refers to them.

**Mr BAILLIEU** — I am happy to provide those documents, and do so now.

As I said, I have a draft submission covered with handwriting and a sworn statement indicating that the drafting of the draft document was assisted by the honourable member for Altona and that the handwriting that appears on the draft is her handwriting. The allegation comes with the indisputable evidence that the minister assisted in the drafting; it comes also with a series of events that make it clear that the minister was fully aware of her role. The series of events is detailed in correspondence, and I will make it available as I refer to it.

I have said before that this place is special. I may be a recently elected member of Parliament but I, too — —

**Mr Batchelor** — A short-lived member of Parliament.

**Mr BAILLIEU** — I suspect not short! I have spoken to student groups attending Parliament. On many occasions students have asked about the nature of the Parliament and in particular the adversarial nature of question time and other events. I have consistently told those students that the chamber has an adversarial atmosphere because it is the place where truth is tested. All members, when they stand in the chamber, particularly when they stand at the table adjacent to the mace, have an obligation to observe the forms of the house and the basic premise that all members shall tell the truth.

A special obligation is imposed on ministers. Former Labor Premier John Cain said on 31 August 1983:

Ministers carry a particular obligation to exercise the responsibilities of their commissions and their duties under statute in a higher manner in which the public can have full confidence.

Former Prime Minister Gough Whitlam said on 15 October 1975:

The principle is that the Parliament must be able to accept assurances given to it by a minister, and if those assurances prove to be misleading the minister concerned must be held responsible.

The chamber is the place to test the truth. Decent ministers deal with the truth; dud ministers deflect it — —

*Honourable members interjecting.*

**The SPEAKER** — Order! A privileges matter is very serious, if not the most serious matter that can come before the house. I ask the house to quieten down and I ask members on the government benches to cease interjecting.

**Mr BAILLIEU** — Decent ministers deal with the truth; dud ministers deflect it — but dodgy ministers deliberately deny the truth. The case is simple. The minister has intentionally, wilfully, consciously, knowingly and deliberately misled the house. The matter has been raised — —

*Honourable members interjecting.*

**Mr Cooper** interjected.

**The SPEAKER** — Order! The call for the house to quieten earlier also applies to members on the opposition benches, particularly the honourable member for Mornington. He shall cease interjecting.

**Mr BAILLIEU** — The minister deliberately misled the house. She deliberately sought to deceive the house to disguise her hypocrisy on a matter of major public policy and disguise her embarrassment at what she had done. She thought she could get away with it. She took a punt. It would be her word against Lavin's word. She assumed no record of her dealings with Lavin had been kept. She assumed incorrectly.

**Mr Cameron** interjected.

**The SPEAKER** — Order! The Minister for Workcover.

**Mr BAILLIEU** — This case is not a trivial matter. *Erskine May* is the touchstone of parliamentary

behaviour, administration and procedure. It says that deliberately misleading the house is a serious and grave contempt. This is not a trivial issue but a matter of serious public policy. It involves a matter of training and, in particular, the funding of student contact hours, discounts for health card holders and infrastructure. It involves the issue of government support for private providers who represent 20 per cent of the training market. These are public issues: they have been raised in a variety of forums.

By way of example, a letter in the *Bendigo Advertiser* of 13 April from David Kippen, president of Future Employment Opportunities, states:

The minister's spokesman is also reported as saying funding '... is not designed to support infrastructure ...'

...

... infrastructure has to be paid for.

If it is not paid for by the business activity undertaken, then someone else has to pay for it.

Does the spokesman mean his department expects someone else to subsidise the state government program by paying for the required infrastructure?

These matters have also been raised in the Schofield ministerial inquiry and the Senate inquiry into training. The minister has provided for the government's perceived underfunding of public providers in training. She has recently included a compensation package for funds to reimburse TAFE colleges for TAFE cardholders, but only for public TAFE colleges.

This is not a case of the forging of the minister's handwriting; the sworn statements suggest otherwise. It is not a matter of a slip of the tongue. The preamble to the minister's answer to the question asked on 13 April clearly demonstrates her emphatic denial. It is not an inadvertent incident. The matter has been raised several times in the house and in correspondence, and the minister's answer was considered. This case is not one involving a lapse of memory because the minister boasted to the house in earlier responses and demonstrated a full knowledge of her involvement with Lavin before and after the election.

This is not a matter of confusion. The minister has met with Lavin only once and has refused to meet or speak with Lavin since, but has met privately with Lavin's competitors. This is not a matter of misinterpretation but a matter clearly raised previously, and the minister has demonstrated a knowledge of her involvement with Lavin. The business has gone, as have the students.

It is not possible to comprehend the actions of the minister without understanding what Lavin is. Lavin

Australia Pty Ltd is a private company. It trades as Lavin Institute and also as Health Services Training. It is a training organisation registered with the Department of Education, Employment and Training.

In May 1997 Lavin obtained approval from the Nurses Board of Victoria to conduct the two-year course for Certificate IV in Health (Nursing) in traineeship mode. That course provides qualifications for registration as a division 2 nurse or state-enrolled nurse (SEN). I understand Lavin was the first private provider to achieve that approval. Previously, training for division 2 nursing was the province of TAFE colleges.

Lavin became the largest private provider of aged care nursing trainees in Victoria. In 1999 Lavin had more than 250 trainees working in more than 100 nursing homes. In 1999 the Office of Training and Further Education advised that there were 575 division 2 trainees in Victoria, reinforcing the fact that Lavin is one of the major providers. It operates from two campuses — one in Hampton, the other in Bulleen. Lavin was well regarded in the industry.

**Ms Kosky** interjected.

**Mr BAILLIEU** — The Minister for Post Compulsory Education, Training and Employment says I am joking. If she thinks I am joking, I table a letter from Brian Spencer, executive director of the Community Services and Health Industry Training Board, dated 1 December 1999, addressed to Meredith Sussex, the director — —

**Mr Batchelor** — What about tabling it?

**The SPEAKER** — Order! The Leader of the House shall cease interjecting.

**Mr BAILLIEU** — The letter is addressed to Meredith Sussex, the director of the Office of Training and Further Education (OTFE). It states:

The Community Services and Health Industry Training Board supports the delivery of the certificate IV in health (nursing) as a new apprenticeship, with on-site assessment.

Lavin Australia have pioneered much of the delivery of the new apprenticeship and has worked hard to develop quality delivery and appropriate student and employer support. The organisation is well placed to continue to deliver the course as a new apprenticeship with industry support.

The ITB —

that is, the Industry Training Board —

believes that it is vital that funding is provided to deliver all the notional SCHs and fully meets the actual costs associated

with meeting the requirements of the OTFE and the Nurses Board Victoria.

I also table for the information of the house a letter from the Australian Nursing Homes and Extended Care Association—Victoria, dated 29 November 1999. It is signed by John Brooks, the chief executive of ANHECA, and addressed to Meredith Sussex. It states:

I understand you are reviewing the delivery of the above course by private providers, in particular Lavin Australia and accordingly I would ask that you consider the following:

ANHECA—VIC fully supports the operation of Certificate IV in Health (Nursing) in traineeship mode with on-site evaluation which is relevant to residential aged care;

fully supports Lavin Australia as an organisation which is industry driven to deliver the course in traineeship mode;

recognises Lavin Australia as an approved provider of health traineeship programs offering support and flexibility to our members in providing tailored employer outcomes;

supports Lavin Australia in its request to have traineeship programs fully funded so that the trainees of our members are able to be registered as division 2 nurses with the Nurses Board of Victoria.

It goes on:

As a peak industry body, ANHECA—VIC recognises the importance of continuing work force education opportunities in addition to the more traditional institution-based learning and accordingly firmly believes in the opportunities afforded through traineeships on the job.

It is imperative that the funding base available for traineeships does not afford a second-class status, in particular the recognition of certificate IV traineeships by the Nurses Registration Board.

As I said, the letter is signed by John Brooks, the chief executive of Australian Nursing Homes and Extended Care Association Victoria.

Lavin has industry support. Its first students graduated on 1 September 1999; but sadly, it appointed a voluntary administrator on 1 March 2000 and suspended operations.

I now come to the details of the allegation.

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable members for Polwarth and Melton will cease interjecting.

**Mr BAILLIEU** — On 13 April I asked the minister the following question in question time:

Did the Minister for Post Compulsory Education, Training and Employment, when in opposition, personally assist in the drafting of a submission by Lavin Australia, a submission that she later, as minister, rejected — yes or no?

Omitting her introductory remarks, the minister answered as follows:

The honourable member for Hawthorn has taken the wrong approach to this issue because he actually believes all the information that Lavin has provided him with. The honourable member for Warrandyte knew not to do that. Unfortunately the honourable member for Hawthorn has not taken that advice. The answer is no.

The questions to resolve are as follows. Was there a submission? Yes, there was. Was it by Lavin? Yes, it was. Did the minister assist with its drafting? Yes, she did. Was that when she was in opposition? Yes, it was. Was it unsuccessful? Yes, it was. Was the minister aware of these matters at the time of her answer? Yes, she was.

**An honourable member** interjected.

**Mr BAILLIEU** — Indeed, her answer should have been yes.

The case for the minister's assisting in the drafting is clear and indisputable. Despite her denial, the three documents prove that the minister assisted substantially in the drafting of a submission by Lavin Australia. She did so in late August or early September 1999 in her own handwriting after she met with Mr and Mrs Jenkins from Lavin Australia in the parliamentary dining room at her own invitation! I am advised that the meeting took place on either 31 August or 1 September. The Jenkinsees signed the visitors' book at the reception desk: it was lattes with Labor in the parliamentary dining room!

I refer again to the three documents. The first is the final version of the submission and is headed 'Notes for the Honourable Phil Honeywood, Minister for Tertiary Education and Training, 1 September 1999, re: Lavin Institute'. The second document is a draft of the first. It has no typed heading, is three pages long and has handwritten markings all over it. The third is a statement by Elizabeth Jenkins dated 12 April 2000 swearing to the origins of the other two documents. Elizabeth Jenkins is, as I understand it, a beneficial shareholder of Lavin Australia. Attached to her sworn statement are the final version and the draft version of the submission. The sworn statement reads as follows:

I, Elizabeth Jenkins, do solemnly declare that the attached document headed 'Notes for the Honourable Phil Honeywood Minister for Tertiary Education and Training, 1 September 1999, re: Lavin Institute' was written with the active assistance of Lynne Kosky around late August 1999 in her

capacity as shadow Minister for Tertiary Education and Training.

The draft of that document, which is also attached, was altered in the Victorian parliamentary dining room by Lynne Kosky in the company of myself and Richard Jenkins.

All handwriting displayed on that draft with the sole exception of the words '70 per cent of market share', 'ring Marie', 'CERT IV' (and 'by OTFE' as found as an addition in '1. Unfunded hours') is without exception the handwriting of the said Lynne Kosky.

Elizabeth Jenkins, 12 April 2000.

I understand Richard Jenkins is a director of Lavin Australia Pty Ltd.

The draft document, copies of which are now available to members, is significantly covered with handwriting, and the handwritten comments closely reflect the text of the finished document.

What alterations did the minister make to the draft? The draft document, as I said, did not have a heading, so she wrote on the top of the draft 'Notes for the Honourable Phil Honeywood Minister for Tertiary Education and Training, 1 September 1999'.

Significantly, the draft document made no requests or recommendations. However, the handwriting on the third page indicates an addition by the honourable member for Altona and is headed 'What we request'. It states:

1. Full funding for ... course for 952 hours as required by the Nurses Board of Victoria.
2. In relation to each trainee with a health care card, reimbursement of difference between tuition fee and \$40 charged for health care card holder.
3. Recognition of previous gap in funding and reimbursement.
4. Infrastructure.

These are all matters of significant public policy and particularly important to private providers. Bear in mind that this was during the election campaign: the now minister, the honourable member for Altona, was indicating her view on these important matters of public policy.

In addition, on the first page of the document the handwritten insertions read as follows:

TAFE requirement	780 hours (per OTFE) for certificate of attainment
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Adjacent to the words ‘952 hours (per Nurses Board of Victoria)’ are the handwritten words ‘for nursing registration (required for nursing employment)’.

The handwritten alterations on page 1 demonstrate a detailed appreciation of the issues concerning Lavin. The reference to the draft document on page 2, item 6 is also significant. It states:

Gippsland TAFE

Gippsland TAFE were in real financial difficulty and received \$2 million additional funding.

The item was crossed out by the honourable member for Altona. It seems it would have been an embarrassing admission that the previous minister did something useful in the context that this minister has accused the previous minister of not having done that.

The documents prove that the honourable member for Altona, when in opposition, assisted in the drafting of a submission by Lavin Australia. Her answer was indeed misleading.

There is a compelling case that the minister knew she was misleading the house and therefore deliberately misled the house. A series of events leads to the inescapable conclusion that the honourable member knew of her action eight months ago. It is highly unlikely she would forget being so proactive on a submission in Parliament House, particularly when she has met only once with representatives of Lavin. The plight of Lavin has been raised with the minister on a number of occasions since her alteration of the draft submission, by both Lavin Australia and me, thereby keeping her knowledge of the submission and her previous relationship uppermost in her mind.

The minister’s responses to these matters make it clear she remembered her past relationship with Lavin in detail. I refer to the series of events that kept Lavin Australia and its submission foremost in her mind. On 27 September 1999 under a covering letter by Liz and Richard Jenkins the honourable member for Altona was sent the submission as she had redrafted it. It was headed ‘Notes for Phil Honeywood’ because it had been prepared before the election. In part, the letter read:

We would also like to thank you sincerely for your concern and understanding, and seeing us at such short notice ... We did prepare a letter to Phil Honeywood along the lines of your advice. We enclose a copy for you marked ‘A’.

*Honourable members interjecting.*

**Mr BAILLIEU** — The letter further states that the business partners had voted to follow their

understanding of protocol and not give the submission to Mr Honeywood on the night — the graduation night of the Lavin students on 1 September — on which the honourable member for Altona, now a minister, had encouraged Lavin to deliver the submission.

On 20 October Lavin wrote again to the honourable member, now the minister, seeking another meeting and noting its funding difficulties. The letter read, in part:

Thank you for your wonderful encouragement and support prior to the election.

On 21 October the honourable member was sent another letter by Lavin Australia seeking a funding review and stating:

Dear Minister

We refer to Richard’s recent letter to you requesting an appointment as soon as possible to discuss our situation regarding funding.

On 23 November Lavin wrote again to the minister noting its claims and stating:

Dear Minister

I write to you concerning discussions that you and your staff have had with Mr and Mrs Jenkins regarding our unfunded hours.

On 14 December the minister wrote to Lavin Australia regarding course requirements and hours. On 31 January Lavin wrote to the department in response to the department request for more information.

On 8 February the minister wrote to the federal minister regarding an inquiry referred by the federal member for Menzies to the federal minister and noting concerns about funding tuition fee concessions and private providers. The minister wrote to the federal minister stating:

... one private provider in particular has been active in vigorously but unsuccessfully lobbying my department for additional funding ...

**The SPEAKER** — Order! Electronic devices are not permitted in the chamber. I ask the honourable member responsible to remove himself from the chamber.

**Mr BAILLIEU** — The letter went on to say:

It is the only private provider to regularly raise this funding issue.

From 8 February to 21 February Lavin wrote several times to the department, supplying further information and seeking assistance. On 24 February Lavin again

wrote to the minister, announcing the impending administration and stating that:

More than 300 new apprentices will not be able to continue their studies with us from Monday 28 February 2000. More than 120 aged care facilities will not have access to the provider of their choice.

It stated further:

If you wish us to continue trading it is imperative that our requests are approved. We would appreciate an urgent call to arrange a meeting today.

On 28 February Lavin wrote to the department advising that trading had been suspended. On 7 March on 3AW Richard Jenkins of Lavin raised the matter with the Premier, who undertook to examine the matter. I understand that despite repeated requests there has been no response from the Premier.

A few days later the minister, unprompted by me, warned me privately not to ask her questions about Lavin — a warning that would have remained private save for the minister raising it herself in her response during the adjournment debate of 14 March. I did not ask her questions; I raised the closure during the adjournment debate on 14 March. I took the minister at her word. So I raised the closure of Lavin for the first time on 14 March, focusing on the plight of the displaced students.

As I said, the minister mentioned that she had advised me not to raise the issue of Lavin. In her response she demonstrated a clear and detailed recollection of Lavin's background. She noted its concerns about its ability to provide training, and she said she knew Lavin had tried to contact the former minister before the election. She demonstrated her understanding of its financial difficulty and stated:

That organisation has ... been in touch with me several times ...

She also stated:

... I talked with them about the issues they needed to address.

As soon as we came into government I addressed those concerns. They were among the first issues I asked my department to deal with, and we looked at them in detail.

In her response she continued to detail her interaction with Lavin.

On 6 April I again raised the matter during the adjournment debate, specifically referring to the matter of a submission. I stated:

A submission prepared in September sought full funding of all required course hours.

...

The submission sought reimbursement of the required fee discounts for health card holders and some recognition of infrastructure funding. The election intervened and the submission did not go to the former Minister for Tertiary Education and Training, it went to the new minister.

...

The other significant issue is that I believe the minister wrote the submission advocating funding changes. I ask the minister to explain why she then rejected her own recommendations.

The minister again demonstrated in her response a clear and detailed recollection of the issues relating to Lavin and the submission. She said:

I have advised the house of the circumstances surrounding Lavin previously.

She also showed her detailed understanding of the problems facing Lavin immediately prior to the election — at the very time when she was helping to redraft Lavin's submission. Interestingly, despite the remarks I made in raising the matter, she chose not to address the issue of the submission.

She acknowledged that since becoming minister she had not met with Lavin, thereby confirming that her detailed knowledge came from her pre-election meeting.

On 11 April, following her adjournment response on 6 April, the minister found it necessary to make a personal explanation about the appointment of an administrator to Lavin Australia. On 12 April I gave notice of a motion to condemn the minister for misleading the house in her 6 April response by saying that the previous minister had reduced student contact hour rates when in fact they had increased from 1997 — —

**The SPEAKER** — Order! The honourable member shall desist from debating motions on the notice paper — moved by him or otherwise — that relate to other issues. I ask him to contain his remarks to the privilege issue contained in the question.

**Mr BAILLIEU** — With your indulgence, Mr Speaker, I raised those matters not to debate them but to indicate that the matter of Lavin was current on continuous days. I am happy simply to refer to my notices of motion 24 and 25 relating to Lavin and the minister's previous response. It is not my wish to debate those motions now but simply to draw attention to the fact that the matter continued to be current.

As I said, Mr Speaker, those events clearly demonstrate the minister's state of mind at the time the question was

asked. She was entirely familiar with the Lavin matter. All the issues surrounding her involvement with Lavin, even the question itself, had clearly been raised previously. The minister had detailed knowledge of the matter at hand at the time the question was asked.

The issue involves substantial matters of public policy, which I have already referred to in detail — the packaging of the training course, student contact hour rates, concessions for health card holders and infrastructure funding. TAFE colleges have been active in seeking compensation or a more even distribution of the public sector income forgone as a result of health card concessions. That is as much a matter for the TAFE colleges as it is for private providers.

TAFE colleges enjoy an advantage over private providers with regard to infrastructure funding. The minister's support or otherwise is again an important matter of public policy. As I said, private providers would be particularly interested to know that during the election campaign the current minister supported Lavin's claims in those areas.

The balance of training funding committed to private providers in traditional TAFE colleges is also an important issue. The matter has recently been raised extensively in the Senate inquiry and by the minister herself, who has made public statements in that regard.

In that context, the closure of the largest private provider of certificate IV health nursing courses is significant. The support or otherwise given by the government to those private providers is also significant. It is notable that the department has advised former Lavin students to seek enrolment with three TAFE colleges or two private providers to complete their courses. Those two private providers are Care Training Australia and Employment Links Health Training. Information provided under freedom of information shows that between them those two organisations had only 35 trainees in 1999 and none in 1998.

They are the two private organisations to whom the department is currently directing displaced Lavin students. In those same years Lavin had 576 and 351 trainees respectively and was among the top 10 per cent of training organisations by trainee numbers.

There is every likelihood that Lavin's closure will represent a shift of trainees away from the private provider market for Certificate IV in Health (Nursing) training. The support or otherwise of the minister for this shift is a significant matter. Given the ultimate departure of Lavin, the minister's support for Lavin

when she was in opposition and definitively for its claims at that time is a significant matter for the training industry.

**The SPEAKER** — Order! The honourable member is now beginning to debate wider issues. He must relate his remarks to the question of privilege.

**Mr BAILLIEU** — As such, the potential embarrassment for the minister represented by the draft document on the training industry provides ample motivation for her to conceal the true depth of that inconsistency. It is not unreasonable to conceive that the minister would have assumed that the draft submission bearing her own handwritten alterations would not still exist. In the perceived absence of that definitive evidence it would not be unreasonable to believe that the minister thought it would be easy and in fact quite safe to answer no to the question I asked.

In question time on 13 April the minister made a considered response. She deliberately misled the house when she stated categorically that she had not assisted in drafting a submission by Lavin Australia. She knew precisely what she was doing. She gambled on their being no evidence of her involvement. The minister believed it would only be her word against Lavin. In her answer on 13 April she actually said Lavin could not be believed. She taunted the house: believe me, she said, not Lavin.

It was not her word against Lavin; it was her word against her own handwriting. She was wrong. She deceived the Parliament and she did so deliberately. She must be held to account and the matter should and must be referred to the Privileges Committee.

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — What a pathetic attempt! This is a pathetic allegation, and I am disappointed that it has even got into the house! I will deal with the facts and not the assumptions, which the honourable member for Hawthorn has done today. I make it clear that I did not mislead the house on 13 April in response to a question without notice from the honourable member for Hawthorn. Therefore, neither did I deliberately mislead the house.

I will deal with the facts. I did meet with Richard and Elizabeth Jenkins, directors of Lavin Australia, in the Parliament House dining room on 31 August 1999. I have never denied that. At the meeting the Jenkinsses presented me with three pages of notes, headings and dot points they had prepared for a brief discussion they were hoping to have with the then Minister for Tertiary Education and Training the following evening at a

graduation ceremony. They provided me with details of their business and financial problems and their views as to why those problems existed.

At that stage it was very clear that Lavin Australia was in real financial trouble and had been for quite a long time. The Jenkingses asked me to read the three pages of notes, and in response to the information provided to me I suggested several major changes.

**Dr Napthine** interjected.

**Ms KOSKY** — I added a couple of sentences, suggested a reordering of the dot points and provided a heading — ‘Notes for Phil Honeywood’. Elizabeth and Richard Jenkins were difficult to understand about what they wanted the then minister to do, so I asked them to clarify the situation, and I wrote down several points in response to their comments. I effectively acted as a scribe for the Jenkingses.

*Honourable members interjecting.*

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

**Ms KOSKY** — It is very clear, Mr Speaker, that members of the opposition are prepared to make the allegations but not prepared to listen to the response.

On the basis of the facts, I refute the three accusations in the honourable member for Hawthorn’s allegation. The first relates to the claim by the honourable member for Hawthorn that I drafted a document.

**Mr McArthur** — You personally assisted.

**Ms KOSKY** — I personally assisted! I did not personally assist to draft a document.

*Honourable members interjecting.*

**Ms KOSKY** — Yes, I did personally assist the Jenkingses in clarifying their thoughts and, yes, I did write on some notes prepared by them, but I did not draft nor assist in the drafting of the notes. I jotted down some comments they provided to me, the difference being — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Leader of the Opposition to cease interjecting forthwith; similarly the honourable member for Monbulk.

**Ms KOSKY** — The difference being that a draft is the initial preparation of a document. Comments jotted down on their notes, or their draft, is not drafting. Even

in his argument to you, Mr Speaker, the honourable member for Hawthorn no longer suggested that I assisted in drafting the document. He is now saying I assisted in redrafting it. There is a difference.

I refer to the letter from the honourable member for Hawthorn. Honourable members need to be very clear about it. He asked me a question in the house, to which I responded. He has now altered his argument to support the allegation. He asked a question, which was:

Did the Minister for Post Compulsory Education, Training and Employment, when in opposition, personally assist in the drafting of a submission by Lavin Australia, a submission which she later as minister, rejected — yes or no?’

He says in his letter to you, Mr Speaker:

I enclose indisputable evidence that the minister substantially redrafted a Lavin Australia submission in her own writing when she met with Mr and Mrs Jenkins from Lavin Australia ...

He does not use the word ‘draft’, he uses the word ‘redrafted’. He then goes on to say:

... the second document is a copy of the draft submission clearly demonstrating the redrafting made in the member’s own handwriting.

The alteration constituted a major redrafting of this submission ...

He finishes by saying:

While it is for the Privileges Committee and the house and not the Speaker to decide whether the member has deliberately misled the house it is clear on the evidence that the member has redrafted a submission.

The honourable member for Hawthorn has dropped his accusation in his allegations to you, Mr Speaker, that I assisted in drafting the notes. Instead, he refers to redrafting. That is a basic inconsistency in his argument.

What I did when in opposition was what any decent member of this house would do to assist a constituent — that is, help — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Doncaster is being disorderly. He is interjecting out of his place, and is far too loud. I ask him to cease forthwith.

**Ms KOSKY** — What I did was what any decent member of this house would do to assist constituents — that is, help them clarify their thoughts and explain how they could best take their issue further — no more and no less. I make it clear to the house that at no stage did I

indicate that I agreed with the views or demands of Lavin Australia. I indicated that I understood their situation and I listened, as any good member of this house would do — something the honourable member for Hawthorn is yet to understand.

To highlight that point — it was part of the case the honourable member for Hawthorn put before this house that I supported the requests of Lavin Australia — I never wrote a letter of support to the previous minister on behalf of Lavin.

*Honourable members interjecting.*

**Ms KOSKY** — The second allegation I wish to refute relates to the word ‘submission’. The honourable member for Hawthorn has also alleged that the notes on which I added some words constitute a submission. I disagree. Following the meeting with the Jenkingses I received a letter by fax on 27 September, while I was still a member of the opposition. Included was a copy of the revised notes that have been referred to by the honourable member for Hawthorn, still headed ‘Notes for Phil Honeywood’ and dated 1 September 1999. Also included was a letter from Lavin Australia indicating that the notes — to use its words, the letter — were never handed to the then minister. The notes referred to above were never forwarded to the previous minister, nor myself as minister, and the honourable member for Hawthorn has that information in the letters he has referred to.

The only submission that has been received from Lavin Australia and seen by me as minister is a substantial document of some 13 pages, which was sent to me on 22 October 1999, the day after I was sworn in as minister, and written by an employee of Lavin Australia, Ms M. Barrie, a woman I have never met. The submission had also been presented to the previous minister on 5 October 1999.

That submission bears no resemblance to the notes I assisted the Jenkingses with. The accusation is that I assisted in the drafting of a submission. At no stage did I believe the notes I wrote on were anything other than notes, which is why I suggested the header, ‘Notes’. If I had believed it was a submission, then I would have suggested a header such as ‘Submission’. I did not. I repeat: the notes I wrote were a record of what the Jenkingses had said to me. My understanding was that the notes were intended to inform a brief verbal discussion that Lavin Australia was hoping to have with the then minister at a graduation ceremony the following evening.

The Jenkingses did not alter that heading, thus confirming they also considered them to be notes. The notes consisted of three pages of headings and dot points addressed ‘Notes for the Honourable Phil Honeywood’.

I turn now to the statutory declaration. I understand the definition of the words but I believe the honourable member for Hawthorn does not. The declaration states:

I, Elizabeth Jenkins, do solemnly declare that the attached document headed ‘Notes for the Honourable Phil Honeywood ...

It is referred to as a document, not a submission. The statutory declaration further states:

The draft of that document which is also attached ...

Lavin Australia never refers to the document as a submission. I made it clear that while I had provided assistance I had not drafted nor had I been involved in the preparation of a submission.

The third accusation I wish to refute is my alleged rejection as Minister for Post Compulsory Education, Training and Employment of the submission from Lavin. In his allegation the honourable member for Hawthorn not only asked whether I assisted in the drafting of a submission by Lavin Australia but also questioned whether I had rejected the alleged submission. His question states:

Did the Minister for Post Compulsory Education, Training and Employment, when in opposition, personally assist in the drafting of a submission by Lavin Australia, a submission which she later as minister, rejected — yes or no?

The answer to the second part of the question is as simple as the answer to the first part — that is, no. The former Minister for Tertiary Education and Training never received the notes nor did I as minister or the department. That is supported by a letter from Lavin referred to by the honourable member for Hawthorn in his allegations. The letter states:

We did prepare a letter to Phil Honeywood along the lines of your advice. We enclose a copy for you marked ‘A’. Our business partners voted to follow their understanding of protocol and not give the letter to Mr Honeywood on the graduation night he attended. However, the letter was given to our local federal member, Mr Kevin Andrews, at a meeting we organised for him for Friday 10 September 1999.

On its own admission Lavin Australia indicates that the letter was never given to the former Minister for Tertiary Education and Training, nor was it sent to me as Minister for Post Compulsory Education, Training and Employment. Therefore, I could never reject a

submission I never received. The honourable member for Hawthorn knew that.

I received a copy of a detailed document totalling 13 pages and what I consider to be a submission presented to the former minister which, and as I said earlier, bears no resemblance to the notes. In response to both parts of the question the answer — no — is appropriate which is why my response was so emphatic. It is also why the honourable member for Hawthorn is wrong.

I turn now to legal advice received by me. It refers firstly to a statement by Dr Coghill in 1994 that states:

- (i) There have been two occasions in the history of the Westminster system where members have been found to have deliberately misled the house. The first was the Profumo case in England, and the second was Mr Peter Spyker.

In the Profumo case, the member admitted he deliberately misled the house. In the Spyker case, the member provided the evidence in his statement to the house.

- (ii) To find that a member deliberately misled the house, requires evidence to prove that —
  - (a) the member's action was deliberate, not just some incidental or inadvertent action, and
  - (b) the member's actions misled the house.

The advice further states:

Whether a member deliberately misled the house will depend on the evidence the opposition can prove including any statements or admissions made by the member.

The first matter is: did the minister mislead the house?

In reply to this first matter, the critical question appears to be whether the minister did 'assist in the drafting of a submission by Lavin'. The facts or reasons the minister relied on in answering the question as she did, will provide the best evidence that she did not mislead the house ... I expect those facts or reasons to be as follows:

- (i) 'Submission' is defined in the *Macquarie Dictionary* as 'that which is submitted'.
- (ii) The document which was submitted by Lavin and which comprised the submission, was not drafted nor prepared by the minister ...

**Mr Honeywood** — On a point of order, Mr Speaker, the Minister for Post Compulsory Education, Training and Employment is clearly reading a legal advice document. Will the minister table that document as did the honourable member for Hawthorn following a request from the government?

**The SPEAKER** — Order! Is the minister prepared to make the document available?

**Ms KOSKY** — I am happy to do that. It may enlighten opposition members who perhaps should have obtained legal advice before they proceeded down their present path.

As I said, point (ii) states:

The document which was submitted by Lavin and which comprised the submission, was not drafted nor prepared by the minister, nor did the minister assist in the drafting of that document.

The legal advice goes on to say:

The above supports the conclusion that the minister was correct in answering the question as she did, and her answer did not mislead the house.

One might ask about the motivation of Lavin Australia, or more precisely the advice of Elizabeth and Richard Jenkins, in signing the statutory declaration. However, as I said, when one looks at the declaration one sees they have not suggested that there was a submission, that I assisted them with. They very clearly refer to a document. However, I have absolutely no doubt that the Jenkinsses and Lavin Australia are in enormous financial difficulty and have been so for quite some time, since well before I assumed office. They are clearly very distressed about their situation and have made an enormous effort to speak to anyone who will listen to them. Unfortunately they are bitter and confused.

Elizabeth Jenkins may have believed that I assisted her and Richard Jenkins to draft a submission, or a document, as they stated, but I never did. They may also not understand the important distinction between the action of assisting to draft and the jotting down of notes on an existing document. Further, as I have previously pointed out, they do not refer to the notes as a submission. The allegation made by the honourable member for Hawthorn about a submission has clearly been blown out of the water.

I would have preferred not to outline to the house the financial situation of Lavin Australia, but unfortunately I am left with no alternative because it goes to the matter of this allegation before the house. On 19 November 1999, 29 days after I came to office, an auditor was appointed to conduct a comprehensive financial and management appraisal of Lavin Australia. The auditor found, and it was reported by my department to Lavin on 21 December 1999, that the company had major financial problems. Those problems included: significant operating losses for

every year of its operation since 1997; a total deficiency of \$828 972 — that is, negative equity; an overdraft of \$380 000; unpaid group tax of \$150 000; unpaid superannuation of \$48 000 for up to seven months; and other unpaid accounts totalling \$250 000 — that is, 20 per cent of its annual turnover.

Lavin had insufficient funds to sign off the annual return to the Australian Securities and Investments Commission (ASIC) on 31 January. It had a working capital ratio of 0.11 compared with 1. The auditor also found that Lavin had a lack of up-to-date financial records. I am happy to table that information, as well. The financial situation of Lavin Australia was extreme, so one can start to understand Elizabeth Jenkins' motivation for signing the statutory declaration.

On 23 December 1999 Lavin was advised that it should show cause as to why it should continue to be registered as a training organisation. On 14 February the auditor advised my department that the information provided by Lavin did not provide confirming evidence of its capacity to meet financial commitments as they became due. Finally, on 1 March an administrator was appointed to manage Lavin's affairs. The organisation was and continued to be in extreme financial difficulties when I met with its directors last year.

I will demonstrate to the house the organisation's confusion, which might explain the reason it signed the statutory declaration. The confusion of events was evident in the meeting that took place between directors of Lavin and officials from my department on 21 December 1999, when the company was provided with the final copy of the auditor's report I referred to earlier. Department officials reported concern to me at the time that despite the gravity of their financial situation the Lavin directors had expressed appreciation and gratitude for the assistance provided — that is, they were extremely thankful for such bad news. That is bizarre.

Further evidence of their confused state is contained in a letter sent from Lavin Australia to ASIC on 28 January. It states, in part:

There are two points to note:

There is an amount of \$406 000 relating to unfunded training hours that we believe the Victorian government owes the company. We are currently having discussions about this matter and hope that it will be resolved in our favour shortly. Should this occur, the company would be very solvent.

Our business plans for the year 2000 show a very positive cash flow.

Lavin Australia wrote to ASIC with that information, despite my constant comments to the company while I was in opposition that it could never expect retrospective payment from the then government for additional training that was provided outside the contract. The company directors confused my meeting with them and advice as support for them, which is clear evidence that they were confused.

They just do not listen; confusion reigns and they could do with a good reality check. That goes to some of the motivation for Elizabeth Jenkins signing a statutory declaration which suggests that I assisted in the drafting of a document. That does not reflect my view.

However, Richard Jenkins was never confused about his political affiliations. Richard Jenkins is a member of the Liberal Party.

*Honourable members interjecting.*

**Ms KOSKY** — That is further evidence of the motivation of Lavin Australia. Included in a series of documents faxed to me and referred to by the honourable member for Hawthorn was a letter addressed to the Honourable Rob Knowles, the then Minister for Health. It states:

Dear Mr Knowles

As a member of the Bulleen branch of the Liberal Party, I was in attendance at a cocktail party on Wednesday, 8 September 1999, in support of the recently endorsed Nicholas Kotsiras, at which the Premier, Mr Kennett, was present.

