

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

3 October 2000

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Tuesday, 3 October 2000

The ACTING PRESIDENT (Hon. B. W. Bishop) took the chair at 2.03 p.m. and read the prayer.

ABSENCE OF PRESIDENT AND USHER OF THE BLACK ROD

The ACTING PRESIDENT — Order! I advise the house that Mr President and the Usher of the Black Rod will be absent from the house this week. They are attending the Brookings Institution executive development program seminar entitled ‘Inside Congress: understanding congressional operations’, which is being held in Washington, DC, in the United States of America. Following the seminar they will visit the legislature of the state of Virginia, where they will meet members and officials.

CONDOLENCES

Glyde Algernon Surtees Butler

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That this house expresses its sincere sorrow at the death on 18 September 2000 of Glyde Algernon Surtees Butler and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for the Thomastown Province from 1979 to 1985.

Mr Acting President, for members of Parliament and of the Labor Party in particular there are many significant reasons for remembering Glyde Butler, member for Thomastown Province from 1979 to 1985 and Government Whip in the Legislative Council from 1982 to 1985.

At the time of his retirement from Parliament Glyde received accolades from across the political spectrum, and repeated mention was made of his dedication and integrity, and the importance he attached to honouring his word. In honouring Glyde Algernon Surtees Butler in this place today we recognise his service to Parliament, and through it to the people of Victoria.

Honourable members should also note the breadth of his personal journey. Glyde crossed the globe, finding great success and distinction, but he was also touched by serious illness, and by personal tragedy through the loss of his son Richard in an accident.

Glyde was born in England in 1932. Trained as a carpenter, he served in the royal signals regiment of the

British army in the early 1950s. Glyde was one of the many thousands of Europeans who settled in this country after World War II, having migrated to Australia in 1956. Working as a bush carpenter on his arrival, Glyde soon established networks and connections through his membership of the Furnishing Trades Union, for which he served as vice-president from 1964 to 1967 and president from 1968 to 1971.

Glyde’s long and distinguished association with the Australian Labor Party began with his appointment as assistant secretary and country organiser, making a particular contribution in country and regional districts in the late 1960s. He was an active member of Victorian Young Labor. He also made his mark on a number of policy committees in the late 1960s and early 1970s, during which time the Victorian branch of the party led Australia in the development of progressive public policy.

However, Glyde’s major contribution to the ALP was destined to be in the area of electioneering. He was widely known as having an encyclopaedic knowledge of the Victorian electorate, its lines and subdivisions, its political variances and demography. His undisputed expertise in those areas lent considerable strength to the party and is reflected in the electoral achievements in which he was involved from the mid-1960s to the late 1970s, and beyond.

Mr Acting President, when I spoke to some of my colleagues about Glyde a number of stories were related. The Honourable Bill Landeryou, a former minister and member for Doutta Galla Province, spoke at his funeral, but I will leave that for another time. This morning the Honourable David White, also a former minister and member for Doutta Galla Province, told me that when he made a contribution in the chamber on Glyde’s retirement he noted that every member of the Labor Party then sitting in the chamber was there because of the contribution Glyde had made. At nearly every by-election Glyde was able to predict the outcome from each polling booth. He knew the demographics of each electorate, and was involved in a number of general elections, as well. His expertise put a number of Labor members into this chamber, and although that expertise has been built on since it was second to none at the time.

Glyde was a popular figure in Parliament for the six years he served here. As honourable members on the other side have said, there are many stories about Glyde, and he will be remembered for his commitment and dedication to the traditions and institutions of this Parliament. On behalf of the government I extend condolences to the family of Glyde Algernon Surtees

Butler — to his wife Vera, his children Stephen, David, Warren and Susan, and his many grandchildren.

Hon. M. A. BIRRELL (East Yarra) — It is with pleasure that I join the opposition in supporting the motion of the Leader of the Government in respect of the Honourable Glyde Algernon Surtees Butler.

Glyde Butler was born in England in 1932 and passed away recently at the age of 68. As was explained, he was the member for Thomastown Province from 1979 to 1985. I had the pleasure of serving in this Parliament with him in 1983, 1984 and 1985. I think I am one of only three current members who had that experience. I pass on our condolences to his family.

Glyde Butler was a member of Parliament who made a significant contribution. From our side of the fence we would regard him as a significant Labor organiser and someone who had considerable influence and a considerable role to play within the Labor movement. He was a longstanding member of the ALP and a Furnishing Trades Union official. He was an assistant secretary of the ALP, and I think in his earlier life was involved in the Young Labor Association.

As has been explained, Glyde Butler clearly had an influence in preselections and a great deal of knowledge about electoral behaviour. We used to move motions recognising the work of retiring MPs and when Glyde was retiring in 1985 my former colleague Haddon Storey said in a motion recognising Glyde's work that:

... we always felt that if we wanted to know the electoral prospect of a member of the Liberal Party we would seek advice from him as to how the electorate should operate.

For a Liberal to put on the public record the fact that this person was a source of detailed information about our electoral prospects, let alone those of the Labor Party, was an indication that we knew what role he played and that he was a good source of information.

Glyde Algernon Surtees Butler was certainly a character. He left an indelible and often horizontal impression in this place. He brought humour and character to the chamber. As a new member of Parliament coming in here in 1983 I did not know what I had struck. I was to learn that as whip he had considerable influence and that he used his powers as whip in a way that only someone who is well established in that role can. As Government Whip he had a considerable degree of authority over the chamber and the flow of business through it.

From my experience I know he was admired throughout his parliamentary career for the friends and contacts he could make. He was successful in his role of whip because of these friendships, and all sides of politics admired him for that work. He was a man of his word, which is an essential requirement for a whip. He delivered on what he said he would do, and the flow of business surrounded the fact that when he made a promise that was the outcome.

Glyde Butler's parliamentary service was short, but it was clear that he committed himself to public life and the advancement of a political party he greatly believed in. We should be recognising that as much as his role as a representative of Thomastown Province, an electorate which shortened his political career because it was abolished in the redistribution of 1984–85. It was perhaps a shorter parliamentary career than he would have anticipated, but nevertheless it was a significant one. This motion gives us the opportunity to pass on our sympathy to his wife Vera, his four surviving children and his six grandchildren, and to recognise his contribution to Victorian public life.

Hon. R. M. HALLAM (Western) — Glyde Algernon Surtees Butler was born in England on 12 September 1932 and died a few days after his 68th birthday last month. He served as the member for Thomastown Province in this chamber from 1979 until 1985 and retired in July of that year. Although I came to this place in the same election that Glyde Butler left, our paths crossed because of the circumstances that applied in those days. I remember that I was elected in March and took my place in this chamber in that month, although the others who were elected on that occasion did not do so until July; it happened that I replaced a sitting member. Therefore, Glyde Butler and I passed like ships in the night.

I recall his reputation preceding him; he was indeed a character of this place. I did not know him well, more is the pity, but I do remember the debate that the Honourable Mark Birrell referred to on the motion of appreciation of Glyde Butler's services. I am able to rely on the comments of other members of this chamber whom I later came to respect: the likes of David White, Haddon Storey, Bernie Dunn and Caroline Hogg. That motion was one of the traditions of the chamber that I thought was appropriate — Glyde Butler got to talk about his own passing in respect of membership. As it happens now, very few members of the chamber get a chance to even know about their departure, let alone speak about it.

For those who are historically minded it is quite appropriate to go back and read what Glyde Butler said;

it enforces if nothing else that he was in fact a character. All his colleagues in the Labor Party spoke glowingly of his dedication and commitment to the Labor cause. He had been a long-serving member of the Australian Labor Party: he joined in 1949 and served in many capacities in the intervening 25 years. All the members who spoke on the day that Glyde Butler was officially farewelled talked about the enormous support they had received from him in his role in the administrative wing of the Labor Party. One of the members I later came to respect very highly said that Glyde Butler had held the Labor Party together. One should recall that this was at a time when the Liberal Party was riding very high indeed; there were 27 years of Liberal administration in this state. Glyde Butler was respected because of his determination against those odds.

Members on the other side of the chamber spoke just as glowingly of Glyde Butler. They, too, noted his commitment but also spoke of his friendly disposition and his fierce support for the traditions of this chamber. The Honourable Bill Landeryou has already been quoted, and he said on that occasion that Glyde Butler's support for the traditions of this place surprised a few but impressed everyone. All members spoke of his absolute integrity and straight-down-the-line approach, which was very important in the management of the chamber business given that for the last three years of his service to this place Glyde Butler was the whip for the Labor Party. I cannot think of a better footnote for a member of this chamber than to have someone say from the seat of the President that he or she was straight down the line; that is a pretty good note on which to go out.

I suspect Haddon Storey was speaking a bit tongue in cheek when he said, as quoted by the Honourable Mark Birrell, that if the Liberal Party wanted to know its fortunes in a particular electorate it asked Glyde, but he was that sort of student of politics in this state and was respected across the board for that.

I recall Caroline Hogg talking about the stresses and miseries of the federal intervention in 1970. I took that to heart because I later came to understand how important Caroline Hogg was, not only to the Labor movement but also to the operation of this chamber. I recall saying some years later to my leader, the Honourable Bernie Dunn, that I thought he had given me the toughest job in Australia in having to shadow Caroline Hogg. I could not find a suitable way to be critical of her; she was just too nice.

Glyde Butler was very ill in the last few months and maybe years of his service in this place. I recall being amazed that he never missed attending the house. I

suggest that he would have been forgiven for taking the opportunity to be absent.

He lost Thomastown Province through a redistribution in which his seat was abolished in the scourge of all parliamentarians. I do not understand the process that took place, but because he was unaligned he was left standing when the music stopped. It was generally anticipated, at least on our side of the chamber, that Glyde Butler would become the member for Jika Jika because that was the seat that effectively assumed most of the area he had represented. However, I thought it was significant that the Honourable George Crawford came to be the member for Jika Jika because in his swan song Glyde Butler mentioned as a peak of his career having served with George Crawford as president of the Australian Labor Party.

Glyde Butler had his difficulties and more than his share of personal tragedies, but for all that he was indeed a character.

I smiled as I was reminded that it was dear old Jock Granter who described him as a 'tough little cookie'. That was certainly appropriate. Bill Landeryou said of Glyde Butler that he brought working-class honesty to the Legislative Council. There were no pretensions about Glyde Butler.

He was conscripted into the British Army and served in the Korean War and was decorated. I am informed that he was modest about his decoration and refused to talk about it. He returned to England and married his first wife, then emigrated to Australia and finished up as a carpenter at Pyramid Hill in your electorate, Mr Acting President.

There were two characters from the Labor side in this place whom I remember fondly, Barry Murphy and Eric Kent. Barry Murphy told the story of Glyde Butler's signature. Glyde signed his full name, 'Glyde Algernon Surtees Butler'. Barry said he was not sure whether it was the fact that Glyde signed his full name or whether it was his regal bearing, but people in Bairnsdale thought he was the minister. Barry explained to the chamber that he thought it was inappropriate to disabuse them of that impression. Eric Kent, one of nature's gentlemen, paid tribute to Glyde by saying that he was instrumental in the 'happy event of his arrival in this place'.

There were many fond memories of the years of dedication and commitment Glyde Butler had demonstrated to a cause. We may differ in our views on the merit of Glyde Butler's cause — namely, the Australian Labor Party — but we should, without

exception, commend and admire his dedication and commitment to that cause. It was fierce and unswerving even in the toughest of times.

We in the National Party acknowledge his service to the Australian Labor Party and to this chamber and extend our condolences to his family.

Hon. M. R. THOMSON (Minister for Small Business) — Kelvin and I pass on our condolences to Glyde Algernon Surtees Butler's family, in particular to Vera, who was a tireless mate to Glyde. They were a close couple. Glyde and Vera were both members of the Labor Party in my area and strong members of my branch. I know Vera will continue in that work.

I first met Glyde in 1976. I was young and impressionable and found Glyde a daunting character. I can remember the first time he sat me down and talked about electioneering and campaigning, long before political parties had discovered the science of campaigning. I think Glyde was ready to beat the Channel 9 computer. He had the facts and figures.

When it comes to redistributions these days political parties sit around with existing maps, put them on the computers with overlays, look at how to distribute the areas and so on. Glyde sat down at a big table that had wobbly legs at the old, rusty ALP head office in Brunswick Street, Fitzroy, and attempted to work out a redistribution.

He was a unique character in the Labor Party. Although we were a party of many great characters — not so many these days but certainly then — he was a man of character who called a spade a spade. One never had to worry where one stood with Glyde — he was always prepared to tell you. You would never have Glyde whispering behind your back. For all that he was always a loyal and trusting person to have on side. If Glyde said he was there for you, he was, and he would ensure that anyone he could influence went with you also. In the game of politics the ones we can rely on to be honest to our faces, which Glyde was, are those we most treasure.

He had other interests besides politics. He was a keen fisherman when his health permitted. In latter years his failing health meant he could not follow those pursuits, but he was always prepared to sit down and have a chat to anybody and he treated everybody as equals.

As a member of Parliament he was committed to working-class people. We have spoken about his commitment to the Labor Party, but as a local member of Parliament he was always there for constituents day

and night, whatever the time. He was always prepared to ensure they were being looked after.

His commitment to the Labor Party and the trade union movement bore out his commitment to working-class people. That is what Labor Party members most respect him for. Kelvin and I extend our my condolences on his passing to Vera, his children and his grandchildren.

Hon. C. C. BROAD (Minister for Energy and Resources) — Glyde Butler and Vera have been regular visitors to the electorate office in Glenroy during the almost 12 months I have occupied that office. Before that they were regular visitors during the period Caroline Hogg was the member. Those regular visits continued until a few weeks before Glyde's passing, and continued regardless of his state of health. He would always be there. He had an amazing range of stories about the history of the Labor movement, including stories from his period in this place, from his time as an assistant secretary of the Victorian branch of the Labor Party and from the trade union movement.

In addition to the great range of stories he had many views about the current state of the Labor movement, on which he did not hold back, depending on what was happening at the time of a particular visit. As has been said, he would call a spade a spade and tell one exactly what he thought and how it could be done differently.

Those visits, stories and views will be missed. I hope Vera will continue the visits. I pass on my condolences to Vera and the children.

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

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That as a further mark of respect to the memory of the late Glyde Algernon Surtees Butler the house do now adjourn until this day at 3.30 p.m.

Motion agreed to.

House adjourned 2.29 p.m.

The ACTING PRESIDENT took the chair at 3.32 p.m.

CONDOLENCES

Hon. Sir William Gordon Fry

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That this house expresses its sincere sorrow on the death, on 29 September 2000, of Sir William Gordon Fry and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for the Higinbotham Province from July 1967 to July 1979 and as President of the Legislative Council from 1976 to 1979.

Sir William Gordon Fry bestowed a legacy of distinguished public service in his roles as a member of the Legislative Council for the province of Higinbotham from 1967 to 1979 and as the President of the Legislative Council from 1976 to 1979. He fulfilled the role of President with humanity and intellectual rigour, and leaves behind a significant record of parliamentary achievement.

Sir William came relatively late in life to Parliament, winning preselection for Higinbotham Province on his third attempt at the age of 59. Bill Fry trained as a teacher, initially at Ballarat teachers college and later graduated from Melbourne University with first class honours in education. He worked first at Williamstown High School and later transferred to Hattah East, near Mildura. As a teacher Bill Fry was known for his belief in the importance of instilling the role of good citizen into his students. He later served as a senior teacher in Camperdown and as headmaster of high schools in Cheltenham, Cheltenham Heights and Windsor.

During the Second World War Bill was posted to the first armoured division where he was promoted to the rank of major. He accepted the opportunity to go to New Guinea and served there and in the Solomons with the 9th battalion. He was mentioned in despatches following an engagement with the Japanese in the Solomons and completed his military service at the end of the war with the rank of lieutenant-colonel.

Following the war Bill followed his interest in public life into membership of the Liberal Party. He joined the Camperdown branch that was then in the electorate of the soon-to-be Premier, Henry Bolte. But Bill Fry played numerous other roles in his public life. He served as an elder of the Presbyterian Church and was also active in scouting and theatre groups. Bill played a substantial role in local politics in the Moorabbin area, where he served as a councillor from 1963 to 1972 and as mayor of Moorabbin from 1968 to 1969.

Upon his election to the Legislative Council Bill took a strong interest in the issue of road safety. He was the chair of the parliamentary select committee on road safety from 1967 to 1976. Bill was extremely proud of the achievements of the committee during that period, which saw the introduction in Victoria of speed limits on country roads and the groundbreaking legislation that introduced the mandatory wearing of vehicle seatbelts. Those initiatives have contributed significantly to a greatly improved sense of road awareness in Victoria and have saved many lives. Bill Fry was elected President of the Legislative Council in 1976 and served that high office with considerable distinction.

On the occasion of his retirement Bill Fry was deemed to be a great citizen by the then Governor, Sir Henry Winneke, who said he had brought to the office of President of the Legislative Council a great quality of intellect, mental analysis and, with it all, a warm humanity.

Bill became Sir William when he was knighted in the 1980 New Year's Day honours list for his services to the community. Sir William will be remembered for his significant contributions to the community, Parliament and the people of Victoria. On behalf of the government, I extend condolences to the family of Sir William Gordon Fry.

Hon. M. A. BIRRELL (East Yarra) — It gives me pleasure on behalf of the opposition to speak of the enormous contribution made by the late Sir William Gordon Fry. I do so in respect not only of his role in the Liberal Party but also as a respected President of the Legislative Council.

Sir William Fry was a member representing Higinbotham Province from July 1967 to July 1979, and served as President of this chamber from 1976 prior to his retirement in 1979. He left this place on the rotation, that used to exist of members, in July 1979. He died at the age of 91. It must be said he led a full life, having been born on 12 June 1909 in Ballarat.

Bill Fry's entire life was one of service to his fellow man. All those who had the pleasure of knowing him would realise that he brought a deliberate and purposeful approach to his work. He was greatly respected for the effort he made particularly as President of the Legislative Council and as a senior figure in public life.

Bill Fry joined the then Citizens Military Force in 1927 as first evidence of his contribution to serving his country. He joined as a private in 1927 and by 1938 had

won a commission serving the CMF as a lieutenant with the 47th machine gun battalion. At the outbreak of war he was posted to the first armoured division. He served with the 9th battalion in New Guinea and when in the Solomons he was mentioned in military despatches. When serving in the Solomons Bill Fry was promoted to lieutenant-colonel and given command of the 47th infantry battalion.

Bill Fry was educated in Ballarat, including attending teachers college, and became a school teacher with the Victorian education department. He remained a teacher for 40 years, including a 10-year period at Camperdown state school from 1946 upon his return from the war. From 1968 he taught for 18 months in primary schools in Scotland and eventually became principal of Cheltenham East Primary School, among others.

He always involved himself in local communities and sought to do what we would expect of somebody of his seniority in the education department, by securing a link between the local communities and the schools for which he worked. In Camperdown he started a junior tennis competition; he was president of the local repertory theatre; he formed a festival committee; and was elected president of the Camperdown Rotary Club. He was a member of the Camperdown Returned and Services League, the scouts, the then parents and friends local association, and the Presbyterian tennis club.

If that were not enough, in 1947 he joined the Liberal Party. In all he stood three times for preselection for the Liberal Party — for Corangamite, which did not work out; for South Eastern Province, which did not work out; and finally, in 1967, for the Legislative Council seat of Higinbotham, where he was successful.

Following in the long tradition of members for Higinbotham at that time, he started his parliamentary career at an old age. He became a member of Parliament at the age of 58, which was in other areas quite unexpected and quite old. Most members would have started their careers in their 40s. However, his contribution was extraordinary, because he brought with him his rich experience. At the subsequent election he was elected with a 7000-vote majority, winning a seat that was not as safe for the Liberal Party as it is now, and he held the seat until his retirement in 1979.

Despite entering Parliament at a fairly late age his maiden speech was predominantly about young people and their need for good education. They were themes he constantly pursued. Many of his ideas on education were ahead of their time. He was concerned that

children be treated as individuals, and he spoke frequently about class sizes and educational standards.

It is interesting to note that he was a member of Parliament at the same time as he was a councillor. He was a member of the Moorabbin City Council from 1963 to 1972, serving as mayor from 1968 to 1969. He did extremely well in combining the roles of member of the upper house and local councillor. The overlap of five years certainly did not do him any harm. We would still accept someone being a councillor and a member of Parliament, although it is a lot less common than it was. The person from a similar period who comes to mind is the Honourable Frank Wilkes, who represented his area in both ways.

When Sir William became President of the Legislative Council he thought he should stand down from his municipal council role, which he subsequently did. The Governor of the day, Sir Henry Winneke, spoke at Sir William Fry's retirement, describing him as a great citizen. The Governor went on to say that Sir William had brought to the office 'great qualities of intellect, mental analysis and mental acuity, and with it all a warm humanity'.

Sir William Fry had a string of achievements of which he was proud, in particular his work as Chairman of the parliamentary Road Safety Committee, helping with others to introduce the seatbelt legislation. At the time it was controversial — for many it was unacceptable — but he persevered. We are all beneficiaries of the reforms made in that area. He was also a local activist. In 1985 one of Moorabbin's biggest parks — the Sir William Fry Reserve — was named after him in commemoration of his contribution to his local community.