*Honourable members interjecting.*

**Ms KOSKY** — The letter continues:

The Premier indicated to us we should contact you in your capacity as Minister for Health ...

*Honourable members interjecting.*

**Ms KOSKY** — It further states:

We look forward to hearing from you with the earliest possible meeting date and time and wish you every success in the forthcoming election.

Yours sincerely

Richard Jenkins

Liberal Party Bulleen branch.

The letter has already been tabled.

**Mrs Peulich** — Therefore it is okay to tell fibs?

**Ms KOSKY** — Speaking of telling fibs, in the same bundle there was a letter addressed to me, which states:

Dear Lynne

Our heartiest congratulations on your own personal electoral success as the local member for Altona.

Your overall party result in the words of your leader, Steve Bracks, 'a return to decency and the end of the one-man-band show', is the opportunity to return to democracy and a sense of fairness.

*Honourable members interjecting.*

**Ms KOSKY** — It continues:

Richard was successful in being able to speak on 3AW Thursday morning, 23 September 1999, introducing himself as a very frustrated Liberal Party supporter and as a director of a private provider of TAFE. Both Richard and myself are proud to say that we voted Labor at the recent election.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the House and the member for Berwick will cease interjecting forthwith. The honourable member for Springvale shall cease interjecting.

**Ms KOSKY** — I am speaking to the credibility of the evidence and the motivation of Richard and Elizabeth Jenkins. Clearly Richard Jenkins is a member of the Liberal Party — and he was prepared to identify himself as such to many people. However, in the same breath he was anxious to tell me that he voted Labor at the last election.

Who does he think he is fooling? He wants to ingratiate himself with whoever is in power in the mistaken belief that that is how governments do business. The previous government may have done business in that way; this government does not.

As I have said, I made it clear to Lavin Australia that it would not be able to expect retrospective payment outside the conditions of the contract. Also I never wrote a letter in support of Lavin Australia to the previous minister. Contrary to suggestions by members on the other side of the house, those people did not have a reason for payback to me because I had not provided the sort of support they had expected.

Those people are desperate because of their financial situation. I understand that. But at some point they will have to take responsibility for their own actions and poor business practices and not continue to blame others — something the honourable member for Hawthorn is not assisting with. He continues to string them along, giving them false hope that their organisation will be treated differently from any other training organisation in Victoria. By supporting them and continually raising the matter in the house, the

honourable member is suggesting they will be treated differently and paid far more than the contract stipulates. That is not the way the government operates.

Let us now come to the motivation of the honourable member for Hawthorn. Honourable members need to understand why he has brought a trivial matter to the house. Since he came to office the honourable member for Hawthorn has struggled to be relevant inside and outside the Parliament. He has barely been heard —

**Mr McArthur** — On a point of order, Mr Speaker, as you are well aware, you have already announced to the house that you have found a prima facie case exists and that this is a serious matter — something a number of members of the house are well aware of.

**Mr Batchelor** interjected.

**Mr McArthur** — That is for me to determine. Mr Speaker, I point out to you that the minister is now straying far and wide from the question before the house, which is whether the complaint of the honourable member for Hawthorn should be referred to the Privileges Committee. The complaint has nothing to do with the wishes, motivations, desires or dreams of the honourable member for Hawthorn; it has everything to do with the actions of the Minister for Post Compulsory Education, Training and Employment.

**The SPEAKER** — Order! I am not prepared to uphold the point of order at this time. So far both the honourable member for Hawthorn and the minister have stuck within the general ambit of the privilege matter. I ask the minister not to deviate from the parameters of the question and of the material that has been provided by the honourable member for Hawthorn in raising the matter as well as the material that has been provided by the minister during debate.

**Mrs Peulich** — Which means you cannot impute motives.

**Ms KOSKY** — The honourable member for Bentleigh suggests I cannot impute motives, which is clearly what the matter is about.

**The SPEAKER** — Order! If the minister wishes to proceed down that track she must do so by way of substantive motion.

**Ms KOSKY** — The honourable member for Hawthorn is raising the issue to pursue his own political ambition. He has attempted to spoil a magnificent budget brought down in the house earlier today. He clearly hoped to thwart the introduction of the budget —

**Mr McArthur** — On a point of order, Mr Speaker, if the minister had paid any attention to parliamentary procedure she would know that a privilege complaint must be made at the first practical opportunity. This occasion is the first possible and practical opportunity to raise the issue; it has nothing to do with convenience or anybody's political motives.

**Mr Batchelor** — On the point of order, Mr Speaker, the honourable member for Monbulk raises the issue of this being the first practical opportunity. I put to you, Mr Speaker, that the statutory declaration signed by Elizabeth Jenkins is dated 12 April. A question was asked in the Parliament the following day, which is when the minister responded. It was practical during the remainder of the day to have the matter dealt with there and then.

**The SPEAKER** — Order! It appears to the Chair that the Leader of the House is raising a completely separate point of order. He should be speaking to the point of order raised by the honourable member for Monbulk.

**Mr Batchelor** — On the point of order, the point I am making goes to the motives of the honourable member for Hawthorn in raising the matter today and not on 13 April, when he was already in possession of the statutory declaration. In those circumstances why was the raising of the matter delayed until budget day? That is the crucial issue. The government is entitled to examine the reasons for the delay and why the honourable member for Hawthorn chose today of all days to raise the matter. Accordingly the minister is entitled to pursue such issues in making her rebuttal of the scurrilous allegations levelled against her today.

**Mr Smith** — On the point of order, Mr Speaker, the Minister for Transport is obviously trying to mislead the house himself. You had to follow a procedure on the day before you eventually came to your decision that there was a prima facie case. There was no way in the world you could have made the decision on that day. The decision to bring the matter forward was in your hands, and this is the first available opportunity after that time to do so.

**The SPEAKER** — Order! The point of order raised by the honourable member for Monbulk related to a question of relevance and whether the minister was being relevant in canvassing issues regarding the raising of the matter by the honourable member for Hawthorn. The Chair has already indicated in the statement introducing the debate that the matter has been raised at the first practical opportunity. Therefore it is quite in order for the matter to be debated. The

matters raised by the Minister for Transport are not relevant to the point of order raised by the honourable member for Monbulk. I ask the minister to continue her remarks, confining them to matters relevant to the possible breach of parliamentary privilege.

**Ms KOSKY** — The problem is that the honourable member for Hawthorn has been lazy in preparing his allegation. He has not done his research. He is so desperate to be heard that he has not worried terribly about what he has had to say. The frivolous motion before the house is an abuse of the Parliament. If the handling of the debate today is evidence of the honourable member's leadership potential, the opposition should give the honourable member for Hawthorn a wide berth.

**Mrs Peulich** — On a point of order, Mr Speaker, the minister continues to flout the standing orders of the house. No reflection on any member of either chamber or imputation of motive is allowed. The Speaker has tried to restrict the minister's comments and has given advice in that regard, but the minister continues deliberately to flout that ruling.

**The SPEAKER** — Order! Neither the minister nor any other member may make comments that impugn another member. The minister shall desist from doing so. However, before the point of order was taken the minister was concentrating on and addressing her remarks to the question before the Chair, expressing her views on the motion.

**Ms KOSKY** — If the honourable member for Hawthorn is serious about assisting his Liberal Party colleague Richard Jenkins, he should give him some sound financial advice or a handout — but not false hope, which is what he is doing.

**Mr Lenders** interjected.

**The SPEAKER** — Order! The honourable member for Dandenong North!

**Ms KOSKY** — In closing, Mr Speaker, I reiterate three points. I did not assist in the drafting of a submission.

**An honourable member** interjected.

**Ms KOSKY** — No, the honourable member for Hawthorn said redrafting. I did not assist in the drafting of a submission, which was the question I responded to in the house. The question was not whether I assisted with a redrafting but whether I personally assisted in the drafting of a submission by Lavin Australia. That was

the question, and it was to that question that I responded.

It is clear from what the honourable member for Berwick has just said that opposition members have misunderstood the question. The opposition is focusing on the allegations made to you, Mr Speaker, not referring to the question asked in the house to which I responded. That is the matter we are dealing with — not the allegation but the question asked by the honourable member for Hawthorn to which I responded. Opposition members would do well to remember that in their responses. I did not assist in the drafting of a submission, and there is no submission as alleged by the honourable member for Hawthorn.

In addition, I cannot as minister reject advice contained in a document when I have not received the document as minister. It is clear that the motion is a frivolous attempt to abuse parliamentary process. The honourable member for Hawthorn cannot even establish that I have misled the house, let alone that I did so deliberately — which would require a lot more effort than the honourable member has shown.

On all those grounds I call for the allegations not to be referred to the Privileges Committee, and I seek an apology not for myself but to the Parliament for wasting Parliament's time.

**Dr DEAN** (Berwick) — I find it sad that the minister feels she can get up in this place and say that a motion on a matter of privilege is trivial and then ask you, Mr Speaker, to apologise. When a motion is put before you with supporting evidence and you make a decision that there is a prima facie case to answer and the Parliament debates it, it is extraordinary for a minister to say it is trivial.

**Mr Smith** — And frivolous.

**Dr DEAN** — Yes, she said it is trivial and frivolous — and then asked for an apology! Is she really calling on you, Mr Speaker, to apologise for looking at the material presented for you — —

**Mr Batchelor** — On a point of order, Mr Speaker, at no stage did the minister ask you to apologise. For the honourable member for Berwick to continue to say so constitutes a misleading of the house. The minister asked that the honourable member for Hawthorn apologise to the house for wasting its time and that he be truthful.

**Mr McArthur** — On the point of order, Mr Speaker, the honourable member for Berwick was simply addressing the fact that the minister had

complained that the issue was trivial. He was referring to the fact that at the start of this debate you reported to the house that you had considered the issue and found that a prima facie case of deliberately misleading the house existed. In doing so, you will have relied on the rules, advice, precedents and customs of the house.

I refer the Leader of the House to the ruling of Speaker Wheeler who said in 1978 that if the Speaker decides that a case does not fall within the general ambit of privilege or alternatively, even if it does, that it is too trivial to deserve precedence, he writes accordingly to the member. In other words, if the Speaker decides there is a prima facie case but that it is trivial, he should not give it precedence. You, Sir, have given this matter precedence; you have made a ruling and found that it is not trivial. The honourable member for Berwick is entitled to argue that the Minister for Post Compulsory Education, Training and Employment is clearly wrong when she argues that the matter is trivial, because you found otherwise.

**The SPEAKER** — Order! The Minister for Transport raised a point of order asking the Chair to bring the honourable member for Berwick back to order regarding remarks he was making in response to a statement by the Minister for Post Compulsory Education, Training and Employment, and the honourable member for Monbulk spoke to the point of order. However, the minister raised the appropriateness of this matter being before the house. I have already indicated in ruling on a previous point of order and in my statement bringing the matter forward that it is appropriate that the matter be before the house.

I do not uphold the point of order raised by the Leader of the House because the Chair believes that the honourable member for Berwick was responding to an opinion expressed by the Minister for Post Compulsory Education, Training and Employment.

**Dr DEAN** — The central theme of my point is that any matter concerning privilege is serious. It has to be subjected to the scrutiny of the Speaker and there are rules by which the Speaker operates. When it comes before the house it is clear that the matter has serious weight.

The definition of prima facie is effectively that at first appearance there appears to be a case to answer. The burden facing the minister was to respond to a prima facie case.

As the minister was laughing and taking it easy and having pot shots across the table, I thought she would say that she had not made any alterations to the

document or that she had not seen the document or that it was not her handwriting — things that might amount to a defence of the claim. The minister came up with this: yes, she was there; yes, the statutory declaration is correct; yes, a document was put before her which would make an application for funds to go to Phil Honeywood; yes, she altered it; yes, it is her handwriting — but that is not drafting or redrafting!

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Bentleigh and the honourable member for Gisborne should cease interjecting across the chamber.

**Dr DEAN** — Spurious defences of that nature generally get people into trouble. The minister's first point was that it was being argued that she was redrafting. She said, 'I definitely didn't redraft it. It was there but it was already drafted. I didn't redraft it'.

In her conclusion the minister had forgotten that spurious little point — it had turned 180 degrees and she said, 'I didn't do any drafting'. She now has a split position — whether it was drafting or redrafting, she does not know. The document is now distributed for everyone to see: it was a printed document and her handwriting is all over it — cutting out slabs; suggesting additions and effectively redoing the document completely.

The minister says, 'But that never came to me. They were notes that were not submitted'. Then she read out the letter — she was getting so much fun from the Lavin people saying how much they liked her and so forth — that enclosed the redrafted submission. What can be found by looking at the document submitted to her with the letter? In the document supplied to her, every alteration has been made according to her instructions, according to her drafting. Yet she has the audacity to say that she did not draft or redraft. 'I was there, Your Honour', says the burglar; 'I was in the house. You've got my fingerprints; I left my jumper there; someone saw me, but it's not me, Your Honour'. What absolute nonsense!

The minister then says, 'Hang on a tick. Even though the letter I personally read out includes a submission to me, it wasn't a submission. It had on the top "Notes for Phil Honeywood", and when I received it and was doing my alterations, how was I to know that was going to be a submission?'. Guess who suggested it should be headed 'Notes to go to Phil Honeywood'? The minister! She redrafted the document to put the heading on because she knew it was to be sent to Phil Honeywood — 'This is your submission and I am

writing on the top what you should do'. What absolute nonsense for the minister to get up and say, 'My second defence is that it isn't a submission but I turned it into a submission with my very own handwriting'.

The minister then comes to a piece of legal advice and, knowing a lot about legal advice, I can say a piece of legal advice is only as good as the instructions. If the minister's statements to the house today were instructions, I am surprised the solicitor did not write a bit of Shakespeare as well. How could a written opinion from a solicitor, based on the instructions given in the house today, have any value? I was stunned by the minister's position because, as she knows, the matter is about a question asked of her — not about drafting or redrafting but about personally assisting with drafting.

**Mr Cameron** — What was that last word?

**Dr DEAN** — Personally assisting with drafting. And she didn't redraft, either.

The minister says, 'I stood up in the house and was careful not to mislead the house. I knew of the document. I remember being in the parliamentary dining room. I remember getting out my pen. I remember changing the submission and heading it "Notes for Phil Honeywood". I remember receiving it' — and of course that is what Lavin would do.

The former shadow minister drafted a submission that said, 'This will work if it goes to Phil Honeywood'. Why would she not send it when the last thing she expected was that she would end up being the minister?

She was asked whether she personally assisted with the drafting. As she stood up to answer the question she thought to herself, 'Well, I was there, yes; I got my biro out, yes; I changed it, yes; I put "Notes for Phil Honeywood" on the top, yes; and it came back to me in a letter. What will I tell the house? Will I say, "As a matter of fact I did alter a document, but it was not a submission", or will I say, "I altered a document but I didn't draft it"?''. Did she say any of the things she now says are important? No, she did not. She just said no. She said that because she did not think of any of that — the submission and the redrafting — even though she knew exactly what was going on because it had been raised during the adjournment — —

**Mr Batchelor** — On a point of order, Mr Speaker, you have said throughout the debate that the imputation of motives is inappropriate and you have ruled accordingly. I ask you to caution the honourable member for Berwick because he is imputing motives and attributing reasons for certain actions carried out by

the minister. He is not entitled to do that in accordance with your previous rulings.

**Dr DEAN** — On the point of order, Mr Speaker, you made no ruling on whether evidence could be given about why something happened. Clearly deliberateness is part of the issue in relation to which you have found there is a prima facie case. If deliberateness is part of the issue, motivation and reason must be essential parts of it. It is the mental element of the issue — which is known as mens rea.

**The SPEAKER** — Order! I do not uphold the point of order. The house is well aware that an honourable member may not impugn the motives of another honourable member. However, in a case of privilege, where a complaint has been brought against an honourable member, it is appropriate to refer to evidence and other matters in support of that complaint. If the honourable member for Berwick continues to debate along those lines, I will continue to hear him. However, he must not impugn motives to either the minister or others.

**Dr DEAN** — I could understand it if the minister had said, ‘When I answered the question I had forgotten that I redrafted the document and forgotten the whole saga’. I would have understood if, when answering the question, she had made the point about it not being a submission. Surely when answering the question she would have thought, ‘If I just say no it will sound as though I was not there or did not alter the document or that it did not come back to me as a submission. I do not want to mislead the house so I won’t just say no, I will say “That’s what I did, but I don’t regard it as a submission” or “That’s what I did, but it was not redrafted”.’?

Because those listening do not know all the details and intricacies of someone’s mind, when ministers are answering questions in the house they have an obligation to give positive answers so as not to mislead the house. It is not simply a matter of something not being said, it is a matter of how the answer is given.

The minister has clearly misled the house because so many of the claims made in the question have been proven to be correct. I could understand it if members of the opposition had gone way off the rails or made a false declaration and the minister had said, ‘They didn’t come here at all’ or ‘It was somebody else, Your Honour’ — but there was none of that.

The house has been in existence for 144 years, during which very few matters of privilege have been raised. In the past 20 years five have been raised, and the last

one was eight years ago. They are always serious. Normally a minister will stand up and say, ‘I didn’t mean to mislead the house’ or ‘If I did mislead the house, I apologise, because it was not my intention’, and then the matter goes away. However if, as in this case, a minister says, ‘No, they were not there. This is not right; I never touched the submission’, it becomes a dispute about fact. Such disputes are as old as the hills: one side says, ‘This is what happened’, and the other side says, ‘It isn’t’, and the matter goes to the Privileges Committee. That is what the committee is for.

**Mr Smith** — That’s what she’s frightened of.

**Dr DEAN** — Exactly. If the minister were convinced that she is right and that opposition members should realise there is a difference between a submission and ‘Notes for Phil Honeywood’, and if she really believed there is a difference between drafting and redrafting and that we should have seen that — most people would not, and you did not, Mr Speaker — she would say, ‘Let’s get it off to the Privileges Committee, because that is the only way the matter can be resolved and I can be shown to be correct’.

The minister has gone through an extraordinary process, including abusing the honourable member for Hawthorn among other things. However, putting that aside, when her argument is pulled apart it is clear that the minister is relying on the ‘drafting’ and ‘redrafting’ of a submission. I hope the Leader of the House, who is an experienced member, will say to the minister, ‘The only way this matter will go away is if it is sent to the Privileges Committee. Let’s send it to them. Let them decide. If they say there is nothing in it, everything is fine’.

However, if the government uses its numbers to stop the matter going to the Privileges Committee, three things will occur: firstly, it will be a massive break with tradition; secondly, it will be seen as using politics to thwart the ethics, privileges and foundations of this house; and thirdly, it will leave a smell — I was about to say ‘stench’ — that will waft through these corridors forever because it will never be resolved. The only way the matter can be resolved based on the traditions, ethics and sensible conduct of this place is to allow it to go to the Privileges Committee — unless of course the Leader of the House or the minister’s advisers have decided that she is on such thin ice that the committee may censure her, in which case they believe the government should use its numbers to stop it. If that is what they think and that is what they do, they will be remembered for it. But let us make it clear that if the government takes that course and goes against all the traditions of the house, the matter will not go away!

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

**Mr McArthur** — On a point of order, Mr Speaker, during her contribution the Minister for Post Compulsory Education and Training quoted from legal advice, which, after being asked, she agreed to table. The Clerk has made that document available to me, and it is clear that although the minister has tabled part of the advice she has not tabled the full document — nor has she tabled anything that identifies the author of the advice. It has long been a tradition of this house that when a document is unsourced the honourable member tabling it identifies the source.

Further, the minister should make all the advice available because she was quoting from it and it was highlighted in type. There are only two pages in the document, which is simply headed 'Legal advice received'. It has no name and makes no reference to the author's title or position. It is totally unsourced, so I ask you to draw this to the minister's attention.

**Mr Batchelor** — On the point of the order, Mr Speaker, the minister was asked to table the document from which she was quoting. The document she was quoting from was handed to the Clerk. It comprised a couple — I think three — A4 pages stapled together. The parts she was referring to were highlighted in yellow. It was not a legal document; it was a document that contained legal advice. As I said, the document she was asked to table was tabled. The document she was quoting from, Mr Speaker, is the document you have in your hands.

It was tabled. The whole tenor of the opposition's support for its motion is to take the truth and distort it. The request was for the minister to table the document from which she was quoting. She tabled the document, and it is completely inappropriate for the honourable member for Monbulk to raise a point of order attempting to place on the parliamentary record that certain facts prevail. Members of the opposition are saying one thing and then trying to extrapolate into another area through untruth. The simple facts are that the minister was quoting from a document; she was asked to table it and she did so. It is absolutely reprehensible for the honourable member for Monbulk to suggest otherwise.

**Dr Dean** — On the point of order, Mr Speaker, I refer to a decision of Acting Speaker Coghill in *Rulings from the Chair* — 1920–1989:

Unsourced photocopy — source to be provided later. As a member only had an unsourced photocopy of a document he was quoting, the Chair, after a point of order, asked the

member to provide the information subsequently and stated that it is normal practice for a member to identify the source of any quote in the course of his speech.

Everybody knows I was around the traps in the legal profession for quite some time, and as a consequence there has been some mirth at my expense. However, sometimes that experience comes in handy. No solicitor or barrister would ever provide an advice without it being signed off because his or her reputation is at stake. Certainly he or she would never provide an advice without a heading on it stating it to be advice.

It looks as if someone has typed a document entitled 'Legal advice received' and included various paragraphs which appear to support the minister's case. A prima facie case of misleading the house has been found against the minister; I am sure she would be the last person to want someone alleging she had misrepresented the house a second time. Therefore, I have no doubt that she will be keen to provide the source and the original document. From experience I can tell that this is not the original document — it is not the legal advice she said she had!

The minister is a little like the worm on the hook desperately trying to get out of the situation. Having tabled a document she has said is legal advice but appears not to be, I cannot believe she would not rush to make sure the source was there for all to see. The opposition would like to know which barrister or solicitor gave this advice, because he or she may then come forward with the instructions they were given. It is not possible to understand a legal advice until you know what instructions have been given. It is central to the whole debate to know the answer to that question, and I implore you, Mr Speaker, to ask for the source of the material.

**The SPEAKER** — Order! The honourable member for Monbulk raised a point of order in relation to the request for the tabling of the document the minister was quoting from in her contribution, which tabling subsequently took place. I have received advice from the Clerk that during her contribution the minister handed over a document as the document she was quoting from. Therefore, there is no point of order.

**Mr BATCHELOR** (Minister for Transport) — Honourable members have seen today a tragic and pathetic attempt by the opposition to use the forms of the house and the privileges procedures which in all other circumstances before this occasion have been taken quite seriously.

**Dr Dean** — On a point of order, Mr Speaker, you have just ruled on a point of order that there was an

allegation that the document provided was not the right document, and your ruling is certainly accepted.

I wish to raise a further point of order which is not about whether the document is the correct one. It is quite clear it is the correct one, but standing orders allow a member in receipt of a document to ask the Speaker if he or she will seek to have the document sourced. I ask you, Sir, to ask the minister to source the document, in accordance with Acting Speaker Coghill's ruling as set out previously.

**The SPEAKER** — Order! The precedent quoted is Acting Speaker Coghill's ruling on 1 December 1994:

As a member only had an unsourced photocopy of a document he was quoting, the Chair, after a point of order, asked the member to provide the information subsequently and stated that it is normal practice for a member to identify the source of any quote in the course of his speech.

The difficulty I have with that is that Mr Coghill was not the Speaker in 1994, he was the Acting Speaker. However, I note that a ruling has been made some time in the past requiring that the Speaker subsequently requests the sourcing of a document, and I will do that.

**Mr BATCHELOR** — It is clear that today's attempt has proved to be nothing but a monumental fizzer that is part of a grand strategy to firstly delay the Budget and secondly launch the honourable member for Hawthorn on to some platform to promote himself as a future and potential leader. It has been the biggest fizzer in parliamentary history, and it deserves to be ridiculed for the absolute failure it is.

The real question is very simple: the issue is whether the minister misled the house in an answer and whether she did so deliberately. What do members of this house have to use to make that judgment? We have the contribution to the debate thus far, and if one relies on the debate it is clear that the motion should be thrown out. The debate was pathetic and ill-prepared. It was presented without the relevant facts, without commitment and contained contradictory issues. Honourable members must agree that, on what has been presented thus far, there is no way the house could agree with the motion.

It is clear members of the opposition have already made up their minds. It will pursue the motion, notwithstanding the explanation put forward by the minister. The whole matter revolves around a number of issues. To understand why this matter must be absolutely and comprehensively rejected one must go back to the question that was asked and the answer that was given. It is all about whether the minister assisted in the drafting of a submission and then subsequently

rejected that submission. It is very simple and easy to answer and explain.

The minister has done everything required of her, and she has left members of the opposition absolutely floundering, dithering, out of their depth and unable to take the matter anywhere at all. The opposition is continuing to struggle along, wasting the time of the Parliament. It should acknowledge that a mistake has been made and that it is unable to convert what it and you, Mr Speaker, regarded as a prima facie case. The opposition is unable to convert that into a deafening conclusion; the facts do not support it.

The motion should be rejected because there is no substance to the claim being made that the minister deliberately misled the house. On all the tests that have been put before the house thus far the motion will fail simply because the claims are not true, and the opposition now knows that. For the opposition to persist with this matter brings it no credit and indicates it is not in the pursuit of truth but has other objectives and motives at play which the house needs to address.

The opposition is unable to acknowledge that the minister met with representatives from Lavin Australia at Parliament House, in a public arena — something that has never been denied. Interestingly, members of the opposition have never asked, 'Minister, did you meet with the representatives of Lavin?' The former shadow minister and current minister was in a public arena. You cannot get much more public than the dining room of Parliament House. When the then shadow minister met with members of the Liberal Party in the dining room she was fulfilling her obligations to try to respond to a request for a meeting. Members of the Liberal Party in consort with the opposition are now working together to try to bring discredit on a hard working minister. They stand condemned.

A number of issues in the letter the honourable member for Hawthorn sent to you, Mr Speaker, need to be addressed, and the honourable member for Hawthorn has addressed only one. In order to carry the debate and convince the Parliament that what it is alleging is true the opposition must satisfy a number of tests.

The first component is that the minister misled the Parliament. The minister comprehensively destroyed that claim today.

The initial letter of the honourable member for Hawthorn, which is dated 17 April and flows from a question asked on 13 April, clearly shows that he has no confidence in the grounds he has put forward. Although the question directed to the minister refers to

‘the drafting of a submission’, the honourable member now talks about a ‘redrafting’. At the first opportunity to convince the Parliament of the veracity of his claim, he shifts ground.

The second issue is whether a submission existed. The Minister for Post Compulsory Education, Training and Employment has destroyed the opposition’s logic on that matter, and I cannot understand why it persists. Opposition members should, like mangy dogs, get out of the place as soon as they can with their tails tucked firmly between their legs. Opposition members have today devalued an important part of parliamentary process — that is, the privilege debate — and put it in the gutter, along with themselves.

There was no submission. The Jenkingses, who were to meet the former Minister for Tertiary Education and Training the following day, sought advice from the former shadow minister, who has acknowledged she advised them. In correspondence, and for whatever reason, it appears they did not meet the former minister or take up the advice of the then shadow minister.

The statutory declaration of Elizabeth Jenkins contains nothing to contradict what the minister has said; they are in furious agreement. It was the Jenkingses who drafted what they regarded as a document rather than a submission, and it was part of an ongoing plan by the proprietors of the company to pursue the matter. They were under pressure and wanted their mates in the former government to resolve the matter.

They went to the media, as part of which they rang 3AW. The media regards them as incoherent, confused and obsessed. Their business was failing and they wanted advice from the shadow minister on how to approach the then minister at a graduation ceremony the following night. The opposition now wants to crucify the Minister for Post Compulsory Education, Training and Employment. The opposition knows that the facts do not stack up. Members opposite should get out of the debate as soon as they can and not pursue the matter.

The most important issue relates to the word ‘deliberately’. The honourable member for Hawthorn did not refer to that issue in his letter of 17 April. The matter should not be before the Parliament. It is incumbent on the honourable member for Hawthorn to prove that the minister deliberately misled the house. His saying that happened does not make it true. Nothing could be further from the truth. The honourable member for Hawthorn has failed to substantiate his claim. He has not addressed the question of why the minister deliberately misled the

house — because it did not happen. The honourable member for Hawthorn and his opposition colleagues know that.

I refer to a letter dated 15 October 1996 from former Speaker Plowman to the honourable member for Werribee in response to her raising a matter of privilege. His rejection was based on the point that where a member of Parliament chooses to raise a matter of privilege in the form in which it has been raised on this occasion, the onus is on the member making the allegation to address the issue of deliberateness.

That has not happened. In that letter Speaker Plowman says:

The member should be aware that a member commits a breach of privilege if the member can be shown to have deliberately misled the house.

He goes on to say:

... I am not satisfied that there is any evidence which would indicate that the minister had acted to deliberately mislead the house in his answer to the member for Footscray. I therefore rule that a prima facie case has not been established.

I am making the point that irrespective of everything else, today’s attack on a hardworking and decent member of the government fails both the test of deliberateness and the test of misleading the house. The fact that the matter continues to be here after opposition members have had it amply demonstrated to them that the facts as they misconstrue them do not stand up reflects badly on every one of them and on all who have been involved in the matter. It also reflects badly on those who are participating in it now, and there is a need to understand why that has occurred.

The company in question has Liberal Party proprietors. It was in grave financial difficulty, was thrashing around everywhere and ran into difficulties. As the honourable member for Berwick said earlier, this is the payback — it is the payback for a former shadow minister who tried to help the company. She made the mistake of dealing with a company the directors of which were members of the Liberal Party. They were active participants in the preselection contests in Bulleen. Opposition members have not come to the debate with clean hands and will not leave it with their hands any cleaner. They stand condemned for what they have done today.

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

**The SPEAKER** — Order! On the point of order raised earlier this evening about a document which had been quoted by the Minister for Post Compulsory Education, Training and Employment, I advise the

house that the minister saw me in chambers during the dinner adjournment and provided me with a source copy of the document. The author of the document is Mr John Livi, the principal legal officer of the department. I make the document available to the house.

**Mr McARTHUR** (Monbulk) — On behalf of the opposition, I thank you for that advice, Mr Speaker. I do not intend to dwell on the facts or the context of this issue because the members for Hawthorn and Berwick outlined the facts which led to the laying of this complaint, the context of the minister's response and the legal definitions of issues such as prima facie and the requirement to go into the minister's state of mind and knowledge in determining deliberation, and did so effectively, clearly and to great effect.

There is little doubt that anyone dispassionately and objectively reviewing the contributions to the debate so far could fail to find that the Minister for Post Compulsory Education, Training and Employment has clearly, deliberately and intentionally misled the house. Sir, in your capacity as Speaker of this place investigating the complaint, you have found that a prima facie case exists.

**Mr Cameron** — That is not true.

**Mr McARTHUR** — I take up the interjection of the Minister for Workcover, who says that is not true. I refer him to the statement by the minister — —

**Mr Cameron** — On a point of order, Mr Speaker, the honourable member is being misleading. The material put before you was the material you relied upon. There was no investigation and no opportunity for the minister to make a response.

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

**Mr McARTHUR** — As I was stating before the Minister for Workcover mistakenly interrupted, Mr Speaker, you have found after reviewing the evidence and the complaint made by the honourable member for Hawthorn that there is a prima facie case of breach of privilege; in addition you have found that the prima facie case is not trivial. As a consequence of the rulings by Speaker Sir Kenneth Wheeler on 19 April 1978 when he established the new procedures for dealing with matters of privilege and contempt of the Parliament, you have decided that the prima facie case exists and you have referred the matter to the house and invited it to consider whether the matter should be referred to the Privileges Committee.

That is where the issue lies at the moment. It is not for you, Sir, as Speaker to decide the facts of the case. It is not for you to decide whether the minister has deliberately misled the house. It is for you to decide whether a prima facie case exists, and you have done so. It is not for the house to decide the outcome of the complaint. All that is required of the house in debate is to decide whether the matter should be referred to the Privileges Committee.

For centuries privileges committees in this Parliament and other Westminster parliaments around the world, including the House of Commons, have had the responsibility of deciding the outcome of such complaints and reporting their recommendations to the house — whether it be recommended that serious disciplinary action be taken against the minister; whether it be recommended that the issue, while proven, is not significant enough to warrant significant disciplinary action; or whether it be found that the issue is not proven. At this stage all such considerations are moot. It is not for us to decide on the facts. It is for us to decide whether the facts should be determined by the Privileges Committee.

I put it to you, Mr Speaker, and to honourable members of this place — members of the Labor Party, the Liberal Party, the National Party and the Independent members — that that is the very purpose of the Privileges Committee. That is the reason for its existence. If such matters are not referred to the Privileges Committee for determination and recommendation there is no point in having a Privileges Committee, and it should be dispensed with.

Let us consider why the house should refer the matter to the Privileges Committee. The question is not what the outcome of the complaint will be but what the house should do about it. What are the rules in this respect? What are the procedures and practices of the house? What does *Erskine May* suggest?

I refer honourable members to the 22nd edition of *Erskine May*. At page 111 of chapter 8, headed 'Contempts', it states:

MISCONDUCT OF MEMBERS OR OFFICERS

Members deliberately misleading the house

The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963 the house resolved that in making a personal statement which contained words which he later admitted not to be true, a former member had been guilty of a grave contempt.

That deals with the argument by the minister that the matter raised is trivial. For decades parliaments have

found that deliberately misleading the house is a grave contempt of Parliament and no laughing matter at all.

Let us consider what some other people have said about the duties, responsibilities and requirements of members of Parliament and ministers. I refer honourable members to the opinion expressed in a press release by the honourable member for Williamstown headed 'A new style of leadership'. In a letter to the honourable member for Mildura, commencing 'Dear Russell' and dated 12 October 1999 it is stated that a Bracks Labor government would:

Introduce an improved code of conduct between government and all other members of Parliament.

The honourable member went on to state in the documentation attached to the letter that under a Bracks Labor government the Premier would introduce the following:

A requirement that ministers actually answer questions during question time.

As Premier in the Bracks Labor government I personally commit to the following:

instructing all ministers to answer questions directly and in a manner that does not waste the time of the Parliament, and;

lead by example, by answering all questions specifically with the required detail to fully inform members of the Parliament of the issue raised.

Clearly the Premier, while he was Leader of the Opposition, believed members and ministers of this place had a responsibility to fully, frankly and openly provide details and information to members of the house. By inference the Premier believes that those ministers should be honest in answering questions and should not, either intentionally or unintentionally, mislead the house, honourable members or the public at large.

What has been the past practice of the house in dealing with such matters of privilege? As the honourable member for Berwick said, such motions are rare occurrences. A complaint of privilege has not been made since 1 October 1991 — almost 10 years ago. Five complaints on matters of privilege have been referred to the house by the Chair since 1982. I intend to go through them to outline how the house has dealt with such complaints in the past in the hope that members may take this as guidance on how to deal with the issue.

On 22 September 1982, Mr Ramsay, then the honourable member for Balwyn, made a complaint of molestation against Mr Simpson, then Minister for

Property and Services. Mr Ramsay believed Mr Simpson had threatened him and his business in the course of interjections. The complaint was made, and the Speaker of the day found a prima facie case existed. The complaint was debated by the house and the minister, in responding to the complaint, made an unreserved and sincere apology. On the urging of Premier Cain and Mr Ross-Edwards, then Leader of the National Party in the house, Mr Ramsay withdrew the complaint. The minister apologised and said he had not expected his comments to be interpreted in that way. He unreservedly apologised for any offence given, and the matter was then resolved.

On 21 October 1986, Mr Pope, my predecessor in the seat of Monbulk, complained about Mr Brown, then the honourable member for Gippsland West, arguing that Mr Brown had not fully disclosed personal issues affecting his pecuniary interest declaration. That matter was investigated by the Speaker, who established that a prima facie case existed. The matter was debated in the house, which agreed to refer it to the Privileges Committee.

On 8 March 1988, Mr Kennett, then the honourable member for Burwood and Leader of the Opposition, complained about Mr Gavin, then the honourable member for Coburg. His complaint was that Mr Gavin had interfered with Mr Kennett's mail. The Speaker of the day, Dr Coghill, found that a prima facie case of breach of privilege existed. He invited the house to consider the matter; it was debated and the house agreed to refer it to the Privileges Committee.

On 28 March 1991, Mr Roper, then the honourable member for Brunswick, made a complaint against Mr Kennett, then the Leader of the Opposition, in relation to a threat. Speaker Coghill found a prima facie case existed. The house debated the issue at length and resolved that it should be referred to the Privileges Committee for investigation and report. That occurred.

The final case in the recent history of this Parliament was on 1 October 1991. In that case Mr McNamara, then the Leader of the National Party, lodged a complaint against Mr Spyker, then the Minister for Transport. The complaint was identical to that lodged today; the complaint was one of deliberately misleading Parliament. At that time Speaker Coghill investigated the matter, took advice, formed a judgment that a prima facie case existed and invited the house to consider the matter. The complaint was debated and referred to the Privileges Committee. That is the most recent case in this Parliament and is most directly comparable to the present case. It was also a most interesting case. I shall go into the details.

Peter Spyker, then the Minister for Transport, made a response to a question during question time, just as the present Minister for Post Compulsory Education, Training and Employment did on 13 April this year when she answered a question from the honourable member for Hawthorn.

Back in 1991, between making that statement and the end of question time, Peter Spyker realised he had made an error. At the end of question time he immediately approached the Speaker and said words to the effect of, ‘I think I have said the wrong thing; I have said something that is incorrect and I would like to make a personal explanation’.

At the first available opportunity — at the next change of business — Peter Spyker made a personal explanation. He clearly, concisely and directly at the first available opportunity advised the house that he had misled the house in response to a question. Nevertheless, the complaint was made by Mr McNamara, a prima facie case of breach of privilege was adjudged by the Speaker of the day, and the matter was debated by the house. Despite the fact that the minister had, at the first available opportunity, corrected his statement in this place, the matter was still referred to the Privileges Committee — with the support, I should add, of members of the Labor government of the day.

I shall examine what has happened in this case. During question time on the last Thursday this house sat the honourable member for Hawthorn asked the Minister for Post Compulsory Education, Training and Employment a clear, direct and unambiguous question: did she personally assist in the drafting of a submission which was later rejected when she became the minister? He asked for a yes or no answer. In her response to the question, after some filibustering, the minister said — and I quote because I am entitled to do so in this debate:

The answer is no.

The honourable member for Hawthorn has clearly outlined to the house that the reply was inaccurate and misleading. The answer was simply not true. Not only that, but the honourable member for Hawthorn has demonstrated to the house that the minister must have known at the time that her answer was not true. She was in no position to argue that the question was an ambush inquiry and that she was unaware of the facts. The issue had been brought to her attention time and again over a period of weeks during the sittings of the house in this sessional period. It is a matter on which the minister had made a personal explanation about another misleading statement in relation to this issue.

There can be no question but that honourable members and people looking at this matter objectively will find that the minister has misled the house and that she was aware of the facts surrounding the case. She must have known she was making a misleading statement.

I can accept that from time to time in the heat of debate, in the passion of toing and froing, under the pressure of interjections and assault from the opposite side ministers and honourable members will make mistakes. Most honourable members who have any experience in this place will accept that. But any honourable member — particularly a minister — who finds himself or herself in such a position and who in those circumstances has made a statement that he or she knows to be inaccurate has a clear duty to go to you, Mr Speaker, to explain the circumstances and seek at the first available opportunity to make a personal explanation to the house. The minister knows the procedure because she has already made a personal explanation in relation to Lavin Australia. She knows the practices and rulings of the house. If you make a mistake and get it wrong, if you tell an untruth, you must be up front, admit it, apologise and get on with life.

But what has the minister done? She had changes of business on 13 April between question time and the adjournment debate. She could have approached you, Mr Speaker, during the hours set aside for ordinary business on that day or on 26 April or 27 April or 28 April or yesterday, 1 May, or even before the house sat this morning. She could have said, ‘Mr Speaker, I believe I have misled the house. Will you allow me to make a personal explanation and outline the circumstances?’. That action would have been in accordance with the rules, precedents and practices of this place.

People could then be forgiven for saying, ‘That’s okay; we accept your apology’, but she has done none of those things. She has not sought to apologise. She has clearly, knowingly, willingly and deliberately misled the house. The clear duty of the house, in accordance with its practices, procedures and traditions and in accordance with the rulings of experts such as Erskine May is to request that the issue be referred to the Privileges Committee for report.

**Mr CAMERON** (Minister for Local Government) — The Minister for Post Compulsory Education, Training and Employment is an outstanding person. She is honest and decent, and brings into this place a great breadth and depth of knowledge. Victorians are fortunate to have a minister such as she. Today’s efforts by the opposition to impugn her have

failed miserably. It is they who will walk away disgraced by what they have attempted today.

Members of the opposition have tried to make something of the fact that a prima facie case was found. The previous speaker said the minister was found to have misled the house after an investigation. I say on the record now that that is not the case. Rather, the material that was put before you, Mr Speaker, came from one side and one side only, and it was on that basis, not following any investigation — —

**Mr McArthur** interjected.

**Mr CAMERON** — Unlike the misleading comments of the previous speaker, it was on that basis that the Speaker ruled that there was a prima facie case. There was no investigation. The Minister for Post Compulsory Education, Training and Employment was not fully apprised of the case against her until the motion was moved today. Indeed, as we heard today, the honourable member for Hawthorn did not want the papers released until today.

In 1978 Speaker Wheeler made it clear that when the Speaker makes a ruling on whether there is a prima facie case the complaining member, in this case the honourable member for Hawthorn, is entitled to give notice of motion on the following day's notice paper in a position of precedence. Nevertheless, as you are aware, Mr Speaker, this matter was dealt with today without delay, and it is to the great credit of the minister that she got up and dealt with it.

**Mr McArthur** — On a point of order, Mr Speaker, all honourable members know that reflections on the Chair are disorderly. The line now being taken by the Minister for Local Government reflects on your rulings and on your handling of the complaint. He is alleging that the Minister for Post Compulsory Education, Training and Employment was ambushed, that you did not advise her that the complaint had been made and you had found a prima facie case against her, and that as a result you would not be making a report to the Parliament but would have the matter dealt with forthwith. He is saying, in effect, that you have been unfair, and that is an unfair reflection on the Chair.

I am well aware of the steps you took, Sir, to inform the minister of the matter. With the support of the opposition you informed the minister once you made the decision that a prima facie case existed, and at the same time you informed the honourable member for Hawthorn of your action. Both members were informed simultaneously of your decision.

**The SPEAKER** — Order! I am not prepared to uphold the point of order. However, I remind the Minister for Local Government that although I allowed him to canvass in passing the circumstances in which the matter was brought into the house, I will not allow him to continue canvassing them.

I will continue to hear him only if he concentrates on the question of privilege that is before the Chair.

**Mr CAMERON** — The honourable member for Hawthorn produced a blue document and a red document today, both of which were handed out. That was the first time they were produced. It is to the great credit of the Minister for Post Compulsory Education, Training and Employment that she dealt with the matter as she did.

Mr Speaker, you will have seen the faces of opposition members when the minister set out her position. The honourable member for Hawthorn had not wanted anything released before today, so opposition members took the mistaken view that the minister was not aware of the red document, which is the one she had written on. However, the honourable member for Hawthorn gave the game away when he made it clear that it was a question of the word of Lavin Australia against the word of the minister and that he believed the minister had not counted on the fact that there was a note with handwriting on it. The opposition's case was based on the belief that the minister was not aware of the note or of the handwriting.

We now know that members of the opposition were wrong, wrong, wrong! I sit next to the Minister for Post Compulsory Education, Training and Employment so I can tell you what occurred on the day. She answered the question, came back to her seat and sat down. Talk about read the book! She read the book extremely well. She said, 'What he must be getting at is some note from that company that I have written on. He thinks I have somehow endorsed a submission'. Today the minister laid out all those issues.

One of the things the opposition must prove is that the minister acted deliberately to mislead the house. I know from the remarks she made to me on the day that she was not deliberately misleading the house. She did not mislead the house at all — but we will come to that later. She was honest and open, and she knew what she was doing. She knew about the note at the time of the answer — of course she did! — and she has said that again today. That brings the opposition's case entirely undone.

All she did was point Lavin Australia in the right direction, and that is reflected in the handwritten annotations. What were those notes for? Were they for a submission? No they were not — and there was no submission. They were notes written because Lavin was to meet the minister the following day.

The Liberal principals of Lavin were going to meet the then minister, the honourable member for Warrandyte, the next day. The minister at all times acted honestly and openly, and that is what she said to Parliament.

Let us consider the elements of the allegation against the honourable member for Altona, the Minister for Post Compulsory Education, Training and Employment. The deliberateness of her actions has been dealt with and nothing in the material from the honourable member for Hawthorn demonstrates anything deliberate. Putting that matter to one side, let us concentrate on the claim of misleading the house. The allegation is that the minister drafted a submission. It is known today that there were notes but there was no submission. It is known the minister pointed the company in the right direction.

In view of my remarks, the comments of the minister today and her previous response on the day, it can be seen that the minister was dealing with the matter openly and honestly when she said on 13 April in answer to a question from the honourable member for Hawthorn:

The honourable member for Hawthorn has taken the wrong approach to this issue because he has actually believed all the information that Lavin has provided him with. The honourable member for Warrandyte knew not to do that; unfortunately, the honourable member for Hawthorn has not taken that advice. The answer is no.

In other words, the honourable member for Hawthorn believed the submission had become the submission of the minister and that she had endorsed it. It is known that is not the case. It is known the minister pointed the company in the right direction, and that is not in dispute. The honourable member for Hawthorn has been too smart by half in his leadership bid and has brought it undone today.

Let us pick up again those remarks of the minister. It was her view that it was alleged that it was her submission and that she endorsed the position of the company. If that were the case, the company would say so. A fax was sent to the minister on 20 October 1999 — the date the government was sworn in — a very good day for Labor and for Victoria and an excellent day for regional Victoria. The third-last paragraph of the fax from Lavin to the honourable member for Altona states:

Our financial exposure at the moment is very worrying particularly when we are still in this persistent 'no man's' land of recognised underfunding with no apparent early resolve.

It was not the view of the company that the minister endorsed its position, yet that is precisely the position the honourable member for Hawthorn is trying to put. On the admission of the company its case goes down in a screaming heap.

Let us go an extra step by looking at the statutory declaration, not seen by the minister until this afternoon. There is no reference in the statutory declaration to a submission, but there is reference to a document. That is consistent with the explanation of the minister and her remarks in answer to the question.

There seems to be a view — an undercurrent — that members should not point others in the right direction and if they do they take on what they say: a submission becomes the member's submission. Members may just be pointing someone in the right direction and may or may not endorse or accept themselves.

The note was for a meeting with the former minister and it is now known the note was not handed over to the former minister. No evidence exists that the so-called submission was put to the minister asking for certain things to happen.

The company, backed by members of the Liberal Party and the honourable member for Hawthorn, has financial difficulties. I understand the pressure it was under, as did the minister, which is why she pointed it in the right direction, but at no stage did she endorse its remarks. The evidence from the company's letter is a tacit admission that the minister did not ever do this.

People point others in the right direction all the time — it is a kind and Christian thing to do. How often have we heard honourable members give someone a hand? That is what members and shadow ministers do. How often have we heard a Hawthorn or an Essendon supporter offering advice to coaches of other football teams? It happens all the time. It is human nature.

Let's go over the events again. Firstly, nothing the minister has said has been misleading. In fact, some of the things about which claims have been made did not even occur. There was no submission, and she has never drafted or endorsed a submission. It is nothing but a witch-hunt. Her actions have been open and honest; her remarks on the day in question and her remarks in the house today bear that out. If there had been an investigation that would have no doubt come out earlier.

When you consider all those facts, the case of the honourable member for Hawthorn lies in total ruin. That is why the opposition was extremely embarrassed when those facts — including the Liberal link — came out today. It now knows that the minister knew months ago that the Jenkingses were Liberals; indeed, they admitted that to her in correspondence some time ago.

Let us look at the motives of the people who make the allegations and let us consider their credibility. We know the motives of the honourable member for Hawthorn, and it is a pity he has had a major setback today. Let us look at the motives of the people who say they vote Liberal. The ratty-tatty claims before the house bring enormous discredit on it. The best thing the honourable member for Hawthorn could do would be to have the motion withdrawn so he does not continue to look a fool.

**Mr McINTOSH (Kew)** — I say by way of preface that the house has to concentrate on the offence. The motives are only the background; it is the offence — what occurred on 13 April — that is important.

As a junior barrister I would participate and assist in the drafting of many documents. On a number of occasions my pen may not have actually touched the — —

**The SPEAKER** — Order! The honourable member for Malvern is being grossly disorderly. The honourable member should be aware that he must not cross between the member speaking and the Chair.

**Mr McINTOSH** — When I was a junior barrister on any given day I might spend many hours drafting documents, and on those occasions when I had the benefit of a junior briefed to a silk, I might assist in the drafting of documents without my pen actually touching the paper. On occasion my advice on the drafting of a document might be sought orally over the phone.

Writing on a piece of paper does not constitute the only means of assisting in the drafting of a document. My recollection is that today the Minister for Post Compulsory Education, Training and Employment defended herself on one principal ground, which was not that she did not have the required mens rea — the criminal intent — but that she is not guilty of the actus reus — the criminal act.

The minister said, 'I did not mislead the house, and because I did not mislead the house, I did not do it deliberately'. She is not defending herself based on what she knew or what her intention was, she is defending herself solely by saying she did not commit any offence — the actus reus.

The minister said she did not assist in the drafting. She said she was present at a meeting and had discussions with those people about their submission but that all she did was put on a piece of paper their ideas and discussions. It does not matter whether she was assisting them 100 per cent or 1 per cent — she was assisting them. She knew what issues Lavin Australia, through its directors, were raising and seeking her advice about. She conceded that she prepared notes, but she said they were never a submission and that therefore she is excused from any liability. She conceded that those notes were ultimately given to her — admittedly prior to her becoming a minister, but shortly after her election — and she also said she was ultimately provided with a submission from Lavin Australia. My recollection is that she said the submission arrived on 22 October.

The submission stated that Lavin Australia was a registered training organisation and a private provider of training of aged care nurses for certificate III and IV nursing qualifications. It also stated that because of the course requirements, substantial parts of the course were not funded by the students or by the government, which led to a substantial financial disadvantage to Lavin Australia, which it was seeking to redress.

The minister was aware of the precise problem, which was the number of unfunded hours required to be provided by Lavin Australia. She was also aware of the extreme shortage of nurses in the industry and of the solution Lavin Australia was seeking, which was an improvement in funding. The minister made no more than that concession, because that is precisely what she did when she listened to the representations and wrote on the piece of paper, 'Notes for Phil Honeywood', the then minister.

Those notes do precisely that: they talk about the institution, the course, the course requirements, the problems that the course requirements placed on Lavin Australia and, ultimately, the solution. Even if the minister did not put a single piece of writing on the paper, she still assisted in the drafting of those notes. However, she wrote something on the piece of paper indicating that she was aware of the issue.

Ultimately, those notes were submitted to her shortly after her election. In a letter she made great play of going to see Kevin Andrews, the federal member for Menzies, and mentions the previous Premier, the honourable member for Bulleen and others. However, the notes refer to the same institution, the same course and the same difficulties of funding, and the notes seek the same solution, which was the provision of funding to enable Lavin Australia to get over its financial

difficulties. The submission on the institution and the course it provided, its difficulties with funding and the solution, which was for the government to provide the money, was ultimately the submission she rejected.

**Ms Duncan** — Wrong!

**Mr McINTOSH** — The honourable member for Gisborne says that is wrong. That is precisely what the minister said today. The point she made was that everybody was concentrating on the notes constituting the submission. What she was asked in the house was simply this:

Did [you] when in opposition personally assist in the drafting ...

That does not mean the minister had to write something, nor does it necessarily mean that what was written had to become the end product. The vice in the answer provided by the minister is that she knew perfectly well, because of what had gone on, what the honourable member for Hawthorn was raising. The honourable member had raised on numerous occasions the issues relating to Lavin, including the course, the funding and the solution. It is crucial that despite the question being couched in general terms, the minister knew the background to the issue, she knew that she had rejected a submission and she knew she had participated as a member of the opposition in the drafting of the submission. The ultimate submission may not have been the one she rejected, but she participated in the preparation of the document.

When she was asked to say yes or no, she should have said yes — but she said no. The minister has participated in the process and she knows the answer perfectly well. It is not as though the issue has come out of the blue. This has been a deliberate act on her part.

I am a new member of Parliament, and I stand here with a great deal of pride. I am aware both cogently and academically of the privileges that attach to us as members of Parliament. They have been hard fought for, in some cases in civil wars. People have died for the privileges we have. One of those privileges, and probably the greatest privilege that attaches to us as members of Parliament, both individually and collectively, is the right of freedom of speech.

The freedom of speech to promote discussion and debate is held sacred by this Parliament, but it has a very onerous downside. It is a responsibility of every member of Parliament, particularly a minister of the Crown, to provide full and adequate explanations of what they are doing when responding to a question.

The Minister for Post Compulsory Education, Training and Employment knew all about Lavin Australia and the issues raised. She held discussions with the people from Lavin and participated in redrawing notes that were to be put to the then minister. She, like all the herd on the other side of the house, did not expect to become a minister — but she did become the minister. She also knew she would cop a submission from Lavin raising the same issues, funding questions and solutions. She knew all that and yet she went off on a tangent and answered no to the question.

The Labor government talks about open, accountable and transparent government. It is a disgrace when one of their own lies to the house and tries to slide out of it with some tangential description.

**Mr Haermeyer** — On a point of order, Mr Speaker, I understood the standing orders of the house prevented the word ‘lie’ being used. It is an unparliamentary term and I ask the honourable member to withdraw it.

**Dr Napthine** — It is a privilege matter!

**Mr Haermeyer** — It is not a question of whether it is substantive to the motion before the house. It is an unparliamentary term; it is improper and should be withdrawn.

**Mr McINTOSH** — I withdraw — —

**Dr Dean** — On the point of order — —

**The SPEAKER** — Order! There is no point of order. The word has been withdrawn.

**Mr McINTOSH** — I withdraw the word ‘lie’, Mr Speaker, and use the term ‘deliberately mislead’. The deliberate misrepresentation impacts upon what we do as members of Parliament, and that is the serious consequence of what is happening now. If it is allowed to go through then members are setting a very low standard. The traditions, privileges and all of the things we have fought for as a nation and as part of the tradition of English-speaking parliaments will be lost.

The simple fact is that there are many documents and many issues, and the appropriate course is for the matter to be properly investigated. The opposition is not making a final conclusion or passing judgement today. The motion seeks for the matter to be referred for further investigation and report. I support the motion.

**Mr VINEY** (Frankston East) — The honourable member for Kew seems to want to cast a very wide net. He seems to be suggesting that, should a shadow minister even so much as talk to a constituent about a

problem, that can somehow be construed as being involved in the drafting and redrafting of documentation. It is a massive net that he wants to cast and it shows the grubby nature of the blatant political attack being launched by the opposition. It has nothing to say on the budget and so has decided to run a grubby political exercise. The honourable member for Kew is beating his chest and saying this is what people have died for — this is what people have defended our nation for — a matter of dispute of words! The opposition is trying to use a form of words to make a grubby political point.

The exercise is a sad and reprehensible misuse of people who, we have heard from the minister, were in a rough financial position. The Jenkingses have been treated grievously by the honourable member for Hawthorn in the whole process.

When looking at the documentation one starts to see a fairly wide web of political intrigue needing investigation. Some of the documents that have emerged show that the Jenkingses, who are members of the Liberal Party, had been using their membership of the Liberal Party to try to make contacts with people on their side but were having a lot of difficulty doing so. They wanted to meet the minister from their own party, but because that was so difficult they had to see a shadow minister from the Labor Party to try to get a result.

This not the first time the Jenkingses have been used for the sort of grubby political purpose now being used by the honourable member for Hawthorn. The Jenkingses belong to the Bulleen branch of the Liberal Party, as the minister said in her contribution.

One starts to see that this might be linked to the vicious political activity that was taking place — the nasty branch stacking that was occurring in Bulleen — because some of the players are the same. This is referred to in one of the letters to the minister at the time she was appointed. One starts to see some of the characters involved. It becomes fairly clear that during the bitter preselection battle the Jenkingses were pawns in the process.

**Mrs Peulich** — On a point of order, Mr Speaker, on the question of relevance — —

**Mr Haermeyer** — Sit down then!

**Mrs Peulich** — If it were an original interjection I would laugh, but it is not.

Mr Speaker, the honourable member for Frankston East is straying far and wide from the matter before the

house. It has nothing to do with Liberal Party membership or identities. The issue for consideration is whether the matter deserves to be referred to the Privileges Committee. The opposition has in its possession written documentation that contradicts what the minister has said in this house. The matter is worthy of referral to the Privileges Committee. It has nothing to do with the direction being taken by the honourable member for Frankston East. I ask you, Sir, to bring him into line.

**The SPEAKER** — Order! I am not prepared to uphold the point of order. However, I ask the honourable member for Frankston East to confine his remarks to the matter before the Chair — that is, the referral of a breach of privilege. I am aware that he is referring to one of the letters produced by the honourable member for Hawthorn to establish his case, but he is drawing a very long bow by going in the direction he is travelling. I ask him to come back to the motion.

**Mr VINEY** — I am happy to come back to the issue and concur with your guidance on the matter, Sir. The letter to which I am referring was signed by Liz and Richard Jenkings and sent to the now minister during the caretaker period of the previous Kennett government. It is dated 27 September 1999. The letter refers to the fact that the Jenkingses prepared a letter to the then minister, Mr Honeywood, based on the advice of the then shadow minister and that their business partners voted to follow their understanding of protocol and not give the letter to Mr Honeywood on the graduation night he attended. However, the letter was given to their local federal member of Parliament, Mr Kevin Andrews.

I am trying to put the matter into some context because I am trying to understand why members of the Liberal Party would give correspondence to Kevin Andrews when they were having difficulty getting to meet the state minister. I am trying to understand the background to this grubby political exercise the house is seeing tonight.

The Jenkingses were having difficulty getting to see the honourable member for Warrandyte in his then position as the Minister for Tertiary Education and Training. Other correspondence the minister has referred to shows they had been dealing with Mr Perrin, the then honourable member for Bulleen, to help them get to see their local member, the then Minister for Tertiary Education and Training. Being members of the Liberal Party I am trying to understand why they were not having any success. The reason is probably sitting on the back bench on the other side of the house — —

**Mr Smith** — On a point of order, Mr Speaker, the honourable member's comments have absolutely nothing to do with the debate on the Privileges Committee. I ask that you bring him back to the motion.

**The SPEAKER** — Order! I was about to draw to the attention of the honourable member for Frankston East the requirement I placed on him earlier — that is, he should relate his remarks to the matter before the Chair. If he does not do that in his contribution I will not continue to hear him.

**Mr VINEY** — The honourable member for Hawthorn has chosen to misuse and abuse the information he has been given. Interestingly enough, according to the statutory declaration, he was given the information the day before he asked the question. Honourable members can start to see the reasons behind the raising of the matter by the opposition. The letter from the Jenkingses refers to other members of the Liberal Party. I refer to a paragraph which again refers to Mr Kevin Andrews and to meetings with Dr Kemp.

The letter also refers to an attempt to approach the former Premier, Mr Kennett. The letter states that the Jenkingses set their sights on approaching Mr Kennett through Liberal Party connections because they were obviously having no success in their attempts through Mr Andrews and Mr Perrin. It is obvious from the letter that the reason they were having no success in their attempts to get to the then minister through Mr Perrin was because by that stage — —

**Mr Smith** — On a point of order, Mr Speaker, my point of order is exactly the same as the last one — that is, the honourable member for Frankston East is not paying the slightest bit of attention to what the debate is about. He is talking absolute irrelevancies, and I ask you, Sir, to bring him back to the debate on privilege.

**Mr VINEY** — On the point of order, I am referring to the letter dated 27 September 1999 from Liz and Richard Jenkings. If the letter is relevant in part according to the opposition surely it is relevant for me to refer to matters raised in full. The letter is the sole document I am relying on and it is important to the debate.

**The SPEAKER** — Order! The debate is about the referral of an allegation of a breach of privilege by the Minister for Post Compulsory Education, Training and Employment. Several documents and letters have been produced and the Chair has been tolerant in allowing honourable members to canvass some of the issues

contained in those documents. However, the requirement at all times is that in canvassing the issues they must relate to the subject before the Chair — that is, the allegation of a breach of privilege.

Although the honourable member for Frankston East has spent some time quoting from the letter, his remarks as yet are not relevant to the question. I uphold the point of order and ask the honourable member for Frankston East to return to the question.

**Mr VINEY** — The house is dealing with an allegation by the honourable member for Hawthorn that the Minister for Post Compulsory Education, Training and Employment has not only misled the house but has deliberately done so. The opposition has failed to establish either point. The minister made it clear that at no time did she believe she was involved in the drafting, redrafting or any other technical term of the document.

The opposition has wasted the time of the house while the government is trying to understand what might be behind the allegations. It is clear that the honourable member for Hawthorn has decided to continue the misuse of the Parliament. The Jenkingses are in financial difficulty and have come to the honourable member for Hawthorn in a desperate attempt to save their business. The honourable member for Hawthorn has clearly misused and misunderstood the procedures of the house.

**The SPEAKER** — Order! The honourable member for Frankston East may not impugn the character of the honourable member for Hawthorn except by substantive motion.

**Mr VINEY** — The point I wish to emphasise is that the issue before the house is a continuation of and a reworking of some of the same characters referred to in the letter; how they were used in the preselection process and subsequent to the preselection process in Bulleen where the now honourable member for Bulleen is a former adviser to the former Minister.

**Mrs Peulich** — Mr Speaker, on a point of order, the honourable member for Frankston East has repeatedly flouted your rulings and the points of order upheld by the Chair. The focus of the debate is the Minister for Post Compulsory Education, Training and Employment, not the honourable member for Hawthorn or his motives or any other identities in this particular case. The specific parameter of whether the matter is referred to the Privileges Committee applies to the debate. It is not a wide-ranging slur or a muckraking exercise about Liberal Party processes. I ask that you

bring the honourable member for Frankston East to order or that you sit him down as you have already threatened to do.

**Mr Haermeyer** — On the point of order, Mr Speaker, the matter before the house is a serious allegation brought by the honourable member for Hawthorn. Both he and other opposition members have raised significant matters that go to the substance of the issue, which is similar to what the honourable member for Frankston East is doing. At the end of the day honourable members opposite are saying they can accuse, point the finger and draw all sorts of bows at the minister but no-one on this side of the house may say anything in the minister's defence.

An element of procedural fairness needs to be considered. The honourable member for Frankston East is mounting an argument and I should have thought that the circumstances leading to the bringing of the motion before the house were relevant to its bona fides.

**The SPEAKER** — Order! I uphold the point of order raised by the honourable member for Bentleigh. I have repeatedly asked the honourable member for Frankston East to confine his remarks to the matter before the Chair — namely, the alleged breach of privilege by the Minister for Post Compulsory Education, Training and Employment. I will discontinue hearing him unless he does so.

**Mr VINEY** — In a debate of this nature the opposition should put up or shut up. It has produced no evidence to show that the minister knowingly or deliberately misled or attempted to mislead the house in any way. It has been unable to do that because the issue is a political exercise by the honourable member for Hawthorn. The government has demonstrated that because in the preselection for Bulleen to which I referred the current honourable member for Bulleen was an adviser to the minister at the time.

**Mr THOMPSON** (Sandringham) — The allegation before the house this evening is specific — that is, whether the minister misled the house deliberately.

The wider circumstances relate to a question asked by the shadow minister for tertiary education and training in which he asked, 'Did the Minister for Post Compulsory Education, Training and Employment when in opposition personally assist in the drafting of a submission by Lavin Australia, a submission which she later as minister rejected? Yes or no?' After a medium-length preamble the minister provided the following remark, 'The answer is no'.

The matter before the house turns on some questions of definition and a consideration of whether the making of a deliberately misleading statement is to be adjudged as a contempt. There are a number of elements that need to be fulfilled before that can be adjudged to be the case.

I will introduce some definitions for the purpose of a clearer debate. Firstly, the word 'personally' was cited in the question of the shadow minister on 13 April. The Oxford dictionary defines the word as:

... in one's personal capacity; as an individual person (as distinct from others); individually ...

Secondly, the word 'assist' is defined in the Oxford dictionary as:

... to help, aid: a. a person in doing something ... b. a person in necessity; c. an action, process or result.

Thirdly, the word 'draft' or 'drafting' — I am using the noun in the definition — is defined as:

... a. a preliminary written version of a speech, document, etc. b. a rough preliminary outline of a scheme. c. a sketch of work to be carried out.

The fourth word that is germane to the analysis is 'submission'. The Oxford dictionary defines it as:

... in wider use, the act of submitting a matter to a person for decision or consideration.

...

... in a legal use, a theory of a case put forward by an advocate.

What did the minister acknowledge in the house earlier today? She made a number of comments suggesting that as a matter of good faith she effectively acted as a scribe for the Jenkingses. She noted that she did what any decent member of the house would do to assist a constituent. Those remarks do not narrow down responsibility for contributing to assist in accordance with the definitions earlier provided. She also noted that she helped them to clarify their thoughts.

What was the question she had to respond to in the present case? The question was asked, 'Did the minister assist in the drafting of a submission which she later rejected?' by referring to the notes that were submitted to the house earlier today in the submission by the honourable member for Hawthorn. There was a particular document which was considered by her in concert with the Jenkingses and on which there are a number of handwritten remarks. I submit to the house that the heading of a document is irrelevant to the substance of what the document attempts to do, whether it is headed 'notes' or the heading uses any

other terminology. The essential issue is the substance of the document and what it embodies or entails.

On this particular document a number of remarks are made relating to history and market share of the organisation. It outlines nursing training since 10 June 1997, states that the first set of graduates would be graduating on 1 September 1999 and refers to further enrolments of which '350 are certif. 4 in health nursing' and '150 in cert. 3'. Clauses which are deleted from the document relate to Gippsland TAFE and graduation. Other deleted clauses relate to the time frame by which a decision should be made and written commitments by way of response are sought.

Interestingly, a new heading has been added under the title 'What we request'. The first point notes:

1. Full funding for ... course for 952 hours as required by the Nurses Board of Victoria.
2. In relation to each trainee with a health care card reimbursement of difference between tuition fee and \$40 charged for health care card holder.
3. Recognition of previous gap in funding and reimbursement.
4. Infrastructure.

Those particular points formed part of a submission, in the general sense of the term, on the part of Lavin Australia and its directors and office bearers. Were those particular elements at any point in time considered by the minister?

The comment is made in the outline of the history of events by the honourable member for Hawthorn that there was a response by the federal minister for tertiary education and training in which the minister suggested vigorous endeavours were made by a particular trainee organisation for further funding, but that funding had not been granted or provided.

It appears that a decision had been made at departmental level about the essence of the earlier submission or notes — the heading is irrelevant. In the conference in the parliamentary dining room certain points were made by way of submission but under the title of notes. Irrespective of the heading, Lavin Australia was seeking certain things which it was ultimately unsuccessful in obtaining.

The minister remarked that the only submission the department received was a 13-page document from another body. The document is in part interesting if one analyses what it was seeking. The minister has stated that this document is the essence of what she construes as a submission. Under the heading 'Solution' it states:

... a grant of \$500 000 to reflect the work undertaken by the company to assess students undertaking the Certificate IV in Health (Nursing) courses since our first course commenced in June 1997

a grant of \$200 000 to cover cost of:

the work undertaken on the present Certificate IV in Health (Nursing) curriculum to promote safe practices in the workplace. This has a major impact in the aged care industry

the work undertaken on the present Certificate IV in Health (Nursing) curriculum to reflect a change in delivery so that students can work in acute clinical areas such as hospitals

a business development loan of \$200 000 to cover the cost of additional staff and resources in providing health courses in regional Victoria

a review of the student contact hourly rate for Certificate IV in Health (Nursing) traineeships to reflect the very high cost of conducting such a course.

Translated, those points in that major 13-page document in many ways reflect the essential requests put together and drafted by way of a submission prepared in the parliamentary dining room. Ultimately, the application made by Lavin Australia for top-up or additional funding was not approved by the minister or the department.

According to the Independents Charter Victoria 1999, at that time the Bracks Labor government committed to:

instructing all ministers to answer questions directly and in a manner that does not waste the time of the Parliament; and

lead by example, by answering all questions specifically with the required detail to fully inform members of the Parliament of the issue raised.

I return now to the issue originally raised in Parliament. The member for Hawthorn asked a question in the following terms, referring to a submission in a broader sense:

Did the Minister for Post Compulsory Education, Training and Employment, when in opposition, personally assist in the drafting of a submission by Lavin Australia, a submission which she later, as minister, rejected — yes or no?

As I mentioned earlier, the answer given by the minister, after a preamble, was no. I put it to the house that, whether this occurred due to the pressure of the moment or because of business concerns or other circumstances, a person on the Altona or Nunawading omnibus perusing the minister's answer and deciding whether it was a full and free overview of the facts of the case would not form the impression that the facts of the case support the answer 'no' in this case. In the light

of those remarks, the question of whether the minister deliberately misled the house is a case that needs to be answered.

**Mr WYNNE** (Richmond) — I rise to make a contribution to debate on the motion, which has now gone on for 4 to 5 hours. One should treat the motion moved by the honourable member for Hawthorn with the level of gravity that is due. It is a serious matter for anybody to bring before the Parliament a charge concerning a question of privilege.

I welcome the opportunity to contribute to the debate and do so having known the Minister for Post Compulsory Education, Training and Employment since our university days. The integrity of the minister is absolute. The minister has had a distinguished career in public life in local government and now in state government, both in opposition and as Minister for Post Compulsory Education, Training and Employment. When honourable members review the budget documents they will see what a magnificent performance the minister has given, delivering real and sustainable gains in the post-compulsory education and technical and further education area. It is important that that be mentioned by way of background in support of the minister.