He was knighted in 1980 for distinguished service to Parliament. On his retirement there were glowing tributes from both sides of the house. The Honourable Jock Granter, one of his colleagues, said:

Mr President, I do not feel like saying goodbye to you because I have learned to love you very much. I would put it this way: I believe the three years during which you have acted as President in this house have been the culmination of a wonderful career'.

The Honourable Alan Hunt said:

We have all appreciated your period in the Chair. Your conduct of this office has been in keeping with its best traditions. You have always conducted yourself with great dignity, with complete authority, with absolute impartiality and fairness, and yet with that light touch of humour that has leavened debate and sometimes taken the heat out of the Chamber.

On behalf of my colleagues I extend my condolences to Sir William Fry's four sons and his grandchildren. His loving wife predeceased him. There are many who will forever remember his contribution.

Hon. R. M. HALLAM (Western) — The house mourns the passing of Sir William Gordon Fry, who died on 29 September this year at the grand age of 91. I did not get to meet Sir William, or Bill as he was known by many in his community, because he retired in 1979, some six years before I was first elected to this place. I am sorry I cannot speak from first-hand experience of him and his record. I simply know him as the distinguished gentleman in the list of photographs in the passageway outside the chamber.

However, I know he was a distinguished Victorian; and having read his record of service, which I found engrossing, I realise he was an extraordinary man. As has been noted, he was educated in Ballarat, attending Ballarat High School and the Ballarat Teachers College. He spent a year at Melbourne University gaining first-class honours before qualifying as a primary schoolteacher and joining the former Education Department. Ironically, his first posting was to Williamstown High School.

He was then moved a couple of times before getting the posting he wanted — East Hattah, which is south of Mildura. I emphasise that it was East Hattah, not Hattah, so it was a very important posting! The school, which was the room of a local house, boasted 14 students. He spent no more than 18 months there before being persuaded to leave because of a diphtheria epidemic — something that would be extraordinary in today's environment.

He was then posted to Daylesford, which was fortuitous because his fiancée, Gwen, who later became Lady Gwen, was teaching at Clunes. The couple, who had met at university some years before, were married in 1934. They were blessed with four sons, celebrating their 50th wedding anniversary in 1984 and almost making it to their 60th wedding anniversary before Lady Gwen passed away in September 1993.

Then came the war, which opened another chapter of a very impressive career. As Mr Birrell noted, Bill joined the CMF as an 18-year-old in 1927. He rose through the ranks, and by 1938 he had been commissioned as a lieutenant and was serving with the 47th machine gun battalion. After the outbreak of war he was posted to the first armoured division, undertook an officer's course and was elevated to the rank of major. Because his unit did not look like being posted overseas, he accepted the opportunity to take up a post in New

Guinea with the 9th battalion, even though with the reduced rank of captain.

He fought with distinction in New Guinea and the Solomon Islands, where he was mentioned in dispatches. He was again promoted to the rank of major and subsequently to that of lieutenant colonel. He assumed command of the 47th infantry battalion and was later appointed to head the committee that investigated war crimes in the Pacific. He was indeed an incredible man, and his rise through the ranks stood him apart from his fellow men.

When he came home from the war he resumed his career in the teaching service. He was posted to Camperdown, where he taught at the local state school from 1946 to 1956. I can attest that he is still remembered fondly by those fortunate enough to know him.

He was involved in everything! His record shows that he was involved with the junior tennis association, the local drama society and the local festival. He served with Rotary, helped establish the local golf club and, of course, was a member of the local Returned and Services League.

If that were not enough, he entered politics. He joined the Camperdown Liberal Party branch in 1947, shortly after it was formed. He recalled that while he was secretary of that branch, the Liberal leader of the day, Trevor Oldham, was killed in a tragic accident which saw Henry Bolte assume the position of leader of the Victorian Liberal Party.

In 1956 he became the headmaster of Cheltenham State School. In 1958 he spent 18 months on a teaching exchange in Scotland, after which he resumed his teaching career in Victoria. In 1963 he stood for preselection for the federal seat of Corangamite. He recalled that he was rolled by one vote, that of the chairman, whom he named as none other than the former member for Wannon, Dan McKinnon. I thought that was fairly brave at the time!

In 1964 he was even less successful when he stood for preselection for South Eastern Province. However, in 1967 he successfully contested the Higinbotham Province preselection, and after being elected he served as a member of this place for the next 12 years.

Sir William also served on the Meat Industry Committee, the Library, Printing and Standing Orders Committee, the Qualifications Committee — what that had to do with, I am not sure — and, as has been noted by the Honourable Mark Birrell, the Road Safety Committee, with some distinction.

Ultimately he was elected to the position of President of the Legislative Council, a capacity he served in from 1976 to 1979. He won the respect of all sides of politics for his independence, his wise counsel, and his very good humour. In 1980 he was knighted for his service to the Parliament. At the same time this remarkable man had served as a committee member of the Royal Victorian Eye and Ear Hospital, the Mordialloc–Cheltenham community hospital and Melbourne Family Care.

Sir William had been an elder of the Presbyterian church, had been active in scouting and drama, and also served for nine years as a councillor with the City of Moorabbin, which included a term as mayor, both of which coincided with his role in this chamber. He lived a very full life indeed. In retirement Sir William returned to playing golf, although he complained that he could not recover his original handicap; he had been playing off 10 and it had blown out to 20. In his spare time he also enjoyed gold fossicking.

We are marking the passing of a quite remarkable Victorian. On behalf of the National Party I extend condolences to the family of the late Sir William Gordon Fry and pay tribute to the man and to his career.

Hon. J. W. G. ROSS (Higinbotham) — It is a great privilege to speak on the condolence motion for Sir William Fry. He was born in 1909 in Ballarat and was educated in that city. That early influence in his life, as I later came to understand, provided some great opportunities to shape his future career and his dedication to community service. He would have been exposed to the music, drama and other loves of his later life at the great festivals, such as the Royal South Street Festival in Ballarat. I have no doubt that his early experiences of life in a large provincial city made the man for whom we later came to have such great respect.

Sir William attended Melbourne University, where he qualified as a primary school teacher. At that time he met his future wife, Gwen, who was a tower of support as his wife for almost 60 years. He returned to the country as a teacher and became greatly involved in community affairs in areas around Camperdown. Once again, they were the foundation values that marked his later life.

Bill Fry's teaching career was interrupted by the Second World War. I will not go into the fine detail of his enormous contribution to the war effort, suffice it to say that he served with great distinction in New Guinea and Bougainville. A great raconteur, he used to tell the

story of when in the Second World War he lay in isolation being strafed by machine-gun fire and being ultimately wounded in one leg. He said that at that time his life flashed before him and he felt that if he ever got through that episode he would make a point of placing community service very high on his personal agenda.

I first became acquainted with Bill Fry when he moved to Beaumaris in the early 1950s, when he quickly became involved with a raft of community affairs, including the scouting and Rotary movements. He was also an elder of the Pioneers Memorial Presbyterian Church for more than 40 years.

Later he developed an interest in piano and organ playing, and although he had never had any formal lessons in those disciplines, they became a great love of his life. As part of the fabric of his teaching his presentation of choral contributions to the South Street music and drama festivals represented the link with Ballarat he had established early in his life.

As has been indicated, he served on the Moorabbin City Council for nine years. It was at that time when I, as a teenager, first became acquainted with Bill Fry, because my father, the late John Sutherland Ross, JP, served for eight years continuously with Sir William Fry. They shared an interest in community affairs, particularly community-based hospitals. My father had worked on the establishment of the Moorabbin community hospital and was often advised by Bill Fry, who was involved with the Mordialloc–Cheltenham community hospital board of management. So my great respect for Bill Fry was established early.

As has been indicated, he taught in the area and was greatly praised by parents. Reference to early school records by education department inspectors have indicated that his teaching was of a very high standard; the accolades that reside on the files are a tribute to his contributions as a teacher.

When I served on council in more recent times, Sir William Fry had become regarded locally as very much an elder statesman. During that period I renewed my previous acquaintance and had a great deal of contact with him, and he was a constant source of inspiration and advice. His agreeing to referee my candidacy to the seat he had held in this place with such great distinction was an enormous honour.

He has been honoured in the local community in a variety of ways, including the Sir William Fry Scholarship, as has been alluded to by the Honourable Mark Birrell. The Sir William Fry Reserve on the Nepean Highway is one of the landmarks of that area of

the south-eastern suburbs, and his name will live in perpetuity there. The aged care residential units in Jasper Road are also a celebration of the name of Sir William Fry.

Sir William Fry was a man of immense drive and organising ability. But overriding all of that was his remarkably eclectic taste in his set of hobbies and other pursuits. As I have indicated, he was a self-taught pianist and organist, and he trained many school choirs and presented them for the Ballarat South Street competitions. He was also an amateur carpenter, and one of his great prides was that he had manufactured his own dining suite at his home, which I have visited.

Sir William Fry has been a remarkable contributor to the history of this state and this nation. It is with great pleasure that I support the condolence motion.

Hon. W. R. BAXTER (North Eastern) — When I was elected to another place in 1973 I was fortunate to be appointed to the parliamentary Road Safety Committee, of which Bill Fry was the then chairman. I consider it one of the most propitious events in my parliamentary career that as a young new member I was appointed to a committee which was chaired by one of the Parliament's senior members, at least in age if not in service to the Parliament, and which had made some landmark decisions under his chairmanship on issues then in the process of being implemented as laws on seatbelts, country road speed limits, and the like.

I learned a lot from Bill Fry about parliamentary procedure, community involvement and how one ought to conduct oneself as a member of Parliament. I especially remember Bill leading the parliamentary Road Safety Committee on a delegation to New Zealand. We were accompanied by members of the committee, who included in those days from this place the Honourable Bernie Dunn and the Honourable Jack Walton, a Labor Party member. That visit to New Zealand and the way Bill Fry was able to conduct the proceedings were instructive to me as a new member. I look back on that period with a great deal of fondness, and indeed gratitude.

When I came to this place in 1978 Bill Fry was President. I therefore feel I am doubly honoured to have served under him both in his chairmanship of the parliamentary committee and more particularly his presidency of this place. That he was President for only three years was mainly the result of timing. He succeeded the long-serving Sir Raymond Garrett and his age and the effluxion of time brought his parliamentary career to an end and meant he did not get the opportunity to serve a longer term.

I remember his presidency not as one of authoritarianism, as one might well have expected bearing in mind his military experience and the high rank he obtained in the army, but more as one of gentle diligence, if I can put it that way, and persuasion by good humour — the keeping of members in good control simply by his demeanour and his presence. I reflected a moment ago that perhaps it was easier in those days because all members of this place were male and perhaps easier to control. I do not know. However, I look back on Bill Fry's time as President as one during which Parliament was conducted extremely well. I very much appreciate having had the opportunity of serving with him. I also very much appreciate what his wife, Gwen, later Lady Fry, was able to bring to the committee and Parliament, and the friendship that she extended to all members. It was certainly a matter of note around the place and much appreciated.

It ought also be recorded that Bill Fry had perhaps the unique distinction of being the last President of this place to receive an imperial knighthood. It was customary in those days to knight those who served as President of this place. I refer to the photographs the Honourable Roger Hallam has mentioned, which show that Bill Fry and all his predecessors were knighted. He was the last because the system changed and his successor, Fred Grimwade, became a holder of an Australian order of honour.

I place on record my condolences, and I extend my thanks to Bill Fry. I was privileged to have had the opportunity of serving with him.

Hon. C. A. STRONG (Higinbotham) — I have much pleasure and pride in supporting the condolence motion in respect of the Honourable Bill Fry.

Perhaps rather than talk a lot about his curriculum vitae I will talk about my personal experiences with a wonderful man. I had known the late Bill Fry and his wife, Gwen, in my local area for more than 30 years. There is absolutely no doubt that he was an inspiration to me, as no doubt he was to many other young Australians who know of his proud history. He and his wife, Gwen, were great friends, supporters, mentors and inspirations to both my wife, Kate, and me. He will be sadly missed in the local area, because as people have said, he was a person uniquely committed to community.

Bill Fry came from that generation of contributors that is perhaps passing — those who returned from the war with all the experiences the war left them with, determined to make this world a better place for their fellow men to live in. To my way of thinking he

uniquely exemplified the period in history that produced people who were enormous contributors, who put their commitment to other people ahead of almost everything else.

My colleague in Higinbotham Province, John Ross, recounted one of Bill's favourite stories. He was pinned down by machine gunners in New Guinea and virtually said to himself, 'Well, if I get through this, somebody is being good to me and I will try to be good to the world as a result of that'. That was the type of person he was. As has also been said by others, he worked tirelessly in the local community, wherever he was.

With Dr Ross I had the honour today to attend his funeral at the Pioneer Presbyterian church in Cheltenham. That he served as an elder of that church for 40 years gives some idea of his commitment to community. I was present at the church for Lady Gwen's funeral. She died on 25 September 1993, close to seven years to the day from when Bill passed away, and her life was also commemorated at that same church.

Bill's commitment was unique. He was honoured in the local community by having many things in the local area named after him. The Sir Bill Fry Reserve is well positioned, and I have to say it is probably better celebrated today than it has been for many years because the major sign commemorating the reserve is directly opposite the new Southland shopping centre car park. Everybody who drives out of the car park will be able to relive the contribution this absolutely great man made to the local community.

I do not know that I can say much that has not already been said. In a way I want my contribution to be a personal one because that is certainly how I knew Bill Fry, later Sir Bill, and Gwen, later Lady Gwen.

Bill had four sons of whom he was enormously proud. At the service today Sir William's son Barry gave a moving account of his father's life to reinforce to everybody there what a wonderful person Sir William was.

Sir William was honoured at the funeral today by many of his now retired parliamentary colleagues. The Honourable Bill Baxter mentioned the Road Safety Committee. Walter Jona was one of the former members at the service today, and apparently he was the chairman of the Road Safety Committee at the time it brought down its report on seatbelts. Walter Jona recounted the story of how when the report was delivered he thought that to acquaint the government with what the committee was talking about he would

take a copy around to Sir Arthur Rylah, the then Chief Secretary, who was in charge of this area. He regaled Sir Arthur with information about the issue of mandatory wearing of seatbelts and, according to Walter Jona, Sir Arthur said, 'Over my dead body will we have mandatory seatbelt legislation'. That shows how somebody with determination and the right idea can overcome difficulties.

Sir William was enormously proud of his four sons, Barry, George, Ian and Peter. Bill Fry was the son of an engineer, one of his sons is an engineer and all are well qualified and successful in their chosen professions. Sir William was the proud grandfather of eight grandchildren. I feel greatly honoured to support this motion.

The ACTING PRESIDENT — Order! As we are all aware, the President is overseas. If he were here today I am sure he would have spoken on the passing of Sir William Gordon Fry, a past President of this house. I know that the President saw Sir William at a former members luncheon a short time ago and remarked that Sir William did not seem to be in the best of health at the time. On behalf of the President, I ask that his sympathies be extended to the family of Sir William Gordon Fry.

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

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That as a further mark of respect to the memory of the late Honourable Sir William Gordon Fry the house do now adjourn until this day at 5.00 p.m.

Motion agreed to.

House adjourned 4.15 p.m.

The ACTING PRESIDENT took the chair at 5.02 p.m.

ROYAL ASSENT

Message read advising royal assent on 12 September to:

Equal Opportunity (Gender Identity and Sexual Orientation) Act

Juries Act

Victims of Crime Assistance (Amendment) Act

CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD
(Minister for Industrial Relations).

DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD
(Minister for Industrial Relations).

QUESTIONS WITHOUT NOTICE

Public sector: enterprise agreement

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Industrial Relations to the new enterprise agreement with the Community and Public Sector Union of which the minister advised the house on 29 August and which she described as ‘a landmark agreement of which I am extremely proud’. I ask the minister: what will be the annual recurrent cost to the government of the agreement?

Hon. M. M. GOULD (Minister for Industrial Relations) — As I have informed the house on a number of occasions, the agreement with the Community and Public Sector Union was for a 3 per cent wage increase in line with the government’s policy and a new and more equal distribution of performance-based pay to some Victorian public servants.

As I have also said previously, the agreement is in line with the government’s budgetary process ensuring that wage increases be kept within a certain limit.

Hon. M. A. Birrell — On a point of order, Mr Acting President, although I am thrilled with the answer, it is not a response to the question. The minister has said on two or three occasions, ‘I have previously informed the house’, but we know all that. I asked: what will be the annual recurrent cost to the government of the agreement? Mr Acting President, I ask you to direct the minister to respond to the question.

The ACTING PRESIDENT — Order! Previous rulings of the Chair have been that, however the minister chooses to answer a question, the answer should be relevant. I am sure the minister is coming to the relevant part of her answer. I urge her to do so.

Hon. M. M. GOULD — The 3 per cent recurrent cost is in line with the government’s commitment. The performance-based pay will be in line with the agreement reached between the government and the union.

Electricity: tariffs

Hon. E. C. CARBINES (Geelong) — Following the sale and break-up of Victoria’s electricity assets by the Kennett government, will the Minister for Energy and Resources advise the house how the Bracks government is meeting its commitment to rural and regional users that they will not be worse off after the introduction of full retail contestability?

Hon. C. C. BROAD (Minister for Energy and Resources) — The government’s commitment is to ensure that Victorian electricity consumers, particularly consumers in rural and regional Victoria, will not be disadvantaged by the introduction of full retail competition.

The government has legislated to ensure that it has the reserve power to regulate retail prices for electricity if that proves to be necessary in order for the commitment to be honoured. This power will provide a safety net for customers, particularly those in regional and rural areas. This is in stark contrast to the previous government, which had no safety net from the end of this year.

The government is also establishing the Essential Services Commission to monitor the performance of electricity companies. Those measures will ensure that all Victorians continue to have access to safe, reliable and economical electricity supplies.

The recent decision by the Regulator-General provided for a reduction in charges for the distribution networks. The decision delivered greater price reductions for many rural and regional customers than for urban customers. Under the government’s legislation retail prices for domestic and small business customers must be gazetted from the start of next year as part of the arrangements for full retail competition. Under the government’s policies those prices will reflect reductions in network charges arising from the Regulator-General’s decision.

The introduction of full retail competition will provide further incentives, the government believes, for price

reductions in the energy component of the electricity companies. Competition will also encourage further service improvements for all users, including rural and regional users.

Honourable members interjecting.

Hon. C. C. BROAD — Some people talk about it, but some people actually do it!

The government recently announced that commercial customers who use between 40 and 160 megawatts of electricity per year will have the choice of electricity retailer from 1 January next year; and households and businesses using fewer than 40 megawatts will have choices later in the year when the national arrangements for transferring customers between retailers have been finalised.

Geological survey: appointment

Hon. PHILIP DAVIS (Gippsland) — In her response to a question without notice on 6 September last about the targeted retrenchment of the manager of geological survey the Minister for Energy and Resources asserted, as reported at page 249 of *Hansard*:

... the decision not to renew Mr Dickson's contract had been made by the previous government.

Given that documents released to me under freedom of information make it clear that Mr Dickson's initial contract of employment for the period 7 November 1994 to 6 November 1999 was then renewed by an extension from 7 November 1999 but terminated due to downsizing of executive numbers on 11 February this year, following the required four weeks notice period — that was some five and a half months after the dissolution of Parliament — will the minister either provide evidence to support her assertion or admit that she has misled the house?

Hon. C. C. BROAD (Minister for Energy and Resources) — The honourable member can continue on about this. However, I have indicated to the house that on becoming the responsible minister I was advised by the previous head of the Department of Natural Resources and Environment that he had advised Mr Dickson that his contract was not to be extended and that subsequently as part of the arrangements negotiated there was a short extension to that contract. Those were the arrangements I inherited.

There was clearly a view from some department officers and from some constituencies outside the department that as the newly responsible minister I should intervene in those arrangements. I did not do so.

The decision of the previous head of the department stood and was implemented.

Hon. M. A. Birrell — By you?

Hon. C. C. BROAD — No, by him.

Liquor: licences

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Small Business inform the house what action she is taking to ensure adequate consultation on the recently released report on the 8 per cent packaged liquor licensing review?

Hon. M. R. THOMSON (Minister for Small Business) — Unlike the previous government, when this government says it will consult, it sincerely means it — the former government paid only lip service to consultation.

Honourable members interjecting.

Hon. M. R. THOMSON — The house is aware of the recommendations in the report released by me last month — that is, that the 8 per cent be retained until and unless there is another mechanism to protect the diversity in the industry; that we strengthen the 8 per cent cap to ensure that people cannot get around it and obtain general licences when packaged licences are what they are seeking; that we seek approval from the commonwealth Minister for Employment, Workplace Relations and Small Business to expand the scope of the retail grocery industry code of conduct; that the Ombudsman's scheme include packaged liquor retailing; and that the Coordinating Council for the Control of Liquor Abuse, chaired by the Honourable Haddon Storey, consider the impact of a possible replacement of the 8 per cent rule on the incidence of alcohol-related harm and to begin preparing a strategy on that.

The government is keen to ensure that anyone who wants to make a contribution or have a say about the report and its recommendations should have that opportunity. To that end the government has written to all peak bodies and asked them to ensure that their memberships are alerted to the consultative mechanisms in place.

The government has established a six-week consultation period for public participation. It has also written to all independent liquor store owners and licensed grocers inviting them to participate in the consultative process. The first was held in Box Hill last night. Others will be held tonight in Warrnambool, in Ballarat on 4 October and in Morwell on 9 October.

Hon. Bill Forwood — How many turned up?

Hon. M. R. THOMSON — In excess of 30. Other sessions will be held in Dandenong on 10 October, in Geelong on 11 October, in Moonee Ponds on 16 October, in Shepparton on 17 October, in Bendigo on 18 October, and in Seymour on 19 October. The government is looking forward to the contribution people may make to the consultation process, and to the ongoing health, vitality and diversity of the industry.

Electricity: tariffs

Hon. R. M. HALLAM (Western) — I refer the Minister for Energy and Resources to Labor's pre-election policy entitled 'Labor's vision for energy', which includes a specific commitment of particular interest to country electricity consumers. The policy states:

Labor will maintain a maximum uniform electricity tariff across Victoria.

Will the minister explain what has changed since the election date to cause the Bracks government to scuttle that clear and unequivocal commitment?

Hon. C. C. BROAD (Minister for Energy and Resources) — As I told the house earlier, the government's election commitment is to deliver reliable and affordable electricity supplies to all Victorians and, in particular, to country and rural Victorians, which was more than the previous government was prepared to do.

That has been demonstrated through the decision of the Regulator-General and the mechanisms put in place by the government to ensure those savings in distribution prices are passed on to customers and that, in combination with competition, will deliver fully on the government's election commitments.

Answer ordered to be considered next day on motion of Hon. R. M. HALLAM (Western).

Olympic Games: athletes and volunteers

Hon. KAYE DARVENIZA (Melbourne West) — I will take up the theme of some of the interjections of the Honourable Bill Forwood. Will the Minister for Sport and Recreation inform the house how Victorian athletes performed in the Sydney Olympic Games, and how that performance reflects on Victoria's international position as a leading sporting power?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — No doubt honourable members will be aware that Victoria was a hive of activity in September, hosting pre-Olympic training camps for

101 international teams taking part in 16 sports. More than 1500 international athletes, officials, media personnel and their accompanying entourage used sporting facilities in Victoria.

The overall economic value to Victoria of those and associated visits over the past three years is estimated to be in the vicinity of \$17 million. No doubt honourable members will be aware of the pre-Olympic training activities that took place throughout Victoria, but I will nonetheless remind them of their extent, particularly in Ballarat, Mildura and Wodonga. The majority of the European badminton and table tennis teams were based in Ballarat and Wodonga, and the Ukrainian Olympic Committee agreed to base its team of more than 250 athletes in Melbourne and Wodonga.

In addition 11 Australian Olympic teams selected Victoria for their pre-Olympic training. They included swimming, synchronised swimming, clay target shooting, badminton, fencing, table tennis, basketball, weight-lifting and soccer.

The pre-Olympic period proved a great opportunity for Victoria to build relationships with sporting associations. Many long-term agreements have been finalised, which will help to secure the future of sport in Victoria. Australian fencing is establishing an annual camp in Melbourne; Australian basketball has developed a winter international basketball program; and cyclists from Great Britain have indicated their intention to train in Melbourne in future.

It is also pleasing to note the outstanding achievements of Victorians at the Sydney 2000 Olympic Games. More than 629 athletes from all around the country were selected to represent Australia at the Olympics, and of those, 173 were Victorian.

The Victorian Institute of Sport is synonymous with achievement, success and excellence in sport. The VIS was established by the Labor government in 1990 to provide Victoria's elite athletes with access to advanced coaching, sport sites, sports medicines services, training and competition-supported education, and more importantly, career development.

Victoria has contributed 28 medals — 8 gold, 11 silver and 9 bronze — to the national tally of 58, which consisted of 16 gold, 25 silver and 17 bronze. Fifteen of the state tally were team medals, and 13 were individual medals, comprising 3 gold, 6 silver and 4 bronze. Most importantly, having won 8 gold, 11 silver and 9 bronze medals, if the state were a country it would have finished in 12th place on the

medals table, placing it just after Romania and just ahead of South Korea.

The outstanding performances that we were all able to appreciate included Cathy Freeman's outstanding 400 metres win. Also much appreciated was Lauren Burns's achievement in winning a gold medal in the 49-kilogram class of tae kwon do. Her win was historic, being the first gold medal ever awarded in tae kwon do at the Olympics. Australia also won the silver medal in the 80-kilogram class, giving the sport a great start in its first Olympics.

Victorian swimmers also won one-third of the total swimming medal haul. The Australian swimming team included outstanding contributions from Michael Klim, with two gold and two silver medals, and Matt Welsh, with two silver medals and one bronze. In addition, Victorian cyclists won five gold medals at the Dunc Gray Velodrome.

Although the focus was on the notable performances of the athletes, I also commend the significant number of volunteers from Victoria who made an outstanding contribution to the fulfilment of Australia's dream of holding the Olympic Games.

Retail tenancies: review

Hon. BILL FORWOOD (Templestowe) — It is now around two months since the Minister for Small Business secretly appointed Ms Beverley Hoenig to inquire into retail tenancies in Victoria. In the interests of open, honest, transparent and accountable government, will the minister take the people of Victoria into her confidence and table the inquiry's terms of reference?

Hon. M. R. THOMSON (Minister for Small Business) — I am bemused by the question. I have not in any way contracted anyone to do anything in relation to retail tenancies. That includes Beverley Hoenig, whom I have met twice — once at a function and once at a launch at the City of Glen Eira. I have had no private discussions with Beverley Hoenig in relation to retail tenancies. As I said, I am absolutely bemused by the question.

We will, however, be shortly announcing a review into retail tenancy. It will be open and consultative, which is the process this government follows. Everyone will have an opportunity to be involved in the process. It seems to me that the honourable member is continuing to obtain misinformation.

Industrial relations: task force

Hon. D. G. HADDEN (Ballarat) — Will the Minister for Industrial Relations advise the house of any findings in the report by the industrial relations task force concerning the information and advisory services provided to Victorian employers and employees?

Hon. M. M. GOULD (Minister for Industrial Relations) — One of the key chapters in the industrial relations task force report deals with the provision of information and advisory services for Victorian employers and employees.

The report found that federal inspectors have no powers to enter a Victorian workplace that is not covered by a federal award or to prosecute the employer. However, that is only the start of the problem. In addition, federal inspectors are acutely underresourced. Over the past four years the number of inspectors employed to service the whole state has been reduced by 25 per cent, from a total of 118 Victorian and federal staff as at December 1996 to just 89 federal staff as of August this year.

The report also found that the level of resourcing in Victoria did not compare well with the level in other states. Likewise, the level of activity undertaken by federal inspectors in Victoria was significantly lower than the level in other states. For example, there were only three prosecutions in Victoria in the past financial year, compared with 413 in New South Wales and 323 in Queensland.

I must emphasise that each and every task force member agrees that the current levels of inspectors and resources provided by the federal government in this area are inadequate to service employers and employees. In response to those findings, the majority of the task force recommended that a state inspectorate be established in Victoria. The alternative view of two employer representatives was to recommend that improvements to resources and the laws could be made by the federal government.

Honourable members interjecting.

The ACTING PRESIDENT — Order! I ask that there be a little less conversation in the chamber during question time.

Hon. M. M. GOULD — The federal government has not made the resources available. Unfortunately, it appears from past experience that that is an unrealistic option.

The federal government has had ample time to deal with the issues that have been raised. Instead, over the past four years it has reduced by 25 per cent the number of inspectors in Victoria, which has disadvantaged regional and rural Victoria. Employer groups I have spoken to in Ballarat, Bendigo and Geelong have all said the problem is that no information is available to them. Employers who want to do the right thing by their employees and pay them under the right terms and conditions have nowhere to go to receive that information. In its submission the Victorian Employers Chamber of Commerce and Industry has indicated that that is a problem.

The government is currently examining the implications and recommendations of the report on the industrial relations task force. The Bracks government will ensure that employers — —

Hon. M. A. Birrell interjected.

Hon. M. M. GOULD — There are a lot of issues, but this is a big one. The government will ensure that employers and employees, particularly in regional and rural areas, get the services they deserve.

Petrol: prices

Hon. E. G. STONEY (Central Highlands) — Given the government's professed interest in the high cost of fuel, will the Minister for Consumer Affairs indicate whether the government will support the honourable member for Mildura's private member's bill on terminal gate pricing?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The government has been consistent on the fuel issue. It has asked the federal government to continue the freeze on the indexing of excise that will occur in February to keep prices down, and it has indicated that the additional 2.5 cents per litre that will flow to the federal government's coffers as a result of increased fuel costs will be an item the Premier will take to the Premiers Conference in November. The government is conscious and has been active long before — —

Hon. E. G. Stoney — On a point of order, Mr Acting President, I specifically asked whether the government will support a private member's bill on terminal gate pricing. It is a very specific question.

The ACTING PRESIDENT — Order! On the point of order, I think the minister is proceeding with her answer and I invite her to continue.

Hon. M. R. THOMSON — Yes, I am, Mr Acting President.

Long before politicians from Western Australia and other states were talking about petrol pricing, this government has been proactive in dealing with the issue. It has established a feasibility study into fuel co-ops at places like Buangor to see whether they could be applied elsewhere in Victoria to ensure that country Victorians have access to the cheapest possible petrol.

In relation to the bill that is before the Legislative Assembly, the department — —

An Honourable Member — Which department?

Hon. M. R. THOMSON — Consumer and Business Affairs Victoria is looking at the feasibility of the bill, at the impact its implementation may have, and at its effectiveness. Once that review has been undertaken the government will form its opinion and will let the Parliament know.

Mobile phones: emissions

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Consumer Affairs indicate what she is doing to protect consumers from the possible harmful effects of using mobile phones?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I heard some groans at the question, but previously the Honourables Neil Lucas and Theo Theophanous have also asked questions about radiation and consumer awareness in relation to mobile phones.

The matter arose from a British Consumer Association study which indicated that radiation emissions from earpieces were three times more harmful than those from mobile phones, which was counter to other research that suggested earpieces were safer. Upon the requests of those honourable members I gave an undertaking to raise their concerns at the Ministerial Council on Consumer Affairs meeting held earlier this year. This is the first opportunity I have had to report back on the matter, and it is appropriate that I take the time to do so.

The other ministers at the meeting were very supportive of our attempting to seek out accurate and up-to-date information for consumers to enable them to make choices accordingly. To do that we have requested the National Health and Medical Research Council and the Australian Radiation Protection and Nuclear Safety Agency to advise the council on information that may be made available to consumers and the progress of any research on mobile phones and safety issues to ensure

that the latest and most accurate information is passed on to consumers.

Recently an agreement was reached between the Australian Communications Authority and industry representatives, which will provide manufacturers with a coordinated system for disclosing maximum emission levels for all mobile phones on the market. However, the system being put in place is voluntary and unless all key manufacturers participate, consumers will be left with a lack of information about some mobile phones. Accordingly, I have written to the Minister for Communications, Information Technology and the Arts seeking his assurance that he will approach the industry about the voluntary agreement and promote its uptake by mobile phone manufacturers and ensure that the scheme is monitored to ensure that consumers are given adequate and accurate information.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

That so much of the standing orders as require answers to questions on notice to be delivered verbally in the house be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in *Hansard*.

The question numbers are: 732–734, 736–738, 807–817, 827–840, 847, 857, 860–862, 864–865, 867, 954.

Motion agreed to.

BUSINESS OF THE HOUSE

Sessional orders

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

That so much of the sessional orders be suspended as would prevent general business taking precedence of all other business until 2.00 p.m. during the sitting of the Council on Thursday, 5 October 2000.

In saying so I advise the house that the purpose of the motion is to allow for the reception of Australian gold medal Olympians, including all Victorian Olympians, at a function tomorrow morning. I advise all honourable members on both sides of the house that an invitation is extended to all. Name tags will be available at the Vodafone centre and seat allocations will be available to all members of Parliament who wish to attend.

The reception starts at 9.15 a.m. and will conclude at 11 a.m. tomorrow. It will be followed by a ticker tape parade up Collins Street. I invite all honourable members on both sides of the house to participate in congratulating Australia's gold medallists, and in particular the Victorian Olympians, on their efforts.

The government also wishes to extend a thank you to the numerous Victorian volunteers who participated. About one in four volunteers came from Victoria and took leave without pay to assist in the great event that put not only Sydney but Australia on the map. I urge all honourable members to take up the government's offer to attend. I advise honourable members that it is intended that the house will resume at 2.00 p.m. tomorrow.

Hon. M. A. BIRRELL (East Yarra) — I thank the Leader of the Government for the initiative she has shown in this matter. The opposition appreciates it in the circumstances.

Motion agreed to.

PETITION

Buses: Dandenong Ranges

Hon. N. B. LUCAS (Eumemmerring) presented a petition from certain citizens of Victoria praying that the government give urgent consideration to the proposal submitted to the Department of Infrastructure for the further development of bus services from Belgrave to Gembrook and the introduction of a new route from Cockatoo to Knox City via Emerald, Monbulk, Olinda and Upper Ferntree Gully (312 signatures).

Laid on table.

TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Hon. C. C. BROAD (Minister for Energy and Resources), by leave, introduced a bill to amend the Transport Act 1983 and the Rail Corporations Act 1996 and for other purposes.

Read first time.

ASSOCIATIONS INCORPORATION (AMENDMENT) BILL

Introduction and first reading

Hon. M. R. THOMSON (Minister for Consumer Affairs), by leave, introduced a bill to amend the Associations Incorporation Act 1981 in relation to the distribution of assets on voluntary winding up of an incorporated association and for other purposes.

Read first time.

COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Hon. M. R. THOMSON (Minister for Small Business), by leave, introduced a bill to amend the Administration and Probate Act 1958, the Evidence Act 1958, the Guardianship and Administration Act 1986, the Juries Act 2000 and the Supreme Court Act 1986 and for other purposes.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 8

Hon. M. T. LUCKINS (Waverley) presented *Alert Digest* No. 8 of 2000, together with appendices.

Laid on table.

Ordered to be printed.

Statute Law Revision Bill

Hon. M. T. LUCKINS (Waverley) presented report, together with appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Crimes Act 1958 — Police Chief Commissioner's authority to conduct forensic procedures, pursuant to section 464Z(2).

Environment Protection Act 1970 — Order in Council of 22 September 2000 varying the State Environment Protection Policy (Used Packaging Materials).

Falls Creek Alpine Resort Management Board — Report, 1998–99.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3)(a)(iii) in relation to Statutory Rules Nos. 48 to 50 and 141/1999 and 31/2000.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Fifth Amending Deed, 11 September 2000, pursuant to section 15B(5).

Melbourne City Link Twelfth Amending Deed, 11 September 2000, pursuant to section 15(2).

Planning and Environment Act 1987 —

Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan — Amendment 113.

Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendment C33.

Banyule Planning Scheme — Amendment C10.

Brimbank Planning Scheme — Amendment C13.

Campaspe Planning Scheme — Amendment C10.

Cardinia Planning Scheme — Amendments C4 and C14 Part 1.

Colac Otway Planning Scheme — Amendment C5.

Ganawarra Planning Scheme — Amendment C1.

Glen Eira Planning Scheme — Amendment C4.

Indigo Shire Planning Scheme — Amendment C4 Part 2.

Maroondah Planning Scheme — Amendments C6 and C11.

Melbourne Planning Scheme — Amendment C8.

Melton Planning Scheme — Amendment C11.

Mitchell Planning Scheme — Amendment C7.

Moonee Valley Planning Scheme — Amendment C1.

Queenscliffe Planning Scheme — Amendment C6.

Shepparton — Greater Shepparton Planning Scheme — Amendment C4 Part 1.

Towong Shire Planning Scheme — Amendment C1.

Wangaratta Planning Scheme — Amendment C5.

Yarra Planning Scheme — Amendments C16 and C17.

Statutory Rules under the following Acts of Parliament:

Magistrates' Court Act 1989 — No. 89.

Road Safety Act 1986 — No. 88.

Subordinate Legislation Act 1994 — No. 87.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 63, 67, 87 and 89.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 45, 82 and 88.

Veterinary Practitioners Registration Board — Minister for Agriculture's report of 6 September 2000 of receipt of the 1999 report.

Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act:

Dairy Act 2000 — Section 5 (except paragraph (b)), section 6 (except paragraphs (h) and (i)), sections 64, 66, 69 and 70 and Parts 3, 4 and 5 — 30 September 2000 (*Gazette No. G39, 28 September 2000*).

INFORMATION PRIVACY BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

Last November the Minister for State and Regional Development announced the government's 'Connecting Victoria' policy that aims to grow the information and communications technology industries and ensure that the benefits of technology are shared by all Victorians. This goal can only be achieved in a regulatory environment that recognises how these technologies are changing the way we live and accommodates the fact that further change is likely.

These changes are considerable in terms of personal and business life and regional and community development. For the most part new technologies are bringing great benefits — the way we work, live and relate to one another. These benefits have to be considered against the potential for technology to be used for undesirable or intrusive purposes.

Community concerns about the implications that new technologies have on privacy and security bear this out. This is not a new phenomenon. Surveys of community attitudes to privacy over the past 10 years show that Australians believe their privacy is diminishing and they are becoming increasingly concerned by this trend. A Roy Morgan survey last year found that close to 6 in 10 Victorians are concerned about the role of new information technologies that invade their privacy. These statistics mirror the national average. The concern is understandable. Over the last 5 years

technology has created the capacity to compile, manipulate and match data on a scale that was inconceivable 20 years ago.

The protection afforded to privacy is a key aspect of the democratic balance between governments, business and individuals. Communities which compromise on privacy compromise on freedom. This creates an environment of mistrust and caution in which citizens are unwilling to volunteer information and the free flow of information is hindered.

In addition, governments should not, on the one hand, champion the benefits of electronic commerce and develop an increasing range of online public services and, on the other, offer no new protection in that environment. Similarly, governments should not urge consumers and businesses to embrace new technology and electronic commerce and ignore the dangers that also attend their use.

Until a culture is established which recognises and responds to privacy concerns, Victorians will not take full advantage of the considerable benefits that new information and communications technologies have to offer. By the same token, those entities that need to collect and use information about people should be able to do so confidently and within a framework that facilitates the exchange of information in a transparent and responsible manner.

The introduction of the Information Privacy Bill will contribute to creation of that culture. It will protect the privacy of Victorians by giving people an assurance that only the minimum amount of personal information will be collected and that it will be held securely and used responsibly. It will give agencies and departments of the Victorian government the framework for responsible information management and it will help revive democratic processes and values in this state.

This bill is one of three government initiatives to address privacy and security concerns through legislative reform. The Electronic Transactions Act, introduced in April this year, and legislation regulating the handling of health information complement it.

The Electronic Transactions Act's primary objective is to promote business and consumer confidence in electronic commerce. It does this by removing legal obstacles and placing electronic and paper transactions on the same legal footing. The proposed health records legislation will ensure that health information is accorded the specialised and high standard of protection that it deserves.

The Information Privacy Bill has a valuable place in a national context. It regulates information collection, handling and disclosure by the Victorian public sector. On 12 April 2000, the commonwealth introduced amendments to the Privacy Act 1988 (Commonwealth) to establish a scheme for the regulation of the handling of personal information in the private sector. This regulation is important to ensure that information collected and held by the private sector is stored, used and disclosed in a fair and appropriate way and to ensure that people have the right to access and correct information about themselves.

The Victorian government welcomes a national scheme to cover the private sector, recognising that it is the most sensible approach to privacy regulation in a global environment. However, the government has a keen interest in development of the most effective national scheme to balance the interests of business and the community and is taking an active part in the national privacy debate to ensure that the final form of the commonwealth legislation is appropriate.

For example, in December 1999 and February 2000, the government provided comments to the commonwealth during the development phase of the federal legislation. Victoria's concerns have also been raised through the Online Council, and in May this year the government made a detailed submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs, which was inquiring into the federal bill. These comments touch a number of important areas of policy in the federal bill, particularly regarding the scope of proposed exemptions. However, they also seek to ensure that the Victorian information privacy legislation is able to operate effectively beside it. This means carefully defining the lines of responsibility between the federal and state schemes.

Victoria's Information Privacy Bill safeguards personal information handled by all public sector entities, including state instrumentalities, councils, statutory office-holders and private sector contracted service providers. It also covers ministers and parliamentary secretaries operating in their executive roles. It is expected that coverage of the bill will complement the final form of the commonwealth legislation.

The bill requires personal information to be managed in accordance with a set of information privacy principles adapted from the *National Principles for the Fair Handling of Personal Information*, developed by the federal Privacy Commissioner and on which the commonwealth has based its private sector privacy legislation.

The 10 information privacy principles, attached in a schedule to the bill, prescribe how personal information is to be collected and handled.

Principle 1 governs the collection of information, requiring organisations only to collect personal information which is necessary for their functions. Organisations must also ensure that individuals know who is collecting their information and why and inform them that they may gain access to it for correction.