The matter brought before the house today by the honourable member for Hawthorn goes to the question of whether the honourable member for Altona, when in opposition, personally assisted in the drafting of a submission by Lavin Australia — a submission which she later rejected — yes or no. That was the question before the house, and that is the matter of substance the house is debating this evening.

**Dr Dean** interjected.

**Mr WYNNE** — I am reminded by my colleague the shadow Attorney-General that one has to overcome some serious hurdles in reaching a conclusion on the matter. He mentioned in his contribution that the matter was of serious weight and that a judgment has to be made regarding whether there was a case to answer and in particular whether the minister deliberately misled the house. The honourable member for Kew, in his more eloquent and barrister-like way of approaching the matter, went to the question of whether the minister satisfied the test of mens rea — that is, was criminal intent involved? One would have to say that, on any of the tests put before us by the opposition, the answer is categorically no. By any reasoned measure of any reasonable person who has listened to the debate today, the answer must be categorically no.

The honourable member for Hawthorn relies upon a document which he purports to be a submission. As indicated in earlier contributions, the submission is the red document tabled to assist debate today. Anyone who has been in public life in any capacity would know the difference between a submission and notes. In this case all one could categorise the document as at best would be perhaps speaking notes. It is an extraordinarily long bow to draw to purport that that flimsy two-and-a-bit pages of dot points is a comprehensive submission on behalf of the Lavin Australia organisation.

It is important that the context in which the document was prepared be understood. As I understand it, based on the contributions of other speakers tonight and earlier today, the group was proposing to provide the information to the minister in a relatively informal context — at a graduation ceremony that was to occur the following night. That seems to me an odd way of attempting to gain access to a minister on a matter that was obviously of extraordinarily deep concern to the organisation. It is clear from the contributions of a number of speakers that the organisation was in serious financial difficulties. That is fairly well recognised by both sides of the house. I do not seek to go to the question of how the organisation managed to get into the financial difficulties it is obviously in — —

**Mr Honeywood** — Why did you lie?

**Mr WYNNE** — As you have already ruled once tonight, Mr Speaker, the interjections from members opposite suggesting that the minister lied are unparliamentary. In a ruling this evening on the same point you asked the honourable member for Kew to withdraw that accusation.

**Mr Perton** interjected.

**The SPEAKER** — Order! The honourable member for Doncaster shall cease interjecting.

**Mr WYNNE** — Like any decent and hardworking member of Parliament, the then shadow minister met with the group. It has been made clear to honourable members that that took place in a public forum — the dining room of Parliament House. That flimsy document — the three-page, so-called massive submission — was tabled at that meeting.

It is hard to understand why the organisation could not get access to the minister if, as has been alleged, it had so-called contacts within and close associations with the Liberal Party. I will have to leave that matter to others to speculate on. I do not understand why, if that organisation was an important training provider, it was

not able to gain access to the minister to put its case. To have to utilise some relatively informal arrangement using a flimsy three-page document to seek to exert influence on the minister in a quasi-ceremonial setting seems to me an odd way of conducting business.

In his submission to you, Mr Speaker, the honourable member for Hawthorn changed the context in which the accusation has been made. In his letter he no longer suggested that the Minister for Post Compulsory Education, Training and Employment drafted a submission; rather he suggested that she redrafted one. It is obvious to all honourable members that the flimsy, three-page so-called submission — —

**Mr Perton** — On a point of order, Mr Speaker, you have made a prima facie finding about the evidence. You have put up with a lot throughout the debate. Members of the Labor Party have laughed with contempt at your ruling. The standard of debate has been as bad as any in living memory. The entire house has been brought into disrepute.

The evidence that the honourable member for Richmond refers to as flimsy is evidence on which you have made a finding that there is a prima facie case to answer.

**Mr Maxfield** interjected.

**Mr Perton** — The honourable member for Narracan has demonstrated great contempt for this house and for you, Mr Speaker, throughout this debate.

I put it to you that the honourable member's derogatory reference to the evidence as flimsy — evidence on which you have already made a prima facie finding — is contemptuous of your ruling. I ask you to call him to order.

**Mr Lenders** — On the point of order, Mr Speaker, you have found that there is a prima facie case for the house to debate. It is, therefore, within the province of the house to debate the facts of the case and to decide whether it should be submitted to the Privileges Committee. I urge you to rule that the behaviour of the honourable member for Richmond is well within the standing orders and that it is appropriate for him to advise the house about whether it should refer the matter to the Privileges Committee.

**The SPEAKER** — Order! I do not uphold the point of order raised by the honourable member for Doncaster. I was listening to the honourable member for Richmond and he was indeed questioning and expressing his view on one of the pieces of evidence before the house.

**Mr Perton** interjected.

**Mr WYNNE** — Thank you for your ruling, Mr Speaker. To take up the interjection of the honourable member for Doncaster, the prima facie case is the one that must be debated in this chamber.

**The SPEAKER** — Order! The honourable member would do well to ignore interjections because they are disorderly.

**Mr WYNNE** — Thank you for your advice, Mr Speaker. In his documentation the honourable member for Hawthorn moves carefully away from an allegation of drafting a submission to an allegation of redrafting one. Any decent member of Parliament attempts to assist an organisation that comes before him or her for advice about — —

*Opposition members interjecting.*

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

**Mr WYNNE** — Like all decent members of Parliament, Labor Party members try to give advice to any organisation that obviously finds itself in difficult circumstances. In the case under discussion the question of why the organisation found itself unable to approach the minister is unclear, but clearly it was having difficulty doing so. The basic evidence before us is one document — the so-called submission. What happened to it?

**Mr Perton** — And an affidavit.

**Mr WYNNE** — Indeed, there is also an affidavit, which must be taken on face value; otherwise the suggestion is that the person who signed has perjured herself. I will not seek to go into the motivations of that person. However, I will deal with the material evidence, the so-called submission itself — although I prefer to call it the alleged submission.

What happened with the alleged submission? It went nowhere. It did not go to the minister or anywhere else. In his contribution to the debate the honourable member for Kew went into great detail about the so-called submission. But I repeat: it did not go anywhere; it was not submitted. Rather, an entirely different document was produced that bore no resemblance to the three pages that could at best be called speaking notes that were designed to assist someone who might be attempting to make a verbal presentation at some ceremonial event the following night. The later document materialised and turned out to be a comprehensive submission bearing not one

scintilla of evidence that it came from or resembled the three-page document. It was that document that was ultimately submitted.

On the two pieces of evidence available to us — the flimsy red speaking notes and the affidavit signed by — —

**Mr Perton** interjected.

**Mr WYNNE** — Let's not go into the correspondence. It makes fairly ordinary reading.

**Mr Perton** interjected.

**Mr WYNNE** — It has been adequately canvassed by my colleague the honourable member for Frankston East and deals with some strange internecine warfare within the Liberal Party which I could not hope to understand, nor do I want to; whether it is based around the question of preselection in Bulleen I do not know. It is beyond me, Mr Speaker. The Liberal Party is an organisation in decay, and one worries about this sort of correspondence reaching the light of day because it does not reflect well on the organisational or political wing of the Liberal Party.

The debate has been about whether the minister in any malicious or deliberate way attempted to mislead the house — —

**Mrs Peulich** — It doesn't have to be malicious.

**Mr WYNNE** — I will take up the interjection because earlier the honourable member for Kew raised the notion of mens rea — criminal intent. That is a serious charge. By any measure of any reasonable person did the minister deliberately mislead the house? The answer is categorically no.

The debate has brought no credit to the mover of the motion. No evidence has been produced here today that could lead any reasonable person to any other conclusion than that the answer is no. I submit, Mr Speaker, that the motion moved by the member for Hawthorn should be resoundingly rejected.

**Government Members** — Hear, hear!

**Mr SMITH** (Glen Waverley) — We have heard an incredible amount of debate today. Finally it comes down to the question of what a member's or a minister's word is worth. The matter was set out in the question asked by the honourable member for Hawthorn, and it was simple: did the minister personally assist in the drafting of a submission — yes or no? The minister said, 'The answer is no'.

It has been seen that the crux of the matter is whether the minister misled the house. The Labor Party is asking us to let the standards fall to rock bottom — it does not matter what people say; they can come in and say what they like. If members are debating the great privilege of being believed, I cannot understand what government members are frightened of.

In the time you and I have been in this place, Mr Speaker, there have been five similar allegations since Labor came in — the time being discussed today. How did Jack Simpson get out of his situation? Being the man he was, he got up and apologised and the charge was dropped. The other four cases were fascinating. Two were against opposition members — in other words, two Liberal members — and two were against Labor members. It would be expected that the allegations against Alan Brown and Jeff Kennett would go to the Privileges Committee because the Labor Party was in government at the time. The other charges were less serious, particularly in the case of Peter Gavin and the mail. It was a far lesser charge than the one before us tonight. What did the Labor Party do? John Cain, a man of principle, who was running the place at the time, sent the matters of Peter Gavin and Peter Spyker to the Privileges Committee. It takes a lot of time for the committee to work but if in the view of the Speaker there is a prima facie case to answer, it is unheard of not to go to the Privileges Committee.

What do Labor Party members think is going to happen at the Privileges Committee? Do they think the minister is going to be stripped of her ministry? Do they think she is going to be booted out or put into that funny little jail in the basement? I do not know what they think. This is the government of open, honest transparency. This is the government that came in saying it was going to offer all these things. It is far less open and transparent than Cain's government ever was.

It is necessary to go back to the charge — a simple matter of misleading the house. Did the minister personally assist in the drafting — yes or no? She said, 'The answer is no'. If this were a Magistrates Court or even a County Court, on the prima facie evidence available — and there it is in the minister's own handwriting — she would go to the Privileges Committee because she has misled the house.

The number of red herrings brought in tonight is incredible: for example, the letter about the appellant in the case and whether he was a member of the Liberal Party. Labor Party members judge everyone by their approach to favours. The Honourable Robert Knowles, Minister for Health at the time, got a letter from someone who claimed to be in the Liberal Party. The

Labor Party says because of that he must be helped. What did Mr Knowles do? He ignored it.

Therefore, whatever the Labor Party thinks happens in the Liberal Party does not actually happen, although it probably happens within the Labor Party. The government's argument is based not on the issue before the house but on all the other red herrings it has introduced. The Spyker and Gavin privileges cases were on a par with today's issue, otherwise the advice received from the government's advisers in this case would have led to the motion being lost: but, no, the advice was that a prima facie breach of privilege has occurred.

Why is the Labor Party frightened about going to the Privileges Committee? The committee consists of five Labor and four partnership members; the government has the numbers there, including the chairman. Even if one Labor member decided to defect, the government would still have the chairman on its side.

Why is the government taking its stand? During its approximate 146 years this Parliament has never had a debate on a privilege matter gagged, but let the Labor Party gag debate if it wants to create a furore over a matter of principle.

Had the present Minister for Post Compulsory Education, Training and Employment said, as Jack Simpson did years ago, 'I made a mistake; I am sorry', the heat in the debate would have disappeared. The minister must think she is guilty and that the Privileges Committee, even with a majority of government members on it, would find her guilty, in which case she would lose her ministry. From what I have seen of hearings of the Privileges Committee in its past four references — any member of Parliament can be present during hearings — I believe that committee and court martial, of which I have seen many, would be the fairest method of judging fellow humans.

The process is far fairer than what occurs in the normal judiciary, with the lawyers who become involved. A court martial or the parliamentary Privileges Committee would be the fairest assemblies in the land.

**Ms Gillett** — Tell that to Breaker Morant.

**Mr SMITH** — I think they must be frightened.

**Mr Perton** — They are frightened of justice.

**Mr SMITH** — They must be. The minister is petrified of the Privileges Committee. But she should not be frightened because she has only to put her side of the story. I ask honourable members to imagine how

pleased a defendant in a court of law would be if he or she had the numbers on the jury!

By her own words, Mr Speaker, the Minister for Post Compulsory Education, Training and Employment has already said she is guilty of the charges levelled. Yet today the Labor Party has introduced red herring after red herring. It has said, 'Let's bluff it out'. I can almost hear them in the Labor Party room now! Cabinet has ruled and the Leader of the House is saying, 'Let's talk it out, let's bluff it out, it will go away'. But a principle is at stake, which is why we are debating the issue tonight.

This will be the first time in the 144-year history of the house that such a debate will be gagged. Let us stay here until 7 o'clock in the morning if needs be to get a principle up. Then there will be an even greater outcry from the public about a government that claims it has been open, transparent, and honest — all the things it says about itself every day of the week. I have always thought that when people go around telling everybody they are honest, you have to watch them, and that when people feel they have to tell you about qualities that are not obvious, they usually do not have them. Is it any wonder that the government has to keep telling us it is honest? That is what we are debating tonight.

In looking at the advice he received from the honourable member for Hawthorn, Mr Speaker could have said, as the Labor Party has said, that it is flimsy. However, the advice the Speaker received — —

**Mr Nardella** interjected.

**Mr SMITH** — I would have expected you to say that, given that empty vessels makes the most noise — and you make the loudest noise, as we have heard.

The key question is whether there is a prima facie case to answer. I wish I had the results of the other privilege matters the house has dealt with. However, we have the five that have been mentioned, and all of them have occurred in the time of Labor governments.

What is wrong with this open, honest, transparent government? If it is not prepared to go along with tradition in a minor decision-making exercise like this because it is not game enough, one can only imagine what it will be like when it gets into the big issues. The community will not be able to trust the government at all, judging by its actions on this issue. It will be a millstone around the Labor Party's neck for many years, and it will rue the day it made this mistake.

The Minister for Post Compulsory Education, Training and Employment is mixing in all the ingredients for her

own demise. Why not try the Privileges Committee when you have the numbers? Why not go along, see what it is about and then throw it out?

It is interesting that the Independents knew about the matter. I am prepared to table a letter from the honourable member for Mildura to the Jenkingses that has been brought to my attention. In it he thanks them for their letter on health and training and says:

I have had a number of requests for similar considerations on the charter.

In other words, the honourable member for Mildura knew about the matter in the same way as the honourable member for Hawthorn and the minister knew about it. The point is, what are they frightened of? Where are they going to?

**Mr Batchelor** interjected.

**Mr SMITH** — I am fair dinkum all right! The Minister for Transport should not go too far down the track where honest things go. I will not go into that because the minister knows himself that if he had had — —

**Mr Batchelor** interjected.

**Mr SMITH** — Anything can blow up in anyone's face; I am well aware of that. However, on a matter like the one before the house, it is arrogant of the Labor Party to say, 'There is no need to go', when it is the first time ever that such a matter will be voted down in this place. As I said, the former Labor government did not like what happened to Peter Gavin, a former member for Coburg, and Peter Spyker, a former Minister for Transport. But it had the courage to say, 'Let's send Peter Spyker to the Privileges Committee'. Peter Spyker was not sacked as a minister; instead, he stayed on after the hearing. The point is that once the government votes this motion down, as it inevitably will — —

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

**Sitting continued on motion of Mr CAMERON (Minister for Local Government).**

**Mr SMITH** (Glen Waverley) — The Labor Party still has time to change its mind. It will be known as the first party in government to vote down a matter that has been virtually recommended by the Speaker to go to the Privileges Committee. It will be the first time — —

**Mr Batchelor** interjected.

**Mr SMITH** — You name one that has gone down! There has never been one that has gone down; they have always been upheld. With a five-to-four majority on the Privileges Committee we know what the result will be. Why is the government frightened? Why has it not got the courage about such a minor thing? It is not minor when it comes to the worth of a minister's or honourable member's word, but it is minor in the overall workings of Parliament. This serious matter before the house has been treated with contempt by members of the Labor Party. Today not one ALP speaker has given any indication of the pros and cons involved. Irrelevant letters have been raised; spurious arguments have been put; and probably more points of order have been taken in debate today than in any other debate.

My experience tells me the government is running scared. It is frightened to take the right decision for the right reason. It has been forced into a corner. The first time the government is put to the test it goes to water. It is almost unbelievable. I want to know what has happened to all Labor's calls to the community about the way it gives information to the media and the way it sells itself as the open, transparent government. This will be the beginning of the end. It may take time, but it is a wrong caucus decision and a wrong cabinet decision just to say, 'Let's bluff it out'.

If the government votes this matter down — and it almost certainly will — it will be the first time such a thing has happened during the time of a Labor government. Honourable members should not forget that former Labor Premier John Cain won three back-to-back elections. Where his own people were concerned he always had the courage to put them up before the Privileges Committee. It is easy to put the opposition up but it is hard to put members of your own party up. John Cain made those decisions. He took the right decisions. When it came to their first big test, what did this Premier, this cabinet and this caucus do and which way did they turn? They took the coward's way out because they are frightened.

I have explained how the matter should proceed and I have explained what probably will be the outcome because of the numbers on the Privileges Committee. The government should be condemned in the fiercest way because of — —

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

**Mr LANGDON** (Ivanhoe) — As there have been six speakers for and five speakers against and the

motion has been debated for more than 4½ hours, I move:

That the question be now put.

**Mr Perton** — On a point of order, Mr Speaker, I do not accept the putting of the question.

**The SPEAKER** — Order! Did the honourable member for Ivanhoe move that the motion be put?

**Mr LANGDON** — Yes.

**The SPEAKER** — Order! The honourable member for Ivanhoe has moved that the motion be put. There have been six speakers in favour of the motion and five against and the debate has been in progress since 4.08 p.m. I am prepared to accept the motion.

**Bells rung.**

**Mr McArthur** (*Speaking covered*) — Mr Speaker, on a point of order, I seek your guidance on an issue of particular importance tonight. The question before the house is whether this issue should be referred to the Privileges Committee. The gag has been applied to such a debate for the first time in living memory. A number of government members of the Privileges Committee are in the chamber seeking to gag debate on whether the matter should be referred to the Privileges Committee. I ask you, Mr Speaker, to rule on whether it is appropriate that a member of the Privileges Committee should seek to limit debate on whether a matter should be referred to that committee.

**The SPEAKER** — Order! I remind the honourable member for Monbulk the house is in the process of dividing and he must not move around the chamber.

**Mr Batchelor** (*Speaking covered*) — I put it to you that there is no point of order. A precedent exists for matters of privilege being moved and debated in the house. Not only do members of the Privileges Committee vote but on one occasion the previous member for Burwood, Mr Kennett, voted on the issue when he was the subject of it. There is no point of order. As members of the house, members of the Privileges Committee are entitled to be in the chamber and to vote. It is a frivolous point of order and I ask you to rule it out.

**The SPEAKER** — Order! I am prepared to rule on the point of order. There is no point of order, and I shall explain my ruling to the house. Members of the Privileges Committee are entitled to exercise their vote like any other member in this chamber when deliberating on questions before the Chair. I see no rational reason why members would desist from

exercising their vote. If there were a clear demonstration of pecuniary interest involving those members I would then consider it differently, but that is not the case here. There is no point of order.

**House divided on Mr Langdon's motion:**

*Ayes, 45*

Allan, Ms	Langdon, Mr ( <i>Teller</i> )
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr ( <i>Teller</i> )	Seitz, Mr
Helper, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Treize, Mr
Hulls, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr
Kosky, Ms	

*Noes, 41*

Asher, Ms	Maclellan, Mr
Ashley, Mr	Maughan, Mr ( <i>Teller</i> )
Baillieu, Mr	Mulder, Mr
Burke, Ms	Naphine, Dr
Clark, Mr	Paterson, Mr
Cooper, Mr	Perton, Mr
Dean, Dr	Peulich, Mrs
Delahunty, Mr	Phillips, Mr
Dixon, Mr	Plowman, Mr
Doyle, Mr	Richardson, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr ( <i>Teller</i> )
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr
McIntosh, Mr	

**Mr Langdon's motion agreed to.**

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order. The honourable members for Monbulk and Keilor will cease interjecting!

The question is that the complaint made by the honourable member for Hawthorn on Tuesday, 2 May 2000, be referred to the Privileges Committee for examination and report.

**House divided on motion:**

*Ayes, 41*

Asher, Ms	Maclellan, Mr
Ashley, Mr	Maughan, Mr ( <i>Teller</i> )
Baillieu, Mr	Mulder, Mr
Burke, Ms	Naphine, Dr
Clark, Mr	Paterson, Mr
Cooper, Mr	Perton, Mr
Dean, Dr	Peulich, Mrs
Delahunty, Mr	Phillips, Mr
Dixon, Mr	Plowman, Mr
Doyle, Mr	Richardson, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr ( <i>Teller</i> )
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr
McIntosh, Mr	

*Noes, 45*

Allan, Ms	Langdon, Mr ( <i>Teller</i> )
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr ( <i>Teller</i> )	Seitz, Mr
Helper, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr
Kosky, Ms	

**Motion negated.**

**BUSINESS OF THE HOUSE**

**Program**

**Mr BATCHELOR** (Minister for Transport) — I move:

That, pursuant to sessional order no. 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 4 May 2000:

Equal Opportunity (Breastfeeding) Bill  
 Vocational Education and Training (Council Membership) Bill  
 Disability Services (Amendment) Bill  
 Chinese Medicine Registration Bill  
 Electronic Transactions (Victoria) Bill  
 National Taxation Reform (Further Consequential Provisions) Bill

**Mr McARTHUR** (Monbulk) — In the discussions I had with the Leader of the House last week and yesterday on the government business program we agreed in principle to a range of bills being considered by 4.00 p.m. Thursday. That was agreed in the expectation that the house would debate a number of those bills prior to the adjournment debate at 10 o'clock tonight. For a range of reasons, those bills were not debated. A substantial part of the reasons for that was in the hands of the government because from my recollection and that of members far more senior than I am, it is the first time such a lengthy debate has taken place on a matter of privilege. It is the first time in living memory that the gag has been applied to a debate on privilege.

**The SPEAKER** — Order! The honourable member should speak on the motion before the Chair.

**Mr McARTHUR** — Because the time of the house has been taken up with procedural matters on the budget broadcast, sessional orders and so on the opposition proposes an amendment to the motion. I move:

That the words 'Chinese Medicine Registration Bill' and 'National Taxation Reform (Further Consequential Provisions) Bill' be omitted.

The opposition argues that the government business program, which is now curtailed to approximately a day and a half, should contain only four bills. Since October last year debate on four or five bills a week has been the norm. That has been all the government has provided to the house. Even in those circumstances, bills have been guillotined almost every sitting week. That is despite the many protestations when in opposition of the current Leader of the House, the Deputy Premier, the Attorney-General and other leading lights of the Labor Party about the use of the guillotine. They argued long and hard for many years that the use of the guillotine was abhorrent.

If that is what they still argue here is the chance for them to support the opposition's amendment. Then the house can reasonably manage in the hours remaining this week to effectively debate the Equal Opportunity (Breastfeeding) Bill, the Vocational Education and Training (Council Membership) Bill, the Disability Services (Amendment) Bill and the Electronic Transactions (Victoria) Bill.

A number of significant bills in the seven-bill program proposed by the Leader of the House will require substantial debate. Given normal sitting hours sufficient time will not be available to debate those bills between now and 4 p.m. on Thursday. If the government intends to persist with its program and its pretence of family-friendly hours, it cannot possibly allow for reasonable debate on the seven bills and should therefore accept the perfectly sensible amendment that will allow reasonable debate on the other four bills and the remaining three bills can be properly considered next week when the house resumes.

**Dr NAPHTHINE** (Leader of the Opposition) — I rise to support the amendment moved by the honourable member for Monbulk. The opposition is seeking a reasonable business program for the remainder of the week. As was mentioned by the honourable member for Monbulk, today has been taken up with the budget, discussion of its broadcast and the privilege matter.

Although some honourable members may argue about the time taken up on the privilege matter, I concur with the honourable member for Monbulk because in my time in the house since 1988 I have never seen the gag applied to a privilege debate or a privilege matter not referred to the Privileges Committee where the Speaker has found a prima facie case to answer. I would have thought that the minister concerned would have preferred to have the matter go to the committee to have her position clarified once and for all rather than hide behind the numbers in the house.

At 10.36 p.m. on a Tuesday the house is faced with having to decide the government business program for the remainder of the week — that is, what bills it will debate between now and 4.00 p.m. on Thursday. Given the significance of the bills it is important that they be given adequate attention and an appropriate period of debate. I am aware that a number of honourable members on both sides of the house wish to make contributions to the debates on the Equal Opportunity (Breastfeeding) Bill, the Vocational Education and Training (Council Membership) Bill, the Disability Services (Amendment) Bill and the Electronic Transactions (Victoria) Bill. It is only fair and

reasonable that those four bills be the subject of the debate between now and 4.00 p.m. on Thursday.

The other bills that are suggested by the amendment not to be included on the government business program are significant and major bills. Honourable members would be aware that the Chinese Medicine Registration Bill is landmark legislation. It was introduced initially by the previous government and for the first time provides for registration of practitioners of traditional Chinese medicine. It is landmark legislation not only for this house but for any Parliament in Australia. It is important that there be adequate debate on the bill in the interests of this house, the Victorian community, other state parliaments and jurisdictions throughout the British commonwealth.

The Planning and Environment (Amendment) Bill deals with a major issue affecting heritage buildings and planning in the metropolitan area and requires significant debate. The National Taxation Reform (Further Consequential Provisions) Bill covers a range of issues, some of which I thought would have been of particular interest to the Minister for Racing because of its effect on the racing industry. The bill relates to fees and charges that apply across Victoria and a range of consequential changes and issues resulting from the changes in the federal taxation system. It also requires considerable debate.

To summarise, I am suggesting that the seven bills which are proposed to be debated under the government business program cannot be adequately, properly and fairly dealt with between now and 4.00 p.m. on Thursday. It is therefore incumbent on the house to take matters into its own hands and say that there is an appropriate reason to delete some of the bills proposed under the program. The amendment moved by the honourable member for Monbulk proposes an appropriate adjustment — that is, the deletion of the Chinese Medicine Registration Bill, the Planning and Environment (Amendment) Bill and National Taxation Reform (Further Consequential Provisions) Bill. That would leave four bills to be debated between now and the conclusion of business at 4.00 p.m. on Thursday, which would provide adequate time for debate on those bills and give the house —

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

**Mr HULLS** (Attorney-General) — Opposition members do not seem to understand the motion that has been moved. The Leader of the Opposition prattled on for the last 5 minutes about a number of bills including the Planning and Environment (Amendment) Bill. The

fact is that bill is not part of the motion. It is important that honourable members understand that when the Leader of the House moves a motion it is serious and ought to be taken seriously. The Leader of the Opposition has not been listening and did not listen to what the motion was.

I understand that the opposition has had a really bad day. It has had a bad year. In fact, opposition members are about to have a bad life because they have been totally distracted today about what the real issues are. The real issues concern the budget. It is a great budget for rural Victoria, a great budget for Victoria generally, but particularly a great budget for Benalla.

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Cranbourne will cease interjecting. I ask the Attorney-General to come back to the question.

**Mr HULLS** — I am sorry, Mr Speaker, but I have been told not to mention the war in Benalla, and I will not mention Benalla again. Benalla! Benalla! Benalla!

Having said that, I point out that it is absolutely imperative that we understand what the motion is. Honourable members cannot take the opposition to the motion seriously unless they are all debating the same thing.

Today the honourable member for Hawthorn put forward his credentials for the leadership of the opposition. The current Leader of the Opposition just stood by and watched. He did not even listen to the debate. The debate tonight, as honourable members well know, is about whether certain items of business should be guillotined. The Leader of the Opposition said that he opposes the motion because the Planning and Environment (Amendment) Bill is part of it. His ears must be painted on. They certainly do not work because that bill is not part of the motion. No member of the house ought to take him seriously, just as no-one in Victoria takes him seriously. His opposition to the motion is a joke.

**Ms ASHER** (Brighton) — On this, budget day, when a number of funding initiatives have been announced by the state government, I advise the Premier to fund an anger management course for the Attorney-General because it would help the Parliament enormously!

I will make a number of points on the motion before the house — that is, the government's business program. We have had a very full day of parliamentary debate. We have had the budget speech, a denial of opposition

rights in respect of its response to the budget, and a very unusual privilege debate on which — for the first time in many years — a gag was exercised.

The issue before the house is very important. In breach of an agreement, the government wanted to put forward seven bills for debate this week; now it is proposing that six bills be dealt with. I take up the Attorney-General's comments on the Planning and Environment (Amendment) Bill. That bill was part of an agreement made by the opposition and the Leader of Government Business and was on the daily program sheet but the government has now reneged on that agreement. A final reneging on an agreement reached between the two parties is a minor technical point. It is a minor amendment but the fundamental point remains — that is, we have a particularly important business program before the house this week.

I will go through this important business program. The Equal Opportunity (Breastfeeding) Bill was mooted for many years by the current Minister for Community Services, and the bill deserves a fair hearing. The Vocational Education and Training (Council Membership) Bill is also an important measure which has enormous ramifications for members of Parliament. The Chinese Medicine Registration Bill — which the Leader of Opposition Business sought to have removed from the business program — is a particularly important bill for alternative medicine procedures.

However, I particularly want to focus on the National Taxation Reform (Further Consequential Provisions) Bill, a very important measure with enormous ramifications for the state of Victoria. It is extraordinary that the Australian Labor Party, which is in a consistent state of denial over the growth revenues to be provided to the state of Victoria by the goods and services tax, is seeking to gag discussion on this particularly important bill. The bill provides for a new agreement with the casino authorities — a sixth variation of the legislation — and is the sort of thing the Attorney-General would have railed about in full flight in his opposition days.

**Mr Hulls** interjected.

**Ms ASHER** — The Attorney-General says they were good days — he does not like being in government and we are happy to change that! As I said, the bill is the sixth variation of the casino agreement. It introduces substantial changes to the taxation regime of the casino. Given the amount of comment members of this government made when in opposition, one would have thought they would have an interest in the significant taxation arrangements that are being foisted

on the casino and gaming authorities. The Minister for Finance considered the bill important and significant enough to have taken a dorothy dixer about premium increases. He sought the question in Parliament and talked about it for some time.

The Attorney-General has passed me a note asking me to exhibit a bit more passion. One would always expect that from the Attorney-General; however, I am not in a position to deliver it.

**Mr Batchelor** — On a point of order, Mr Speaker, the honourable member opposite should resist opportunities to exhibit passion and should get on with the debate.

**The SPEAKER** — Order! There is no point of order. The honourable member's time has expired.

**Mr BRUMBY** (Minister for State and Regional Development) — The bottom line in the debate is that the opposition did not oppose the motion moved by the Minister for Local Government for the continuation of the sitting. I was in the house at the time. I was seated here and the Minister for Local Government was seated there when the minister moved that the sitting continue to enable three bills to be considered. That is the fact of the matter. The Deputy Leader of the Opposition — who contributed to the debate with a great deal of passion, but perhaps not enough to carry the motion — knows that motion was moved at 10.00 p.m. to enable the three bills before the house to be debated. Government members are looking forward to debating the bills. They are looking forward to making intelligent contributions to the debate on the Equal Opportunity (Breastfeeding) Bill.

Government members understand the background to the debate and the obstinacy and backward-looking nature of the former Kennett government in allowing legislation to continue that effectively made it illegal for women to breastfeed their children in public places. At the time the then opposition vowed to introduce legislation to put an end to that. Tonight the government wants the opportunity to debate that legislation, which will ensure that women are able to feed their children without being in breach of the law, in whatever part of the state they happen to be. Government members also want to debate the Vocational Education and Training (Council Membership) Bill and the Disability Services (Amendment) Bill. The latter bill is a crucial piece of legislation affecting the rights of disabled people.

At 10.00 p.m. the opposition voted for the sitting to be continued to allow the bills to be debated tonight. I only

hope I am the last speaker on the motion so the question can be put and honourable members can get on with the business of debating the bills and resolving the matters this evening.

The Leader of the House moved a motion in relation to the six bills on the government business program. It is extraordinary that the amendment moved by the honourable member for Monbulk refers to the Planning and Environment (Amendment) Bill, because it was not among the bills referred to in the motion of the Leader of the House.

Mr Speaker, in the spirit of proceedings today, when many honourable members, mainly from the opposition, have offered you gratuitous advice, it would be in order for you to rule that the motion moved by the honourable member for Monbulk is out of order. It is factually incorrect; it is par for the course. The house has become used to the honourable member for Monbulk's moving motions that are factually incorrect.

Today the time of the house has been wasted by the opposition's moving of a privilege motion that I can describe only as limp, half-hearted, lacking conviction and uninspiring. It is significant that although the Leader of the Opposition was in the house throughout the debate on the motion moved by the honourable member for Hawthorn, he chose not to speak on it.

Members on this side of the house asked the question; members of the media asked the question — why was the Leader of the Opposition not prepared to back the honourable member for Hawthorn, who moved the motion in the previous debate? There were six speakers.

*Honourable members interjecting.*

**The SPEAKER** — Order! Will the house come to order. The honourable member for Bennettswood and the Attorney-General will cease interjecting. That level of interjection across the table is not acceptable. The minister's time has expired. The honourable member for Malvern has 3 minutes.

**Mr DOYLE** (Malvern) — I am delighted to bring the debate back to the amendment to the motion concerning the government business program moved by the honourable member for Monbulk. The debate is not about the time allowed for consideration before a bill comes before the house but about the time allotted for debate on the bill.

I make a specific plea for the consideration of the Chinese Medicine Registration Bill. I have a certain proprietary pride in the bill, given that it has been in the making for five years. Victoria being the first

jurisdiction in the world to debate and, one would hope, pass a bill of such importance — though I would never prefigure the opposition's support of the bill — I would have thought there would be an appropriate level of debate in the house. The many views on such an historic bill — the views of the public and of western and complementary practitioners — should be canvassed and reflected in a debate of a considered and appropriate length. That should not be — —

*Honourable members interjecting.*

**Mr DOYLE** — If I had 20 minutes I would take that comment up; given 2 minutes, I will not — but just you wait! That is not to be taken as a promise of anything other than debate.

The Chinese Medicine Registration Bill should not be passed on the knock. It should not be pushed through at 4 o'clock on Thursday without appropriate discussion having taken place on both sides of the house. Many members wish to make a contribution to debate on the bill, recognising the important and historic nature of the legislation. How can debate be conducted in other than a cursory or tokenistic way if the bill is included in the program to be passed by 4 o'clock on Thursday?