Principle 2 governs the use and disclosure of information. In general, organisations must only use or disclose personal information for the purpose for which it was collected. However, they are entitled to use or disclose personal information for a secondary purpose where it is related to the primary purpose of collection and the use or disclosure is within the reasonable expectations of the individual. Disclosures are also permitted in cases where there is a strong public interest in doing so. This includes, for example, where there is a serious threat to life, where disclosure is required by law and where it is necessary for legal proceedings.

Principles 3 and 4 seek to ensure that personal information held by an organisation is accurate, complete and up to date and that it is protected from misuse, loss, unauthorised access, modification or disclosure. Organisations are also required to take reasonable steps to permanently de-identify personal information when it is no longer needed.

The bill encourages transparency by requiring organisations, under principle 5, to document clearly their policies on management of personal information and to make those policies available to the public. Organisations must take reasonable steps to let people know, on request, what sort of personal information they hold, for what purpose, and how they collect, hold, use and disclose that information.

Individuals are given a right to access their information and make corrections to it, where necessary, under principle 6. In Victoria, the Freedom of Information Act already provides a right of access to documents held by government. The bill does not propose to make changes to this method of access or to superimpose another access right over it. Accordingly, in the case of documents held by public sector agencies, the Freedom of Information Act will continue to be the only method of access.

In these circumstances the access provisions in principle 6 have a limited operation to contracted service providers, which are not always subject to freedom of information legislation, and certain other

bodies. Contracted service providers are able to charge a prescribed fee for granting access to personal information held by them as agents of government. This is intended to allow consistency with the fees prescribed under the Freedom of Information Act.

Principle 7 imposes limits on the use of unique identifiers between public sector organisations. It provides that unique identifiers cannot be shared by different agencies except with consent of the individual or where it is necessary for their functions. Principle 7 provides a safeguard against the creation of a single identifier that could be used to cross-match data across all government departments.

Under principle 8, where lawful and practicable, the right of individuals to remain anonymous in transactions with an organisation is protected.

Principle 9 puts limits on the flow of information outside Victoria. An organisation is only allowed to transfer personal information outside Victoria if it reasonably believes the recipient is subject to a law, or other binding obligation, which imposes restrictions on the use of that information that are substantially similar to the information privacy principles. Personal information may also be transferred with the individual's consent or if the transfer is necessary for the performance of a contract. If consent of the individual cannot practically be obtained, the organisation can only transfer the information if it is for the benefit of the individual and if the individual would be likely to give the consent.

Principle 10 regulates the collection of sensitive information. Sensitive information is information about an individual's racial or ethnic origin, political opinions, membership of a political, professional or trade association, philosophical or religious beliefs or affiliations, membership of a trade union, sexual preferences or practices, or criminal record. In very limited circumstances this information can be collected by public sector organisations without consent where necessary for the effective delivery of government welfare programs.

The bill is administered by a privacy commissioner whose principal functions are community education and conciliation of complaints. The Privacy Commissioner is responsible for promoting the information privacy principles; providing compliance and policy advice; developing guidelines; conducting investigations; overseeing and conducting audits to ensure compliance with the legislation; and conducting research.

The Privacy Commissioner also assesses proposed codes of practice. Under part 4 of the bill, organisations can choose to register their own code or comply with an existing approved code of practice rather than the information privacy principles. The standards prescribed in a code will generally have to be equal to or stronger than those set out in the principles. People who believe that an organisation has not collected or handled their information in accordance with the principles or a code of practice can lodge a complaint.

Part 5 of the bill sets up complaint processes that emphasise conciliation, at minimum cost to all parties. Complaints are to be referred first to the organisation and, if this is not successful, the Privacy Commissioner can conciliate them. If conciliation fails, the Victorian Civil and Administrative Tribunal can hear a complaint and make binding determinations to resolve it. It can make orders including restraining or mandating conduct of the respondent, orders for compensation to the complainant to a maximum of \$100 000, orders for correction of information, or orders that a code administrator take specified steps to remedy the fault which led to the complaint.

Part 6 of the bill gives the Privacy Commissioner strong enforcement powers through the power to issue a compliance notice if an organisation deliberately disregards its obligations. Compliance notices may be issued if a suspected breach is serious or flagrant, or has been repeated on at least five occasions within the previous two years. The penalties for breaching a compliance notice are \$300 000 for a body corporate and \$60 000 in any other case.

Regulations to be administered by the Office of the Privacy Commissioner will be independently reviewed by the Office of Regulation Reform in consultation with the Law Reform Commission.

The government considers that specialised legislation is necessary to deal with the complex policy issues that arise in relation to health information. For this reason the Minister for Health will soon introduce a bill that will be dedicated exclusively to the protection of health information. That bill will be coordinated with the Information Privacy Bill and will provide a framework which is appropriate for health.

The Information Privacy Bill also contains some important exemptions which recognise competing public interests:

Law enforcement agencies are exempt from some of the principles where it is reasonably necessary for their law enforcement functions. Other functions,

such as administration of employee records, are not exempt.

The principles do not apply to publicly available information, although, where that information is derived from a public register, the bill does apply so far as is reasonably practicable in recognition of the scope for abuse of these large stores of personal data. The government is continuing to investigate appropriate procedures for management of public register data.

A research exemption will allow personal information to be collected and used so long as the results are not published in a form that identifies, or can be used to identify, an individual.

In addition, where the Information Privacy Bill is inconsistent with other Victorian legislation, the other legislation will prevail. The Freedom of Information Act will not be affected; as noted earlier, access requests for government documents will still be processed according to FOI procedures.

Clause 72 of the bill states that it is the intention of clause 7 to alter or vary section 85 of the Constitution Act 1975. I therefore wish to make a statement pursuant to section 85 of the Constitution Act 1975 of the reasons why that section should be altered or varied by the bill.

Clause 7 provides that the bill does not give rise to any civil cause of action or create any enforceable legal right other than as specifically provided in the bill. Similarly, nothing in the bill is to be construed as giving rise to criminal liability except to the extent expressly provided for.

The bill is intended to create specific rights and obligations in relation to information privacy and to provide readily accessible and fair dispute resolution mechanisms, including scope for review. The bill is not intended to give rise to broader rights and obligations outside those expressly provided in the bill.

The reason for the alteration or variation to section 85 of the Constitution Act 1975 is to ensure that the scope of the bill meets these expectations.

Provision has also been made for considering the impact of future legislation on information privacy. The bill amends the Parliamentary Committees Act 1968 to provide that the Scrutiny of Acts and Regulations Committee will assess legislative proposals for consistency with the information privacy regime. In particular, it will be used to consider whether legislation unduly requires or authorises acts or practices that may

have an adverse impact on personal privacy. That duty will apply both to bills and regulations.

It is envisaged that Victoria's new information privacy regime will commence on 1 September 2001. Organisations will have a 12-month transition period before the principles or any codes of practice will be enforceable. During this time the Privacy Commissioner can conduct public education and awareness-raising campaigns, provide compliance advice and register codes. The principles concerning the collection of information will apply to personal information collected from the date of commencement of the legislation; the other principles will apply to all information held on and from that date.

The Information Privacy Bill entrenches this government's commitment to enhance good communications with Victorians and will contribute to the building of the necessary environment for electronic commerce.

Debate adjourned on motion of Hon. G. B. ASHMAN (Koonung).

Debate adjourned until next day.

BUSINESS OF THE HOUSE

Sessional orders

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That so much of the sessional orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Motion agreed to.

PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL

Second reading

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I move:

That this bill be now read a second time.

This government made an election commitment to improve the coordination of decision making on permit applications to use or develop land burdened by restrictive covenants. It foreshadowed action to make sure an applicant had completed steps to remove or vary the covenant before the permit was granted.

The commitment to improve coordination was restated in the *State Planning Agenda* in December last year. In introducing this bill in the autumn sittings this year, the government met these commitments.

In 1988, the then Labor government introduced groundbreaking legislation to allow covenants to be removed or varied by planning processes. This introduced a simple alternative to complex Supreme Court proceedings.

In 1993, the Kennett government introduced amendments to the legislation that made it very difficult to remove or vary a covenant by grant of a planning permit. Most applicants then opted to apply for a permit to use or develop land, before subsequently acting to remove or vary the covenant.

This caused a variety of problems. Covenant beneficiaries had to participate in two applications to defend a covenant. They also found that relying on the covenant in support of their objections was not a relevant planning consideration. Applicants lost the chance for simultaneous consideration of both development and covenant matters. Responsible authorities and the now Victorian Civil and Administrative Tribunal lost opportunities to act as a one-stop shop. At times, responsible authorities felt obliged to grant permits even though they supported the covenant.

This bill implements a simple principle to end these problems — that a permit to use or develop land must not be granted if the permit would result in the breach of a covenant. It may only be granted if authority to remove or vary the covenant is given either before or at the same time as the grant of the permit.

The bill implements this principle and provides three methods for applicants to seek the necessary authority:

1. obtain a court order under the Property Law Act 1958 to remove or vary a covenant before applying for the permit, or
2. concurrently apply for a permit to remove or vary the covenant and a permit to use or develop the land, or
3. ask a planning authority to prepare an amendment to a planning scheme to authorise removal or variation of the covenant and concurrently consider an application to use or develop the land.

While method 1 currently exists, the bill ensures that a permit can only be granted if the court order has first

been granted. It ensures that applicants no longer seek a permit before seeking the court order. Method 2 currently exists but, because there is no prohibition on granting a permit that would result in a breach of a covenant, applicants are not required to submit both applications simultaneously. The bill introduces such a prohibition and this means applicants are encouraged to submit both applications simultaneously. Method 3 is not currently possible and the bill provides for it.

The bill also ensures that responsible authorities are aware of covenants before they make decisions on permit applications to use or develop land. It requires an applicant to disclose a covenant at the outset.

Notice of the application must then be given to owners of land benefiting from the covenant by mandatory newspaper notice and sign placed on the land, and by giving any other notice that the responsible authority considers necessary. This is in addition to all the other ordinary notice requirements in the act.

The bill allows these owners to make objections and submissions about the application to use or develop land (as well as the application relating to the covenant removal) so that questions of standing are put aside in favour of smooth and integrated decision making of both matters.

The combined permit application and scheme amendment method puts municipal councils in a central position to decide whether the proposed removal or variation, and the proposed development of the land ought to proceed.

The council must, firstly, decide to prepare the amendment and consider the application. If so, it must then give notice of both matters to owners of land benefiting from the covenant. It is intended that personal notice be given. The need to give personal notice is a result of applying the requirements for the method of giving notice in section 145 of the principal act. The bill also requires that a sign be placed on the land. The notices to owners and sign on the land are in addition to ordinary notice requirements in the act, which include a mandatory newspaper notice.

Owners will be able to inspect the application, the amendment and the proposed permit, including its conditions, and make submissions about them. Submissions must be considered by both the planning authority and an independent panel appointed by the minister. The panel must conduct a public hearing. The panel will also be expert — only appropriately qualified members will be chosen.

Enforcement of covenants is properly left to the courts. However, the bill makes sure the covenant is removed or varied before the use or development commences. If a permit is granted or an amendment is approved to remove or vary a covenant at the same time as a permit to use or develop the land, a mandatory condition must be included on the permit to use or develop the land. The condition will require the owner to ensure the relevant action by the register of land titles to remove or vary the covenant is complete before the permit is effective.

Any failure by an owner can then be pursued by either the responsible authority or another person as a prosecution or enforcement question under the Planning and Environment Act 1987 before the Magistrates Court or Victorian Civil and Administrative Tribunal. They are both more convenient forums than the Supreme Court. As well, penalties for planning offences, such as breach of a permit condition, have been significantly increased under legislation introduced by this government and passed in the autumn 2000 sittings. For these reasons, it will now be much easier to ensure permit-holders do the right thing.

Restrictive covenants impose a wide variety of restrictions. Common ones relate to boundary fencing; number of dwellings; building materials; excavation of soil and rock; size and location of buildings; and use of the land. The provisions of the bill only apply if the proposed use or development would result in a breach of a covenant. There is no public benefit to make the provisions apply to all covenanted land. For example, an owner intending to build a home on land affected by a covenant which prohibits quarrying is obviously unlikely to breach the covenant.

The bill is an important part of the government's policy for a sensible balance to be restored to decisions about the development of Victoria, and make sure that people who are entitled to the benefit of covenants do not get overlooked in those decisions. Consequently, the bill provides for prompt commencement and ensures that transitional matters are dealt with under the act as amended by this bill.

Finally, there are some existing provisions relating to special types of covenants. They include statutory covenants under the Heritage Act 1995 and the Victorian Conservation Trust Act 1972 and covenants affecting projects of declared state or regional significance under part 9A of the Planning and Environment Act 1987. The bill does not affect these provisions or these covenants.

The government has adopted a consultative approach to the preparation of this bill. The public were invited to comment on the bill during the winter recess. Thirty-seven submissions were received, and reviewed by accredited legal expert, Mr Terry Montebello, partner of Maddock Lonie and Chisholm, solicitors. After considering Mr Montebello's report and recommendations, the government amended the bill to clarify and extend the requirement for the giving of notice of a relevant permit application or scheme amendment to owners of land benefiting from a covenant.

I commend the bill to the house.

Debate adjourned on motion of Hon. BILL FORWOOD (Templestowe).

Debate adjourned until next day.

CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL

Second reading

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That this bill be now read a second time.

Mr Acting President, the bill before the house is the second of the major constitutional reform bills introduced into this Parliament in these sittings, the first being the Constitution (Amendment) Bill.

The primary purpose of this bill is to reform the upper house by:

introducing proportional representation; and

reducing the membership of the Legislative Council.

Reduction of Council members

Currently the Legislative Council comprises 44 members elected from 22 provinces — each province electing two members for a term equal to two terms of the Legislative Assembly, one each election. The bill will reduce the number of provinces to eight and each province will return five members each election, bringing the number of members to 40.

Members should note that amendments to the Electoral Boundaries Commission Act 1982 by the bill ensure that three of the eight provinces will be primarily outside of the metropolitan area.

Members should also note that there is to be no change to the number of members in the Legislative Assembly as a result of this package of constitutional reforms. The relationship between the new eight provinces with districts will be significantly different, as the bill provides that each province is to consist of 11 complete and contiguous districts.

Proportional representation

Members will be aware that the current electoral system for this house has not led to the election of an Independent member or member from a minor party for many years. Even today, when three Independent members have been elected to the other house, the Legislative Council still comprises the three major parties. This unacceptable position will be ended by the bill before the house, which introduces proportional representation to the upper house.

The provisions for the introduction of proportional representation require a number of amendments to The Constitution Act Amendment Act which are modelled on those in the Commonwealth Electoral Act in relation to Senate elections.

Other issues

Minimum election period

The Electoral Commissioner has advised that the conduct of proportional representation elections does not compel an alteration of the minimum election period, which, as members will be aware, is 25 days. However, he has also advised that proportional representation elections can only be conducted in 25 days if the period between the nomination day and the polling day is extended. Accordingly, the bill does not alter the minimum election period but reduces the minimum period from the writ to the nomination day from 10 days to 8 days, while the period from the nomination day to the polling day is increased from 15 days to 17 days.

Repeal of two-member preferential system

Members will recall that in the Constitution (Amendment) Bill provisions were introduced to allow for elections to two-member provinces. These provisions were included to cater for the unlikely scenario that the current bill will not pass.

As these provisions will not be required with the passage of this bill, it is necessary to repeal those provisions.

I commend the bill to the house.

Debate adjourned for Hon. M. A. BIRRELL (East Yarra) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

**CONSTITUTION (AMENDMENT) BILL and
CONSTITUTION (PROPORTIONAL
REPRESENTATION) BILL**

Concurrent debate

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

That this house authorises and requires the Honourable the Acting President to permit the second-reading debate on the Constitution (Amendment) Bill and the Constitution (Proportional Representation) Bill to be taken concurrently.

Motion agreed to.

Sitting suspended 6.25 p.m. until 8.02 p.m.

**CHILDREN AND YOUNG PERSONS
(RECIPROCAL ARRANGEMENTS) BILL**

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. R. THOMSON (Minister for Small Business) on motion of Hon. M. M. Gould.

**DRUGS, POISONS AND CONTROLLED
SUBSTANCES (INJECTING FACILITIES
TRIAL) BILL**

Second reading

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That this bill be now read a second time.

Drug abuse is without doubt one of the major challenges facing the community today. It is a challenge that can only be met by a careful and thorough reform of our current social, health and law enforcement arrangements. Too many people are dying. Too much harm is being caused by drugs. We must be prepared to try alternative solutions to solve the drug crisis.

The introduction of this bill represents one step in the implementation of the government's comprehensive and integrated drug policy. The Bracks government came to office with a drug policy platform based on

four themes, all of which are critical and must be dealt with as a whole. Those four themes are:

- preventing drug abuse;
- saving lives;
- getting lives back on track; and
- effectively policing the drug trade.

Given the importance of the drug issue, the government resolved to appoint an expert committee under the chairmanship of Dr David Penington to provide specialist advice on refining and implementing all aspects of our policy.

The committee has been asked to report in two stages. The committee's report on stage one, entitled *Drugs—Responding to the Issues, Engaging the Community*, was released in April of this year. It focused on the development of local drug strategies in areas affected by heavy street drug usage and outlined a framework for the trialling of injecting facilities in up to five areas of Melbourne. The second and equally important report will deal with other aspects of the policy such as early intervention in schools, improvements to drug treatment and rehabilitation, and measures to crack down on drug trafficking.

The committee's stage one report clearly demonstrates the need for further action on drugs. All members of Parliament will be aware of the devastating impact that drugs are having on our community. I believe that all members share a commitment to doing more to deal with this issue. While the government is prepared to lead on this matter, partnerships across the community are needed if we are to have a significant impact.

The various documents released by the Drug Policy Expert Committee set out the impact of drugs in detail. Members will have read the documents, but I believe that it is important that some of the facts are recorded in this place.

Last year there were 359 heroin-related deaths in this state. Many more non-fatal overdoses were dealt with by ambulance officers. The number of overdoses is disturbing, but even more disturbing is the probability that the number will continue to grow. The Drug Policy Expert Committee has made one projection of increased deaths over the next five years. The Victorian State Coroner, Mr Graeme Johnstone, has made an even more dramatic prediction. Whatever the figure, it is a situation that cannot be allowed to continue.

It is important to note that Victoria is not on its own in this regard. Heroin-related death rates are increasing in other states of Australia and in many countries

overseas, including countries with strongly prohibitionist drug policies such as the United States of America and Sweden.

Increasing heroin-related deaths and non-fatal overdoses are not the only sign that we have a significant and growing problem. Evidence shows that young people are beginning to use illegal drugs at an earlier age. The national and Victorian drug household surveys indicate that the proportion of young heroin users who reported using heroin for the first time when they were under 16 years of age increased from less than 1 per cent in 1993 to approximately 7 per cent in 1995 and 1998. These figures indicate that we will continue to have a drug problem for many years, despite the vigorous efforts the government proposes to make.

Much smaller epidemics in less contentious areas have led to calls for dramatic action and research into new approaches. The government believes that we need to treat the drug issue in the same fashion.

As with other health and community issues, no single strategy or initiative will make an impact by itself. We need a comprehensive approach to the drug problem. The government intends to build upon the many important services which already exist. We have already announced that we have committed \$12 million to returning student welfare coordinators to secondary colleges and a further \$4 million to a new school nursing service for secondary schools. These initiatives are important not only in their own right but also as key components of a broadly based prevention program.

While direct action to discourage drug taking is important, action to provide positive alternatives, life options and support for young people at risk is essential. Throughout our term in government we will invest in services and infrastructure to assist all Victorians to make positive life choices rather than the damaging choice of drug abuse.

In recent years expenditure on treatment for drug services for people with serious drug problems has expanded dramatically. In 1995 the budget for drug treatment was in the order of \$24 million. This year the expenditure will be \$53 million. Further, the methadone program, which is not included in these figures, has been expanding by some 20 per cent per year over the last three years.

The state budget commits a further \$17 million in 2000–01 for drug services rising to \$20 million in 2001–02. A considerable proportion of the new funds will be invested in targeted treatment services.

The community can therefore be confident that over the next three years treatment services will continue to expand. The government will continue to take advice about further developments from the Drug Policy Expert Committee.

Drug policy has traditionally placed heavy reliance on police to stop the supply of drugs and to arrest traffickers and users. Some in the community believe that this is the only response required. Others have interpreted the debate about additional strategies as a rejection of the role of police.

The government believes that police play a critical role in responding to the drug problem and sees Victoria Police as an essential part of our comprehensive drug policy. The government has agreed to provide an additional \$42 million to Victoria Police to increase police numbers. Given the level of drug-related crime, it is clear that a significant proportion of these funds will be used to enhance the police force's drug-related law enforcement efforts. The government also supports the efforts being made to link policing activity to local community priorities.

One theme linking all elements of our drug policy is the role of local communities.

As I said earlier, partnerships are essential to have a proper strategy to deal with the drug problem. Because some of the most important partnerships are those forged at a local level, the government will adopt the Drug Policy Expert Committee's recommendation that planning round tables involving community leaders and key stakeholders — including police — be convened as a matter of urgency to advise on the development of local responses.