**The SPEAKER** — Order! The honourable member's time has expired. The time for the debate has also expired.

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

*Ayes, 45*

Allan, Ms	Langdon, Mr ( <i>Teller</i> )
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr ( <i>Teller</i> )	Seitz, Mr
Helper, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr
Kosky, Ms	

*Noes, 41*

Asher, Ms	Maclellan, Mr
Ashley, Mr	Maughan, Mr ( <i>Teller</i> )

Baillieu, Mr	Mulder, Mr
Burke, Ms	Naphine, Dr
Clark, Mr	Paterson, Mr
Cooper, Mr	Perton, Mr
Dean, Dr	Peulich, Mrs
Delahunty, Mr	Phillips, Mr
Dixon, Mr	Plowman, Mr
Doyle, Mr	Richardson, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr ( <i>Teller</i> )
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr
McIntosh, Mr	

**Amendment negatived.**

**House divided on motion:**

*Ayes, 45*

Allan, Ms	Langdon, Mr ( <i>Teller</i> )
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr ( <i>Teller</i> )	Seitz, Mr
Helper, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr
Kosky, Ms	

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Cooper, Mr	Perton, Mr
Dean, Dr	Peulich, Mrs
Delahunty, Mr	Phillips, Mr
Dixon, Mr	Plowman, Mr
Doyle, Mr	Richardson, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr ( <i>Teller</i> )
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr

Leigh, Mr  
Lupton, Mr  
McArthur, Mr  
McCall, Ms  
McIntosh, Mr

Thompson, Mr  
Vogels, Mr  
Wells, Mr  
Wilson, Mr

**Motion agreed to.**

## LOCAL GOVERNMENT (GOVERNANCE) BILL

*Introduction and first reading*

**Received from Council.**

**Read first time on motion of Mr CAMERON (Minister for Local Government).**

## FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL

*Introduction and first reading*

**Received from Council.**

**Read first time on motion of Mr HULLS (Attorney-General).**

## ADOPTION (AMENDMENT) BILL

*Introduction and first reading*

**Received from Council.**

**Read first time on motion of Ms CAMPBELL (Minister for Community Services).**

## MEMBERS STATEMENTS

### Bonlac Foods

**Mr RYAN** (Leader of the National Party) — I rise to speak on behalf of the people of Toora and district. On Friday the lovely South Gippsland town of some 550 people heard the announcement by Bonlac that the milk powder factory will be closing in June. The closure will mean 70 job losses in a population of 550 people, and understandably it is a matter of great concern. The people of Toora intend to attack the issue from the front foot and to ensure the town survives and thrives.

Bonlac has a responsibility as a corporate citizen, and I am confident the company will undertake it. The people of the town are keen to see a successful outcome. They understand it is a trial they have to face.

There is also an issue for the government. The people want to know that the government is going to stand by them in a time of need and make certain the town is able to continue to be a vibrant part of South Gippsland. They want to make sure that direct funding assistance and retraining schemes are available to them. The continuation of the community rests with the community and Bonlac's ongoing commitments to it. The closure also represents an opportunity for the Labor government to demonstrate whether it is fair dinkum about supporting a small town.

### Bonlac Foods

**Mr MAXFIELD** (Narracan) — I refer to job losses in the dairy industry in Gippsland. Constituents of mine who work at Bonlac's Drouin plant have less than six months to go before they are made redundant. Three generations of my own family have been involved with the plant, and I am extremely disappointed about its closure.

The problems at Bonlac have also affected the farmers who have not received the milk price they were promised, which has placed them under additional strain. The low milk prices come on top of the effects of three dry years as well as the harsh policies of the former Kennett government.

Bonlac has let down the community, its supporters and suppliers. I will do everything possible to assist the farmers and workers, who will be placed in a difficult position. We must follow every avenue to increase dairy processing in Gippsland, and we must investigate every opportunity to establish food processing facilities in unused factories or greenfield sites in Gippsland, particularly in the Narracan electorate.

I worked at the Drouin butter factory for 10 years; so as I said, I feel strongly about its closure. Through no fault of their own, the workers will be thrown out of work. Many of the workers who have received training in food processing and plant operations will be well placed to move into the new jobs that we need to attract to the area. My father worked at the Drouin factory for 48 years and my grandfather for — —

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

### Pacific School Games

**Mrs PEULICH** (Bentleigh) — I wish to commend the 434 Victorian primary and secondary school students now competing at Homebush Bay as Victorian representatives at the Pacific School Games that started on 30 April and will conclude on 7 May. That

international competition takes place every four years. Known as the mini junior Olympics, the competition has 4500 participants representing 40 countries, including Argentina, China, Canada, the Philippines, Vietnam and even Russia.

The Victorian team comprises able-bodied as well as disabled competitors in swimming, diving, gymnastics and track and field events and is coordinated by the schools sport unit staff.

Former competitors in the Pacific School Games include Cathy Freeman, Susie O'Neill, Ian Thorpe and Joanna Griggs. The young athletes competing in the games are heroes in their own fields and their own school communities. They are our future young sportsmen and women. It is a huge achievement merely to be included in the team.

It was therefore disappointing that the Bracks Labor government failed to honour the achievements of those young people by sending neither the Minister for Sport and Recreation nor the Minister for Education — or any other parliamentary representative — to the presentation of medals to the young achievers two weeks ago. Although I understand those two ministers may have busy schedules, it is deplorable that the government did not send any parliamentary representatives.

### **Yen Ming temple**

**Mr LANGUILLER** (Sunshine) — Recently I had the pleasure of representing Premier Bracks at the opening of the Yen Ming temple in Sunshine, which was established in the 1990s. I also had the honour of meeting the Venerable Grand Master Shen Yen Lu, who had travelled to Australia from the United States for the occasion.

As honourable members will know, the arrival of the Venerable Grand Master marks an important milestone for the Buddhist meditation centre community. The hundreds of people gathered at the temple to welcome Shen Yen Lu showed the strength, faith and unity of the True Buddha school.

The vast majority of the True Buddha school members in Victoria are from South-East Asian countries. There are some 63 000 Buddhists in Victoria. In Sunshine there are four monks, two men and two women, who are local students. They are the spiritual guides of the centre and perform ceremonies in the Mandarin language.

The True Buddha school was established by the grand master. He was born in Taiwan in 1945 and was

educated as a survey engineer before devoting his life to Mahayana Buddhism. I commend the organisers on a most successful event.

### **Numberplate slogan**

**Mr DIXON** (Dromana) — Over the past week Victoria's so-called open and accountable government has secretly and quietly removed the slogans and logos from the state's numberplates. The famous 'On the move' slogan has disappeared from Victoria's numberplates and been replaced with the word 'Victoria'.

No replacement has been decided on, despite months of searching for a slogan that encapsulates a vision for the state. The government has no vision — it cannot even organise a search for a slogan that sums up what the state is about. That directly contradicts the Premier's statement a fortnight ago when he said on radio that the current slogan would remain on numberplates until a suitable replacement could be found. Obviously the government does not have the vision. A lot of people out there have good ideas for slogans — I have seen them in the newspapers — yet the government cannot make a decision.

The government should have been up front about the change. I am more than happy to start a new competition to look for something to replace the slogan on our numberplates. It is disgraceful that the change has happened so quietly. Honourable members will very soon see the results of the change on their own cars out in the members' car park.

### **Anzac Day**

**Ms BEATTIE** (Tullamarine) — I commend the Sunbury sub-branch of the Returned and Services League for its efforts in making the recent Anzac Day service a memorable event for our local community. My thanks go to Geoff Levey and Nev Shackleton for organising the local march, which was well attended. It was a wonderful opportunity to remember and give thanks for those who, without question, placed their lives at risk for the sake of the future.

I proudly marched wearing my late father's medals. It was fantastic to see young toddlers and older persons on their motorised scooters paying tribute to those who selflessly put their lives at risk.

A number of reunions were also held on the day, with veterans from both the Second World War and the Vietnam conflict coming together not only to remember with sadness those who did not return from the battles of the past but also to celebrate the mateship and bonds

that unite people who have survived such tragic events. It was a wonderful occasion for locals, as Sunbury was reminded once again of its military roots with the fantastic and enthusiastic firing off of a round from the Rupertswood Battery.

With Martini–Henry rifles aimed high in the air, I was one of many at the service who ducked for cover when they fired.

### **Order of St John**

**Mr WILSON** (Bennettswood) — Recently, I had the pleasure of representing the Leader of the Opposition at an investiture ceremony for the Order of St John at Government House. Although I have long been aware of the magnificent charitable and volunteer work of the Order of St John worldwide and in Victoria, my recent exposure to the work of the order has led to tonight's tribute.

Honourable members would be well aware that the Order of St John dates back to the 11th century where the original order provided hospital and hospice facilities for pilgrims and crusaders. Today in Victoria St John's provides the following services: free first aid at public and sporting events; free first aid at civil emergencies and disasters; workplace and public training courses in first aid; first-aid courses in languages other than English and for the sight and hearing impaired; visitations to the lonely, the elderly and infirmed in nursing homes and hostels and the provision of professional and financial support for the St John Hospital in Jerusalem.

In its most recent annual report, St John Ambulance Victoria reported that 2185 volunteer members in its operations branch had served the community treating nearly 16 000 Victorians. In the same period, 465 volunteers provided essential services from the community care branch and more than 31 000 completed first-aid courses across Victoria. I congratulate all involved in this magnificent volunteer organisation.

### **Austin and Repatriation Medical Centre**

**Mr LANGDON** (Ivanhoe) — I congratulate the volunteer members of the Heidelberg auxiliary of the Austin and Repatriation Medical Centre. Once a month this group meets in my office and does an outstanding job. The group is chaired by the president Merna Kent, Thelma Kallinikos is the secretary, and Nance Rogers is the Treasurer. Basically operating in the Ivanhoe electorate, the group has raised more than \$20 000 in the past 12 months and \$130 000 over the past 15 years.

It has raised funds through various stalls and an op shop in the mall in West Heidelberg, which has been running for the past two years. Fundraising of the auxiliary goes directly into patient care and not into bricks and mortar. The previous government's savage cutbacks to the ARMC mean the work of the auxiliary is of critical support for the patients, and I commend it for its work.

In addition to its fundraising work, auxiliary members work in the hospital one day a week on a voluntary basis. The members work in a coffee shop and the newsagency. They make sandwiches, run deliveries, take trolleys around the wards and undertake other vital practical work. The group's work is one of the unsung jobs undertaken for the Austin hospital, and I congratulate it on its efforts.

### **Maryborough Regional College**

**Mr HONEYWOOD** (Warrandyte) — I rise on behalf of the residents of Maryborough, and in doing so I note their local member, the honourable member for Ripon, is again not present in the chamber, which is often the case. It is unfortunate because he has chosen to take no stand whatsoever on behalf of Maryborough Regional College, a college that was promised a \$730 000 upgrade by the previous Minister for Education. The college is attempting to ensure that young people stay in the Maryborough community and that years 11 and 12 students have access to vocational education and training courses at TAFE level. More than most, it is a college that is deserving of a significant upgrade to give young people in that rural community a fair go and access to meaningful training opportunities while still at high school.

The opposition has received a letter from the Minister for Education in response to representation from the Honourable David Davis in another place, who has been vigilant in his efforts to ensure that the people of Maryborough receive appropriate representation given the lack of representation from the other side of the house in the form of the absent honourable member for Ripon. On behalf of the college, the Liberal member from another place has been consistently raising its deserving case for a budgeted item from the Labor government to ensure an upgrade at that wonderful college. Two weeks ago the Minister for Education replied with a letter and said the college will not be funded for an upgrade.

### **Heavenly Queen Temple Society**

**Mr MILDENHALL** (Footscray) — I congratulate the Heavenly Queen Temple Society of Pickett Street, Footscray, for a successful fundraiser that I attended on

Sunday night. The prime purpose of the evening was to celebrate the 1040th anniversary of the Heavenly Queen's birth. The Heavenly Queen Ming Ho is a prominent deity in the Buddhist religion. Her main quality is charity and altruistic assistance to those in need. The church has more than 600 members in its congregation, mainly from an ethnic Chinese background in Vietnam. The society is ably led by its chairman Mr Hoa Anh Diep and its secretary Mr Can Yip.

The society has had a dream for many years of constructing a landmark and picturesque temple on the banks of the Maribyrnong. Following the success of Sunday night, the dream is growing closer. The first stage will be the construction of a 12 metre high stainless steel statue of the Heavenly Queen. Stages 2 and 3 will see the construction of the building and lush water gardens appropriate to the site adjacent to the river.

My best wishes, and I am sure the whole house — —

**The ACTING SPEAKER (Mr Loney)** — Order! The honourable member's time has expired. The time for members statements has expired.

## EQUAL OPPORTUNITY (BREASTFEEDING) BILL

### *Second reading*

**Debate resumed from 6 April; motion of Ms CAMPBELL (Minister for Community Services).**

**Mrs ELLIOTT (Mooroolbark)** — The tumult and the shouting has died and the captains and the kings have departed. The house can now discuss the much more peaceful matter of breastfeeding.

The opposition supports the bill. However, it has two reservations. The former Attorney-General, Jan Wade, was of the opinion that breastfeeding mothers were covered under the parental status and sex aspects of the former Equal Opportunity Act as it stood. The opposition also has some reservations about the retrospective nature of the bill. I notice that the Scrutiny of Acts and Regulations Committee also has some concerns about retrospectivity and has written to the minister to clarify that it is simply a matter of restating the position rather than a genuine case of retrospectivity. The opposition is opposed to retrospective legislation under which something that was not an offence at the time it occurred becomes an offence later on. Those reservations aside, the opposition supports the bill.

The Innocenti declaration on the protection, promotion and support of breastfeeding, which was signed in 1990 in Florence, Italy, by 32 governments, including Australia, and which was sponsored by the World Health Organisation and the United Nations International Children's Emergency Fund, set in train the promotion of breastfeeding throughout the world.

The attributes of breastfeeding were expressed very well at that time and they are available on the web site to any honourable members who are interested. Breast milk provides ideal nutrition for infants. They should be fed on it exclusively for the first few months of their lives, and partially up to the age of two years, and perhaps beyond. It gives infants a reduced susceptibility to disease, a lower morbidity and mortality rate, protects their mothers against breast and ovarian cancer, and helps to provide spacing between pregnancies.

Breastfeeding allows for the greater bonding of mother and child and confers social and economic benefits on the mother, the child, the wider family and society. They are important issues in any country, but particularly in Third World countries where there is no certainty of a clean, regular water supply.

In the 1970s mothers around the world, in particular those who belonged to associations such as the Nursing Mothers Association of Australia or the La Leche League International in America, campaigned against the marketing of breast milk substitutes — that is, the artificial feeding of infants — by major companies, the names of which will be known to honourable members. At that time a concerted attempt was made by large companies to convert mothers soon after giving birth to feeding the infants substitutes rather than breast milk. The companies even went so far as to have women dressed as nurses going into hospitals to promote the benefits of artificial feeding.

The organisation's campaign was successful and a marketing code is now accepted internationally by which companies are supposed to abide, as they do in most cases. Since that time the rate of breastfeeding, particularly in the Western world, has started to rise again. In the time I had available to research the bill I was unable to find the exact figures on breastfeeding in Australia, but obviously it is desirable to promote breastfeeding as widely as possible.

Consequently, the separation of mother and child is undesirable. It is not possible for a mother to successfully breastfeed her child if the mother and child are separated for any length of time. Most cases that came before the former Equal Opportunity Board under its old manifestation until 1995, and more recently

under the new Equal Opportunity Commission, were found to have good bases in fact. One example involved a young mother who was breastfeeding in the public area of a hotel in Geelong and was asked to leave.

Another young mother who was feeding her baby during lunch at a restaurant in Richmond was also asked to go to another place so that businessmen having their lunches could not observe her. As recently as 1997 a woman was asked to leave Crown Casino's food court, and in 1998 a young nursing mother was asked to leave the Regent Theatre. At that time Dr Diane Sisely, the chief executive officer of the Equal Opportunity Commission, said that the act covered those mothers, and in each case an offence was found.

However, legislation alone will not change public attitudes. Ongoing education, which Australia is good at providing, is also needed. Almost 100 per cent of people now wear seat belts — and very few people smoke. Smoking is forbidden in many places and has become an undesirable social trait — a combination of the law and education.

Many Australian women work outside their homes, and they cannot work and breastfeed unless they are able to feed their babies at work. If mothers do not wish to take their infants with them to work, they should be able to express milk and feed the child later. Under the act workplaces have a responsibility to ensure that women are able to breastfeed and maintain their working lives. Sometimes that is difficult to achieve. The Parliament should set an example in Victoria. The rather dark cave downstairs, which is the only place a member or visitor can breastfeed her baby in Parliament House, is not an attractive environment.

Today even women who do not work outside their homes spend much of their social lives visiting restaurants, cafes, parks and other public attractions. It is not proper or right that they should be asked to hide away or go somewhere else to feed their children. It is perfectly possible to feed a baby discreetly in almost any place one can imagine.

It is interesting to look at the La Leche League International web site in America. It goes into the situation far more fully than the Nursing Mothers Association in Australia. Entire web sites are devoted to suitable clothes for nursing mothers to wear.

Indeed, an entire web site is devoted to enabling Christian women to discuss whether they can be devoted Christians, follow the teachings of the Bible and breastfeed discreetly in public. That is the way

things are in the United States of America: they follow an issue right from its basis, they shake it around and discuss it over the Internet.

Whenever grounds for discrimination are added to an act, which will continue to happen, it is also necessary to consider the rights of others. There are people who, because of their religion — I am thinking of Muslim women in particular, but there may be other religions — their age or their very conservative upbringing, may feel they have a right to be offended by the sight of a mother breastfeeding her baby in public. Many of us may think that is not the right attitude to have. Nevertheless, I am conscious of the fact that whatever rights we have, they too have rights. I hope nothing in the bill will condone nursing mothers, or anybody else, while blatantly disregarding the rights or feelings of others. I imagine most mothers would feel they could feed their babies discreetly in public places without offending the sensibilities of others. Recently a female member of the Blair government in Britain was refused permission to feed her child in the chamber of the Westminster Parliament. Honourable members will have their own views on that matter.

I will revert to a theme I have discussed before — that is, the hours the house is currently sitting are not family friendly. Honourable members may wish to encourage a diversity of people to become members of this house, including young parents — fathers or mothers, particularly nursing mothers — but nothing about the hours the house is sitting at the moment and has sat in the past is conducive to nursing mothers being able to breastfeed their children and also be members of Parliament.

I believe the Minister for Community Services would agree that the Parliament should be leading the community in both providing facilities for that to happen and in trying, as the government agreed to do particularly through the Independents' Charter, to stick to reasonable sitting hours for the health and sanity of current and future members of parliament.

I am also the shadow arts minister, and I am aware of the many beautiful pictures, particularly those dating from the Renaissance era, showing the Virgin Mary with the infant Jesus with one breast exposed. Obviously art gives that lead to the suitability and beauty of breastfeeding. Those depictions of the Madonna can be seen at many churches, particularly in Italy, and would make anybody opposed to the public breastfeeding of children think about their attitude.

I support the bill; the opposition supports the bill, with the few reservations I have expressed. Anything that

can be done to keep the bond between mother and child, and indeed to keep families close, is extremely important. I am sure all honourable members have seen pictures of women and malnourished babies in places such as Somalia and have thought how terrible it must be for a mother not to have enough of her own milk to feed her child. Australia has given refuge to many such mothers, children and families, and I hope it continues to do so for a long time. The Parliament needs to set the lead in this matter, and I believe the amendment to the Equal Opportunity Act will do that.

A great deal of consideration has been given by the minister to Victorian nursing mothers. I wish she had given the same consideration to the vulnerable, at-risk and traumatised young women who can no longer reside at Napier House in the northern suburbs. One day they too may be nursing mothers, but they come from a background that is a lot less conducive to maintaining successful breastfeeding than many of us or our women friends, neighbours and relatives.

I am pleased that the rates of breastfeeding in Australia are rising again. I believe most women believe it is something they wish to do and are successful in doing. This bill will encourage that practice. Again I say that Parliament should be giving a lead.

**Mr WYNNE** (Richmond) — I support this important legislation. I congratulate the Minister for Community Services, who for a number of years was a strong advocate for the proposed legislation, particularly as shadow minister. I am sure this bipartisan debate will give her great pleasure.

In supporting the bill I look back to my own upbringing, which gives me some insight into this issue. I was the youngest of nine children. I had seven older sisters, so my experience of breastfeeding is that it was commonplace, a natural process and one that I am comfortable with. I am delighted to say that my two young boys have reaped the benefits of their mother's being able to breastfeed them. It provided important nourishment to young, growing children and established a marvellous and beautiful bond between mother and children, which was a beautiful thing for me to watch as the father of two young sons.

The bill amends the Equal Opportunity Act to make discrimination against breastfeeding mothers unlawful. As the honourable member for Mooroolbark said, over the past few years there have been a number of instances where women have been excluded from public places on the basis of their willingness to breastfeed their children. It is intolerable that women have been humiliated by being ejected from public

venues for breastfeeding. It is hard to believe that in a civilised society decent and mature individuals could find offence in a mother discreetly breastfeeding her child in a public venue. If anyone has difficulty with that I suggest that person should depart from the venue rather than suggest that the mother and the child should be ejected. It is disgraceful that such instances have occurred during the 1990s.

Breastfeeding is an important and basic act of nature that should be encouraged in the interests of child health. As legislators we should clearly indicate through the legislation we pass that Victorian policy makers, program funders and maternal and child health supporters have our endorsement for measures that support breastfeeding. The legislation unequivocally states that discrimination against breastfeeding mothers is illegal.

Section 6 of the Equal Opportunity Act contains 13 attributes on the basis of which discrimination is prohibited. Several areas of public life are covered including employment, education, provision of goods and services, accommodation, club membership, sports and local government. Currently the attributes are age, impairment, industrial activity, lawful sexual activity, marital status, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, parental status or status as a carer and personal association with a person who is identified by reference to any of the attributes referred to. The bill amends section 6 to include breastfeeding as an attribute on which it is unlawful to base discrimination.

Currently, if a woman believes she is discriminated against while breastfeeding she may lodge a complaint on the grounds of parental status or possibly sex discrimination. As the honourable member for Mooroolbark said earlier, several cases have been brought before the Equal Opportunity Commission and in each case the applicant was successful in establishing discrimination.

The specific inclusion of breastfeeding as a ground upon which it is unlawful to discriminate strengthens the act and makes it clear that discrimination against breastfeeding mothers is unacceptable and illegal.

I acknowledge the work done by the Minister for Community Services who is a strong advocate of the bill. We live in a civilised society that respects the important contribution of nursing mothers who seek to nurture their children. When children require nurturing their mothers should be able to breastfeed them in an appropriate manner when and where they wish. I applaud the legislation and wish it a speedy passage.

**Mr ASHLEY** (Bayswater) — I am pleased to join the debate and to follow a male from the other side of the house in supporting the legislation. There is a suggestion that the previous legislation implicitly covered breastfeeding although not explicitly and I add the proviso that I would not take lightly any notion of retrospectivity in a capacity to go to law.

If it were not for the ancient practice of breastfeeding humanity would not exist. Our species would have vanished at some earlier time in the evolution of the planet Earth. Given that we have had a century of agitation by women to secure an equal partnership with men in both public and private life it is extraordinary that the need exists to introduce legislation to validate a woman's right to feed her baby in any place where she would otherwise have a right to be. That is all the more so as we have experienced a generation of equal opportunity legislation and the dramatic changes in attitude that that has wrought.

It is baffling and almost bizarre that at the outset of the 21st century the will of Parliament is necessary to reinforce a woman's right to feed her baby in social settings. Westminster considers itself the mother of Parliaments but it can hardly be called a nurturing mother. The necessity for the amendment to the Equal Opportunity Act suggests something remains unresolved at the heart of our culture and way of life.

Something deep and substantive is seriously amiss between the genders because the erotic dimension of human existence has been separated from and pitted against the procreative dimension. No seamless, healthy fusion holds them together. The reverse seems to be true — they are frequently at war with each other and the result has been disastrous for humanity, and especially disastrous for women.

The profound fracture and conflict that goes on at the core of our being affects the whole of our existence. It colours the way we look at everything around us, the social landscape, the way women regard men and the way men treat women. It is the source of much unhappiness, tragedy and abuse.

When cultures split the human atom and separate the erotic from the maternal they create seemingly endless streams of destructive consequences for themselves, most of which appear to stem from the diminution and the degradation of women. When we break the nexus between sexuality and parenthood, pathological behaviours are set free to roam like predators down the centuries.

Naked flesh taps directly into our predisposition for hypocrisy. It arouses our disgust and loathing precisely because there is another audience out there, including our other selves, who find it magnetic, exciting and irresistible. The impression is given that young men can have it all, pleasure, delight and ecstasy, without the messy business of relationships and commitment and, above all, babies.

By keeping that raw taboo in place, we are able to indulge in all sorts of games and rationalisations. In investing in erotica, cut free from the maternal, we give ourselves room to work up justifiable belief systems that, subject to a degree of regulation for example, activities like tabletop dancing and lap dancing are tolerable, even acceptable, nothing more than pulsating entertainment for those with too much testosterone pumping around their veins.

Some of the consequences were identified in a recent *Guardian* newspaper article reprinted in the *Age* of 12 April. The article entitled 'Mountain out of a molehill' was written by journalist, Louisa Young. It begins:

Julia Roberts does not have very big bosoms. Cute, yes; large, no. So to give the impression of large breastedness when she was playing the part of Erin Brochovich, who has very large bosoms, the make-up and costume people at Paramount gave her low-cut necklines, maximum uplift bras and glimpses of lace and straps.

She continues:

Our modern aesthetic likes women not to be big, we know that — but specially, we must be too big 'there' not outside the lap-dancing clubs anyway. Not if we want to be anything other than our tits ... I'm hard-put to think of any woman who is at once successful in a 'serious' post, has big ones, and is commonly held to be sexually attractive.

She commented further:

If we are big 'there' we are expected to put them away and pretend we aren't ... or we put up with the fact that what is for us an everyday aspect of life is, to a lot of men, something so fantastic that they can't sit in the same room without acting all funny. The idea that the breasts are passively sitting there during a meeting, say, rather than being sexual entertainment is still alien to many men.

All this convoluted stuff has come about as a result of the fact that breasts are the supreme and quintessential symbol of female sexuality in European culture. That reality may not have provoked the profound degree of ambivalence we experience today were it not for the fact that the breast is, also and universally, the physiological means by which babies are nourished. The breast performs a vital and essential function that makes it far more than some quintessential symbol or logo for maternity and motherhood, let alone female

sexuality. It is, after all, the functional means by which humanity survives and is perpetuated.

Society has engaged in extraordinary contortions to accept a range of in-your-face activities which traditionally have been frowned on as off limits and which border on the obscene and pornographic. The irony is these transitions have been accompanied by a simultaneous conversion of a perfectly natural and wholesome activity such as breastfeeding into a dubious if not outright obscene activity.

It has happened because in a public sense the deep dichotomy we have created between the sexual and the maternal leads to an inevitable bizarre conclusion that breastfeeding sucks — if I can use a pun — and that it is an inappropriate and in-your-face form of sexual activity. The result is that breastfeeding has ended up being regarded as something tarnished and deprecated as a no-no activity and women who breastfeed run the risk of being seen somehow by some as modern sirens and temptresses who must be kept off the streets and away from social settings.

If anyone thinks I am being extreme, I direct their attention to the fact that 10 state legislatures in the United States of America have felt it necessary to amend various acts of their state parliaments to protect nursing mothers from prosecution for behaviour which otherwise might be construed as overtly and indecently sexual. For example, in Alaska the laws were changed to read:

In the laws of the state 'lewd conduct', 'lewd touching', 'immoral conduct', 'indecent conduct' and similar terms do not include the act of a woman breastfeeding a child in a public or private location where the woman and child are otherwise authorised to be ...

Florida amended a number of aspects of acts to take out terms such as 'unnatural and lascivious acts', 'exposure of sexual organs', 'lewd, lascivious or indecent assault or act upon or in the presence of a child' to state that breastfeeding is other than all those things. Further amendments include:

Harmful to minors: ... A mother's breastfeeding of her baby is not under any circumstances 'harmful to minors'.

Nudity: ... A mother's breastfeeding of her baby does not under any circumstance constitute 'nudity', irrespective of whether or not the nipple is covered during or incidental to feeding.

Obscene: ... A mother's breastfeeding of her baby is not under any circumstances 'obscene'.

Sexual conduct: ... A mother's breastfeeding of her baby does not under any circumstances constitute 'sexual conduct'.

All those changes have been made to stipulate that breastfeeding is to be seen to be something other than anything to do with sexual activity.

Germaine Greer believes that the prospects facing womanhood are more horrific than some of the changes to those acts would suggest, and more horrific than the mere banishment of breastfeeding from public places might superficially suggest. She is concerned that the relentless invasion of technology into the field of procreation in terms of in-vitro fertilisation, surrogacy and cloning will further damage the status and integrity of women. She fears that society is bent on turning women into Barbie dolls, or as she put it: big tits, good looks and hysterectomised, with completely no roles as reproductive beings. She is suggesting that the end point of separating female sexuality from maternity is the destruction of what uniquely defines and differentiates women — that is, their child-bearing function. The end point, as she sees it, is one in which women are turned into toys, literally nothing more than playthings for the pleasure of men.

Whether or not Ms Greer's fears are justified the core of our problem remains largely unaddressed because the fracturing of the erotic from the maternal in our conceptualisation of the feminine is ongoing. Through the process of splitting off, western culture has become hostage to deep confusion of what constitutes acceptable and decent behaviour.

Western culture did not merely split the erotic from the procreative; it went on to drive a deep wedge between the two and to polarise them. The space was thus provided for a lot of tangled uncertainties and pathologies to take root — everything from harmless innuendo through to hard core pornography and even various forms of female and sexual abuse, and worse.

This small piece of legislation is therefore seeking in its own way to help undo attitudes which are deep-rooted and shrouded in history. In fact, the origins probably go right back to the rise of monotheistic religion — and had I more time I would address that issue as well.

I will pick up a point the honourable member for Mooroolbark made about the Madonna-and-child icon. In modern times, since the Reformation, there has been no depiction of the mother breastfeeding her child. Even more troubling is that the doctrine of the Immaculate Conception unfortunately circumvents the need for male sexuality and assesses it to be essentially unworthy. The result is that males conclude they have been judged to be guilty but in the process have secured a convenient escape hatch for anything reprehensible in their behaviour.

Therefore, as the centuries have passed so misogyny has become rampant. The church leaders in the 16th century actually reproached women for indulging and being lenient towards their children. They placed the blame on women for ruining society by producing depraved, drunken and irresponsible individuals in whom the women had instilled perverse and dangerous opinions which led directly to diabolical acts.

**Ms Campbell** — On a point of order, Mr Acting Speaker, I raise with you the question of relevance. The house is debating a bill dealing with breastfeeding and whether it should be made lawful in this state. The honourable member has strayed considerably from the debate, and I ask you to bring him back to the bill.

**Mr ASHLEY** — On the point of order, Mr Acting Speaker, I am seeking to put into historical context the issues surrounding male and female gender identity, targeting breastfeeding as one of the essential points to it. Indeed, I was coming to a significant point leading back to breastfeeding, from the time of the Reformation, and I had reached that point.

**The ACTING SPEAKER (Mr Loney)** — Order! At this stage I do not uphold the point of order, but I ask the honourable member to be cognisant of the breadth of the debate and ensure his remarks are relevant to it.

**Mr ASHLEY** — I was seeking to point out how many things have gone badly wrong because well-meaning people have taken positions which have caused great distress and misunderstanding among men and women as to what is right and what is wrong.

In the 16th century some theologians said breastfeeding was the root of the corrupting influence that society was then facing. One of them actually said mothers damn their children when they nurse them voluptuously.

There are many layers to this debate that we are endeavouring to redress — from the work done by people like Rousseau in the 19th century to elevate the importance of breastfeeding, through the problems that women have had in the 20th century in dealing with social antipathy, exclusion and male attitudes, and right up to the creation of formula milk.

It is to the credit of the women's movement that it has been able to hold the line and achieve a degree of respectability which we will now incorporate into law as the basis for the future regard for breastfeeding and the role of mother and child in our society.

In my own loquacious way I have sought to add dimensions to the field of understanding so that

honourable members do not think we are just fixing something that is only a few years or a couple of generations old. We are dealing with matters that go back into ancient history and it will take a long time to sort them out. However, if we do not do something about it, our future and that of our young women is rather bleak. We should all pit our wits against that and make efforts to achieve a healthy and worthwhile life for them and for the children coming on.

**Ms OVERINGTON** (Ballarat West) — I will try to give a different presentation — that of a mother who breastfed her children. I also congratulate the Minister for Community Services who has advocated for a long time the introduction of this amendment to allow women to breastfeed freely in public without discrimination.

It gives me great pleasure to contribute to the debate on this very important measure. The Equal Opportunity (Breastfeeding) Bill is important to me firstly as a woman and secondly as a mother who breastfed her children. This bill is extremely important for the mothers who will breastfeed in the future. Breastfeeding is one of the most beautiful acts of nature and serves two main purposes. The first is to ensure that the baby receives nature's formula. Breast milk has many properties that protect the baby and ensure it receives all the nutrients it needs. The second purpose is equally important, as mother and baby bond through breastfeeding, which is a natural, caring and beautiful act.

There are many well-documented health advantages to breastfeeding and women should be encouraged to do so. Unfortunately, in many developing countries multinational companies are trying to sell their formulas as the way to go in providing nutrition for children. They do that for profit and no education is provided about the benefits of breastfeeding. That is a shame, and we should do all we can through our health agencies to ensure that education in those countries is promoted and that mothers are supported to have healthy diets and to actively breastfeed their babies.

The bill will ensure that no woman can be discriminated against for breastfeeding in public. I am very glad that we have moved to the point where a woman can feed her child as needed and can demand feed despite what they used to tell us in the maternal child-care centres years ago. We were told not to feed our babies until the four hours were up and to ignore the crying as it would go away.

**Mrs Peulich** — That is dated.

**Ms OVERINGTON** — It is dated and I am dated — my children are quite old now.

**Mr Hamilton** — You must be a grandmother.

**Ms OVERINGTON** — I am a fine grandmother.

Demand feeding is the way to go. A baby needs to be fed when it is hungry, not by the clock or to suit the surrounds or the establishment its mother is in.

I remember my experiences as a young mum many years ago, particularly with my first born. Before my son was born I was going to formula feed. I had been pressured into bottle feeding because I was part of a generation for which bottle feeding was the way to go. At prenatal classes it was always suggested to me, 'It is much cleaner; you can sterilise the bottles, my dear, and go by the clock and make up a formula every four hours'. Right up until my son was born I was going to formula feed, but when he was placed in my arms the maternal instinct shot home. Then when I was asked, 'Are you formula feeding, my dear?', I answered, 'No, I am breastfeeding'.

I had to learn how to breastfeed. The assumption is that it all comes naturally, but let me tell honourable members that between goose fat, wool fat and all sorts of other — —

**An honourable member** interjected.

**Ms OVERINGTON** — Yes, I forgot about that one — a woman can condition herself to successfully breastfeed. But then she goes home.

The argument is about breastfeeding in public. Unfortunately, in my day one of the main inhibitors to breastfeeding by me and a number of my girlfriends were in-laws. When I went to visit it was subtly suggested to me that I might be better off in the next room, or I was asked, 'Do you want to go up to the bedroom?' While I support Ballarat's fine weather, I must say that to be banished to a back bedroom in Ballarat in the winter was not an enjoyable experience.

From a young age I rebelled, much to the distress of some of my in-laws and friends, and started breastfeeding in public. It was really amazing that it did not take them long — I suggest a week to a fortnight — to accept the fact that my breastfeeding their grandson was a natural act. I experienced the same problems when I went out in public. I made sure that I took a heavy shawl to cover the fact that I was breastfeeding in public, until one hot day I became concerned because I thought I had suffocated my son. By the time my

daughter came along I no longer required a shawl every time I went out; I threw it away.

**An Honourable Member** — The shawl?

**Ms OVERINGTON** — The shawl, not the son! I threw the shawl away and comfortably breastfed in public, much to the distress of some older women in Ballarat; but they got over it.