These round tables will facilitate the development of local drug strategies designed to meet the particular needs of each of the municipalities affected by heavy street drug usage. The round tables will also consider the appropriateness of participating in injecting facilities trials and the benefits which could result from that participation. The round tables will be able to prepare operating plans and principles for an injecting facility trial in their municipality. The government will be providing resources to support local government in this process.

Injecting facilities have been proposed as a way forward for some communities in New South Wales and the Australian Capital Territory. Both of these jurisdictions have chosen to establish a single injecting facility and have legislated accordingly. While the processes and legislative frameworks differ, each

jurisdiction has undertaken a consultative approach and has defined the legislative and administrative arrangements to support the trial.

The legislative process in Victoria is designed to achieve the same outcomes but is necessarily different as we are proposing a multi-site trial.

The Drug Policy Expert Committee has noted that, although injecting facilities represent a significant departure from some of the strategies currently in force, such facilities have the potential to save lives and get the drug nuisance off the streets. In particular, injecting facilities can provide a gateway to counselling and treatment services by bringing chaotic street-based drug users into contact with rehabilitation services. They also have the capacity to make the local area safer and more pleasant for residents and traders by removing some users from the streets. As such, the committee concluded that a carefully evaluated trial is important to see whether injecting facilities can work effectively in Victoria.

The government has examined the committee's report. We agree that injecting facilities must be tried and they must also be effectively evaluated. Drug policy will only move forward if new ideas and initiatives are taken. This is the way that many health and social advances have been achieved. The same approach should underpin drug policy.

The government is aware that there is considerable interest in the detail of the injecting facility trial and has therefore established a three-tiered approach which will provide appropriate information to Parliament and the community and will demonstrate that the government is committed to operating a rigorous and properly managed trial. The three tiers of government approach are:

the legislation which is presented here;

the *Framework for Service Agreements*, which has been distributed to members and which is to control and guide the trial; and

local service agreements, including operating plans for each trial site.

The bill before the house provides the legal framework for the trial to take place. The bill enables the Governor in Council to approve an injecting facility for the purposes of the trial and to approve a person or organisation to operate that facility on behalf of the Minister for Health. It will only be possible to conduct the trial in one of the five nominated municipalities. Those municipalities are:

the City of Melbourne;
 the City of Yarra;
 the City of Port Phillip;
 the City of Maribyrnong; and
 the City of Greater Dandenong.

The bill anticipates that non-government bodies will operate the services on behalf of the Minister for Health. It provides that the minister enter into formal services agreements with such organisations. Responsibility for selecting the operating agencies will rest with the Minister for Health, but it will be done in collaboration with the relevant municipalities. The bill provides that an agreement between a potential operator of a trial site and the minister must provide for:

- the provision of counselling and access to treatment;
- clear statements of the objectives and performance standards required; and
- an operational plan for the facility.

The bill also requires that a draft of the agreement between the minister and the operating agency must be tabled in both houses of Parliament. A draft agreement may be disallowed wholly or in part by either house of Parliament within two sitting weeks of it being tabled. This ensures that the Parliament will have oversight and control over the detailed operating agreements of each trial site. An injecting facilities trial site can only be established after consideration of the service agreement by Parliament and upon an order being made by the Governor in Council.

Such an order can only be made under the following conditions:

- the site must be in one of the nominated municipalities;
- the relevant municipality must endorse the establishment of the centre; and
- either house of Parliament has not disallowed the service agreement.

The Governor in Council order can be varied or revoked at any time during the trial.

The bill provides that possession or use of drugs of dependence is not an offence within the facility provided that the person who possesses or uses the drug is an adult — those under 18 would be committing an offence.

The bill also provides that the operators and staff would not be guilty of aiding and abetting or conspiring offences with regard to drugs of dependence possessed or used in the facility.

The bill is time limited and will automatically expire at the end of the trial. It provides that there is a six-month start-up period to accommodate the fact that not all facilities will start on the same day. The six-month start-up period commences from the time that the Governor in Council approves the first facility. The bill then provides that after the six-month start-up period, during which other facilities may be approved, there will be an 18-month period of operation of the trial.

Any approved injecting facility site will automatically be an approved needle and syringe service.

The bill before the house differs from the legislation which prevails in both New South Wales and the Australian Capital Territory. As I said earlier, this is largely because the Victorian government wishes to support up to five communities which are heavily affected by visible street drug use and therefore the government is proposing a multi-site trial. Provisions in the bill need to reflect the diversity of circumstances which prevail in the communities affected. There may need to be different detailed operating arrangements at the different sites.

The bill also differs in regard to the issue of the legal protection provided to the operator of the trial sites. Both New South Wales and the ACT have provided immunities to the operators of their trial sites. In the case of the ACT this protection is absolute. The Victorian government has supported a policy where issues of civil liability in health and community services are dealt with by holding service providers accountable in order that the interests of citizens affected by negligence can be protected. The interests of service providers are met by the insurance arrangements supported by the government. The Drug Policy Expert Committee considered this matter and recommended that the Victorian government's existing policy arrangements regarding civil liability should apply to the trial and there should be no general exclusion of civil liability. The government has accepted this recommendation, which best balances the interests of the service providers and potentially affected citizens.

The government has made a clear decision that children should not be allowed to use any injecting facility during the trial and provides in the legislation only for adults. We have done this for many reasons, but largely because we do not believe that there would be

community support or acceptance that this is appropriate.

We are aware, however, that regrettably there are drug users who are under 18 years of age. Injecting facilities will be required to have specific arrangements to refer young people who seek to use services to the Youth Substance Abuse Service or another qualified and appropriate service. The arrangement for each trial site will be set out in the service agreements to be tabled in Parliament. The government will provide additional funding to enable these kinds of services for young people to back up the injecting facilities in this way and to generally support and assist treatment of young drug users. The arrangement for each trial site will be set out in the service agreements to be tabled in Parliament.

The second tier of the government's strategy involves a framework for service agreements which details the government's overarching approach to managing the trial. The framework document, which members have, includes provisions detailing:

- the objectives of the trial;
- the requirements for an independent evaluation of the trial and the criteria to be used in the evaluation;
- the functions of the facilities;
- overall responsibility for the trial;
- trial site management criteria and selection of provider organisations;
- site identification;
- site selection processes;
- support services and police; and
- the terms and provisions of the formal agreement.

I am aware that there is considerable interest in the location of the proposed facilities and can confirm that the criteria which will be used in site selection will be:

- the location is in close proximity to an existing street drug use area. In practical terms the facilities should be within a 5-minute walk of the current scene;
- the location is not in close proximity to kindergartens, schools or other sensitive public facilities;
- the location is not in an area primarily used for residential purposes; and
- the premises are on the ground floor to ensure easy access for emergency services, and to reduce the likelihood of accidents on stairs.

Selection of the site will be done through a consultative process. Final responsibility for site selection will rest with the Minister for Health after a public consultation process set out in the *Framework for Service Agreements*.

I have already commented on the important role that Victoria Police play in dealing with drugs. It is clear that they will also have a key role with regard to the injecting facilities trial. Operational matters are always matters for the police. However, the Victoria Police have actively participated in the consultations leading to the development of this bill and they have agreed to the following arrangements:

police will maintain a high level of uniform patrols and other police activities in the vicinity;

police will maintain vigorous targeting of drug traffickers;

police will use discretion as to whether to charge persons found with small quantities of drugs near the facility and to assess the bona fides of potential users of the facility;

police will require protocols with the operators to facilitate police entry to the facility as required; and

police will be involved in decisions regarding site selection and any relevant issues arising in the management of the facility.

The protocols with individual operators will be established by the police after considering the local circumstances of the trial site. These protocols will be included in the service agreements to be tabled in Parliament.

It should be emphasised that the possession or use of drugs outside the trial premises will remain an offence. Police will use their discretion as to whether a person found with small quantities of drug near a facility should be charged and they will have the discretion to assess the bona fides of any potential users of the facility.

As I said earlier, service provider organisations seeking to manage a trial site will be required to develop detailed operating plans which, along with other matters such as the proposed location of the service, will be included in a local service agreement between the Minister for Health and the provider agency as provided for in sections 80B, 80C and 80D of the bill. This is the third tier of the government's approach to defining and managing the trial.

Local service agreements will need to be consistent with the statewide *Framework for Service Agreements*.

As outlined in that framework, the local service agreements will include:

- defining and prioritising the functions that they intend to provide;
- specification of the target population;
- access criteria including definition of strategies to ensure that the facility is accessible to people from various cultural and linguistic backgrounds and Koori people;
- opening hours;
- staffing models and skill requirements including provision of counselling to users of the facility;
- pre-service and ongoing training arrangements;
- disease transmission control methods;
- internal operating rules;
- record-keeping agreements;
- referral and linkage arrangements to treatment and support services;
- provisions for ensuring that children who seek access are effectively linked to the Youth Substance Abuse Service or another appropriate youth service;
- advisory and consultation structures including input from police, users, residents and traders; and
- safety practices and procedures including first aid.

Operating agencies will also have to include in their local service agreements protocols with external agencies including Victoria Police, the ambulance service, treatment and health agencies to ensure that support services are available as needed throughout the trial. The *Framework for Service Agreements* also requires that the Department of Human Services provide support and supervision for the trial.

The Department of Human Services will employ a medical supervisor to oversee the medical operational aspects of all services. The medical supervisor will also provide oversight during the trial and will regularly meet with staff and others involved to provide supervision and to monitor compliance with the service agreement.

In fulfilling this obligation the Department of Human Services will be preparing guidelines and protocols for each of the trial sites. The department will work collaboratively with the relevant municipalities, potential providers, police and other agencies in finalising such guidelines and protocols which will be part of the service agreements to be tabled in Parliament.

There will be an enormous amount of work and resources involved in preparing the various local service agreements in up to five municipalities. It is inappropriate to ask that this work be done in the absence of agreement to the legislation and an indication of support by the Parliament for the injecting facilities trial. The government has indicated that it will resource the round tables and the development of local service agreements but cannot require the level of detailed work to be done by councils, communities and potential providers without this level of legislative support.

The trial cannot commence until final acceptance by both houses of Parliament that the plans for each and every proposed trial site are acceptable. I believe that the government has provided a clear and transparent set of arrangements for all interested parties to be informed about this trial and for the Parliament to have adequate control over it.

The bill provides that the Governor in Council may only approve premises as an injecting facility if the approval is endorsed by the relevant local council. Local council endorsement will only take place after full consultation with the local community. This is currently getting under way with the round tables process outlined earlier.

The government has agreed to provide funding to each of the relevant municipalities to develop their local drug plan. As municipalities agree that they are prepared to support a trial in their area, additional funds will be provided to enable the preliminary work regarding the injecting facility trial to commence. When the legislation passes through Parliament these municipalities will be provided with further support to enable completion of the consultation and finalisation of local service agreements for tabling in Parliament.

Injecting facilities are contentious and difficult services. Overseas experience suggests that they can be effective and that communities can benefit from the service. There is a strong desire in some local communities to give these facilities a try to see if they can make an improvement as part of an overall drug strategy.

The bill was introduced in the Assembly in the autumn sittings and has laid over until the current sittings of Parliament to ensure that members in that house had the opportunity to fully consider the bill and be engaged in debate. The government welcomes input on the bill and on the *Framework for Service Agreements* from the opposition and from other members.

This bill is an important step in saving lives. It is important in linking users to rehabilitation and getting the drug nuisances off the streets. This bill reflects the government's commitment to save lives and to use all available opportunities to encourage people to reduce and eventually eliminate their dependence on drugs.

The consultation and preparatory work which has been done on this issue has involved many people and organisations. In particular the affected municipalities and police have made an important contribution and I am sure will continue to do so in the next stage of consideration of this proposal.

I would like to take this opportunity to thank Dr David Penington and the members of the Drug Policy Expert Committee for their work, as well as the many others in local government and the community who have constructively contributed to the debate on this issue. This bill represents an important step in moving forward to meet the challenges of drug abuse in our society.

I commend the bill to the house.

Debate adjourned on motion of Hon. M. T. LUCKINS (Waverley).

Debate adjourned until next day.

LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL

Second reading

Debate resumed from 6 September; motion of Hon. C. C. BROAD (Minister for Energy and Minerals).

Hon. N. B. LUCAS (Eumemmerring) — The use of the words 'restoration of democracy' in the title of the Local Government (Restoration of Local Democracy to Melton) Bill is an insult. Democracy already exists in Melton, but the government is thumbing its nose at the people of Melton and casting aside a democratic process. The Labor Party is circling like a bunch of crows over Melton, looking to put as many of its

cronies as it can into the council to get their \$15 000 a year as councillors under the new arrangements.

In fact it is also casting out three people, the commissioners, who have brought new prosperity and new hope to the people of Melton, and the government should be condemned for doing that.

The Liberal Party is not opposing the bill, but in addressing the issues the bill covers I will direct to the attention of the house a number of points of great concern. In dealing with these issues one needs to consider the position prior to the amalgamation of councils, in this case in 1994, when the former Shire of Melton existed. At that time the shire was not well regarded. A letter from Phillipa Nickson published in the *Melton-Bacchus Marsh Independent* of 12 November 1998 states:

Thank God for the opportunity to have professionals running our town.

Over the last years, with the commissioners in charge, Melton has leapt ahead and rates have remained low. ...

I want our town to be run by people who know what they are doing and have the expertise to fulfil the potential Melton has — to be one of the great towns of Victoria.

The article continues:

I shudder when I think of some of the people who were elected as councillors in Melton in the era before the commissioners. They were the ones who made Melton a laughing stock.

One has only to look back at what happened in Melton before the commissioners were in place to see what that lady was talking about. Under the headline 'Brakes rigged' on the front page of an edition of the *Sun* back at that time, an article states:

Car brakes 'sabotaged'. Three councillors claim they narrowly escaped death or injury after their car brakes were rigged.

Hon. M. M. Gould — On a point of order, Mr Acting President, the honourable member is quoting from an article in the *Sun*. I did not catch the date. Could he please advise the house what it is, and the page number?

Hon. N. B. LUCAS — I am happy to table the information.

Hon. K. M. Smith — Have it incorporated in *Hansard*. That would look really good.

The ACTING PRESIDENT — Order! Simply put, Mr Lucas, the request is for the date of the article. If

you could kindly provide that I think that would suit the case.

Hon. N. B. LUCAS — I will provide that in due course.

Hon. G. D. Romanes — Tell us the date.

Hon. N. B. LUCAS — I do not have that one with me. This came from the library. I am quite happy to table it. It is not a problem.

The ACTING PRESIDENT — Order! You cannot table it, Mr Lucas. You will provide the date at a later stage.

Hon. N. B. LUCAS — Yes, that is not a problem. An article in the *Sun* of 16 September 1990 under the heading ‘Sack us — councillors’, states:

Five Melton councillors have called on local government minister, Ms Maureen Lyster, to sack the council and appoint an administrator.

In the latest council rumpus, all councillors have been black-banned by the staff at the shire office after the shire manager and the shire secretary were sacked on Monday.

Staff will have no contact with any councillors and will not compile minutes, agendas letters or memos for them until the issue is resolved.

An article in the *Sun* of 21 May under the headline ‘Sack plea amid Melton furore’ quotes Cr Johns and states:

... an anonymous person had phoned his boss alleging he was a drunkard, and that an unnamed man had threatened him over the phone last August when he had been campaigning for an unsuccessful independent candidate.

‘It’s getting to the stage (after council meetings) where we walk out in twos to our cars.

‘I can remember Jim McElroy checking under his car and around it.

Those are the sorts of shenanigans that were occurring in the Melton shire prior to amalgamations.

Under the headline ‘Inquiry into shire turmoil’, an article at page 11 of the *Herald Sun* of 29 April states:

Melton council is under investigation over claims of improper payments to councillors, breaches of planning law and a breakdown in council operations.

Among the issues local government inspectors are looking into are:

A possible breach of pecuniary interest ...

The council’s approval of a planning application for a poultry farm despite alleged warnings from the council staff that the decision was unlawful.

The council’s apparent inability to keep up meeting procedure.

...

In that time allegations of brake tampering with the cars of three independent councillors, intimidation and illegal decision making flew between the two opposing factions in the council.

Finally, an article in the *Herald Sun* of 11 June carries the headline ‘Clown hall fighting on’.

Hon. G. D. Romanes — On a point of order, Mr Acting President, we have heard a number of articles referred to by the Honourable Neil Lucas and we have dates attributed to them but not the year of each of those articles.

Hon. N. B. LUCAS — On the point of order, Mr Acting President, I mentioned the year in each case, and that is 1991. They are all 1991.

Hon. G. D. Romanes — That is what I wanted to know.

Hon. N. B. LUCAS — And 1990 for the first one, which I quoted. This latest one is 1991 again. Under the subheading ‘A saga of feuds, fury at Melton’, the article states:

It’s a soap opera with the lot — egotistical politicians, feuding factions, alleged corruption, lies and blackmail.

So that is it. This is what was going on in Melton prior to council amalgamations. In Melton in 1990 and 1991 the community was really concerned with what was happening at the local council because the council was not being responsive to the needs of the community. The councillors were more interested in bickering and carrying on — probably to do with Labor Party factions.

Hon. G. D. Romanes — On a point of order, Mr Acting President, we have heard a lot about 1990 and 1991 and what the attitudes of the local media was to the council and reports of the council during that period, but this evening the house is dealing with a bill to provide for the restoration of local democracy. I ask you, Sir, to direct the honourable member to come back to the bill in question.

Hon. K. M. Smith — On the point of order, Mr Acting President, Mr Lucas is not very far into his contribution and is developing an argument. The arguments put up — this was the subject of a previous point of order raised by the Government Whip — have

shown the points of order to be frivolous and raised only to delay the debate. Mr Lucas is making a fine contribution. He has a right to develop arguments as to why the council was replaced in the first place and why the government has introduced the bill.

Hon. N. B. LUCAS — Further on the point of order — Ms Romanes is obviously a bit embarrassed about this — I am just about to turn over the page and get on to my next point, which has nothing to do with 1990 or 1991. However, I put it to you, Mr Acting President, that anyone making a speech in this house should be able to give the background in relation to the subject matter on which he or she is speaking. The basis of my argument revolves around the fact that the community at Melton is a bit hesitant about bringing people back as councillors, and I am merely giving a background to that situation.

The ACTING PRESIDENT — Order! On the point of order, it is the custom of this house to allow speakers to build their cases in a substantial way. It is particularly the custom of this house to allow a lead speaker from the government, opposition or other parties even more time to build a case. I find there is no point of order.

Hon. N. B. LUCAS — The Labor Party is obviously embarrassed about this issue. Three or four points of order have been raised in an obvious attempt to close down debate on the fact that at Melton council prior to amalgamations there was a horrendous situation of councillors — many of them Labor — bickering and entering into a whole lot of situations that the community were not impressed with. The very fact that Ms Romanes has tonight raised points of order is evidence of the fact that the Labor Party is acknowledging the situation and saying, ‘Yeah, this was going on but we would prefer you not to talk about it’. I am not going to talk about it anymore. I have made the point and it is on the record that prior to the commissioners coming into office in December 1994 there were real problems at Melton.

The bill shows that the government is trying to return to the situation of putting its cronies back in there. I will now develop my argument, which will talk about —

Hon. C. C. Broad interjected.

Hon. N. B. LUCAS — If the minister had been here before she would have heard me state the position of the Liberal Party on this issue — through you, Mr Acting President.

The word ‘democracy’ is included in the title of the bill, and that is a bit offensive to me. In December 1996 and

early in 1999 there were two polls that asked the Melton community whether it wanted to keep the commissioners. Let us look at what the Melton community said at those times. In December 1996 there were 26 304 people on the roll, and 25 unenrolled voters were admitted into the vote. A total of 13 940 votes were cast and the percentages for and against the commissioners were as follows: 70.99 per cent — as close as we can get to 71 per cent — said, ‘Yes, let’s keep the commissioners; they are doing a good job’, and 29 per cent said, ‘No, get rid of them’. Seventy-one per cent of the Melton community who voted, voted to keep the commissioners; do honourable members know why they said that? The people said that for two reasons: one, because the commissioners were doing a good job, and two, because they remembered the old Melton council and did not want to go back to those days.

There was another vote three years later in February 1999 in which the community was again asked to comment on whether it wanted to keep the commissioners. There were 30 415 people on the roll and 22 138 of them voted. The percentages were as follows: yes, keep appointed commissioners, 60.46 per cent; against, 39.54 per cent. Another resounding result in favour of the commissioners! Now we have the minority Labor government saying it wants to get rid of the commissioners. The government is sacking the Governor, and now it wants to sack the commissioners at Melton.

The government says it wants to get rid of the commissioners and bring back democracy. We have had democracy, and I have informed the house of the results of those two votes. In 1996 and 1999 the people of Melton voted to keep the commissioners as they were doing a good job. In the face of those figures the government cannot say it does not agree with that democracy.

I will now refer to the Independents Charter Victoria 1999. The first heading of that charter was ‘Promoting open and accountable government’. This is the agreement the minority Labor government came to with the three Independents who gave it the numbers in the lower house. The charter said the promotion of open and accountable government could be demonstrated by the government undertaking to do a number of things within the next sitting of Parliament, and one of those things was:

Consult with interested parties within the community before developing new legislation.

I want to know what consultation the minority Labor government has had with the people of Melton about

this proposed legislation. I am not aware of any — members opposite probably rang up a few of their mates in the Labor Party and called that consultation.

The Independents charter says the government will consult with the community before developing legislation. This legislation proposes to sack the commissioners, and if honourable members opposite have had any consultation about the bill it has been with their cronies out there. I have read the local newspaper and spoken to a number of people. I have been to the council and it is not aware of any consultation, which the government was meant to undertake under the charter, having taken place. I accuse the government of breaching its charter with the Independents. It is not the first time; the government is doing it all the way along the line. I do not think that is good enough.

Under the heading of ‘Consultation’ I believe the existing legislation provides a consultative process. The Local Government Act, which is on the table in front of honourable members, says that in October next year there will be another poll to see whether the people of Melton want to retain the commissioners. The government is doing away with that provision — it is wiping it completely and will sack the commissioners. The government is doing away with the very democratic process that was put through this Parliament in 1998. We have already had two polls, but there will not be any more as the government wants to sack the commissioners.

We do not know what the community thinks because the government has not asked it. What is the community’s view on this matter? We do not know because the government has not yet asked it which, under the Independents charter, it said it would. The government is not doing what it said it would do.

What are the views of the community of Melton on democracy? I refer first to some letters published in the *Melton Express Telegraph* of 12 September. In one P. Scholten of Melton states:

I voted to retain commissioners on two occasions and I believe I have a right to vote again on whether I would prefer commissioners to councillors.

... I don’t accept the government telling me that my vote no longer matters.

In the same paper S. Fox of Melton states:

The extended tenure was not forced upon residents; we voted to keep them — this surely is democracy at work.

It could be argued that the removal of commissioners ... would be anything but democratic.

Whether you are for the commissioners or for council, you can’t argue that democracy is not present in the Shire of Melton.

On the same date and same page there was a letter from P. Tieman, who states:

Talking about democracy, the residents of Melton have now twice given their approval (to the commissioners) — how much more democratic can it be?

In the *Melton Leader* of 12 September Phillipa Nickson states:

I am very disappointed that the state government has made this decision against the democratically expressed wishes of the people.

That is what the people of Melton think on the issue of democracy. What about the local member and a former member of this place? He was quoted in the *Melton Leader* of 15 February as saying he was out of touch, and I agree with that.

Hon. T. C. Theophanous — Who was?

Hon. N. B. LUCAS — Mr Nardella, the local member; he said he was out of touch with this issue.

Honourable members interjecting.

Hon. N. B. LUCAS — It is there in black and white. I assume the local member of Parliament from the government’s side of politics has had some say in this issue but he admitted in the local paper that he was out of touch.

Hon. Kaye Darveniza — On a point of order, Mr Lucas is not on the point at all. He is rambling, his comments are not in context and he is not speaking to the bill. I ask that you, Mr Acting President, bring him back to the bill.

Hon. K. M. Smith — On the point of order, Mr Acting President, over a period of time Mr Lucas has developed a very good argument about the Melton council and the campaign that has been waged against the commissioners, and the attempts to denigrate them before the people. Mr Lucas is relaying a lot of very important issues because he is developing the argument about this bill. Ms Darveniza is making another frivolous point of order.

Hon. N. B. LUCAS — On the point of order, Mr Acting President, I do not wish to waste time with frivolous points of order.

The ACTING PRESIDENT — Order! We have already had one point of order about a similar issue. The ruling now is exactly the same as it was then.

Speakers in this house have ample opportunity to build their case, in particular lead speakers, in relation to whichever issue is being discussed. There is no point of order.

Hon. T. C. Theophanous — On a further point of order, Mr Acting President, Mr Lucas is quoting from a newspaper article in a way that I believe misrepresents another member who is now in another place. Under the rules of this house, if Mr Lucas has some substantive issue with the honourable member for Melton he should deal with it by substantive motion. Mr Lucas is misquoting or not properly representing what is in the article. You, Mr Acting President, should ask him to table the entire document from which he is quoting.

I direct your attention to the fact that he is misrepresenting the situation not only in this instance but also because he continues to say that the commissioners have been sacked, which is a blatant lie, and he knows it is a lie. I ask that you call him to order about quoting accurately from the document.

Hon. K. M. Smith — On the point of order, Mr Acting President, Mr Lucas each time has been prepared to verify the quotations. He is relaying to the house the involvement of Mr Nardella in his denigration of the commissioners at Melton. Each time he has been prepared to identify the source from which he is quoting — —

Hon. T. C. Theophanous — Misquoting!

Hon. K. M. Smith — I have the point of order.

Honourable members interjecting.

The ACTING PRESIDENT — Order!

Hon. K. M. Smith — It is unfortunate that the Labor Party is trying to support its mates in the other house. Mr Lucas has specifically quoted from newspaper reports of Mr Nardella's involvement in this important issue of the council in Melton and its commissioners. He has quoted accurately, and all honourable members know that if one wishes to quote one identifies the source and the date and then reads the quotation.

If the opposition wants Mr Lucas to quote verbatim from newspaper articles he could be on his feet until 4 or 5 o'clock in the morning. I am sure members on the other side, apart from Mr Theophanous, who makes many boring speeches, would not like that.

Hon. Bill Forwood — On the point of order, Mr Acting President, debates in this place have traditionally been robust. I find it ironic that Mr Theophanous should be seeking to protect Mr Nardella, who participated in many robust debates in this place.

The point Mr Theophanous is trying to make should be and could be legitimately made in the debate. This is not an appropriate use of points of order. I suggest Mr Theophanous has again abused the forms of this place by taking points of order rather than involving himself in the substantive debate.

The ACTING PRESIDENT — Order! On the point of order, it is well known that the rules of this place do not allow newspaper articles to be laid on the table in this house. In taking up the point of order to some degree I ask Mr Lucas, as he has quoted from the newspapers, to quote carefully and to ensure that his quotes are not selective and are accurate.

Hon. N. B. LUCAS — During the frivolous points of order — —

Hon. T. C. Theophanous — Are you reflecting on the Chair?

Hon. N. B. LUCAS — I am not.

Ms Romanes asked earlier for a date. It is Saturday, 19 May 1990. The Labor Party is propping up the ineffective member for Melton in another place, Mr Nardella, who has revealed he was not across the issue.

Because there is so much interest in the article I shall tell honourable members more about it. The article in the Leader newspaper of 15 February is headed 'MP denies being party to push for shortened term' and states:

Melton Labor MP Don Nardella says he is not behind the push to shorten the term of Melton council commissioners.

Mr Nardella said his absence over the Christmas holidays meant he was out of touch with the push to remove commissioners before the end of their term.

There is no surprise, no secret. Knowing Mr Nardella, he is probably still out of touch with this issue.

The community in Melton has expressed a number of views on this issue and it is important to know what those views are. Mr Scholten in the *Melton Express Telegraph* of 12 September said about the commissioners:

As a long-time Melton shire resident, I was very sad to read this week of the decision to finish the commissioners' tenure early.

I believe the commissioners have done tremendous work in Melton, creating job opportunities, developing our parks and gardens and giving us many more reasons to be proud of our Melton community.

The Leader of the same date reports Phillipa Nickson as saying:

I have lived in Melton for 22 years and the town has never done better than it has in the past six years with the commissioners in charge.

I voted for the commissioners to remain in office last time and was intent on doing the same thing again in 2001–02.

Peter Tieman is reported as having said:

No political point scoring, no petty squabbles — just efficient, hassle-free running of a complex, multiskilled administration.

...

Every Melton resident I talk to is proud of the place they live in. Let the commissioners run their full term and then ask: councillors or commissioners? Seems fair to me.

There is a groundswell of feeling within the Melton community in support of retaining the commissioners. Sadly, if this bill is passed the democratic proposal to find out whether people want to keep commissioners will be swept away, as will the commissioners, and the democratic processes already in the act will disappear.

Another example of what goes on in Melton is a statement by the local member, the honourable member for Melton, at page 6 of the Leader newspaper of 26 September. The article entitled 'Audit council finances, says MP' states:

A call has gone out for an independent audit on Melton council's finances before the return of elected councillors.

Melton Labor MP, Don Nardella, said the council's finances should be subject to an audit.

Every member of Parliament except, I assume, Mr Nardella, would know that the finances of every council in Victoria, all 78 of them, already have an audit undertaken of their finances. The 1998–99 annual report signed off by the acting Auditor-General states:

An independent audit of the financial report has been carried out.

What is Mr Nardella carrying on about when he says there should be an independent audit? Independent audits are already being undertaken of every council. I have spoken about the views of local community members; what about the views of local organisations? What do they think about this issue? The president of

the Diggers Rest Residents Association, Mr Peter Clarke, said the government's actions were undemocratic. In an article in the Leader newspaper of 19 September Mr Clark is reported as having said:

To claim that these commissioners were put in under a false pretence is not correct ...

The vote was given to the people ... and the majority wanted to keep the commissioners.

What about local business? The owner of the Witchmount Estate Winery, Gaye Ramunno, said she was absolutely disgusted at the move. She states:

As the public, we voted them in ... I'm ropable.

She is ropable at you lot!

I voted them in and I want them to stay until they finish their term.

What did the Melton community consultative committee chairman, Charlie Watson, say? He said he was dreading the return to an elected council. He states:

Melton has been very fortunate to have three commissioners of this calibre and we should have the opportunity to retain them if the community wishes ...

Business and community leaders across Melton are saying, 'Let's keep the commissioners. We have voted to keep them and now this minority Labor government is trying to get rid of them'. Shame on all government members for trying to do so.

It has been suggested to me that on 23 December last year the minister called the commissioners into his office and threatened them with the sack. Do you know what he had up his sleeve? It was a report from the Ombudsman to do with the administration of an issue in Melton. I assume that that was used as somewhat of a lever to get the commissioners to agree to sunset their positions in October next year. There was no money missing — the issue related to what could be called bad administration.

An honourable member interjected.

Hon. N. B. LUCAS — Or maladministration. I am happy to use that word.

Hon. Kaye Darveniza — On a point of order, Mr Acting President, Mr Lucas is saying things that are clearly factually incorrect. Throughout his contribution he has been talking about the commissioners being sacked, which is factually incorrect. He is now saying that he knows what went on in a conversation between the minister and the commissioners. I ask that he be brought back to the bill.

The ACTING PRESIDENT
(Hon. G. B. Ashman) — Order! On the point of order — —

Hon. Kaye Darveniza — I have not finished my point of order yet.

The ACTING PRESIDENT
(Hon. G. B. Ashman) — Order! I have heard enough on the point of order to make a ruling. The issues the honourable member raises are matters for debate, not grounds for a point of order. The house is hearing vigorous debate. As the debate proceeds, Ms Darveniza may choose to take up the opportunity to refute the arguments being put by Mr Lucas. There is no point of order.

Hon. T. C. Theophanous — On a further point of order, Mr Acting President, under the rules of this place if a member wants to make a comment about another member that could reflect on that member's character or position, he or she should do so by substantive motion. In this case the member opposite has asserted that a minister of the Crown called in the commissioners and threatened to sack them. Unless he has some evidence for that assertion, he is casting a very serious accusation against a minister of the Crown. If he has no evidence he should immediately withdraw his comments. If he does have evidence he should move a substantive motion in relation to the minister involved.

The ACTING PRESIDENT
(Hon. G. B. Ashman) — Order! There is no point of order. Once again, the issue is a matter for debate and there is an opportunity for government members and other members of the chamber to take up the matter during the debate. Please proceed, Mr Lucas.

Hon. N. B. LUCAS — To finalise the point on administration, the point was to do with an amount of \$6800 in a budget of \$40 million. In a budget that size a small amount was involved. It was correctly decided that that issue should not be proceeded with. That is evidence of the government attempt to use a minor issue as a potential lever.

It is worth examining the record of the commissioners reasonably carefully. During the time the commissioners have been at Melton they have undertaken excellent administration of the council.

Hon. G. D. Romanes interjected.

Hon. N. B. LUCAS — In answer to the point raised by Ms Romanes, at page 8 of the corporate plan for the

year 2000–03, a statement authorised by the council states:

Council has embraced a corporate culture, which rewards innovation and initiative.

Hon. T. C. Theophanous — Where are you quoting from?

Hon. N. B. LUCAS — As I have already stated, I am quoting from the corporate plan for the year 2000–03. It states:

This culture recognises that, in striving to be the best, we shall occasionally stumble. The commissioners and the senior management acknowledge that these experiences should be met with support rather than retribution and recrimination, as those who never try will never ultimately succeed.

The latter part might describe that lot over there.

I turn to rate movements. In 1995–96 the rate movement was a reduction of 15 per cent. In 1996–97 there was a further reduction of 2 per cent. In 1997–98 there was a reduction of 3 per cent, and in 1998–99 there was no rise in rates at all. In 1999–2000 there was an increase of 3 per cent and in 2000–01 there was an increase of 4.5 per cent. The savings to the people of Melton through this rating program have been extraordinary. Hundreds of thousands of dollars have been saved. Yet at the same time the commissioners have administered the shire in an exemplary way.

In 1994–95 the commissioners identified budget savings and introduced a rural rebate to provide rate relief for rural landowners. It encouraged rural landowners to treat noxious weeds, to clear their lands and to generally make their properties look better. In 1995–96 the commissioners further reduced rates. It also signed a deal with a major automotive component maker, the MH group, involving \$10 million in infrastructure investment and up to 220 jobs over a three-year period. It negotiated a \$20 million retail development of the regional shopping centre by QIC, developed the concept of the Toolern Park employment node and extended its rural rebate scheme.

In 1996–97 the MH group manufacturing plant was opened, rates were further reduced and a 98 per cent compliance rate was achieved with the environmental enhancement policy. Melton shire was the first council in Victoria to have Australian workplace agreements. It also established a comprehensive customer service centre at Melton East.

In 1997–98 work began on the establishment of the Toolern Park employment node and a textile plant was established that is expected to create up to 80 new jobs.

A \$6 million meat packaging and distribution plant was also constructed in the node. The Delfin Property group began development of the Caroline Springs project.

In 1998–99 the Woodgrove shopping centre was officially opened. The Melton indoor recreation centre received a significant facelift in a joint funding effort between the state government, the council and the centre's committee of management. Frew Wholesale Meats Pty Ltd opened a multimillion-dollar meat plant that provided more than 100 new job opportunities for local residents. The council formulated and adopted a plan for the development of a world-class main road network for the next 20 years.

The commissioners have had a real impact on employment. They asked the community what were the two things it was most concerned about. The first was employment and the second was shopping facilities. Shopping facilities were increased by the development of the Franklins store, the Melton East shopping centre and a large Safeway complex.

Honourable members interjecting.

Hon. N. B. LUCAS — Members opposite may not be interested in that, but the people of Melton are interested in further employment opportunities. When the commissioners were first appointed the unemployment rate was 15 per cent. It is now 7.6 per cent. The commissioners have created jobs for the people of Melton, and they should be congratulated on that.

Community surveys conducted over a number of years have asked members of the Melton community to respond on their perceptions of Melton as a place to live. The positive perception ratio since the commissioners were first appointed has increased from 40 per cent in 1997 to 65 per cent in 2000. Melton has a good feel about it. That is a result of the increase in employment and the improved look of the place. I was there last week and I believe it feels good, and the reason is that the commissioners have homed in on the things that matter. They asked the community what it wanted, and it said it wanted industry and employment. Melton now has Australian Merino Spinners, Nylex, ABMT Textiles, Frew Wholesale Meats Pty Ltd, Abey Australia Pty Ltd, Reinforced Concrete Pipes and a company called Tzayeria.

The commissioners have worked with the community to achieve what was needed and have gone out and attracted industry to Melton. I place on the record the enormous admiration I have for Alistair Fraser, the chairman, John Hyett and Brian Morison, who have

done an excellent job. They were thanked by coalition and Labor government ministers, who all said that they have done an excellent job.

During the second-reading debate in the other place they were given many personal tributes from members of Parliament of both persuasions. The commissioners created a new team and a culture that would take Melton forward. They have engaged with the community and established goals. They have succeeded in the goals they have set, as indicated by the positive responses they have received in the surveys.

The commissioners have also succeeded because of the economic development that has provided many opportunities for the people of Melton. They have succeeded because of the new recreation facilities and the value for money that they provided for the community.

The government should answer a number of questions. Why was there no consultation with the people of Melton about the proposed legislation? Why is the government disregarding two polls in which the people of Melton said they wanted to keep the commissioners? Why is the government listening to the local Labor member of Parliament who has admitted that he is out of touch? Why is the government disregarding the huge increase in the positive perception of Melton brought about by the commissioners? Why is the government listening to the people of Sunbury and Delatite about issues relating to local government but not listening to the people of Melton? Why is the government putting aside democratic processes in the current legislation by not having a poll of the people of Melton about whether the commissioners ought to stay on?

This bill is about removing democracy. It is a sad day when legislation is forced on to the community without asking it beforehand what it feels about the provisions in a bill. The government stands condemned for that reason.

Hon. G. D. ROMANES (Melbourne) — The Local Government (Restoration of Local Democracy to Melton) Bill restores local democracy to the Shire of Melton. It will happen with the cooperation of the commissioners, who have agreed to step down in October 2001. Instead of conducting a poll in 2001 to ascertain whether commissioners should continue to operate, a poll in the form of a local council election will be held. That will bring to an end a bleak period for local government in Victoria, during which councils across the state were sacked by the former government. Today, 77 of the 78 Victorian local governments have been elected to represent their communities.

Honourable members interjecting.

The ACTING PRESIDENT

(Hon. G. B. Ashman) — Order! There are far too many interjections across the chamber; they are irrelevant to the debate.

Hon. G. D. ROMANES — Melton shire is the only local government still under the control of commissioners. Melton has a unique history and background. I will revisit the situation there and explain the need for the introduction of the bill.

In December 1994 during local government amalgamations that occurred throughout the state, the Kennett government appointed commissioners to govern Melton shire. The reason for the appointments was not, as Mr Lucas would have the house believe, to respond to events in the Melton council in 1990–91 because, as with all other local governments that were sacked during that period, the appointments were made to complete a restructuring of boundaries.

In 1997, unlike other local governments across the state, the Melton shire commissioners were still in place. Despite considerable controversy, division and pressure for the return of local representation the commissioners remained in place in 1997. I return to the situation in 1996 so that the house will understand why at that time, when other local governments had returned to elected councils, the Shire of Melton commissioners were still in place.

In December 1996 a postal ballot referendum was engineered by the commissioners. It gave them an apparent mandate to govern until 1999. In 1999 a further ballot resulted in the reappointment of the same three commissioners.

I refer to the 1996 referendum and whether the vote at the time was democratic. The process was a travesty of some of the basic democratic principles that are the foundation of local government. During the 1996 referendum misleading information was contained in the preamble to the yes vote for the retention of commissioners. The preamble to the ballot paper included the following claims:

The commissioners ... have implemented the environment enhancement policy.

According to the residents' Restore Democracy Group, that was a mere rehash of the previously elected council's rural rebate scheme. The preamble also states:

The commissioners have developed ... sporting facilities.

According to the Restore Democracy Group, no facilities were developed in those two years. A further claim in the preamble states:

The commissioners have redeveloped the regional shopping centre.

The Restore Democracy Group claimed no redevelopment had knowingly been undertaken at the shopping centre. The preamble contained misleading information and asked blatantly biased questions. The question posed at the election by the commissioners was along the lines:

Do you approve the proposal that, to enable the completion of the restructure of Melton Shire Council, commissioners continue to administer the council until March 1999?

That question fails the neutrality test for electoral questions.

Hon. K. M. Smith — On a point of order, Mr Acting President, I understood that that election was conducted by the Electoral Commissioner who must authorise the questions asked and the Electoral Commissioner authorised — —

Hon. T. C. Theophanous — What is your point of order?

Hon. K. M. Smith — The honourable member is misleading the house.

The ACTING PRESIDENT

(Hon. G. B. Ashman) — Order! On the point of order, I note the Honourable Ken Smith is listed as a speaker in the debate. His point of order sought to raise a debating point and when he contributes to the debate he will have the opportunity to rebut the statement.

Hon. G. D. ROMANES — Contrary to Mr Smith's understanding, I believe an original question was formulated by the Electoral Commissioner along the lines that the commissioners continue to administer the Melton Shire Council until 22 March 1999. But that question was edited by the commissioners to become:

Do you approve the proposal that, to enable the completion of the restructure of Melton Shire Council, commissioners continue to administer the council until March 1999?

The structure of the question misled the voters and made it appear that the restructure of Melton shire was contingent on the retention of the commissioners — that is, a yes vote would be required if the restructure and the changes were to continue; and that an answer in the negative would imply that the respondent was opposed to the completion of the restructure process.

At the time Michael Hill, secretary of the Victorian Local Governance Association, posed an alternate question that could have been put to voters as a means of highlighting the bias. The suggested alternate question was:

Do you approve the proposal that, to enable the completion of the restructure of Melton Shire Council, election of councillors be conducted in March 1997?

That is the same kind of question and one would expect it to elicit a certain response. It fails the neutrality test for an electoral question.