Many changes have taken place in society and women today are able to make choices. It is possible for women to work flexible hours in many jobs, and some women are even lucky enough to be able to take their children to and breastfeed them at work. Given the busy and more relaxed social lives led by young women today it is important to have in place legislation to protect them against discrimination if they breastfeed in public.

It is interesting how the cycle turns. As I have said, I am now a grandmother. Recently when my daughter was breastfeeding I noticed the change in community and family attitudes to breastfeeding. There is a loving acceptance that that is the way nature intended it to be. But legislative protection is needed, and I welcome the changes introduced by the bill.

**Mrs FYFFE** (Evelyn) — I also support the Equal Opportunity (Breastfeeding) Bill. Breastfeeding is a normal and basic function of motherhood and life. The second-reading speech includes the statement:

As a global goal for optimal maternal and child health and nutrition, all women should be enabled to practise exclusive breastfeeding and all infants should be fed exclusively on breast milk from birth to four to six months of age.

That is admirable. Honourable members should encourage breastfeeding. However, some women, for physical or psychological reasons, cannot breastfeed. It is important that we also think of them. Emotional pressure could be put on them. With people talking so much about the right to breastfeed, the pressure to breastfeed can make women feel inadequate if they cannot do so.

The minister stated in her second-reading speech that a breastfeeding woman should not be ostracised. As mentioned by the previous speaker, the emphasis is on the fact that all nursing mothers can and should breastfeed. That is not true of many women in the community.

*Honourable members interjecting.*

**The SPEAKER** — Order! There is too much audible conversation in the chamber. It is disrespectful

to the member speaking. A serious subject is being debated.

**Mrs FYFFE** — I have no problem with the intention of the legislation — that a mother should be able to feed a baby anywhere. However, it is also important that that be done in a discreet and modest way. In this wonderful multicultural society of ours the religious beliefs of a large number of citizens support the coverage of the female body. Many of our electorates have a large percentage of Muslim residents. In the process of encouraging women to breastfeed, they should also be encouraged to do so in such a way that it does not cause embarrassment or discomfort to other people.

History shows us that the pendulum swings. In the Napoleonic times it was fashionable for women to expose the breasts and wear Empire-style dresses. Less than 50 years later the Victorians were so prudish they were even covering the legs of their tables. In the Middle Ages wet nurses were used not just to feed children but also to provide nourishment to the elderly who had no other means of obtaining such nourishment. Perhaps the pendulum will swing back again. Society may go back to the use of wet nurses. The house might find itself debating the rights of an establishment caring for the elderly to employ a wet nurse.

**Mrs Peulich** — Equal opportunity.

**Mrs FYFFE** — Equal opportunity. A reference was made to breastfeeding in the cold of Ballarat. I would like to compare that with breastfeeding in the cold of England, where the house was so damp that icicles hung from the inside of the bedroom window. Your own mother would ask you whether you would like to go into the bedroom, dear, while breastfeeding. I recollect, when visiting a friend's house, my mother taking off her jacket to cover me while I fed my desperately hungry child in case of any slight exposure of my breast. That shows how the times change. Education has changed attitudes. The majority of people are relaxed at seeing women breastfeed in public, but I emphasise that that should be done with a sense of dignity and discretion.

Like the shadow Minister for Community Services, I wish the compassion that is being shown to women breastfeeding were also being shown to the young women from Napier House, who now will have the right to breastfeed in public but nowhere to call home. I feel very sad about that.

The expressing of milk referred to in the bill also raises questions about the employers who will have to provide the power points so that it can be done properly in a clean and comfortable environment.

For a woman to successfully continue breastfeeding on her return to work it is necessary for her to express milk during the day in a clean and private location and to breastfeed the baby on a daily basis both before going to work and on arriving home. A woman's milk supply is directly related to how much stimulation her breasts receive. If a mother is unable to breast feed or pump sufficiently she will gradually lose her milk supply, which can result in the baby weaning prematurely. If a mother is unable to express milk during the day it is likely that her breasts will become engorged. That will result in her milk leaking on to her clothing and her breasts developing plugged ducts, which can lead to mastitis or a breast infection requiring the use of antibiotics and bed rest.

The house is discussing no light matter but something that needs careful planning on the part of mothers. The education of the public and employers is paramount. Having regard to the hour of the night, I conclude by saying that I support the bill.

**Ms GILLET** (Werribee) — I will be brief. It is a pleasure to speak on the bill but sad that a need for such legislation has come to pass. I am drawn to remember the times that the former shadow minister, now the minister, struggled in this place to explain the importance of gaining public acceptance of women breastfeeding in public places. I remember how she was howled down with scorn and derision from the then Premier. I remember too that she stood her ground on behalf of all of us who have breastfed in the past and for those who breastfeed now and those who will do so in the future.

It is wonderful to hear the unanimous, overpowering support for breastfeeding and breasts — big, small and everything. It is just a damn shame it was not there when the then shadow minister was running the argument for women who were being made to feel awkward, clumsy, outcast and downright doing the wrong thing.

I am pleased and proud that the legislation is now before the house. It is a shame that we had to start the argument on behalf of women who were treated so badly, but they are fortunate to have a minister who has introduced legislation that makes it blindingly obvious to anybody that it is not appropriate to discriminate against women who breastfeed in public.

The honourable member for Mooroolbark said that although the opposition supported the bill it had one small concern that was activated by *Alert Digest* No. 5 of the Scrutiny of Acts and Regulations Committee — a committee I am privileged to chair. The honourable member said the committee wrote to the minister to seek clarification. I will explain why the committee sought that clarification, and in doing so I will quote selectively in part from page 5 of the *Alert Digest*. When examining the bill the committee wondered whether there may be undue trespass on rights and freedoms because clause 6 appears to provide a capacity for retrospective action to be taken about discrimination that happened prior to the bill.

The committee was grateful to received written submissions from a solicitor, Mr Richard Eager, and barristers, Ms Deborah Coombes and Ms Fiona McLeod on behalf of the Victorian Bar Council. Fiona McLeod said she felt there was no capacity for a retrospective claim for an action that had taken place before the bill becomes an act simply because it is a restatement of the incapacity to discriminate against someone on the ground of parental status.

So although we were encouraged by that advice, we nonetheless felt it was important for the minister to have the opportunity to say clearly what she felt about the clause. We are confident that we will receive advice from the minister on the point; but overall the committee felt there were no difficulties at all with the bill and was pleased to pass it on to the house without further comment.

My seat of Werribee has the third highest number of children aged between 0 and 4 years in the state. The bill — and the publicity that surrounds it — makes it abundantly clear to all the young women who have to make the decision at some stage that it is perfectly okay to breastfeed their kids. That is important for someone like me who represents a growth corridor electorate.

I commend the minister and am grateful for the support for the bill from the other side of the house. I am only disappointed that it has come too late.

**Mrs PEULICH** (Bentleigh) — I find the concluding comment of the honourable member for Werribee a little odd. In what way has the bill come too late? The legislation is not only now allowing women to breastfeed — they have been doing so throughout the entire history of civilisation. It is not about whether we believe breast is best. Most people recognise that breastfeeding is a healthy, natural way of nurturing: it is economical, it offers enormous medical benefits and is to be encouraged. I know that maternal and child health

sisters have devoted a lot of time to thinking up strategies for encouraging young mothers to breastfeed — particularly very young mothers, who tend to dislike breastfeeding for a variety of reasons, one of which is that it impinges on social life.

The bill seeks not to legalise breastfeeding but to clarify the fact that women have the right to breastfeed in public. Presumably — although it is not made clear in the bill — some degree of moderation or discretion is still required, because the object of the exercise is to make a symbolic commitment to breastfeeding as a choice and a right.

I come from a family of breastfeeders. According to family anecdotes my grandfather in Bosnia Herzegovina was breastfed until he was seven years of age. There were no bottles to purchase, and bottle-feeding was never encouraged as a cultural practice. There was no baby formula, either. My grandfather used to call out to his mother in the cornfields, run over to her with a stool and feed at her breast. He lived to the ripe old age of 90 and was not ill for a day in his life. My mother was also breastfed, as was my father.

I was breastfed and I breastfed my son. Unfortunately I went back to work when he was six weeks old, and the tasks of full-time work and breastfeeding were difficult to juggle. I remember trying to express milk in a classroom while chocking the door closed with my foot. I remember trying to find curtains to draw, and so on. We all recognised the lunacy and inconvenience of having no facilities for breastfeeding mothers.

On the other hand, I would not have sat in the classroom or in the staffroom to express milk. However, as part of our equal opportunity legislation the bill will allow the expressing of breast milk in a classroom, a staff room or this chamber. I do not think that would be appropriate. There is a small number of settings where breastfeeding is not appropriate. I have no difficulty with the idea of women breastfeeding in public places such as trains, parks and homes. I did those things and felt none of the inhibitions spoken of by other contributors to the debate because I do not come from the same cultural background. People in our tradition are not inhibited about flaunting their breasts — in my case, very substantial ones at that!

I believe the best way of encouraging the practice of breastfeeding is through education, not legislation. It is a long-term process. Nothing could be more detrimental to the practice of breastfeeding, its acceptance and its promotion, than having a few people push the limits of acceptability by means of legislation.

It would be interesting for the minister to comment on that because it would not be appropriate for milk to be expressed in a classroom or in a chamber. These are choices that are counterproductive to the object of the bill, which is to make a symbolic commitment to the right of women to breastfeed in a public place.

I surveyed my electorate, as I do on a regular basis, and found there were no surprises — the overwhelming number of people supported breastfeeding as a natural practice. However, a substantial number of people felt that a degree of discretion was needed. I am not talking about shawls suffocating babies or mothers being embarrassed breastfeeding in a public place but about the need for some degree of discretion, especially in relation to the expression of milk.

The bill is not necessary. Beneficial and long-term acceptance of breastfeeding is best achieved through education. Encouraging young and teenage mothers to breastfeed is a difficult task. Local government is fully aware of it, and there are many other strategies that should be put in place to ensure it occurs.

The retrospectivity provision is interesting and I am keen to hear the minister speak about it. Obviously breastfeeding is natural — it is a healthy way of nourishing babies, with medical, social and economic benefits to society, and on the whole most people will probably do the right thing: continue not to push the boundaries to unacceptable limits which the bill may enable and allow.

**Ms DAVIES** (Gippsland West) — I am pleased to speak on the Equal Opportunity (Breastfeeding) Bill and I, too, congratulate the minister on her continued campaign and on finally being able to bring the bill into the house. I clearly remember a fine day last year when we had a succession of good mothers and their good babes in the house, and it was nice to see a bit of life in the house.

I have a particular interest in the bill: my career as a mother began 19 years ago and I breastfed each of my babies for between 12 and 14 months, so I am one of the fanatics. I did it because hassling with washing and sterilising bottles was beyond my capacity. I fed each of my babies comfortably, proudly and publicly and never had any bother about it. I do not think I would have noticed if anybody had been perturbed because for me, if my babies needed feeding they needed feeding wherever I was at the time, and I did not care about anything else.

Twenty years ago the message I had was that women needed encouragement to breastfeed. Society was just

moving out of the cycle of rigid schedules and sterilising bottles and trying to put science and technology into what is essentially a natural function. I heeded the message and breastfed my babies.

Over recent years it has been distressing to me to realise the progress I thought had been made had disappeared and that once again there is an overt discrimination against women for breastfeeding in public. When I first heard these examples I was incredulous that people would bother.

In the past I have heard of discrimination at the casino and various restaurants. I have also read letters to the newspapers in which writers complained that they found it distasteful to see a mother feeding her infant in public. In recent years far too many young mums, who may be uncertain about being mums, who may be inexperienced and have little contact with other mothers or few people to help them, feel vulnerable and worry that what they are doing is somehow unacceptable. The basic message to a mother must clearly, constantly and sometimes loudly be that when your baby cries for a feed, no matter where you are you should feed it because the kid always comes first.

The issue was discussed with the former government but rejected, when the then minister said, 'We don't need this'. Later, examples of discrimination were published in the newspapers. Specific legislation has been necessary. I hope the bill gives some of those mums, particularly new mums, more confidence because it is unacceptable to discriminate. If anybody does not wish to see a mother feed her baby, it is easy for that person to look the other way.

The bill makes clear that discriminating against breastfeeding mothers is unlawful and unacceptable. I commend the bill not just for its practical use but also for its teaching roles. It will encourage mothers and other members of the community. I commend the bill to the house.

**Ms ALLAN** (Bendigo East) — Unlike some of my female colleagues, I have not had the privilege of breastfeeding children because I have not had any children. I have not had the privilege of participating in the act of parenthood. I welcome the bill because some day down the track I may wish to become a mother and to breastfeed my child in public with the full backing of the law and without feeling the pressure, as the honourable member for Gippsland West described, that some young mums feel when breastfeeding their children in public, particularly if remarks are made to them and complaints made against them.

That experience or criticism would leave a bad taste in the mouths of the young women trying to breastfeed their children. It would also cast a shadow over our community, which is why I congratulate the Minister for Community Services for her work not only in recent years but also over a number of years, as has been well documented in the press — particularly after an incident at Crown Casino in 1998.

I admire the way my sister-in-law has comfortably breastfed her two young children in public. That was not the case for women of my mother's generation. Earlier the honourable member for Ballarat West spoke about using shawls and hiding her children when she tried to breastfeed them in public. The bill illustrates society's shift to a more progressive view of the biology of women and a more tolerant view of their role in the lives of families.

I support the honourable member for Werribee, who says the bill is unfortunately far too late in the progress of our society because it is a biological fact that a woman's breasts are designed for feeding new-born babies, not for any other biological purpose. Therefore, any act that has a woman exposing her breasts to feed her child is within that context. I am intrigued that some people find it offensive to see a woman breastfeeding her baby.

It is pleasing to see that the bill amends section 6 of the Equal Opportunity Act to include breastfeeding as a ground on which it is unlawful to discriminate against women. I am pleased as a woman and a member of Parliament to support the outlawing of discrimination based on a woman breastfeeding her child. I again congratulate the minister on pursuing the legislation over a number of years.

**The ACTING SPEAKER (Mr Savage)** — Order! The list has caused me to make an error. The honourable member for Tullamarine now has the call, but the honourable member for Dromana will get the call next. My apologies!

**Ms BEATTIE** (Tullamarine) — I am pleased to join the debate, even at this late hour, and I extend my congratulations to the Minister for Community Services on her determination to defend nursing mothers and their babies.

The bill amends the Equal Opportunity Act of 1995 by making discrimination against breastfeeding mothers unlawful. Breastfeeding is one of the most natural acts I can imagine, and laws that protect mothers and enshrine the right to breastfeed in any place at any time are fundamental in our society.

When celebrations occur in our society one of the first things we do is invite friends and family around to our homes to share our food and have a drink. However, at certain times in certain places — even in restaurants, whose sole purpose is to serve food and drinks — nursing mothers have been banned and asked to leave because they have been giving their babies nourishment. I find that very odd indeed!

Both the United Nations International Children's Emergency Fund and the World Health Organisation encourage breastfeeding. The Australian Medical Association also recognises that breastfeeding is beneficial to the health of both mother and baby. Breastfeeding gives maternal protection from osteoporosis, urinary tract infections and breast and other cancers. The Nursing Mothers Association has an active branch in Sunbury in my electorate, and I will be attending one of its meetings in the near future to report on the passage of the bill.

Not only should we not discriminate against breastfeeding mothers, we should also be actively encouraging breastfeeding by supporting nursing mothers and promoting an awareness of their needs. For many and varied reasons many women in our society choose to return to the work force soon after the birth of their children.

Women should not have to feel socially ostracised from community life because they are nurturing their children. They should not have to go to dingy rooms in shopping centres — usually near the toilets, I might add — or leave restaurants to go to their cars to feed their babies.

Breastfeeding is a perfectly natural act, and the bill will protect nursing mothers. That is in sharp contrast to the view of the disgraced former Premier. I quote from the *Herald Sun* of 7 April 1998, which reports the former Premier as saying:

Some people do find it offensive to have babies being breastfed in very obvious public places.

Who knows, perhaps at some time in the future we may even have a nursing mother in the house.

**Ms Allan** interjected.

**Ms BEATTIE** — The honourable member for Bendigo East has put forward her nomination.

The Parliament has seen many rallies and demonstrations in the streets and on its steps. Perhaps the least frightening but most poignant rally involved mothers breastfeeding on the front steps. I know of

other such rallies: I understand they are called breastfests.

The amendment will bring Victoria into line with Tasmania, Queensland and the Northern Territory by specifically prohibiting discrimination on the ground of breastfeeding. It is the fulfilment of an election promise by the Bracks Labor government that it would introduce legislation banning discrimination against breastfeeding mothers.

I cannot help but wonder what type of person would be offended by the sight of a mother breastfeeding her baby — the former Premier is one, obviously.

Those people should just shut their eyes and go away or, as with the former Premier, be sent away, and have a good think about their sensitivities. The measure is a triumph for the minister and for good commonsense. I wish the bill a speedy passage.

**Mr DIXON** (Dromana) — I too support the bill. I support the right of women to breastfeed their babies and the right of babies to be breastfed, because it is the most natural thing for them both. I have not had much experience in breastfeeding. My son, who is now 12, was breastfed for some months and I think he enjoyed every moment of it. My 16-year-old daughter was not breastfed, and one of the upsides of that was that I fed her and gave her her bottle, often at this time of the morning, to give my wife a break. Feeding my daughter was certainly a bonding experience that gave me some sense of what it might be like for a mother to feed her baby. My daughter was a slow feeder. She was small and would fall asleep. I had to tickle her to wake her so she could complete the task and I could have some sleep. I was even known to enlarge the teat in the bottle so she would drink a little quicker. From that small experience I understand how important it is for a mother to breastfeed.

The importance of breastfeeding was also very much brought home to my wife and me in a much sadder way. Our infant daughter died and it was very distressing when my wife had to take medication to dry up her milk. For a number of days that was a constant reminder of motherhood unfulfilled.

We must remember that all people have rights; mothers have rights and babies have rights. People also have rights if they feel uncomfortable about breastfeeding in public. It is unlawful to discriminate against another person on specific grounds, and that is what the previous legislation was about. We should also recognise the fact that for many reasons some people feel uncomfortable about breastfeeding in public.

As a member of the Scrutiny of Acts and Regulations Committee I too had some reservations about the retrospectivity of the legislation. It was interesting to note that the legal advice the committee received was that the retrospectivity could not be exploited because the previous legislation, especially on the grounds of discrimination against parental status, was strong enough to stop any retrospective action. That is probably a true indication that the bill is important, but it really is not needed. It is more symbolic than anything.

The honourable member for Bentleigh said education and not legislation is the way to go, and that is important. Probably some business proprietors and employers need educating, but it is important that education on the benefits of breastfeeding and its naturalness should start with our younger people as well. As they grow up young women should feel it is the right thing to do. They should be comfortable with that notion. The young men in our schools should also understand that it is natural.

I support the legislation, although I feel there is no real need for it as the previous legislation was more than adequate.

**Ms CAMPBELL** (Minister for Community Services) — I thank honourable members who have contributed to the debate. It is heartening to learn that the opposition has now been enlightened and is prepared to support the amendment to the Equal Opportunity Act. An amendment that is supported by both sides of the house is certainly one that nursing mothers in this state will be delighted to see.

In talking about the importance of breastfeeding, how it is the ideal form of nutrition and the importance of improving our breastfeeding rates, the honourable member for Mooroolbark was quite clear that it is also important for women to enjoy a range of life opportunities and be given the opportunity to breastfeed their babies when and where they require feeding.

The honourable member for Mooroolbark as well as other opposition members raised the issue of retrospectivity in the operation of the bill, and I am pleased to outline the government's view on that. The bill allows a breastfeeding mother who has been subject to discrimination prior to the bill coming into operation but who has not yet lodged a complaint to lodge a complaint of breastfeeding discrimination. The decision to allow that was based on the fact that discrimination against breastfeeding mothers is already illegal. Therefore, the bill does not in effect retrospectively grant rights or impose obligations that do not already

exist. If a breastfeeding mother has lodged a complaint of parental status discrimination prior to the bill coming into effect, that complaint will continue to be dealt with as one of parental status discrimination.

The Minister for Housing eloquently described how important it is for the government to state unequivocally that it will not accept discrimination against nursing mothers and that it should state categorically that it is illegal under the Equal Opportunity Act. The honourable member commented that in a civilised society we should respect the contribution of nursing mothers to feed their children when and where required.

The honourable member for Bayswater gave us a fascinating insight into the functional means by which society continues. He also outlined the great importance of intellect on the separation between the maternal and the erotic.

The honourable member for Ballarat West talked about the importance of breastfeeding and how it is nature's formula. That is what the bill supports, and the government is delighted that the honourable member for Ballarat West is continuing to support and encourage breastfeeding.

The honourable member for Evelyn supported the bill. She stated that women who cannot breastfeed should not feel alienated by the bill in any way. I point out to the honourable member for Evelyn that the bill facilitates breastfeeding — it does not make it mandatory.

The honourable member for Werribee outlined the need for this legislation and, to ensure there is no confusion, she referred to the disgraced former Premier's comments in relation to what is offensive behaviour for some people in breastfeeding. She highlighted the work of the Scrutiny of Acts and Regulations Committee.

I believe the question raised in that committee has already been clearly outlined to the honourable member for Mooroolbark.

The honourable member for Bentleigh said that there are still situations where breastfeeding may not be appropriate. If she were in the house I would point out to the honourable member for Bentleigh that that is what the bill is all about. It is intended to provide as many examples as the government can think of to ensure women are supported in breastfeeding.

The honourable member for Gippsland West was very supportive of the legislation when it was first

introduced in the house, and I am pleased to have her support.

The honourable member for Bendigo East, who is a very enlightened member, said that she looked forward to younger members of the house breastfeeding in Parliament House and elsewhere. I congratulate her for expressing that attitude. The honourable member for Tullamarine outlined many examples of women being forced to leave restaurants to feed their babies in totally inappropriate places. She also referred to the disgraced former Premier's comments about what is offensive behaviour, and I thank her for bringing that issue to the attention of the house.

I am pleased to note that the honourable member for Dromana supports the bill. He made a poignant point about breastfeeding mothers who lose a child suffering a degree of distress that many of us can only imagine.

I wish the bill a speedy passage.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL

*Second reading*

**Debate resumed from 4 April; motion of Ms KOSKY (Minister for Post Compulsory Education, Training and Employment).**

**Mr BAILLIEU** (Hawthorn) — The opposition does not oppose the bill, which achieves nothing. In fact, the Minister for Post Compulsory Education, Training and Employment has the power to carry out the provisions in the bill if she so chooses. Our opposing the bill or amending it would not prevent her from doing whatever she wishes regarding the matters dealt with by the legislation. However, that will not stop the opposition from exploring what it regards as the folly of the bill.

This is the first bill of the Minister for Post Compulsory Education, Training and Employment. It portrays her sense of priority and the government's sense of priority in this field. It is one of the shortest second-reading speeches delivered for some time. No doubt it was a taxing speech for the minister to prepare. As stated in

the speech, the bill will remove three members of Parliament from membership of TAFE institute councils.

It would be churlish of me to point out that the second-reading speech is wrong and that the minister has again been misleading and has provided misleading information.

As I said, the bill betrays a great deal about the Australian Labor Party and the government. It is vindictive. It attacks the credibility and contribution of members of Parliament on TAFE councils. It is a political bill that introduces party politics. It is personal. It is dedicated to just a handful of members of Parliament. It is an intrusive Big Brother bill that removes the discretion of TAFE college councils. It is paternalistic. It says, 'Remove that discretion — the minister knows best'. It is inconsistent. It has no impact on other bodies, such as the International Fibre Centre and TAFE advisory councils. It is clumsy.

The bill supplies a power the minister already has. It is discriminatory. It discriminates against members of Parliament by occupation, which is something that not even the department could attest to being available in any other piece of legislation. It is a paranoid bill. The bill indicates that the government is concerned to avoid scrutiny of TAFE college councils in order to keep secret its relationship with those councils. It is intimidatory. It is purely political.

As I said earlier, the second-reading speech is wrong. Again the Minister for Post Compulsory Education, Training and Employment has provided misleading information to the house by stating that currently three members of Parliament are members of TAFE institute councils, because four members of Parliament are members of such councils.

Clause 1 is the purposes clause. It states that the purpose of the bill is to amend the Vocational Education and Training Act:

- (a) to provide that members of Parliament are ineligible to hold office as members of TAFE college councils; and
- (b) to remove those members of Parliament who are members of TAFE college councils from the councils.

The Minister for Post Compulsory Education, Training and Employment suggested in her second-reading speech that the risk of councils becoming forums for party politics is simply not acceptable and expressed concern that discussions on TAFE college councils may become the subject of party political debate, which would be inappropriate.

The real purpose of the bill remains a mystery to us all. No need has been established or demonstrated for it. Under the Vocational Education and Training Act TAFE college councillors are currently required to act in all cases in a fair and reasonable manner, to exercise reasonable care and diligence, to not make improper use of any information acquired as a member of a council and to disclose to the council any conflict of interest or duties they might have.

There is no evidence of any need for the bill. The minister's concern is prospective. What is the minister up to? Why is the prospective risk not acceptable? Why will there always be a risk in the future when there is no evidence of any problems in the past? Clearly the minister believes something sinister is waiting in the wing and in the process is causing party politics to be introduced into TAFE college councils.

The bill satisfies its alleged purpose by making state members of Parliament ineligible to hold office as members of TAFE college councils and targets four current members of Parliament by way of a spill, but the term of appointment of those members of Parliament will soon expire.

**Ms Kosky** — When?

**Mr BAILLIEU** — The term of office of the Honourable Cameron Boardman, a member for Chelsea Province in the other place, will expire in August 2002; the term of office of the Honourable Peter Hall, a member for Gippsland Province in the other place, expires in the next 12 months; the term of office of the honourable member for Kew, who is a member of the Box Hill TAFE college council, expires in March next year; and the term of office of the honourable member for Bellarine, a member of the Gordon Institute TAFE college council, expires in January 2002.

**Mr Hulls** — Are you opposing the bill?

**Mr BAILLIEU** — No, I said before that the opposition does not oppose the bill, but I am pointing out the folly of the bill. In the next four years TAFE college councillors will serve nearly 10 000 councillor months, but barely 90 of those will be served by members of Parliament. The government is paranoid in the extreme in pushing the amendment to the principal act, which has no specific reference to the appointment of members of Parliament to TAFE councils. There is no inclusion provision in the act. The minister and TAFE councils have the option or discretion to choose members of the council.

In fact, the principal act anticipates that discretion. Section 29A exempts members of Parliament from the

office-of-profit burden, as set out in the Constitution Act. Clearly, the principal act anticipates members of Parliament serving on TAFE councils. Without that exemption members of Parliament would have to choose between staying on a TAFE council and remaining members of Parliament. The provision also applies to prospective members of Parliament.

The principal act allows for the appointment of between 9 and 15 council members. The appointment of suitably qualified people is shared by the minister and the college council. Councillors are required to act properly. In addition, the minister has a reserve power which requires TAFE colleges to follow the directions of the minister, and the minister has the power to enforce the provision. The bill assumes there has been party-political interference in the past.

The measure reflects poorly on those members of Parliament who have served on TAFE college councils. The honourable member for Essendon served on the Kangan TAFE college council; a former member for Box Hill, Margaret Ray, was a member of the Box Hill TAFE college council, and I believe the minister served as a councillor on a university council.

The bill does not remove party politics from TAFE college councils. There is no matching exclusion of former members of Parliament, prospective members of Parliament or federal members of Parliament, as confirmed by a departmental briefing.

In singling out state members of Parliament and raising the issue of party politics, the bill and the second-reading speech will cause TAFE college councils to consider the politics of whomever they appoint for fear of the minister taking exception.

**Mr Holding** — That is in the bill, is it?

**Mr BAILLIEU** — No, but that is how it will operate. A continuing party political influence already exists in tertiary education circles. Peter McMullen and Jean McLean are on the council of the Victorian University of Technology, and Paul Keating is a consultant to the Northern Melbourne Institute of TAFE. Other former members of Parliament also serve on several TAFE advisory councils. Current members of Parliament sit on university and TAFE councils, and the honourable member for Geelong North is the chairman of the International Fibre Centre.

The exclusion of members of Parliament will impact most seriously in rural and regional areas such as Geelong, Gippsland, Frankston and the Mornington Peninsula. The history of TAFE college councils suggests that the members of Parliament who serve on

them enjoy a particular relationship with local employers and the general community. Members of Parliament can assist TAFE colleges in the process of serving on the councils. Much of the focus of the members who have served on the councils has been on rural and regional areas.

The bill establishes a principle of discrimination by occupation. It is a short bill, a walk through which is both interesting and exciting. Clause 1 provides that members of Parliament are ineligible to hold office as members of TAFE college councils. The department confirms that that neither applies to federal members of Parliament nor affects TAFE advisory councils.

Clause 2 is a royal assent clause. Clause 3(3) provides for the ineligibility of members of Parliament, and clause 3(4) is the spill clause. Clause 4 is a consequential amendment that repeals section 29A of the Vocational Education and Training Act by exempting members of Parliament from the office-of-profit burden imposed under the Constitution Act. Had the bill not been so clumsy all that would have been required would have been the removal of clause 4. Members of Parliament would have had to suffer the office-of-profit burden, but it would have made for a simpler bill.

The repeal of the section effectively extends the application of the bill to parliamentary candidates. The major parties already operate on the basis that without an exemption from the office-of-profit burden candidates are required to resign their positions before they nominate for Parliament.

Clause 5 makes statute law revisions, which are catch-up provisions resulting from the 1997 amendments that go to definitional matters involving the words 'trainees' and 'apprentices'. They involve catch-up drafting errors from earlier bills, including a couple of typographical errors.

The 1997 University Acts (Further Amendment) Bill, which was introduced and passed by the previous government, deleted an inclusion clause in university acts. Prior to 1997 those acts required that designated members of Parliament serve on university councils. In fact, members of Parliament were mandated to be on university councils. It was an inclusion clause.

In 1997 the then minister introduced an amendment to remove the inclusion clause which left university councils with the discretion to appoint members of Parliament. As it currently stands the legislation contemplates that members of Parliament can stay on

university councils or be appointed if they present with special expertise or special perspectives.

The bill for TAFE college councils had an emphatic exclusion clause, separate from the inclusion clause removal in the University Acts (Further Amendment) Bill. It is interesting to reflect on what occurred in the 1997 debate on the University Acts (Further Amendment) Bill. The honourable member for Morwell, now the Minister for Agriculture, is reported at page 597 of *Hansard* of 15 October 1997 as having said of the general principle of prospective members of Parliament not serving on university councils that:

Nevertheless, those positions provided an opportunity for members of Parliament who were appointed to university councils to become involved, if they so desired, in what was going on in our universities.

The then honourable member for Melbourne is reported at page 603 of *Hansard* as having said in the same debate:

Having the local member of Parliament on the council links the university to the outside community.

He went on to say:

I believe it is of enormous value to the university to have a member of Parliament on the council.

He expressed the fact that he believed it was of great benefit to him and that he enjoyed the experience.

The honourable member for Werribee is reported at page 607 of *Hansard* as having said:

I was proud to be appointed to the board at Ballarat university ...

I regard it as an added advantage to take that representation to another level — that is, to represent them on a university council board.

She went on to say that so far as members of Parliament serving on tertiary education boards, in particular university councils:

We add value and act as a bridge between the generation that will come after us and a generation that has gone before.

The bill is inconsistent in that there is sufficient evidence that government members who are in the house today and who previously served supported the concept of members of Parliament serving on university and TAFE college councils. The department suggests the majority of TAFE councils do not have a problem with the bill. That is no surprise because most do not have members of Parliament on their councils. Most have remained silent on the matter and have chosen to do so because they would feel intimidated to

express a view otherwise. There was widespread rolling of the eyes on TAFE college councils at the news of this bill because they interpreted it the way the opposition parties interpreted it — that there was no need for it and, in effect, it would be introducing party politics.

It is interesting that in her second-reading speech the minister referred to party politics but in the process has exempted the Independents from serving on such councils. The Independents are out also because clearly they are not involved in party politics. We can all see that on a daily basis in this chamber!

It would be remiss of me not to refer to the experience of TAFE college councils in other states. It would come as no surprise to honourable members on both sides of the house to learn that in South Australia, Western Australia and Queensland there is no exclusion clause for members of Parliament. Although there is also no exclusion clause in New South Wales — there is nothing to prevent members in that state from serving — I understand there are no serving members of Parliament on New South Wales TAFE college councils.

It was interesting for me to contemplate this bill as the member for Hawthorn, because one of my predecessors — he was an apprentice and an engineer, served as the member for Hawthorn from 1902 to 1913 and had a brief stint in the upper house as a member for East Yarra Province in 1928 — was a member of the Melbourne University council and a founder and president of what was then known as the Eastern Suburbs Tech. He was George Swinburne. Without him there would be no Swinburne University of Technology and no Swinburne TAFE division. I am proud to be the member for Hawthorn and to have a relationship with Swinburne. It is a great institution that animates and enriches the lives of the residents of Hawthorn and all who attend it.

Had this bill been in place in Swinburne's time there would now be no Swinburne campus because George Swinburne would have been deprived of the right as a member of Parliament to serve on a technical college council, as today's TAFE councils were then known. It shows the folly of the assumption that members of Parliament are inadequate or inappropriate or will behave improperly on TAFE college councils.

There are other implications in the bill. There is the suggestion that councils of adult and further education will be next in line — that is, the minister will wish to apply this to universities as well. Again the issue of the

exemption from the office-of-profit burden raises its head.

The only gain from this bill that the opposition can discern is that it relieves some pressure on the minister, who might otherwise have to reject her factional colleagues from membership or otherwise reject the wishes of a TAFE council that wanted a member of Parliament to serve on its board because it thought the member could serve a purpose and might be good for the institution.

In summary, the opposition believes the bill will make no positive difference whatever to TAFE outcomes. If anything, it will only raise another obstacle — the obstacle of party politics — because TAFE councils will have to make judgements about whom they choose to recommend for appointment and whether they may or may not be involved in any party political process.

It is disappointing that the bill is the minister's highest priority in the legislative program of her portfolio, but so be it. Defeat of the bill would not change the ministerial mindset, nor would it change the reserve power and the capacity of the minister to do just what the bill intends.

The opposition does not want to see TAFE college councils whose members include serving members of Parliament being embarrassed by expressing a wish to keep those members of Parliament, in the process setting themselves up for a conflict with the minister. Accordingly the opposition will not oppose the bill. However, I remind the house that the opposition sees no need for it and no benefit in it, and believes it is folly because it will introduce the very thing the minister seeks to exclude.

**Ms BEATTIE** (Tullamarine) — It gives me great pleasure to join the debate on the Vocational Education and Training (Council Membership) Bill. What an exciting bill it is! I could go on for hours about it, but our whip has instructed me not to because of the scores of other speakers who want to make a contribution.

The bill is not huge in size, but its intention is clear and specific. Its purpose is to provide that members of Parliament are ineligible to hold office as members of TAFE college councils and to remove those members of Parliament who are members of TAFE college councils from the councils.

The role and the very being of TAFE institute councils is the provision of training and further education. The bill in its current form has with it the risk that these councils could become a forum for party politics, and in the environment in which those organisations operate

they must be focused on the provision of first-class training and further education and not be sidetracked by party politics.

Providing first-class training is an awesome responsibility and should be uppermost on the agenda of those institute councils. It is absolutely imperative that these boards hold frank and open debate without those discussions being hijacked by any party-political football. These amendments not only seek to eliminate the risk of party politics invading the councils but also seek to remove members of Parliament who are currently members of TAFE institute councils. I believe four members of Parliament are now in that position.

I will relate to the house a story about how sad it is when party politics overrides the good work of a board. I will briefly provide as an example of what can happen the experience of the good people of Sunbury in the supply of their water by Western Water. It is an example of how party politics can override what is good for the community.

Western Water was pressured by the disgraced Kennett government to hold back on the announcement of a water pipeline to Sunbury until the lead-up to the last state election. When the previous member for Tullamarine announced that Sunbury would be drought proof, Western Water was too intimidated by the previous government to disagree, even though it knew it was untrue. How do I know all this? I read it in the local paper when Western Water had the courage recently to admit that the disgraced Kennett government had placed political pressure on their organisation. So that is how it can happen and that is why the bill is before the house.

One can see the risks involved in having members of Parliament on these councils. Victoria has 14 TAFE institutes and they are governed by councils established by order of the Governor in Council. The institute director is automatically a member. Other council members are appointed by the minister, elected by staff and students of the institute or coopted by the council itself. There is no specific membership category for members of Parliament.

I congratulate the minister, who is clearly focused on ensuring that under her leadership Victoria's TAFE institutes and its councils provide training that is second to none in Australia. Those councils can go about their business without being handcuffed by party politics in their extremely important work. I wish the bill a speedy passage.

**Mr SPRY** (Bellarine) — As one who is directly affected by the Vocational Education and Training (Council Membership) Bill I personally regret that when it is finally passed I will not be able to continue to serve an organisation for which I have the highest regard and with which I have had a binding association over many years. I was a student of the Gordon Institute of Technical and Further Education in the 1980s and lately I have been a council member. My wife taught at the college and one of my daughters attended it as a student. The Spry family has had a long and proud association with the Gordon Institute of TAFE which culminated with my being appointed to the council in 1993.

I am not surprised that the Labor Party has introduced the bill and I made that comment to the minister privately a couple of weeks ago. I am not surprised because of Labor's demonstrated paranoia with matters that involve secrecy. Labor has demonstrated time and again that it cannot trust people and that reveals an entrenched culture of mistrust within the Labor Party. The bill has been introduced by a government that professes an adherence to openness, transparency and accountability. In this case, the only reason I can find to understand Labor's point of view is that it is afraid that opposition members might get too close to the truth if they are allowed to continue to hold such positions.

The bill assumes party political influence. From my point of view that demonstrates a complete misunderstanding of how council members conduct themselves. I do not care from which side of the political spectrum one comes, anybody who has the interests of a TAFE college at heart and is appointed to a position in a TAFE would act in its best interests, regardless of his or her political persuasion. That has been my experience from serving on the board of the Gordon Institute of TAFE. I have served with another council member who was a Labor Party candidate. Admittedly he was a failed Labor candidate for the seat of South Barwon some years ago. Eric Young has served the Gordon Institute of TAFE well and he and I get on particularly well. That is a demonstration of the fact that party politics has very little to do with the governance of TAFE colleges. I am sure all those appointed to serve on these boards would feel the same way.

The past record of members of Parliament on TAFE councils is impressive and was documented in the comments of the member for Hawthorn, the shadow minister for this portfolio. Those people are only there to serve the best interests of the organisation. The inference of any other motive being conveyed in this bill is well and truly misplaced.

People who care to look at records might say that the attendance by members of Parliament at some TAFE meetings is a little less than it could be — a little less than perfect. I have to confess that I miss many TAFE meetings: because they are invariably on a Thursday evening at about 4.30 or 5.30, when Parliament is sitting it is impossible to get back in time.

I can hardly expect Parliament to readjust its schedule. Similarly it would be unfair of me to expect the Gordon Institute of TAFE to readjust its schedule, so I missed the odd meeting or two. I put that point of view to my colleagues on the Gordon council and asked them if they were bothered by the fact that occasionally I cannot get to the meetings. Their universal response every time has been, 'No, we value your input, we value the connections you can make for us, we value the fact that sometimes you are able to cut through red tape, and you understand the process and therefore definitely have a contribution to make'.

The bill clearly discriminates against a particular group of people. It would be interesting to see the results of a challenge under the Equal Opportunity Act provisions if in future a member of Parliament applied for a position on a TAFE board and was rejected on the grounds that he or she was a member of Parliament. I hope one day that is tested.

It is hard to fathom exactly what the motives of the minister and the Bracks government are in introducing this piece of legislation, unless it is their demonstrated paranoia. I have the advantage of having the Labor Party's speaking notes in front of me. Approximately the 10th dot point confirms the government's attitude to the issue. It states, in part:

Councils must focus on the priorities of the institute and not be distracted by party political issues.

That demonstrates the level of paranoia the Labor Party has on the issue.

I do not want to dwell too long on that subject; I want to go on to more positive issues. I take this opportunity in departing office to commend the governance, staff and student body of the Gordon Institute of TAFE. In the few minutes I have available to me I would also like to highlight some of the achievements the institute has made over the past seven years.

I was appointed to the council of the Gordon Institute of TAFE in 1993. At that time the institute had significant problems. Its budget was well out of kilter, the chief executive officer (CEO) was under a cloud and there was staff uncertainty — it is fair to say that the staff were unsettled to a significant degree. Great credit is

therefore due particularly to the council's chairman at the time — she is still the chairman — Mrs Pat Ford, her senior vice president, Richard Metcalf, and the current and former councillors and staff of the institute.

**Mr Honeywood** — And the former minister.

**Mr SPRY** — The former minister interjects. How could I possibly forget his contribution? It has been significant. The people of the Geelong region recognise his contribution. I am glad the honourable member reminded me of that aspect. John Maddock was recruited from the Box Hill Institute of TAFE while the college was going through the period of uncertainty. He did a fantastic job of restoring the Gordon institute's credibility. The fact that he has been headhunted back to Box Hill as its director indicates the calibre of the man who until recently served as the director and CEO of the Gordon Institute of TAFE. John was recently replaced at the Gordon institute by acting CEO, Grant Sutherland, who in the lead-up to the appointment of the next director has also done a fantastic job.

The annual report of the Gordon Institute of TAFE reveals the vision of the institute. I will quote a couple of items from that document. Copies are readily available as the report was tabled today. I am pleased to see in the report a photograph of the former Minister for Tertiary Education and Training, the honourable member for Warrandyte. The Minister for Post Compulsory Education, Training and Employment seems to have dipped out badly. No doubt she will feature in years to come if she still occupies that post. The annual report states:

With more than 16 500 students and 540 staff, the institute offers more than 175 nationally recognised courses at advanced diploma, diploma, associate diploma, advanced certificate, certificate and apprenticeship/traineeship levels.

Gordon institute exists to provide quality vocational education and training to support the competitiveness of enterprises and to enhance the social, educational and economic opportunities of our customers, in particular our students. We believe all individuals are entitled to learn in a positive and supportive learning environment.

The shadow minister mentioned earlier that regional technical and further education (TAFE) colleges were among the most important TAFE colleges in the TAFE structure throughout Victoria. The Gordon Institute of TAFE is no exception. It serves the broader Geelong region exceptionally well, providing students with opportunities and industry and commerce with skills and training from a highly regarded training organisation.

One of the institute's greatest achievements since I have been serving on the council of the institute has been its

ability to embrace a culture of survival in implementing competitive neutrality pricing principles. Again I quote from the annual report, which states:

The institute has implemented a strategy that ensures that each appropriate segment of operations which is not recurrently funded is required to recover full overheads including an allowance for net competitive advantages where they exist. Internal support services of a non-administrative nature that could potentially be outsourced are also subject to recoupment of overheads consistent with the competition guidelines.

Since 1993 the Gordon Institute of TAFE has been involved in a comprehensive training program. I will mention some of its achievements over the years in the area of government programs. There has been a significant expansion in new apprentice training. Increased relationships with industry have seen training being delivered in many workplaces and on-the-job assessment becoming a key feature of the teaching role. Nursing programs have gained accreditation from the Nurses Board of Victoria.

**Ms Kosky** — On a point of order, Mr Acting Speaker, while the debate is of great interest to me, I am having difficulty in understanding its relevance to the bill before the house. The bill is clear, short and tight. I ask that you call the honourable member back to debating the bill before the house.

**Mr SPRY** — On the point of order, Mr Acting Speaker, the bill is about making members of Parliament ineligible to sit on TAFE college councils. I am attempting to demonstrate some of the achievements that have been made in one organisation with which I am intimately familiar, the Gordon Institute of TAFE. That is entirely relevant to the debate.

**The ACTING SPEAKER (Mr Lupton)** — Order! There is no point of order. I thank the minister for waking us up at 1.50 in the morning.

**Mr SPRY** — Thank you, Mr Acting Speaker. The international connections established by the Gordon Institute of TAFE are also impressive. The competitive achievements of individual TAFE students are too numerous to mention in this debate. That the Gordon Institute of TAFE has embraced the information technology sector with considerable enthusiasm needs to be highlighted as well.

The Gordon Institute of TAFE has been involved in the development of an information technology strategic plan and the upgrade of its computing network infrastructure. It has attracted substantial post-compulsory education, training and employment

funding, which has been used to ensure that staff have access to networked computers and infrastructure upgrades. There has been an institute connection to VicOne, and so on. The Gordon institute also has an impressive record in human resources.

Capital works has been one of the features of institute spending in recent years. The Gordon Manufacturing Industry Training Centre (GMITC) development has been completed. Stage 1 consisted of a \$24 million injection and stage 2 a further \$2.6 million injection. A Fenwick Street campus has been completed at a cost of \$9.95 million. The upgrade of the historic 1887 Building A facade at just more than \$200 000 has been completed and capital works have been expended on the wool and horticulture facility at Waurn Ponds. A \$4.2 million program is in progress at the Davidson kitchen and restaurant, and a \$5.2 million program is about to commence at the building and construction centre.

There has been considerable publicity about and the current minister has claimed credit for the establishment and expansion of the Vocational Education and Training program in schools. The Gordon institute was one of the pioneers of that program, and a joint venture between the Gordon institute and James Harrison Secondary College culminated in the centre being awarded the Geelong Business Excellence Award for 1999, which is a considerable achievement.

The Gordon Institute of TAFE has been responsible for building a strategic alliance with Deakin University, providing dual benefits for the staff and the community. It has been a key participant in the launch of the Smart Geelong Network, providing the opportunity for regional educational and research organisations. The institute was selected by the international information technology communications company, Cisco, to train trainers and to administer the local delivery of its curriculum. The institute also has delivery of an internship program for graduates of the Taiwan International Trade Institute for the third year in a row. Several other business development initiatives are occurring across the board.

In conclusion, as the shadow minister said, the opposition will not oppose the bill. However, it must be pointed out that the bill demonstrates to Victorians the culture of mistrust shared by the minister and the government and exposes the Bracks government's failure to pay no more than lip service to openness, transparency and accountability.

**Mr STENSHOLT** (Burwood) — I support the Vocational Education and Training (Council Membership) Bill. Having recently come from the post-secondary sector it gives me great pleasure to do so. Victoria has 14 technical and further education (TAFE) institutes, 7 in metropolitan Melbourne and 7 in regional Victoria.

The importance of TAFE institutes to regional Victoria cannot be overemphasised. They are also very important in metropolitan Melbourne. Two of them, the Box Hill Institute of TAFE and the Holmesglen Institute of TAFE, border my electorate.

TAFE institutes are very much state institutes. They are self-governing bodies under the Vocational Education and Training Act and are governed by councils also established under the act with a number of members, at least half of whom are appointed by the minister. Council members are comprised of directors of institutes, staff, students and people coopted by the council on the basis of skills and expertise.

When making decisions about appointments the minister takes a council's recommendations into account. TAFE councils are part of the good governance of their institutions. They employ their directors and seek to ensure the financial viability of their colleges.

TAFE institutes play an important role in the development of a skilled work force for Victoria. They bolster the state's economic competitiveness and are part of the government's policy of growing Victoria, as we heard the Premier and Treasurer say in his budget speech earlier today — or yesterday, as it is now. In an increasingly competitive and globalised world the need for higher skill levels and increased training takes on greater importance. Last year TAFE institutes had well over 280 000 enrolments and delivered more than 46 median student contact hours.

As I have said before, good corporate governance is essential not only in the general community but also in TAFE institutes, which are an important part of the provision of post-secondary education. Good governance makes the institutes function effectively. Councils must concentrate their efforts to that end and not be distracted by party political issues. That is the point of the legislation.

I understand that three council members have been appointed while serving as members of Parliament and that another, the honourable member for Kew, joined a council by ministerial appointment prior to becoming a member of Parliament last September. That makes four

members of Parliament on TAFE councils. Members of those councils must have a clear understanding of the legal framework under which they are employed and under which their councils operate. They must take good care of their council's functions and observe their accountability provisions. They must also be clear about their role as part of a state institution.

The honourable member for Hawthorn shows his ignorance by failing to understand that TAFEs are not universities. I hope he can get the hang of his portfolio as shadow minister and realise there is a difference between TAFEs and universities. I wish him luck in his endeavours. He has had six months to work it out, but so far has not done so. The role of a TAFE council is well and truly defined in the legislation.

The Bracks government is committed to restoring quality and viability to the Victorian public TAFE system. The previous government focused on cost cutting to the point where several institutes came close to insolvency. Students, industry and the community were not getting what they needed, due in large part to the involvement of political appointees. So much for the work of the former minister, who was lauded by the previous speaker, the honourable member for Bellarine.

Where is the previous minister now? Where is the accountability? The legislation will provide for increased accountability, much improved management, greater responsibility, the appointment of people with expertise and the removal of any party political ramifications. As a result, expertise will reside in the councils of Victoria's TAFEs!

The institutes will also be bolstered by the record funding boost provided to them in the budget.

I commend the current minister. She has achieved a magnificent result and has doubled the promise made when the Labor Party went to the people last September. It is an extraordinary boost for TAFE colleges, and what has been provided in the budget is positive. The bill is also positive in terms of governance. The Minister for Post Compulsory Education, Training and Employment is one of our best ministers, and she is achieving in spades for TAFE colleges. Again, I commend the minister, and I commend the bill to the house.

**Mr McINTOSH** (Kew) — I have a theory.

**An honourable member** interjected.

**Mr McINTOSH** — I don't have a dream, I have a theory. In her second-reading speech the minister indicates that currently three members of Parliament are

members of TAFE institute councils. That is wrong — there are four current members of Parliament serving on TAFE institute councils. I have a theory. Perhaps she forgot about me because I was appointed to the Box Hill Institute of TAFE not as a member of Parliament but as a member of a local community.

I have been involved in education in a variety of ways. My father is an engineer and my sister, a chemist. I decided to follow my mother's profession and become a lawyer. I have tutored at two university colleges, lectured at RMIT, taught at the Leo Cussen Institute and the Victorian bar readers course, travelled to Port Moresby, and taught at a training institute on three occasions. On one occasion I had the benefit of going to Vanuatu and teaching at the University of the South Pacific.

Box Hill TAFE institute was looking for people to serve on its council and advertised in the newspapers. I was not a member of Parliament. I was still practising at the bar and thought I could put something back into my own community by serving on the council.

There is no money involved in being a TAFE college councillor; they receive no pecuniary benefit at all. It was something that interested me and was a bit different from my experience. I applied, and I understand about 30 applications were received for the two positions. After a number of interviews, a management consultant and I were selected and appointed by the then Minister for Tertiary Education and Training, the Honourable Phil Honeywood. Although I had met Phil Honeywood on one occasion at another function, that had nothing to do with the Box Hill Institute of TAFE. I did not discuss the matter with him and was never prompted by him to make the application. I was genuinely motivated to serve my local community.

The catchment area of Box Hill TAFE takes in a wide variety of areas and adjoins the electorate of Kew. The people who make up the council are outstanding.

The honourable member for Burwood is looking forward to an improved management structure in councils, but I have been privileged to serve on the Box Hill TAFE college council with a number of people. I refer to the chief executive officer of the Box Hill Hospital, Professor Rasa, who is the council chairman; Peter Seamer, who until recently was the CEO of the City of Whitehorse and has recently been appointed by the current government to head the Federation Square project; the CEO of Hewlett-Packard; a management consultant, as I said, who until recently was a partner of KPMG; a senior executive from CUB; the head of the

Institute of Family Studies in Victoria; and a couple of other interesting members. The council also has as members a couple of other interesting people.

Another member of the council used to be a senior adviser to former ministers of the Cain–Kirner governments, Steve Crabb and Tom Roper. He is the head of a health service in north-west Melbourne.

**Mr Nardella** — Phil Moran.

**Mr McINTOSH** — You said it. Phil Moran is an outstanding contributor to the council.

My association with the Box Hill Institute of TAFE during the past 18 months to two years has included attending a monthly Thursday night meeting. As is the case with the honourable member for Bellarine, since my election to Parliament I have found it hard to get to all the meetings. That does not necessarily mean one's involvement stops at a monthly meeting.

I serve on the audit committee of the TAFE institute and I attend a range of functions. I spent all last Thursday serving on a committee that selected the institute's apprentice of the year. As a result of the bill I will probably be unable to attend the official dinner at which the name of the person to receive the award will be announced.

Last Thursday was an example of what I have gained from serving on the council. I honestly believe I have taken more from the council than I have been able to give to it. My attendance record at its functions has been rather good.

The interviews last Thursday involved our hearing from about 15 young people nominated by various departments, including floristry, hairdressing, carpentry, plumbing, the electrical and airconditioning industries, cabinet making and a variety of other trades. The oldest person nominated was aged 29, the youngest 20, with the average age between 20 and 22. Those apprentices are outstanding young Victorians. A couple made indelible impressions on me for a variety of reasons.

A young chap who had been a plumber and was moving to the electrical industry made one of the most extraordinary presentations I have ever seen. I thought, 'If I could do that, I would be happy'. One highly intelligent and articulate person particularly impressed me because he had been through the schooling system. His parents came from an academic background. His older brother is studying medicine at Melbourne University. He had been studying at a private school but found he did not fit in. Only by a fluke did he get

the opportunity to undertake vocational education at Box Hill TAFE institute. He has now completed an apprenticeship in his particular speciality and is undertaking a degree course in advance of his particular trade.

The most extraordinary reminder provided to the committee by that kid was that TAFE is a real option for Victorians. In many respects the influence of TAFE throughout Victoria has been a boon and a benefit to the state and its kids. Not everybody has to go through a university, as I did, to gain real benefit.

Last year the Box Hill Institute of TAFE went through a major upheaval following the death of Andrew Jackson, who was then the chief executive officer. The honourable member for Bellarine has mentioned that the Box Hill institute has been able to poach back its previous CEO, and the system is again working effectively.

**Mr Spry** interjected.

**Mr McINTOSH** — He was an absolutely outstanding individual. I was a member of the council panel that selected the new CEO, and it was interesting that the names submitted came from a wide variety of sources. However, I received a contact about the selection process. It came from Phil Moran, who was advocating the appointment of a candidate fairly strongly. That was the only time I can recall being lobbied or approached about the selection process outside the meetings that took place — and they were long meetings. I do not take umbrage at that approach. It was the expression of a view, and it was the correct decision.

The death of Andrew Jackson was traumatic for all the members of the council. He was an outstanding educationalist who had had a long association with the TAFE system, the Box Hill institute and the Box Hill community. On his death the council had to go through the process of selecting his replacement, and when the state election intervened it had to take a much more active role in the management of the Box Hill Institute of TAFE, simply because of the long time it took from the announcement of the election to the time when the new minister was able to finally sign off on Dr Maddock's appointment.

I will deal with one other matter relating to the politics of the council. In every single decision I have seen reached at the Box Hill institute, the single most important question has been, 'What is in the best interests of the institute?'. Consensus is the name of the game with the council. I cannot think of one occasion

on which a decision has not been based on consensus, despite the fact that the people on the council come from different political backgrounds, including in one case a clearly distinct political background. It has been business as usual, because the sole criterion has been whatever is in the best interests of the institute.

One morning in November or December last year — I cannot remember the precise day — I read on the front page of the *Age* that the Minister for Education had announced that a number of TAFE institutes around Victoria were insolvent and that five were on the warned list. I was appalled to see that the Box Hill Institute of TAFE was on that list.

The very next night there was an ordinary meeting of the institute audit committee. Present at that meeting were the council appointees, the then acting CEO and the institute's auditors. The question I asked on that occasion was, 'What do you think of the minister's suggestion that we should be placed on a warned list and that we are close to insolvency?'. The response from all the bureaucracy representatives, including the auditors and the acting CEO, was that there was nothing wrong with the Box Hill Institute of TAFE.

The minister had taken a working capital ratio of 1.8 to mean that there was a problem. That is a healthy working capital ratio, and the TAFE has \$7 million in cash reserves. To suggest that it was close to insolvency defied logic so far as I could see. I asked the meeting whether I should say something about the matter in Parliament. I was asked not to take the matter any further because it would not be in the interests of the institute to do anything about it at that time. I took the matter no further.

I raised the matter with people from our side but I did not want the matter pressed, and it was not pressed. There was an opportunity to be political about the issue, but that was not taken because in the best interests of Box Hill it was felt the matter should lie where it stood at the time.

It is a matter of deep regret that I will have to stand down as a member of the TAFE institute. I have been associated with the institute for the past two years and have got an enormous amount out of my service on the council. I have not participated at a political level and it has been an opportunity to contribute something to my local community. Most importantly, I have been enriched by the people with whom I have served on the council, the members of the administration, the teaching staff, and above all the students. I have been staggered time and again by their individual stories. I commend the previous minister and thank him for my

appointment. I also pay tribute to the previous chief executive officer Andrew Jackson with whom I had a strong working relationship.

It is a fine institution, and it will continue to be a great institution. I hope my successor on the council will have the same dedication and not be a political appointment, such as a potential candidate, a past or current member of the ALP or a past member of Parliament.

**Mr NARDELLA** (Melton) — I commend the honourable member for Kew on his address to the house. The work and commitment of honourable members on councils should be taken into account. The honourable member for Bellarine and many honourable members have put in much work over a long period. However, members of Parliament are not the only people who have put in that work. Other council members have also put in long hours in considering the best interests of their communities.

Although there was a specious reference earlier about someone having met the previous minister, there will always be those types of decisions made about council appointments. The bill provides that a specific appointment — that is, of a member of Parliament — not be made. It follows the decision made by the previous government in 1997 about university boards.

**Mr Baillieu** interjected.

**Mr NARDELLA** — It is not completely different. It might be for the honourable member for Hawthorn, who was not here, but a number of my colleagues served on university boards. I refer to Neil Cole, the former member for Melbourne. We had a debate in our caucus room about our attitude to the legislation. His contribution to the Melbourne University board was substantial. However, the Kennett government decided it was inappropriate to have members of Parliament on university boards. The government is following that precedent. There is no great difference. They are both institutions that provide a learning environment for members of the community. They provide an important service.

However, the previous government saw the role of boards as one where the community, without direct outside political interference, could make decisions to best suit the board itself, understanding what both the honourable members for Bellarine and Kew said earlier today. The role of the local member is not necessarily to be on a TAFE council but to be supportive of a council and of all educational institutions or schools in their constituency.

It was very difficult for the TAFEs to survive under the Kennett coalition government. According to my information, those circumstances, as well as competition and the flourishing of the private providers, meant that a number of boards faced difficult decisions that had to be made under the scrutiny of the government members serving on those boards. The legislation will absolutely redress that situation. Boards see government members as part of the apparatus of government and feel intimidated.

I will close by commenting on the TAFE courses being run at the Melton campus of the Victoria University of Technology. They are well regarded by the local community. The TAFE system supports my local community and provides lifelong learning. Under the previous government the number of student contact hours was reduced markedly. Part of the advocacy role that members of Parliament should be playing — and certainly I am playing that role — is that we need to expand both the opportunities for young people within TAFE and the vocational education and training courses that TAFEs run extremely well. I support the bill before the house.

**Mr WELLS** (Wantirna) — I will make a few comments regarding the Vocational Education and Training (Council Membership) Bill. I bring to the debate my experience as a board member of the Outer Eastern Institute of TAFE. I was a ministerial appointment to the board of the institute and joined it in 1993. With me on the board at that time were people from the airconditioning industry, the Australia and New Zealand Bank, a publican and representatives from small business and the public service.

Being able to learn from and contribute to the TAFE institute was a tremendous experience. It also allowed me to act as a facilitator between the general community, the state government and the TAFE institute. It was especially useful in respect of the business community because at that time the business community needed to be able to educate its workers. One of the things the TAFE board was able to push strongly was an initiative to get the TAFE lecturers to go into industries and do on-site training. That was a very important issue at the time.

Honourable members should not mistake the fact that clause 3(4) of the bill provides for the sacking of three Liberal Party members and one National Party member of Parliament from TAFE councils. The minister is fearful of having those members of Parliament on the boards when questions of accountability and transparency arise.

I have pulled out a few old documents to make a few comparisons. When I joined the board of the Outer Eastern Institute of TAFE, Carolyn Hirsch and Helen Mayer were also board members. Carolyn Hirsch was a Labor member of this Parliament and Helen Mayer was a former federal Labor member. A document containing membership data dated 4 September 1992 shows that the minister made another ministerial appointment — four weeks before an election. Honourable members will probably not believe that a union organiser was appointed. The union organiser was given another three years even though members of the former Labor government knew that they were going to lose that election. They thought that they would be smarter by half by stacking a TAFE board.

The ministerial appointment was nominated by the Victorian Trades Hall Council as an employer, not an employee, representative. It is interesting to note that during the Cain–Kirner days someone from the Australian Services Union was put up as an employer representative.

There is a big difference between what the current minister is doing in introducing the bill and what a former minister, the Honourable Haddon Storey, did. The Labor members of Parliament and the union hacks appointed to TAFE colleges were allowed to serve out their terms, but they were not reappointed. There is a great deal of difference between that attitude and this case, which will result in three Liberal members of Parliament and one National Party member being sacked. When one considers the pre-election promises of openness, transparency and honest government, it is ironic that the government is afraid of opposition members of Parliament sitting on TAFE councils.

I refer to the involvement of members of Parliament with TAFE colleges. Government and opposition members of Parliament are often able to cut through red tape. For example, when traffic lights were needed on Stud Road the former government was able to involve the council, Vicroads, the then Minister for Tertiary Education and Training and the Minister for Roads and Ports, pull it all together and get it done. I am not sure whether that would have worked as quickly had there not been a member of Parliament on the TAFE board.

The purchase of the Healesville shire offices site for Eastern TAFE also proceeded quickly and efficiently after some appropriate lobbying, and that ensured that Eastern TAFE, now Swinburne University of Technology, was able to grow and be an effective provider of TAFE services.

I am disappointed that the minister has decided to sack current members of Parliament from the boards instead of doing the decent thing, as the previous Liberal government did, and allowing members of Parliament, whether they be in opposition or government, to serve their terms.

I note that the opposition does not oppose the bill. Although I reiterate the points about sacking current members of Parliament, I wish the bill a speedy passage.

**Mr LANGDON** (Ivanhoe) — I move:

That the debate be now adjourned.

**The ACTING SPEAKER (Mr Plowman)** — Order! The question is that the debate be now adjourned.

**Mr LANGDON** — To later this day.

**The ACTING SPEAKER (Mr Plowman)** — Order! All of that opinion say aye.

**Government Members** — Aye.

**The ACTING SPEAKER (Mr Plowman)** — Order! To the contrary, no.

**Opposition Members** — No.

**Mr McArthur** — Mr Acting Speaker —

*Honourable members interjecting.*

**Mr McArthur** — Mr Acting Speaker, do I have the call?

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Plowman)** — Order! The honourable member for Monbulk has the call.

**Mr Batchelor** — On a point of order, Mr Acting Speaker, I put it to you that we should be resolving the issue now. You called for the vote for and against. I voted for the honourable member for Ivanhoe's motion, and we are waiting for you, Sir, to determine the outcome of that call. It is not appropriate for the honourable member for Monbulk to start the debate on the next item of business, the Disability Services (Amendment) Bill, until this matter has been resolved — unless of course you have already resolved it. You, Sir, would then need to go on to the next motion dealing with the Vocational Education and Training (Council Membership) Bill before asking the

Clerk to call on debate on the Disability Services (Amendment) Bill.

The issue is at what point of the procedure we are at, and once that is decided the house can get to the Disability Services (Amendment) Bill. Mr Acting Speaker, you should give the call to the honourable member for Monbulk to lead the debate on that bill, not give him the call at this point. I am not aware of how you have determined the result of your call in response to the motion moved by the honourable member for Ivanhoe. Once you have determined that, Sir, we will seek to resolve the issue of adjourning debate on the Vocational Education and Training (Council Membership) Bill. I ask you, Sir, to proceed in that fashion.

**Mr McArthur** — On the point of order, Mr Acting Speaker, this should not take too long because you have already ruled on the issue in giving me the call after conferring with the Clerks. The honourable member for Ivanhoe moved that the debate be adjourned. I immediately moved to the table to seek your attention, and you then sought advice from the Clerks. I was simply seeking to speak on the question of whether the debate should be adjourned. The reason I was seeking to speak was that as the manager of opposition business I was at that time engaged in negotiations with the Leader of the House on the procedures for the conduct of the debate for the rest of the day. Mr Acting Speaker, we were trying to resolve how many more speakers would be heard on the Vocational Education and Training (Council Membership) Bill when the honourable member for Ivanhoe moved that the debate be adjourned.

I immediately got to my feet and sought your attention, after which you conferred with the Clerks and gave me the call. That is where the matter rests. I put to you, Sir, that I have the call on this matter. You, Sir, did not at any stage determine the vote.

I put it to you that I am entitled to speak on the motion moved by the honourable member for Ivanhoe that the debate be adjourned, and I seek to do so.

**The ACTING SPEAKER (Mr Plowman)** — Order! I have heard sufficient on the point of order. The minister is correct in saying that I called for the vote, but I did not announce the decision of that vote. The mistake was the Chair's because I did not see the honourable member for Monbulk on his feet. That having been drawn to my attention, I then called the honourable member for Monbulk. I do not uphold the point of order, but I certainly acknowledge that the mistake was the Chair's.

**Mr McARTHUR** (Monbulk) — The opposition opposes the motion moved by the honourable member for Ivanhoe for the simple reason that at the time the honourable member for Ivanhoe was moving his motion I was in the process of reaching agreement with the Leader of the House on the number of members who would speak on the bill before the debate was adjourned.

While that is not a matter of concern for the Chair, it is a normal part of negotiations and management of business in this place. It is not unusual for the Leader of the House and the leader of opposition business to discuss how many more speakers will contribute to a debate before the matter is either adjourned or resolved. Mr Acting Speaker, I am sure you have seen that occur many times during your career in this place. The Leader of the House and I were discussing issues such as the number of members who, as a result of the legislation, will be sacked from their positions of TAFE college councillors. They are members who have diligently, decently and reasonably carried out their duties on councils but who have not yet contributed to the debate.

The Leader of the House and I were in the process of agreeing that the honourable members for Murray Valley and Bulleen, both members of TAFE college councils who the minister is in the process of sacking, not for bad performance, dereliction of duty, corruption, malfeasance or other detrimental aspects but because she believes members of Parliament should not sit on TAFE college councils, should be able to contribute to the debate. A member of the clergy, a member of the federal Parliament, a man or a woman may sit on a TAFE college council, but not a member of this state Parliament.

The opposition opposes the motion because it believes the honourable members for Murray Valley and Bulleen in particular, but also other members, should be entitled to put their views to the house. The honourable members for Murray Valley and Bulleen have reasonably, decently and diligently carried out their duties as members of TAFE college councils. They have experience in this matter that may be relevant to members of the government because there are no members of the government currently serving as members of TAFE college councils. If the legislation passes there will never be a government member of such a council, yet some honourable members may wish to be appointed as councillors.

Any current TAFE college council members who in the future seek election to Parliament and are successful will immediately forfeit their right to sit on the council. Those people will be unable to hold any position on a

TAFE college council. It is reasonable that the house hears from people who have current experience of TAFE college councils — people such as the honourable members for Murray Valley and Bulleen. Although those honourable members have a more significant call in relation to the debate, the list of members who want to participate in the debate should not be determined solely on whether they have TAFE college council experience.

**The ACTING SPEAKER (Ms Davies)** — Order! The motion before the Chair is narrow and the honourable member should give careful attention to how far he expands the debate.

**Mr McARTHUR** — I am arguing that honourable members who have not had the opportunity to participate in the debate deserve that opportunity, and I am putting the reasons in support of that argument. I respectfully say to the Chair that the reasons why they deserve to participate in the debate are relevant and should be taken into account when considering the motion.

If the debate is adjourned the matter will not come back to the house before the 4 o'clock guillotine on Thursday afternoon. The Leader of the House informs me that the Chinese Medicine Registration Bill will be debated on Wednesday. A significant number of government and opposition members wish to speak on that bill. The house will then move on to the Electronic Transactions (Victoria) Bill. It is unlikely that the house will successfully complete the debate on both bills in the time available.

Even if debate on those bills were concluded, on Thursday a debate on the Disability Services (Amendment) Bill followed by a debate on the National Taxation Reform (Further Consequential Provisions) Bill will take place before the house comes back to this bill. Given the pattern of debate in this place over the past six or seven months it is highly unlikely that the house will return to the Vocational Education and Training (Council Membership) Bill.

For those reasons, and because at the time the motion was moved the Leader of the House and I were involved in discussions aimed at resolving the number of speakers to finalise the legislation, I believe the debate should continue. That is a normal part of our duties associated with the management of the house. It is unfortunate that the Government Whip decided to move a closure motion when he did. He possibly did not know what was taking place. It is a little late, although it is understandable if he was not aware that the Leader of the House and I were coming to a

reasonable and sensible decision on the management of the debate.

I put it to you, Madam Acting Speaker, and to members of the house that the debate should proceed and that the honourable members for Murray Valley and Bulleen as sitting members of TAFE college councils should have the opportunity of putting their views before the house. It is unseemly to truncate the debate and deny those members the chance to speak in the very real likelihood that they will have no further chance of raising the issue. I know how dearly the honourable members for Murray Valley and Bulleen hold their positions on TAFE college councils and how diligently they work. It is important that other honourable members learn and benefit from their experiences.

**Mr PLOWMAN** (Benambra) — I oppose the motion that the debate be adjourned. The four honourable members affected should have an opportunity to speak on the bill, which affects country TAFE colleges. I therefore believe the debate should continue.

**Mr BATCHELOR** (Minister for Transport) — The house is trying to resolve how to adequately and sensibly deal with the Vocational Education and Training (Council Membership) Bill. I support the motion moved by the honourable member for Ivanhoe. I understand from the best information I have that those members who are affected by the bill and who are currently sitting members of TAFE boards have spoken. I am not aware of any who are currently sitting members who have not done so.