Democracy was further compromised in that referendum ballot in December 1996 in a number of other ways. Firstly, the postal ballot was held from 4 to 18 December 1996. As all honourable members know, people are preoccupied with other matters during the pre-Christmas period. Secondly, there was a limited public evaluation period of the yes and no cases. Thirdly, no translations were made of the preamble into languages other than English. Fourthly, there was limited debate and consultation in response to the concerns of various community members as required by the Local Government Act. Fifthly, massive publicity campaigns were conducted by outside business interests that backed the yes case for the return of commissioners.

Mr Lucas outlined the referendum results. He said 9850 or 70.99 per cent of the 13 940 eligible voters in the Shire of Melton voted yes; 4026, or 29.01 per cent, voted no. But the figures need to be seen in context. Only 9850 of the 26 329 eligible voters in Melton supported the retention of commissioners, because only 52.95 per cent voted. Furthermore, 34 per cent of the names on the petition that was used to trigger the referendum were not on the electoral roll or were impossible to decipher, and a further 10.27 per cent of the signatories had recorded an incomplete address. There were certainly some clouds hanging over that referendum result.

There was also a puzzle surrounding the justification for the referendum and the need for the restructure. Why were the people of Melton voting on a question that the commissioners had failed to publicly declare as an issue? The restructuring of the council had not yet been completed even though councils in other municipalities throughout the state had completed their restructures within months of taking office. It was not as though two or three councils in Melton were being amalgamated, requiring complicated administrative changes; only marginal boundary changes were needed.

At the second referendum on 11 January 1999, support for the retention of commissioners had dropped to 60 per cent — but it was still 60 per cent. On that occasion, instead of just over 50 per cent of eligible voters participating 75 per cent voted. However, the commissioners and the business community ran an extensive publicity campaign arguing for the retention of commissioners, so there were powerful lobby groups behind it.

Hon. E. J. Powell — What was the question that time?

Hon. G. D. ROMANES — I don't have that.

Honourable members interjecting.

Hon. G. D. ROMANES — We need to look closer at the situation to dispel the myth that Mr Lucas tried to create that the period under the commissioners was a glorious chapter in the history of the Shire of Melton.

If you look at the financial statements for 1993–98 and at some of the performance indicators that you would expect a member of the opposition and of the former Kennett government to applaud, you see a picture far from that worthy of the glowing praise Mr Lucas was heaping on the Melton commissioners.

From 1996 to 1998 cash investments declined by 40 per cent; borrowings increased by 32 per cent; net assets declined by 4.2 per cent; and debt servicing costs rose by 42 per cent. These figures have been provided by the Victorian Local Governance Association, which undertook a detailed analysis of the audited financial statements for that period.

We also know that, contrary to the selective approach that Mr Lucas adopted, confidence in the commissioners has been crumbling over the past few years. The residents of Hillside, complaining of being neglected since 1997, petitioned to be part of Brimbank. In the local newspaper of 18 February 1999 the Melton Business Association expressed concern that the commissioners were not paying sufficient attention to its needs. Many local members of the community have complained about the commissioners' overseas travel and have appealed for their dismissal.

As for their supposed commitment to creating employment in Melton, during their period in office the commissioners have overseen a fall in the number of parks and gardens depot staff from 100 to zero, that particular source of employment in the area having been contracted out. Some disturbing events in the Melton shire have also been the subject of an Ombudsman's investigation and cannot just be

dismissed, as Mr Lucas would have us believe, as the commissioners having made a mistake. It cannot be a case of there being no need for recriminations, because they are serious matters.

The events of the past few years have highlighted the need for the Melton bill. A return to democracy is needed to provide the means by which the community, through its elected councillors, can call the staff and the administration of the shire to account. That has been lacking over the past few years, and there is a need for greater transparency in Melton shire.

The bill provides for a general election of councillors of the Melton shire on 13 October 2001. Once the council is elected and holds its first meeting, which needs to be within 14 days of the election, the commissioners will go out of office. That could be a difficult two-week period. I hope the commissioners and the CEO will facilitate a smooth handover of the governance of the shire by ensuring that the newly elected council meets as soon as possible after the election in October 2001. Once the election period is synchronised with the rest of local government throughout Victoria, the bill provides for triennial elections in the Shire of Melton.

The bill deals with the restoration of local democracy, which I believe is the foundation stone of the democratic system of government in this country. Its successful implementation at the local level helps to build on the participation, accountability, transparency and general principles of governance, which flows onto government at the state and federal levels. We should treasure local democracy. It should not be taken away from any community.

It is with great pleasure that I support the Melton bill, which I see as a fitting end to a sorry saga in the history of local government in this state. I wish the bill a speedy passage.

Hon. E. J. POWELL (North Eastern) — I am happy to speak on the bill. However, as it is the first bill on which I am speaking as the National Party spokeswoman for local government, I am a bit sad that it is somewhat controversial.

I put on the record, first of all, that the National Party does not oppose the bill. The party made that decision because the Labor Party went to the election saying that it would return councillors to Melton shire and also Mr Don Nardella campaigned strongly in both this house and in his electorate on returning councils to Melton. Mr Nardella was elected as the honourable member for Melton in September 1999.

I am pleased to see that the current commissioners, whom we have all acknowledged have been doing such a wonderful job, will still be in their place until 13 October 2001. The Honourable Glenyys Romanes talked about the transition between now and next year and about getting the shire ready for elections. I hope in 12 months that is what the commissioners will be doing with the electorate — getting the council ready for elections, setting the boundaries and following through some of the major projects they already have in the pipeline.

In his wonderful presentation the Honourable Neil Lucas referred to many of the great initiatives that the commissioners have put in place in Melton. He also talked about the hypocritical name of the bill. I must say that I agree, especially with its reference to ‘restoration of local democracy to Melton’.

The minister’s second-reading speech states:

This bill gives back to the people of Melton the basic right that all other Victorians enjoy. This government does not intend to deny the voters their democratic rights any longer —

but they are made to wait another year before the commissioners actually leave —

The bill returns democracy to the residents of Melton.

The speech continues:

... The commissioners’ early removal from office reflects the necessity of returning democracy to all Victorians and is to occur with the agreement of the commissioners who accept the need to restore democracy at Melton at the earliest possible time —

I reiterate that we are talking about a year from now —

The government takes this opportunity to acknowledge the work of the commissioners for the service they have given since taking up that office.

There has been no criticism of the Melton commissioners from this side of the house and certainly not from the government side. It needs to be put on the record that the commissioners have done a wonderful job.

In talking about democracy, I indicate that the last time the voters of Melton were asked who they wanted to represent them was in February 1999, when 60 per cent of the voters clearly said that they wanted to retain their commissioners for more than three years. So the Shire of Melton is still being administered by the three commissioners who have been there since the council amalgamations of 1994. The chief commissioner is Mr Adrian Fraser; the other commissioners are Mr John

Hyett and Mr Brian Morison; and the chief executive officer is Mr Adrian Pennell.

Hon. D. G. Hadden — Where are the women?

Hon. E. J. POWELL — I understand the role of commissioners, as I was a commissioner myself, and being a female I take up the interjection. Although there are no female commissioners in Melton I hope in the elections some females will be elected to council, as I am sure many other honourable members would hope. But I understand the commissioners had a special role in the restoration of the new councils.

I will put on record some statistics regarding the Melton Shire Council. The Honourable Neil Lucas referred to a number of statistics, but I will put on record just a few which are pertinent and which are taken from council records of April 1999. The Melton area covers 530 square kilometres and is semirural. The council has a staff of 202. Its budget is \$38.5 million, so it is not a tiny but a big, viable shire. Its rate revenue in 1993–94, which was before amalgamation, was \$12.3 million. Its rate revenue in 1998–99 was \$10.2 million, and there were no rate increases in that year. To give an idea of the potential of the Melton shire and why people are anxious to ensure that that potential continues, I indicate that its current population is about 43 000 people; the projected population for 2021 is about 89 200 — almost double. That shire will have a huge population growth and has great potential. It is fair to say that since the commissioners have been appointed investment in the Melton shire has increased dramatically.

I refer the house to some press releases on investment and confidence in the business sector, which has increased since the commissioners were appointed. Some people who live in the area are concerned that changing that structure now will stop that confidence and investment. I hope within the next 12 months the commissioners will be able to work with the community and any potential new candidates to ensure that neither confidence nor investment opportunities in Melton decrease.

Earlier in the debate reference was made to a petition initiated by the Melton Business Association. The association needed 2800 signatures — or 10 per cent — of voters on the electoral roll to have an election. Within three weeks — which is not a long time — it was able to collect 4500 signatures, or 19 per cent — almost double what it needed. If it had kept going it could probably have collected a lot more, but it needed only 10 per cent. It is not just a case of the poll being an accident; two polls were conducted on keeping

commissioners in the Melton shire. The first poll was conducted in December 1996, when 52 per cent of enrolled voters returned votes. It was a non-compulsory postal ballot. There has been a bit of discussion about questions, relevance, whether it had been crooked or whatever. The question was: do you approve the proposal that to enable the completion of the restructure of the Melton Shire Council commissioners continue to administer the council until 1999? The result was that 71 per cent of Melton voters voted in favour of keeping commissioners. The former minister for local government, the Honourable Rob Maclellan, accepted the community's wishes and allowed the commissioners to stay.

In the second poll in February 1999, 73 per cent of the voters on the electoral roll responded to a postal ballot — this time compulsory. In her contribution the Honourable Glenyys Romanes criticised the question asked in the first poll. The question in the second ballot was not at all ambiguous but was quite direct. The question was: do you want councillors — with a box to tick — or do you want commissioners? — with another box to tick. I do not think anybody could say there was something wrong with that question; it was very straightforward and out in the open. It was a very simple question: do you want councillors or do you want commissioners? More than 60 per cent voted to retain commissioners for another three years. The Melton shire voters knew what they were voting for, and by a compulsory vote they voted for commissioners for not just a year, but for another three years. That shows very much the confidence in the work of the commissioners and in the way the Melton shire had progressed.

Another point is that postal voting closed on 29 January to allow candidates time to prepare. So if voters wanted councillors back in the elections of 16 March 1999, they were given the opportunity of putting their hands up, going forward and becoming candidates. At no time was there a discussion about commissioners coming back. That was definitely left up to the community, and the community said, 'No, we do not want to have new candidates; we want to keep our commissioners'. The opportunity was there. The question was not loaded. It was very simple and straight to the point.

Hon. W. R. Baxter — Ms Romanes pretended she did not know about the question.

Hon. E. J. POWELL — That is because the question was very straightforward.

An article in the *Bulletin* of 14 January 1997 states:

Confidence: With one of the highest levels of youth unemployment in the state, Melton has felt the brunt of the economic downturn. The poll was initiated by the Melton Business Association —

this is the first referendum —

which argued that the area would benefit from another two years under the commissioners' administration. Since their appointment, business confidence has risen, some major businesses and investment have been attracted to the area, and rates have been reduced by an average of 20 per cent.

'Under the commissioners' guidance a lot of dollars are getting spent in the town', says MBA chairman Wally Shand.

Melton's aversion to elected councils is also a legacy of a notorious history of council feuding and incompetence including allegations of brake tampering among councillors. 'In the 1980s they had some appalling councils with bitter infighting, petty politics being played out in Melton, and people are reacting to that very poor period of local government', explains Mike Hill, secretary of the Victorian Local Governance Association. 'It's unfortunate that people can get to the stage where they give up democracy.'

If people do not like what is happening they always say it is undemocratic. In that quote the *Bulletin* was saying what other people in Melton were saying.

I will not go through all the things the newspapers have said because I am sure other members will put that on the record. However, an article by Paul Heinrichs in the *Age* of 1 February 1991, which was after the second poll, states:

It was the satellite city that failed to thrive. The suburb on the western extremity of Melbourne you reached by driving past paddocks of sad, emaciated horses only to arrive at treeless 'first-home owners' estates' on the oh-so-flat plains.

Councillors squabbled in Melton, but there was little progress. Industry stayed away, jobs were scarce, and locals spent their money elsewhere. But that is in the past.

Unemployment locally has dropped from 13 to 9 per cent as factories have sprung up; there's a wave pool for the kids; the whole place looks greener and more livable; and Melton is confident its future is in safe hands. So much so that in a referendum, the results of which were announced this weekend, they voted 60–40 to retain their appointed commissioners for another three years rather than return to local democracy.

Mr Lucas talked about the one of the first things the commissioners did, which was to conduct a survey. They asked people what they wanted in the Melton shire. Nearly 80 per cent of the people shopped outside of the region so they wanted a decent shopping centre in Melton. They wanted people to shop in Melton so the money stayed there. The article continues:

On 14 November last year, the commissioners were up bright and early to claim their credit in opening the new Woodgrove

Centre, an airy and pleasant mall complex that includes a Kmart, a Safeway and speciality shops.

The article contains a photograph of a local family, Glenn and Gail McCann and their children, a normal, average family at a shopping centre, who commented to a representative of the *Age*. The article states:

Yesterday Glenn McCann, 33, a salesman in the construction industry, who was shopping with the family, explained that he voted for commissioners because 'they are more professional' than the former councils.

Having lived in Melton since he was 19, he has noticed a big difference in recent years.

'There was not much work, not much of a supermarket — it was just an out-of-the-way place', Mr McCann said.

The article later continues:

... Melton businessman, Mr Barry Hall, who chaired the Keep the Commissioners at Melton campaign group, said people voted for the commissioner system on performance.

'And if the commissioners in the next three years don't perform, I'm sure they'll get voted out', he said.

That decision has been taken away from the residents of Melton. Commissioners have been moving the shire forward. They put in place an economic strategy plan based on Melton's competitive advantage, which they documented. The advantages are quick access to Melbourne and Avalon airports and the ports of Melbourne and Geelong, and the huge supply of industrial land on flat, greenfield sites.

Mr Lucas also talked about Toolern Park, the employment node, and growing population. As he said, the population is estimated to double in 20 years and there was a need to provide a local work force for the new industries. The commissioners worked with the local education industries — for example Victoria University of Technology and local schools — to let them know what the needs of industry were. The needs of industry are important because of the need to value add in the community. Industry advises what it needs and the schools and universities are advised how they can help the population attain the required skills.

Hon. G. D. Romanes interjected.

Hon. E. J. POWELL — They were not doing it in Melton, but it is happening now under the commissioners in Melton.

Hon. G. D. Romanes — Except they do not get paid a wage like the commissioners.

Hon. E. J. POWELL — I will talk about wages in a moment. The commissioners are being proactive and

looking at the needs of industries they are hoping to bring into the shire. They are asking, 'How can we meet your needs? How can we make sure that our young people have jobs in this region?'. They do not want young people leaving Melton. They want them to stay in Melton and work in the industries that they have already attracted and will attract into Melton to make sure local young people do not leave the area or are unemployed. Earlier the house heard about the unemployment figures.

The commissioners are also fast-tracking development so that developers do not get frustrated by having to wait months to go ahead. The commissioners have put in place a program to fast-track development in the shire to encourage people to build and develop in the area, and a new housing estate has been established to house people who will live and work in Melton.

A tourist precinct has been created. Earlier honourable members heard about Melton's award-winning wine industry and Witchmount Winery. A restaurant is being considered for the area, as well as bringing in people to savour the area's award-winning wines. Melton's horseracing industry is being built up, including the building of a harness racing track and areas for horse breeding. All of the proposals I have mentioned are initiatives of the commissioners. I know councillors were doing similar things in other parts of the state but the councillors in Melton were not doing it. It is hoped that after the election the new councillors will build on the work of the commissioners.

Mr Lucas touched on a few of the industries, and one that is important for the area is ABNT Pty Ltd, a private textile manufacturer that invested more than \$7 million on state-of-the-art equipment to provide dyed decorated fabrics for sportswear, women's wear and children's wear. The company employs 40 people, half of whom are local. Its aim is to increase employment to 80 in a couple years. The commissioners have attracted such industries. MHG Plastics Pty Ltd, a plastic moulding specialist for the automotive industry, has invested \$15 million in new plant. It employs 150 people, half of whom live in Melton.

However, the commissioners are under intense scrutiny. There are letters to the editor for and against their retention. It is important to note that although there has been no criticism of the commissioners they are now under intense scrutiny because the government is saying it does not want them in Melton and wants to put back local councillors. The government is saying, 'We are going out into the public arena to make sure people have their eyes on the ball and are scrutinising what is happening in Melton'. Some of the people who

are doing much of the scrutiny are the former councillors and local members of Parliament, and I hope we will not see a campaign to blacken the names of the commissioners. I hope the bill will stop that. However, I am concerned that there seems to be much more scrutiny of the commissioners than they deserve, given that the government has said the commissioners have done some great work and have done nothing wrong.

On Wednesday, 27 September, Mr Lucas and I, together with Leonie Burke and Hugh Delahunty from the other place, met with Mr Bernie Dean, the minister's adviser; John Watson, director of the governance and legislation area in the Department of Infrastructure; and Karen Cusack, a legal analyst.

We discussed a number of issues during that briefing, one of which concerned the Ombudsman's report. A number of members have talked about that issue and somebody from the government side said 'Oh, good; I'm glad you brought that up'. There has been criticism of Melton's chief executive officer, Adrian Pennell. This criticism concerned a failure to keep appropriate records of certain meetings and failure to recoup payment for work done for a landowner. As we said earlier, there is no missing money and we are not talking about huge rorts in Melton. Even the advisers told us that no further action has been taken on this issue. Neither the minister nor the Ombudsman is taking any further action.

The Ombudsman accepted that this issue is a responsibility delegated to the CEO. Members who have been on councils would know that there is always a delegated authority for a certain amount of money for CEOs. That means that the CEO can make decisions on a day-to-day basis without councillors having to be there all the time. This delegated authority was given to the CEO of the Shire of Melton. The delegated authority was \$50 000 and the amount we are talking about is less than \$7000. We are not talking about a huge amount of money, but the quietness of it all makes it sound as if the Ombudsman's report contains dreadful evidence of commissioners spiriting money away. Both the Ombudsman and the minister have said that no further action will be taken on this matter.

I spoke recently to the chief commissioner, Mr Alistair Fraser. He admits that perhaps the shire did not use the best administrative practice in this instance and that it could have been done a bit better. However, there was no money missing and the transaction was less than \$7000 out of a \$38 million budget; we are not talking about a large amount of money with which the commissioners have done something underhanded: it is

all out in the open. The commissioners admit that perhaps the best procedure was not followed — they acknowledge that.

There was discussion before about the huge wages that the commissioners are getting. I said I would put on the record the amount of money the commissioners are receiving. The chief commissioner, Alistair Fraser, is now working four days a week and his wage is \$64 000 a year. John Hyett is the only full-time commissioner, and he is earning \$60 000 a year. Brian Morison works one day a fortnight and does not claim for the telephone calls and the mass of reading he has to do. He charges the people of Melton \$8000 a year. We are not talking about massive amounts of money.

As I said earlier, this is a small bill but it will have a major impact on the people of Melton. After clause 1 the clauses are mainly procedural. They concern things like the provision that after councillors are elected on 13 October 2001 the CEO must call a meeting of the council within 14 days of the declaration of the election result. The commissioners will go out of office at the start of that meeting. Subsequent elections must be held in March every third year and the next election will be in March 2004.

The last clause repeals the Local Government (Governance and Melton) Act 1998. The Honourable Neil Lucas and I debated and supported that legislation in the house. The act introduced amendments to the Local Government Act 1989 to allow Melton voters the right to decide whether they wanted to retain the commissioners or return to councillors. That provision will be repealed.

The voters of Melton have voted twice to retain commissioners, and the Bracks Labor government says it has a mandate to overturn those votes and if residents do not like that decision they need to make their feelings known at the next election. If the people of Melton are frustrated at this removal of their democratic rights, I suggest they make their feelings known at the next state election.

The Victorian Local Governance Association and the Municipal Association of Victoria — two highly respected organisations — want to see the return of elected councillors to Melton. This will now happen in October 2001, so the 78 Victorian councils will be back under council rule.

I hope the community understands the importance of this bill and that it elects to represent it people with the skills to lead the shire forward. I also hope that there is a huge field of candidates. I believe they will be

electing five councillors. The Honourable Glenyys Romanes said earlier that councils in other areas are doing the same thing as the Melton commissioners. I agree: councillors in other municipalities are doing things like regional development and attracting businesses into other areas, and they are doing tourism initiatives. We are not detracting from what other councillors are doing — I simply want to put on the record what the commissioners have done in Melton. It is a job well done, but I do not take away from the fact that councillors right across country Victoria have been doing the same things: they have been attracting businesses, encouraging tourism and working with their communities. We do not denigrate elected councillors and we certainly do not take away from the job these commissioners have done.

I want to put on the record the amount of people who wanted to stand after the last council elections when commissioners went out of office in my electorate. There was a great deal of interest in those councils from people who may not have put their names forward before. I was on council and was elected unopposed for a second term. While that was wonderful, it is important that decent candidates put their names forward to represent these areas. In the City of Greater Shepparton 29 candidates stood for 7 positions. In the Rural City of Wangaratta there were 33 candidates for 8 positions. In the Shire of Moira there were 18 candidates for 7 positions. In the Shire of Delatite there were 22 candidates for 8 positions. In the City of Wodonga there were 25 candidates for 5 positions. In the Alpine Shire there were 17 candidates for 5 positions. In the Towong Shire there were 14 candidates for 5 positions. In the Indigo shire there were 17 candidates for 7 positions, and in the Shire of Campaspe there were 26 candidates for 7 positions. I hope a great field of candidates put their names down for Melton.