Far be it from me to suggest that the honourable member for Monbulk did not know what he was talking about or was misleading the house. That will be an issue with which we can deal at another date. The matter is how to sensibly deal with this matter. It is now 2.45 a.m. and most members who have been affected by the bill have had an opportunity to speak, and to do so at length. That is the opportunity the government wanted to provide, and it has done so. Accordingly, at this late hour the government wishes to deal with another bill. It is appropriate that the motion moved by the honourable member for Ivanhoe be agreed to. It does not discharge the bill; it will remain on the notice paper and the house can return to it at another stage this week.

**Mr RICHARDSON** (Forest Hill) — I support the remarks made by the honourable member for Monbulk. The motion moved by the honourable member for Ivanhoe to adjourn is in effect a guillotine. This matter will not return to the attention of the house until

4 o'clock on Thursday afternoon, at which point the question will be put without debate. This is an important issue.

**Mr Batchelor** interjected.

**Mr RICHARDSON** — The Leader of the House says the house can come back to it. He can say those things glibly — he was glib in his remarks a moment ago. He knows that it is not the intention of the government to allow the bill to be revisited. It will remain on the notice paper but will never be debated. It is all over. Once the motion to adjourn is agreed to everything is finished. There will be no opportunity for other members to address the issue. Many members have an intense interest in the subject matter of the legislation.

There is passion in relation to this legislation, but members will not have an opportunity to address the matter. Therefore, the government should withdraw the motion moved by the honourable member for Ivanhoe and allow the debate to proceed. It is of considerable significance to many members. It does not matter what time it is. We have all been here for breakfast on numerous occasions and I do not mind going through that process again. The government wants to go home.

**House divided on motion:**

*Ayes, 43*

Allan, Ms	Langdon, Mr ( <i>Teller</i> )
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Brumby, Mr	Lim, Mr
Cameron, Mr	Lindell, Ms
Campbell, Ms	Loney, Mr
Carli, Mr	Maddigan, Mrs
Davies, Ms	Maxfield, Mr
Delahunty, Ms	Mildenhall, Mr
Duncan, Ms	Nardella, Mr
Garbutt, Ms	Overington, Ms
Gillett, Ms	Pandazopoulos, Mr
Haermeyer, Mr	Pike, Ms
Hamilton, Mr	Robinson, Mr
Hardman, Mr ( <i>Teller</i> )	Seitz, Mr
Helper, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr
Kosky, Ms	

*Noes, 40*

Asher, Ms	McIntosh, Mr
Ashley, Mr	Maclellan, Mr
Baillieu, Mr	Maughan, Mr ( <i>Teller</i> )
Burke, Ms	Mulder, Mr
Clark, Mr	Naphine, Dr
Cooper, Mr	Paterson, Mr

Dean, Dr	Peulich, Mrs
Delahunty, Mr	Phillips, Mr
Dixon, Mr	Plowman, Mr
Doyle, Mr	Richardson, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr ( <i>Teller</i> )
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr

**Motion agreed to and debate adjourned.**

**Debate adjourned until next day.**

## DISABILITY SERVICES (AMENDMENT) BILL

*Second reading*

**Debate resumed from 4 April; motion of  
Ms CAMPBELL (Minister for Community Services).**

**Mrs ELLIOTT (Mooroolbark)** — The opposition supports the Disability Services (Amendment) Bill, which expands the mandate for community visitors currently contained in the Intellectually Disabled Persons' Services Act by applying it to the Disability Services Act and allows community visitors to visit residential facilities funded under that act.

The role of community visitors is extremely important. They are required to visit eligible residential services regularly and as required, to appraise and monitor services from an individual consumer's perspective, to identify and monitor problems and issues from an individual consumer's perspective, to refer issues as appropriate for resolution and to publicly report on the effectiveness of individual and systemic problem resolution.

The annual report of the community visitors was released recently. One paragraph that relates to Kew Residential Services states:

The most dismal effect for people being confined to Kew Residential Services is a lifetime of institutional care, monotony of surrounds and daily existence. For about half the residents who are still living in older style units, there is no privacy of life and few possessions in their bedroom areas.

This lack of personal space and privacy is further compounded in the cramped day-room areas where residents spend a large amount of their time. There are residents who simply exist waiting for opportunities to be accompanied outside the unit, often owning only the doona cover on their

bed and a few clothes that fit in a small cupboard. This is far less than someone confined within a prison.

The previous government intended to close Kew Residential Services and relocate the residents elsewhere. I saw in the budget today that the Bracks government has allocated \$2.9 million to redevelop the facility in consultation with the relatives, carers and residents. That \$2.9 million is a start but obviously it will not be enough to overcome all the problems perceived by the community visitors.

The advantage of community visitors is that they are independent of both the service providers and the residents. They are able to report what they see to the relevant authority — that is, the Office of the Public Advocate. Currently 834 700 Victorians live with some form of disability and 18 per cent — that is, one in five — of those people have a serious disability; and 269 400 Victorians have a severe or profound disability and require some assistance. Of those disabilities, 85 per cent relate to physical conditions. Obviously it is important to extend the mandate of community visitors to services covered by the Disability Services Act.

The bill inserts into the principal act provisions that the functions of community visitors will include consideration of the following:

- (a) the appropriateness and standards of facilities for the accommodation, physical well-being and welfare of residents; and
- (b) the adequacy of opportunities and facilities for the recreation, occupation, education and training of residents; and
- (c) whether services are being provided in accordance with the principles specified in Schedule 2; and
- (d) any complaint made to a community visitor by a resident.

Schedule 2 broadly says that people with a disability have a right to the same sorts of opportunities for education and training, social life and living conditions as any member of the community not living with a disability. The function of community visitors is to ensure that that happens. All of that is very commendable.

Community visitors may ask to see any resident or report on request or demand; they may inspect any part of a residence; and they may interview any member of staff. Penalties are provided for owners or people running residential services who do not comply with those regulations. If a resident approaches an individual who is running a residential disability service and asks

to see someone from the community visitors program, that person must arrange a visit within seven days.

The bill is a very appropriate measure. However, the final report on the evaluation of community visitors programs prepared for the Office of the Public Advocate identified many problems surrounding the programs. Page 33 of the report contains this telling paragraph:

Currently, community visitors lack a comprehensive understanding of, and a consistent framework to undertake this role. This requires a framework to guide visits, a means to prioritise the importance of issues and problems raised and an agreed process with the service providers for problem resolution. This does not mean a predetermined solution for the issues raised.

In the past several years there has been a proliferation of services. The bipartisan government approach has been that so far as possible people be moved out of large-scale residential services and into smaller houses in the community, such as community residential units and the like. Consequently the community visitor program has been stretched to the absolute limit. The program needs more funding, resources consistent with the responsibility of the jobs it undertakes and a more strategic and planned focus. The community visitors need more training and an agreed process needs to be put into place for problem resolution.

One of the problems the report identified is that resentment can arise between community visitors and the providers of residential services if there is not an agreed process for problem resolution. The providers of the services often felt that the community visitors saw only the bad and not the good, and the community visitors often felt unwelcome. There needs to be a consistent program to attract and retain more community visitors, and clear measures to monitor their effectiveness.

A survey of the community visitors found that they are mostly from the eastern suburbs; that they are predominantly female; that they are predominantly older, most being over 50; that few of them have an ethnic background; that few of them have qualifications in the field, although many of them have experience; and that most of them do not stay in the position for longer than three years.

The responsibility for assessing community visitors — although they are appointed by the Governor in Council — and for arranging the programs falls to regional convenors, who are unpaid and often work many voluntary hours to undertake their duties. The review noted that if they were working for more than 2.5 days a week, consideration should be given to their

being paid. It also noted that insufficient attention was being paid to conflicts of interest in the selection program.

None of what I say — which is all taken from the report — should be considered by the government as being critical of the program, because the program is absolutely essential. However, if it is to be extended to services covered by the Disability Services Act, consideration should be given to the rest of the report, of which that was only one recommendation, and to the program being properly resourced.

The figures on page 24 of the report entitled *Evaluation of the Community Visitors Program* give some indication of the problems the community visitors program is facing. In the area of intellectual disability in 1989 there were 167 services; in 1997, 427 services were visited. In 1989 there were 90 community visitors; in 1997 there were 130 community visitors, not nearly keeping pace with the growth in services. In 1999 there was 1 community visitor to 1.86 services, and by 1997 that had become 1 community visitor to 3.28 services.

The Intellectually Disabled Persons' Services Act recommends that residential facilities be visited at least once a month. That has proved impossible with the number of community visitors currently in place and the number of services to be visited.

In conclusion I commend the minister for bringing the bill before the house. That is what the previous government would have done also. There are compelling reasons why community visitors should visit all residential services for people living with a disability. Recent revelations regarding a nursing home in Victoria and the inappropriate, indeed inhumane, treatment of some of those residents show why independent people who have no vested interests should visit services like that, but the minister and the government will need to give serious consideration to all other recommendations in the *Evaluation of the Community Visitors Program* report.

The government cannot possibly hope to attract volunteers to the program if they are not properly resourced and trained and if there are not agreed reporting procedures. Not to provide the service would seriously disadvantage people who are living with a disability. That being said, on behalf of the opposition I commend the bill and wish it a speedy passage.

**Debate adjourned on motion of Mr VINEY (Frankston East).**

**Debate adjourned until next day.**

**Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).**

## ADJOURNMENT

**Mr BATCHELOR (Minister for Transport)** — I move:

That the house do now adjourn.

### **Bridges: Tea Tree Creek**

**Dr NAPHTHINE (Leader of the Opposition)** — I am pleased the Minister for Transport is in the house as I seek the immediate commencement of works on the Tea Tree Creek bridge between Hamilton and Horsham. The Henty Highway is an important transport route to and from the port of Portland, particularly for areas in the Wimmera and Mallee. Those areas are large grain producers and producers of livestock, which is carted down the Henty Highway on a regular basis for export through the port of Portland. The Henty Highway carries a large number of trucks with loads of grain and livestock from the northern areas of the Wimmera and the Mallee to the port, and grain trucks often return to their northern regions carrying fertiliser from fertiliser plants in the Portland area.

New national transport reforms have increased mass limits that road transports are allowed to carry. Semitrailer limits have increased from 42.5 tonnes to 45.5 tonnes. B-double limits have increased from 62.5 tonnes to 68 tonnes. Quite rightly the transport operators want to operate their transport rigs at the increased maximum mass limits to maximise the efficiency of their transport operations, allowing them to use those high-investment, high-capital trucks to the best advantage.

However, some of the new mass limits cannot be carried on the Henty Highway because the Tea Tree Creek bridge cannot bear the weight. Many grain transports are now going to the port of Geelong and backloading with fertiliser from Geelong rather than going to the port of Portland.

In August 1999 the previous government allocated \$540 000 for bridge works at Tea Tree Creek. I ask the minister to authorise commencement of those works as soon as possible and to make whatever appropriate arrangements are possible in the meantime to allow the Henty Highway to carry the new mass limits for B-double semitrailers at the national transport level. It is important for the port of Portland, and particularly for fertiliser plants such as Pivot and Hifert, which sell fertiliser by backloading into the northern areas of the

Wimmera–Mallee. As I said, the previous government allocated funding for those bridge works —

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

### **City Link: Monash pass**

**Mr STENSHOLT (Burwood)** — I call on the Minister for Transport to do all that he can to ensure that City Link introduces a Monash pass on the southern end of the tollway. At the end of February honourable members debated the Melbourne City Link (Amendment) Bill. I spoke on the bill then, particularly on clause 5, which facilitated day passes for part of City Link. We all know that has been done for the northern section, and the minister did a great job facilitating the Tulla pass.

The southern link, part of which recently moved to tolling, has six sections. I recently issued a press release, which was broadcast on the ABC and 3AW, calling for City Link to introduce a Monash pass. Such a pass would be a great service to people in Burwood and beyond who use the southern link only a few times a year to go to football, cricket, the arts centre, a major city hospital or shopping. At the moment day passes cost \$3.50. To travel two sections of the southern link and get off at Punt Road costs only \$1.20. It is unfair that occasional users should pay so much extra simply to go to the footy.

I understand that City Link has no plans to introduce the Monash pass or specially priced passes on the southern link sections. I spoke to one of the managers at City Link who confirmed that. She even suggested that occasional users would be better off buying e-tags. What arrogance! Why should they have to pay \$25 a year for minimal use?

I recently urged City Link to issue cheap passes before it turned on the tolls, and I again urge it to do so. I am circulating a petition in the community calling on City Link to introduce the Monash pass. I accordingly ask the minister to make every effort to persuade City Link to introduce such a pass. The new legislation allows for it; it should be issued for the benefit of commuters in Burwood and beyond.

### **Industrial relations: disputes**

**Mr WELLS (Wantirna)** — I raise a matter of concern for the Premier and ask him to use his significant influence with the Victorian building unions to ensure that those irresponsible unions do not go to employers seeking strike pay or lockout pay.

When the Labor Party went to the election it promised it would govern for all Victorians. The opposition now raises the very serious concern that those building industry employers who did not agree to the 36-hour week deal are now being subjected to union thuggery as they resist the Construction, Forestry, Mining and Energy Union and Electrical Trades Union demands for a 36-hour week and a 24 per cent pay increase. Employers are now being pressured to meet unreasonable and illegal demands for lockout pay and strike pay for the time lost by CFMEU and ETU members during the recent industrial dispute.

I ask the Premier to use his influence because the building unions assisted him to attain the position of leader of the Labor Party. I ask the Premier to point out to those unions that strike pay is illegal. I quote from the federal legislation, and it is important that the Premier pass it on to the trade unions:

It is now illegal for an employer to pay a worker for any period of industrial action, and for workers to accept payment for any period of industrial action. It is also illegal for a union, such as the TWU —

in this case the CFMEU —

and its members to make claims for pay for any period of industrial action or to threaten further industrial action for such pay.

The prohibition applies even if the industrial action is protected. Where strike pay has been demanded a federal court may award damages for any loss that is suffered. The court may also impose penalties of up to \$10 000. That is an important consideration when, during a building dispute, employers believe unions are using unfair tactics and take steps to resist them. Such employers will be picked off by the trade union movement so they can get back pay, lockout pay and strike pay.

It is incumbent on the Premier to use his influence with those unions to have them resist the temptation.

### **Public transport: Metcard**

**Mr LIM** (Clayton) — I ask the Minister for Transport to look into the possibility of putting bar code labels on Metcards. A lot of outlets around Melbourne sell hundreds of Metcards each day. The idea of putting bar codes on them has been raised with me by the proprietor of my local newsagency. His is one of the biggest newsagencies in the south-eastern suburbs and sells hundreds if not thousands of Metcards every day.

The difficulty lies in handling them at the point of sale. The seller has to read the small print on each card to

learn the sale price and then manually ring up a transaction for each card sold. Bar codes on the cards would allow for speedy and efficient sales routines and save a lot of the time now spent on each purchase.

I have confirmed that the manufacturer of Metcards has the technological means to put bar codes on the cards, so production should not be a problem. I urge the minister to look into the idea. The time saved throughout Melbourne's sales agencies would be considerable for all concerned. It is high time we brought the technology of the 21st century to the Metcard system.

### **Fishing: government policy**

**Mr PERTON** (Doncaster) — I raise for the attention of the Minister for Environment and Conservation a matter arising from two meetings I attended last week, one with commercial fishers in Apollo Bay and one with the recreational fishers of the Bellarine Peninsula. I ask the minister to meet with those groups because the draft Environment Conservation Council (ECC) recommendations have caused confusion and uncertainty, and as a result the confidence of commercial fishers in Apollo Bay and the tourist operators and developers in the Bellarine Peninsula has fallen considerably.

The point at issue in the Apollo Bay area is that the recommendations would damage the abalone and crayfish operations. The fishers want to put their case to the minister, and not just about the ECC recommendations. They understand the ECC processes and appreciate that it is an independent body that will report to government.

They are particularly concerned that the Department of Natural Resources and Environment seems to have reduced its policing efforts during the term of the government. The fishers see many examples of poaching by well-organised groups of poachers. They also observe that the inspection effort is almost non-existent.

The confusion in relation to government policy becomes even more acute when looking at the budget papers delivered today. While in table 8.1 — —

**An honourable member** interjected.

**Mr PERTON** — No, I am not anticipating the debate.

Budget paper no. 2 contains a promise for a Port Phillip marine park. In the same document the Labor government also refers to a Port Phillip Bay marine

national park. Does this mean that there will be no fishing in Port Phillip Bay? Does it mean an elimination of all economic activity in the bay? All of us know that a properly defined and managed national park excludes commercial operations and harvesting of any kind. In the government's budget paper no. 2 presented today it is clearly stated at page 281 that funding has been provided for Port Phillip Bay as a marine national park. If the government cannot get it right in its budget papers — —

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

### **Ambulance services: Romsey station**

**Ms DUNCAN (Gisborne)** — On 21 March this year I raised an issue with the Minister for Health in regard to the Romsey ambulance station. I again ask for the minister to report on the matter. At the time I outlined to the house the election hoax that the then Minister for Health played on the people of Romsey and Lancefield.

I reported to the house that just days before the calling of the state election, the former Minister for Health, Mr Knowles, announced that the then government would provide funding for a new ambulance station at Romsey. It is now known that this was a lie — a particularly nasty hoax because it is clear that Romsey desperately needs a new ambulance station. The people of Romsey and Lancefield — two small towns — had worked long and hard for many years for the station and raised in excess of \$5000 over the past two years. It was a substantial effort by the townspeople to raise that amount of money. It was a particularly cruel con on the people of Romsey and Lancefield and of course they believed it at the time.

On 21 March in the adjournment debate I stated that as the local member of Parliament I would work hard for the community to establish the station, and that is what I have been doing.

There is no doubt there is a need for the ambulance station — making the con so much more painful to the people of the towns. The government is aware of the need but, unlike the previous government, will commit only to what it knows can be delivered when funding is allocated for the project.

At the time the former health minister made the commitment there was no money allocated for it either in the then current budget or in the forward estimates; the undertaking was hollow.

Again I ask the Minister for Health what action the Bracks government is taking to deliver on this

important project for the people of Lancefield and Romsey.

### **Goulburn Valley Highway: Shepparton bypass**

**Mr KILGOUR (Shepparton)** — I wish to raise a matter for the Minister for Planning concerning the future Goulburn Valley Highway bypass to the City of Shepparton. The planning for the bypass has taken much longer than anticipated. As a result of Aboriginal heritage issues there have been delays; unfortunately, the project got caught up with the change of government and there has been a great deal of indecision. The people who live near or on any of the proposed routes have had their lives on hold for four to five years. I ask the minister to look at the issue and advise the public, and specifically the people involved in the proposed corridors, of the process for the final decision on the route and when the decision will be made.

Some people are becoming desperate as their health problems are forcing them to leave their current addresses and move to Shepparton so they can have access to doctors and receive regular medical attention. They are unable to sell their properties now because they are uncertain of the route of the proposed bypass. We have heard nothing from the Department of Infrastructure and we require urgent answers so people can get on with their lives.

I ask the minister to treat the matter urgently and ensure that people are not kept wondering any longer and will know as soon as possible what the process will be.

### **Water: Smart Homes program**

**Mr ROBINSON (Mitcham)** — The matter I direct to the attention of the Minister for Community Services relates to the effect of high water charges on people of modest means — that is, people on low incomes. I seek the minister's assistance in examining and extending assistance schemes that apply to people in those circumstances.

In recent years most honourable members would have experienced the effects of the restructuring of the water industry. Many constituents have approached me with anecdotal evidence to highlight the fact that the cost of water has not diminished but increased in real terms. Much of that argument may satisfy a rationalist view that the price of water should be more appropriate to the use to which it can be applied, but that view does not help people on fixed low incomes who have to stretch their household budgets and income.

The 1996 census data indicated that 45 per cent of Mitcham residents had incomes of less than \$300 a week or less than \$15 600 a year, which is a modest amount. In the past couple of years I have received representations from numerous individuals and families who say the cost of water in real terms has escalated significantly. Because of their circumstances they would benefit from an enhanced form of assistance from the government.

I seek the minister's assistance in addressing the issue. I have no doubt that in the longer term, given the economic significance of water, its real price may need to be increased further. That is a separate argument. The government needs to ensure that the effect of changes to water prices is minimised wherever possible for people of low means. I seek the minister's attention on the point.

### Graffiti

**Ms BURKE** (Pahran) — I direct a matter to the attention of the Minister for Youth Affairs in the other place through the Minister for Community Services. It relates to youth and graffiti. For some time the problem has existed in my electorate, and the municipalities of Stonnington, Melbourne and Port Phillip have tried to tackle it. The stage has been reached where the minister should look more closely at the need for increased penalties for graffiti offences.

I have received numerous and continual complaints about youths throwing fire bombs and other things into business premises, particularly in Nightingale and William streets, St Kilda East. Buildings from one end of the street to the other are covered in graffiti. The children daubing the neighbourhood with the graffiti are aged about 14 to 16. They know they are out of order. Their own properties are never daubed but all others in the lane are subjected to graffiti. Graffiti makes the elderly feel the community is out of control.

New York has suffered from the graffiti problem for some time. The authorities there use different methods from those used in Australia to try to counter the problem. In New York it was decided to limit children's ability to get driver licences. If children do not obey the warnings, the penalty is that the period they have to wait before they can apply for their licences is extended. That might not necessarily be the answer in Victoria, but the government has to find new methods of dealing with the problem. The community has had enough of gangs and individual children going berserk, entering private property, both business and residential, and doing whatever they want whenever they want.

The approach of the Department of Community Services has been to allow them to paint walls. They have painted every possible wall, and the community has paid them to do it. It is clear from the way the art is done who does the graffiti. I call on the Minister for Youth Affairs to work with the police and look seriously at the graffiti issue. I am happy to give him the names of streets in my electorate where he can see the problem for himself and start to think about a better way of dealing with it.

The situation is out of control for the people trying to look after their residences and the community feels that its youth are out of control. The problem is also related to the use of drugs and the destruction of the ambience that people are spending money trying to achieve with their properties. I call on the Minister for Youth Affairs to take the necessary steps.

### Frankston: safe boat harbour

**Ms McCALL** (Frankston) — In the absence of the Minister for Planning I refer the Minister for Community Services to an issue that has been raised in the house a number of times and to which I am still awaiting a final response from the Minister for Planning. I refer to the need for a safe boat harbour at Olivers Hill.

An environment effects statement has been released, and I am still awaiting the minister's sign-off and recommendation. Three options are mentioned in the statement. The first is the do-nothing option, the second probably has the strongest support from the local community, and the third is a Geelong-style operation that would require substantial investment from the current government and involve establishing restaurants, a location for the Dolphin Research Institute and some excellent boat launching ramps.

In recent weeks I have held discussions with environmental groups in my electorate, some of which had raised major concerns about the nature and process of the terms of the original environment effects statement as well as the proposals and the pamphlet put out by the local Frankston City Council.

Since the change of five out of seven councillors at the recent council elections, doubt has been created in the minds of the electorate as to whether anything will happen with the safe boating harbour at the base of Olivers Hill. The community has expressed concern that the issue has drifted around for the past 15 to 20 years. Many people have put proposals forward, many have put money up for proposals and many have lost their shirts over it. One such person was my dentist,

of whom I am very fond. However, I would not have been too concerned if he had stopped being a dentist!

Olivers Hill would be a safe boat harbour on the eastern side of Port Phillip Bay. Its attractions for the people of Frankston and the Mornington Peninsula would be positive. My concern is that the silence from the council is deafening. That silence needs to be broken.

We need to know whether the current government supports any of the proposals and what guidance it will give the current city council. If the Frankston City Council is about to change its mind, the community needs to know that, too. The issue has been raised by both me and my colleague in the other place, the Honourable Cameron Boardman, a member for Chelsea Province. The communities of Frankston and the Mornington Peninsula are awaiting guidance from the Minister for Planning.

### **Brighton Beach Primary School**

**Ms ASHER** (Brighton) — I refer the Minister for Education to the matter of funding for the Brighton Beach Primary School in my electorate. The previous government promised the school extensive funding for an upgrade from future budgets. While I fully acknowledge that in budget details relatively small amounts of funding are not always itemised in documents placed before the house, I ask for clarification from the minister as to whether Brighton Beach Primary School will get its long-awaited upgrade.

As with many schools in my electorate, this is a much older 1950s-style school which is in significant need of capital upgrade. I seek clarification from the Minister for Education on whether the promise made by the previous government for extensive funding proposals will be upheld by this government.

I represent an area that is not one of the newer areas in Victoria. It is not an area that has new schools. It has not been the beneficiary of significant capital upgrades in recent times. The school is long overdue for refurbishment and overhaul. The area has a significant number of additional children. I seek an assurance from the Minister for Education that she will honour that commitment for a funding upgrade to Brighton Beach Primary School.

**The ACTING SPEAKER (Mr Phillips)** — Order! The honourable member for Benambra has 1 minute.

### **Tallangatta: employment contract**

**Mr PLOWMAN** (Benambra) — I refer the Minister for Environment and Conservation to the case of a dogman, Mr Greg Birt, who was appointed in the second week of July 1999 on a 12-month contract. Because his contract will soon expire, I ask the minister to reappoint Mr Birt to the position. The dogman, who is based at Tallangatta, has been doing a fantastic job. If the minister does not make the appointment soon Mr Birt is bound to look for employment elsewhere. It is essential for the area that that additional dogman is kept on.

### **Responses**

**Ms CAMPBELL** (Minister for Community Services) — The honourable member for Mitcham raised the serious problem of low-income families who are not able to pay their water bills. With the very best effort of water consumption, many families are still finding their bills unaffordable. The costs are putting considerable pressures on the individual or family budget. I share the concerns of the honourable member for Mitcham about this matter. It is important that the government ensure the availability of a range of programs for low-income individuals or families who consume a considerable amount of water so that they can adopt conservation measures to minimise their water consumption, thus making their bills more affordable.

I am pleased to inform the honourable member of a program called the Smart Homes assistance program which can assist low-income householders to become far more conservation conscious. By reducing water consumption costs they improve their capacity to pay. They can do that by the repair and also replacement of water conservation fixtures.

In conjunction with Yarra Valley Water, the Department of Human Services has developed a 12-month pilot program to assist low-income pensioner households to change their water consumption, which is extremely important. By lowering their consumption patterns they will also reduce their bills. The program will complement the utility relief grant scheme and will target pensioner homeowners with high consumption costs, such as those with a 75-kilolitre or more quarterly bill.

Previously the program was not widely available. The Department of Human Services thought a previously introduced model would be useful to pilot. However, in a misguided attempt to introduce such a pilot program it was limited to only five suburbs in the Yarra Valley

Water catchment area. The pilot program proved to be totally unsuccessful and very limited because in the 12-month period the grand total of 54 households took part. That was certainly a low number of households to benefit from the initiatives of Yarra Valley Water and the Department of Human Services.

The grand total of only \$8300 was spent in the past. I intend to extend that over the entire Yarra Valley Water catchment area because it is important that the program be available over the entire distribution area. The expansion of the program will benefit the constituents of the honourable member for Mitcham. Many suburbs will now benefit, including Tullamarine, Balwyn, Glenroy, Bulleen, Broadmeadows, Templestowe, Coolaroo, Westmeadows, Mitcham and Rosanna, right through to Warburton — an extensive list of suburbs in the Yarra Valley Water distribution area — which will mean that more families will benefit. Unfortunately, Yarra Valley Water does not distribute in Benalla!

I am pleased to announce that water audits will be available to households throughout the area for families with water bills in excess of \$150. Those eligible to take part are low-income households where the person responsible for the bill is the holder of a health care card or pension concession card or is receiving unaffordable utility bills. I trust the many people in the electorate of the honourable member for Mitcham who fall into that category will be able to minimise their utility bills by achieving far more efficient water usage.

**Mr THWAITES** (Minister for Health) — The honourable member for Gisborne raised the issue of the Romsey ambulance station. She deserves congratulations on the way in which she has continued to raise the issue since her election to Parliament. She has won a significant victory for her local community today.

The honourable member for Gisborne pointed out that very shortly before the election the previous health minister made a commitment that an ambulance station would be built at Romsey if the coalition government were successful in the election. When the Labor Party came to government I was interested in pursuing the issue. I asked my department about funding for that commitment and found there was none whatsoever. I also thought it would be appropriate to examine the former Treasurer's election commitments — the coalition's spending commitments. Nowhere could I find the Romsey ambulance station mentioned there either.

As the honourable member suggests, the promise was a cruel hoax — it was another completely unfunded

promise that was not worth the paper it was written on. It has been left to the Labor government to do the hard work and provide the sort of responsible government Victorians did not get previously. The honourable member has worked not only assiduously herself but has worked in well with her local community on this issue.

The many people in the Romsey and Lancefield community who have raised a large sum of money for the station are also to be congratulated. I am pleased that the government is committed to going ahead with the Romsey ambulance service, that the detailed planning will proceed this year and that the station will be built next year. A much-needed ambulance service will be provided in the area.

The honourable member for Shepparton raised with me as Minister for Planning the matter of the Shepparton bypass. As he is aware, an environmental effects statement (EES) prepared by Vicroads considered three options distilled from a range of options: the western route, the central route and the eastern route. Vicroads and the City of Greater Shepparton preferred the western route. There certainly has been a great deal of controversy about the issue but the EES came down in favour of the eastern route.

The honourable member referred to the delay in construction. I point out that there was significant delay by the previous government in releasing the EES. It was not released prior to the last election but the Bracks government released that report. In doing so the government followed the same basic thrust as that of the previous government. It confirmed the position that the former Premier had stated — that is, the Bracks government rejected the central route and indicated that the eastern route was inappropriate. The government indicated that the western route needed some work but essentially a western alignment was appropriate.

When releasing the EES I indicated, as did the Minister for Transport, that further investigations would be undertaken on the western route. Vicroads is undertaking those investigations and will carry out consultation with the affected parties, including the council, local people, and local environment and other groups. The consultation is being undertaken, as is the investigation. I look forward to receiving the outcomes of those investigations as soon as possible.

The honourable member for Frankston raised a planning issue and asked me to get back to her as quickly as possible with a reply. I will do that.

**Mr BATCHELOR** (Minister for Transport) — The Leader of the Opposition raised the matter of the Henty Highway and the bridge at Tea Tree Creek, which provides an important transport linkage to the Port of Portland for moving grain in one direction and fertiliser in another. He sought funding assistance from the government for the upgrade of that important link so the new mass limits can be accessed and the efficiencies that flow from those new mass limits can be taken advantage of by not only the transport companies but more importantly the primary producers who provide the grain and receive the fertiliser.

I will take up the matter and advise the Leader of the Opposition as to the time line and funding arrangements. It is ironic that on the night of the Bracks government's first budget the Leader of the Opposition is making a request for funds for projects that unfortunately the previous government failed to deliver. I understand the economic import of what he is reporting to the house, and I will get back to him as soon as is practicable.

The honourable member for Burwood raised an issue relating to the City Link project and his earlier call for the introduction of a Monash pass on the southern link. He rightly points out that the City Link toll system, particularly the day pass system, has been too inflexible and as a result has imposed a burden on infrequent users, whether they are from country Victoria or are based in and around the city.

When the same issue was raised about the Tullamarine Freeway the government was able to negotiate a much cheaper rate for the people who use only the Tullamarine section of the western link. The government argued for the lower rate on the basis that the section was in effect an existing freeway and that accordingly extra consideration should be given to those motorists who pass through only one tolling point and come off at the Flemington Road exit.

Applying that analogy to the Monash Freeway, where motorists have to pass through two tolling points before coming off at Punt Road, you find the logic is exactly the same. The government believes City Link/Transurban ought to provide a Monash pass for those sections so that the people who live in the electorate of the honourable member for Burwood and in surrounding areas — even all those people who live in country Victoria down through Gippsland and the south-east corner of the state — can access the freeway on an occasional basis and just travel through to Punt Road.

Of course, lots of footy fans — particularly those who go to the still very popular Melbourne Cricket Ground — would like to take advantage of the lower rate. Transurban ought to acknowledge that lots of footy fans would be advantaged by the introduction of a Monash pass. The government hopes Transurban will see the sense in introducing such a pass.

The government has made a number of calls for the introduction of off-peak tolls and has already had success in negotiating the Tulla pass.

**Mr Leigh** interjected.

**Mr BATCHELOR** — The honourable member for Mordialloc criticises the government's call for discounts for off-peak users. Notwithstanding the opposition of the honourable member for Mordialloc, who speaks on behalf of the Liberal Party in opposing off-peak tolls, the government will pursue their introduction, just as it will pursue the introduction of a Monash pass.

The honourable member for Burwood was right to raise the idea, which would be of great benefit to his electors and to people right across the metropolitan area and regional Victoria. It once again demonstrates the interest the honourable member for Burwood has in these matters, in stark contrast to the attitude of the previous honourable member for Burwood, who signed up to a restrictive, expensive contract that will bind the community to paying expensive tolls for the next 34 years.

The honourable member for Clayton raised another transport issue with me, the Onelink automatic ticketing system. He put forward a sensible and practical suggestion that will provide assistance to the retail network, shops and outlets that are selling Onelink tickets. The retail network was designed so people could plan their transport journeys and in doing so prepurchase tickets. The suggestion made by retailers put forward by the honourable member would make it easier for people to purchase tickets because the retailer could complete the transaction much easier. It would be a better outcome for public transport users and retailers of the Onelink ticketing system in the long term.

I will take up the issue with Onelink and see whether it can be part of its retail program. The honourable member would realise that the automatic ticketing system was the first part of the privatisation process of the former Kennett government. It has resulted in a sorry saga of delays and bungles which have been resolved only recently. Nevertheless the suggestion is

made with the intention of improving the system. I hope Onelink will pick it up.

The honourable member for Wantirna raised an industrial issue in the building industry for the attention of the Premier. The honourable member acknowledged that the industry is covered by a federal award so the issue he raised is covered by the federal industrial relations system. I will pass on the matter to the Premier, who will respond directly to the honourable member.

The honourable member for Benambra raised for the attention of the Minister for Environment and Conservation the reappointment of a dogman in Tallangatta.

The honourable member for Doncaster asked the minister to take up a fishing issue in Apollo Bay and on the Bellarine Peninsula. I will pass those matters on to the minister and I am sure she will respond to the honourable members.

The honourable member for Brighton wanted some money. She was unable to get it during the term of the former Kennett government, but on the day when the Bracks Labor government delivers its first budget she seeks more money! The Leader of the Opposition and the Deputy Leader of the Opposition have come begging for more money. Why hasn't the Leader of the National Party asked for more money? The Deputy Leader of the Opposition acknowledged that the Brighton Beach Primary School suffered significant neglect, presumably under the administration of the former Kennett government. I can understand that because that was certainly the former government's attitude. It refused to help and neglected many of the primary schools that it did not close. I will take up the issue with the Minister for Education and ask her to respond directly to the honourable member.

The honourable member for Prahran raised the issue of graffiti for the attention of the Minister for Youth Affairs in the other place. She referred to the overall problem of graffiti in the municipalities covered by her electorate, but referred particularly to a lane. I understand the honourable member raised the issue as an example of the more general use of graffiti and asked how the Minister for Youth Affairs would address the issue and/or provide guidance and assistance for young people. I will ask the minister to reply directly to the honourable member.

**Motion agreed to.**

**House adjourned 4.05 a.m. (Wednesday).**