On behalf of the National Party I would like to thank the commissioners for the work they have done. I hope the bill will stop the division of the people of Melton and that the people will now get behind the commissioners and allow them this year to progress the council and work with new councillors coming in. I hope this bill ends the conflict which has taken place. As a former commissioner I know the hassle one faces when one comes into a council. A commissioner is seen as an outsider because he or she is not an elected councillor. There is that frustration and bitterness towards commissioners in the early stages, but I believe the community in Melton had moved on from that and embraced the commissioners. I hope this bill is not a reflection on the work the commissioners have done in the Shire of Melton. I hope this issue stops dividing the

community and that the people of Melton can get together and move Melton forward. I wish the bill a speedy passage through the house.

Hon. S. M. NGUYEN (Melbourne West) — I am happy to debate the Local Government (Restoration of Local Democracy to Melton) Bill. Two years ago, in November 1998, the Kennett government introduced the Local Government (Governance in Melton) Bill to this house to reappoint the commissioners. The Labor Party strongly opposed that bill. The Honourable Pat Power, the shadow Minister for Local Government at the time, outlined many good points in his speech on that bill. We opposed the bill at that time because we believed that elections should be called for all municipalities in Victoria. There are 78 councils in Victoria and only Melton does not have elections. We want every council to have elections. Many councils and some councillors are doing good jobs.

In 1994 the Kennett government introduced council amalgamations to provide better services at lower cost. Melton Shire Council was not returned to the people because it has always been a problem. A way should be found to assist the Melton community.

The Shire of Melton has experienced problems that other councils have also experienced because of different interests. Those interests should be sorted out to make the council function better. It is inappropriate for the Melton community to have three commissioners. We heard about the commissioners organising signatures to express support, which should be done by an independent body.

An independent survey would give people a better understanding of the community's views and give the community a better understanding of the situation. If I were in the shopping centre in Melton and someone agreed that he or she was happy about the commissioners it would be possible to stop and debate the issue. It should be done in a better way to help people understand and enable them to make a contribution. It would make Melton a better place.

The bill should have been introduced long ago. I have been to many councils in the west. Other councils and councillors would like to see their neighbours in Melton have elected councillors. The commissioners have done their job in restructuring the council, and the elected council can examine the interests of the shire.

The community is becoming larger. Melton was a small area some years ago, but the housing estates are moving into the outer western suburbs such as Deer Park. Melton will be a great city in the west because homes in

Footscray and other such areas are becoming expensive and people cannot afford them. Because of that they are moving to suburbs in the outer west, such as Sunshine, Deer Park and Melton. Melton should take the opportunity to provide services for people to establish new lives and families. Melton has enormous potential, and the government should spend money on infrastructure.

I have visited Melton on two occasions over the past few months to see what has been happening. It is a busy place, and I understand many people in Melton travel to Ballarat rather than coming to Melbourne to do their shopping, and people from Ballarat who are travelling to Melbourne stop at Melton.

Before the last election the Labor Party promised to return power to the community of Melton. The honourable member for Melton in the other place, Mr Nardella, when a member of this place was vocal about not having commissioners. Every community has the right to choose councillors. An election can be called between 1999 and 2001, and surely in the next 12 months we can organise many things to help the community to elect councillors. That will be arranged with the commissioners and the staff.

In the second-reading speech the government has recognised that the commissioners contribute to Melton, but the Bracks government believes democracy should be returned to the community as soon as possible. The next election will be in March 2004 so they have two and a half years from 3 October 2001. The people will enjoy two and a half years with elected councillors. The election will be called every two years and the people who live in the area will be eligible to vote or become candidates to participate in the Shire of Melton.

Section 249 provides that the chief executive officer must call a meeting of the council within 14 days of the declaration of the election result. Section 250 provides that the commissioners go out of office at the start of that meeting, so the CEOs will organise the meeting and declare the results of the election.

The contribution of other honourable members has highlighted the role of the CEOs and their staff, which is very important to local councils. The community has expectations of the councillors when they are elected and it wants to see what they will do and how they will achieve it. The government wants councils to make their own decisions, have their own views and be independent so they can bring confidence to their communities, especially the business sector, which would like to invest in Melton. The business

community has an equal role and a view that is equally as important as that of the voters — to make Melton more successful.

Melton will be a growth city in the next few years and the population of Melton is growing every year. The bill is one of the most important bills introduced by the Bracks government and it will provide best value in Victoria to the local government sector. It will restore local democracy. The government will do what it can to assist the councillors to perform their roles and assist them to do good work. I support the bill.

Hon. K. M. SMITH (South Eastern) — I say at the outset that the name of the Local Government (Restoration of Local Democracy to Melton) Bill concerns me because it reflects on the integrity and the independence of Parliament and it makes a political statement. As an act of Parliament it will sit for time immemorial — it will be there forever. The bill is nothing more than a political stunt by the Labor Party to try to further denigrate the great work that has been done by the commissioners in the Shire of Melton. Honourable members know the commissioners did a fine job. There has never been a hint of criticism and there have never been any problems or disputes about what the commissioners have done. They have done an excellent job and we should all be very proud of their work.

The Labor Party carries on in a silly way when it gets into government. Over the past 12 months we have seen many stupid political moves that have undermined the integrity not only of the Parliament but a number of departments, and in this bill the government is working on local government. If I had been able to I would have moved an amendment to the bill. I would have changed its name to the Local Government (Democracy) Bill or Local Government (Amendment) Bill, which would probably be more in keeping with what the bill is about.

Hon. N. B. Lucas — Maybe the Sacking Commissioners Bill?

Hon. K. M. SMITH — Yes, because that would be putting the opposition's sway on it. Honourable members heard arguments from Ms Romanes and Mr Nguyen about whether the councillors were sacked. Mr Theophanous interjected and said the commissioners have never been sacked. I would like Mr Theophanous to get a copy of the second-reading speech, which he probably has not read. I am not sure he can put more than one or two words together. On the top of the second page the speech states:

The commissioners' early removal from office ...

Mr Theophanous said the commissioners were not sacked, but to me that means they have been sacked by the government. We know the commissioners were put in a very difficult position and had to sign resignation letters. However, in the second-reading speech the minister put into words exactly what occurred. As I said, the second-reading speech states:

The commissioners' early removal from office ...

That means they were sacked! We know the bill has come about because the honourable member for Melton in the other place, a former member of this house — who I had a great deal of time for and a great deal of respect for — has run a campaign. I do not know whether he promised the Labor Party faithful that when he got preselection at Melton he would give people an opportunity to get back into local government. Perhaps he said, 'Because the government will have control in no time, we will make every effort to have these people sacked and reinstate you as councillors'. We know the same old Labor stooges are still going to be out there. We know the scandals they were involved in last time. The councillors were removed from office because of their disgraceful behaviour and the way they abused the authority and trust of the people of Melton. The councillors abused it all. They were sacked and they deserved to be sacked.

Local government took a turn for the better when the Kennett government amalgamated councils and appointed commissioners. In many cases business people were appointed who were prepared to draw together all the loose ends and make sure that the changeover to the election of councillors was achieved carefully and in a calculated manner.

Honourable members know the honourable member for Melton in the other place quite well. We know Mr Nardella because he is a former member of this place. He has harassed the council for a long time. That is illustrated by the many articles in local papers in which Mr Nardella is reported attacking the commissioners. Mr Theophanous was very keen to talk about this earlier. I refer to reports in local papers of 6 June and to the *Melton Leader* of 20 June, which refers to Mr Nardella's campaign to get rid of the chief executive officer. We know from the *Melton Express Telegraph* of 4 July that Mr Nardella's campaign is continuing. A report in the *Melton Express Telegraph* of 26 June says that the chief executive officer is accused of maladministration. Mr Nardella is continuing his campaign of denigrating the council and the commissioners in other newspaper reports.

Another newspaper report refers to the Minister for Local Government attacking the council and the commissioners. A report in the *Melton Express Telegraph* refers to Mr Nardella demanding the Ombudsman's report on the council and his continuing attacks on and denigration of the council and the chief executive officer. A further report in the *Melton Express Telegraph* refers to Mr Nardella putting down the council. Honourable members cannot say that a campaign has not been organised by Mr Nardella. We know from reports in local newspapers all about the campaign by the government and Mr Nardella. Page 5 of the *Melton Express Telegraph* has a report headed 'Minister may lift lid on "CEO affair"'.

The campaign of denigration started when Mr Nardella responded to a question put to him by members of the Labor Party preselection committee. They asked, 'How will you get us back onto the council so we can get our snouts in the trough?'. He replied, 'I will get rid of the commissioners and the council and get you reinstated'.

Hon. T. C. Theophanous — On a point of order, Mr Acting President, this vicious attack on the character and credibility of an honourable member in another place, who was a member of this place, is being prosecuted without a substantive motion being moved.

The bill is not about the honourable member for Melton in another place, it is about the restoration of democracy to Melton. If Mr Smith wishes to go on with his denigration of the honourable member for Melton he should do so by way of substantive motion and not use this debate for that purpose.

Hon. K. M. SMITH — On the point of order, Mr Acting President, you ruled previously that honourable members may speak about the involvement of certain people in debates on this issue. I am continuing in the same vein as the Honourable Neil Lucas, who also referred to these matters.

The ACTING PRESIDENT — Order! On the point of order, Mr Smith's contribution to the debate has been good humoured. I urge him, however, to move on to the point of the proposition he is putting.

Hon. K. M. SMITH — I continue to have a great deal of respect for the honourable member for Melton, Don Nardella. It is unfortunate that he has moved to the other place, and I hope he is maintaining the good standards that are observed in this place. I was saddened to see him go, but perhaps the other place deserves to have him.

The second-reading speech, under the heading 'Melton shire', states in part:

The time has well passed for commissioners in Melton, and this bill returns Melton to normal.

That is a funny statement to make, because returning Melton to normal is what the people wanted and have twice voted for in a poll. I remind honourable members that in 1996 some 77.9 per cent of people in Melton voted to retain the commissioners. The referendum was conducted by the Electoral Commissioner and the question put to the people was accepted by the commissioner. We know that there are certain rules and standards regarding the election of commissioners that are set out in legislation. I would have thought that 'normal' was what the people wanted. The people of Melton voted strongly in favour of commissioners, yet the government wants to take away from the people the right to democracy.

If it was fair dinkum the government would allow a poll so that the people of Melton could be asked whether they want to retain commissioners or want elected councillors. I remind honourable members that more than 70 per cent of people in the municipality voted to retain commissioners, yet the government is saying that it will throw out the commissioners.

Hon. T. C. Theophanous — They resigned.

Hon. K. M. SMITH — The second-reading speech says the commissioners will be removed from office. It does not say they will resign. Honourable members opposite are condemned by the minister's words in the second-reading speech. The chairman of the commissioners, Alastair Fraser, and his fellow commissioners, John Hyett and Brian Morison, have done a marvellous job over a long period. Mr Lucas listed the huge number of initiatives they introduced. Mrs Powell referred to the minimal amount of money paid to the commissioners in the form of remuneration for the great work they did. As I said before, there have been no problems with the council.

We know that over time councillors will be appointed to the Shire of Melton and we wish them well and hope they are successful, but we also know that because of the factional fighting that goes on councillors will be elected who will be bagged by the Labor Party. Eventually there will be problems similar to that which arose previously. At different times police had to be called to remove councillors from the council chambers. Mr Matheson and Mr Spence from the Municipal Association of Victoria and Mr Michael Hill from the Victorian Local Governance Association are members of the Labor Party who are in positions of authority and who say that democracy should return to the council. What else would you expect from those three people!

Everybody knows they were put in their positions by the Labor Party, that they continue to be re-elected and that they are getting a few bucks out of holding those positions. Ms Romanes must know that they will do the bidding of the government.

The bill is a joke. The people of Melton have democracy and they have used democracy by going to an election to vote yes or no to having commissioners govern. Twice they have put commissioners in place in the shire. They recognise the value of having commissioners in place.

The Labor Party is removing the right to democracy of the people of Melton. The bill should not be supported. It will be passed, but from time to time, as scandals occur around Melton, the Liberal Party will remind government members of exactly what they have done by removing democracy in Melton.

The ACTING PRESIDENT — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority. As there is not an absolute majority present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT — Order! In order that I may ascertain whether the required majority has been obtained I ask members in favour of the motion to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Third reading

Hon. C. C. BROAD (Minister for Energy and Resources) — By leave, I move:

That the bill be now read a third time.

I thank honourable members for their contributions to the debate. In closing I clarify one matter that has arisen during the second-reading debate — that is, references to the time of the calling of a general election and the removal from office of the commissioners.

It is important to place on the record that the commissioners have agreed to leave office early and sufficient time has been allowed for them to oversee the advancement of a number of significant projects that are in various stages of negotiation. The commissioners

will assist in the smooth transition of the election process.

The ACTING PRESIDENT — Order! I am of the opinion that the third reading requires to be passed by an absolute majority. I ask those members supporting the bill to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PLANT HEALTH AND PLANT PRODUCTS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

BUSINESS OF THE HOUSE

Adjournment

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the Council, at its rising, adjourn until tomorrow at 2.00 p.m.

Motion agreed to.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the house do now adjourn.

Rural Victoria: tourism

Hon. BILL FORWOOD (Templestowe) — I raise an issue for the attention of the Minister for Sport and Recreation as the representative of the Minister for Major Projects and Tourism in the other place. Recently I had the good fortune to meet with two representatives of the Regional Victoria Conference Group, Chris Ciastowski and Lisa Moloney. They raised a number of

initiatives with me that I am keen to pass on to the Minister for Major Projects and Tourism.

The group has produced an outstanding directory of conference facilities throughout rural and regional Victoria. The publication, which contains a message from the Premier, is a significant contribution to their cause. The group has also produced a sensible business plan. It has a number of initiatives to be addressed, particularly aspects of research work and the fact that although Melbourne is ranked in the top 10 conference destinations in the world, no infrastructure is in place at the moment to attract conferences from large areas to regional and rural Victoria.

The group has written to a number of ministers, including the Premier and the Minister for State and Regional Development. Its members are particularly keen to secure a meeting with the Minister for Major Projects and Tourism. There is some urgency attached to its request, and on their behalf I ask the minister in the other place to give the request his usual generous consideration and, if possible, find time to meet representatives of the group. Such a meeting would be very much to the benefit of regional and rural Victoria.

Disability services: ethnic community access

Hon. S. M. NGUYEN (Melbourne West) — The matter I draw to the attention of the Minister for Small Business is for the Minister for Community Services in the other place. Local residents from non-English-speaking backgrounds have raised the issue of access and equity in disability services. Will the minister advise the house what her department is doing to facilitate involvement by non-English-speaking communities in disability services?

Rural Victoria: sewerage

Hon. R. A. BEST (North Western) — The matter I ask the Minister for Energy and Resources to draw to the attention of the Minister for Environment and Conservation in the other place concerns the uncertainty being raised by the residents of Newstead, Boort and Wedderburn about the failure of the government to determine when the connection of sewerage schemes will proceed.

Enormous concern has been expressed by residents in all those towns, and particularly in Newstead, because of the perception that the project is standing still. Although applications involving Chewton, Campbells Creek, Harcourt and Newstead had been submitted at the same time, three of the schemes have been

approved — at Chewton, Campbells Creek and Harcourt — while the connection at Newstead has not.

The unfortunate reality is that the heavy rains over the past month have given rise to concerns about health risks in the community of Newstead. I have asked the Mount Alexander shire to investigate, and it appears that one of the septic systems close to the main street is not working effectively so that raw sewage is leaching into the main street and also into the Loddon River.

It is imperative not only that the council addresses the health risks but that the government accepts responsibility for making sure that the sewerage system is connected. I call on the minister to ensure that the sewerage scheme for the Newstead township proceeds as quickly as possible.

Royal Botanic Gardens: flying foxes

Hon. ANDREA COOTE (Monash) — The matter I raise for the attention of the Minister for Energy and Resources, who represents the Minister for Environment and Conservation in another place, concerns the grey-headed flying foxes, or bats, in the Royal Botanic Gardens.

I am lucky to have the Royal Botanic Gardens in my electorate, and I am sure many honourable members have enjoyed visiting the gardens. However, I have grave concerns about the health of the botanic gardens given the increasing number of bats. In the 1980s there were about 800 bats in the gardens. There are now in the vicinity of 10 000 bats, especially around Fern Gully. Those honourable members who have enjoyed Fern Gully, probably with their parents and later with their children, will know what a special place it is.

Earlier this year a plan to cull the bats was announced, which the animal welfare lobby is extremely angry about. However, the Friends of the Botanical Gardens are equally concerned, and a number of my constituents have asked me to put their point to the minister.

I will read from a letter I have received from a constituent, Ann Latreille, who says:

We wouldn't let silverfish attack the most valuable 19th century works on paper in the National Gallery of Victoria. Why then do we stand back and allow flying foxes to damage the fabric of something that is comparable in artistic terms?

She has a valid point. I know the Minister for Environment and Conservation has asked the Flora and Fauna Advisory Committee to consider registering the flying foxes as a protected species, and I am pleased to hear she is very concerned about the Royal Botanic

Gardens. But the bats are roosting right at the moment, and their reproduction peaks at the end of summer and early in autumn. Dr Philip Moors, the director of the botanic gardens, assures me that there will be tens of thousands more bats this year.

A strategy needs to be put in place to deal with the problem now so that the bats do not end up destroying the Royal Botanic Gardens, which would be lost to all Victorians and Australians forever after. I urge the minister to be timely by doing something at the outset of the roosting period and not at its end.

Shepparton Country Festival of Writing

Hon. E. J. POWELL (North Eastern) — The matter I raise with the Minister for Industrial Relations, who represents the Minister for the Arts in the other place, concerns the Shepparton Country Festival of Writing, which is run by the Goulburn Valley Writers Group — I put on the record my congratulations to the president of the group, Pat Crudden.

When I opened the seventh Country Festival of Writing in Shepparton on 1 September, I was informed that the festival would not be receiving a grant this year from Arts Victoria. Since 1994 the country writing festival has received state government funding, firstly from the Victorian Arts Council and since 1995 from Arts Victoria. Each year the funding has increased, the last two grants being for \$5000. The grants amount to a fee-payment subsidy that ensures the participants can afford to go to the workshops.

Experience over the years has shown that the participants in the writing festival are not very wealthy, usually being up-and-coming young writers or older people wanting to get into writing. However, at the moment the participation fee is \$120, which is for three days. For that they can participate in a reception on the Saturday as well as a dinner, where they can mingle with the high-calibre writers from Melbourne who are attracted to the festival. Overall about 150 participants from in and around the Shepparton region spend the whole weekend at workshops, talking to and gaining information from writers, poets and lyricists.

People in rural communities who are interested in writing have no opportunity to learn other than by attending the writing festival. The program is always new and innovative. This year lyricists were listed in the program, as well as the regular favourites, poets and fiction writers, so people could learn how to write songs. The festival also creates tourism and business opportunities because of the number of people who attend from all over Victoria.

The Shepparton Country Festival of Writing was reported on in the *Age* of 5 September by Sharon O'Brien, who said:

This year's speakers included Shane Maloney, a trenchant social commentator and columnist with the *Age*, and Andrew Clark, an associate editor of the *Age*, who writes about social and political issues.

Andrew Clark said:

I was involved in the Melbourne Writers' Festival in 1997 and 1998. I have also attended the Sydney and Adelaide writers' festivals. The quality at Shepparton was every bit as high as Melbourne. The people who came were committed and interested. I regarded it as a pleasure to be involved.

I ask the minister to look more favourably at funding for this valuable contribution to the literary arts in country Victoria. The Country Festival of Writing needs \$3500 each year for three years to take it through to its 10th year.

Box Hill Hospital

Hon. D. McL. DAVIS (East Yarra) — I seek the assistance of the Minister for Industrial Relations in her capacity as the minister representing the Minister for Health in the other place. I ask for some input on what the government intends to do about the growing waiting list at the Box Hill Hospital, which services the electorate Mr Birrell and I represent.

The recent health services report of June 2000 lists a number of changes in the waiting list. I direct to the minister's attention the deterioration in the elective surgery waiting list at Box Hill Hospital. A number of issues are clear, if one compares the June 1999 quarter with the equivalent quarter under the current government. Under the Kennett government the waiting list for non-urgent surgery was 617. In the June quarter 2000 it was 664, a 7.62 per cent increase.

According to the report, the number of semi-urgent elective surgery cases waiting more than 90 days increased from 12 in 1999 to 28 in 2000. It represents an increase of more than 133 per cent, a significant increase in the number of people waiting more than 90 days for surgery. That seems an extraordinary length of time.

The number of cancellations on the elective surgery waiting list rose from 176 to 186, a 5.68 per cent increase. That is of concern, particularly in light of the three-week ban on elective surgery in the region. The increased figure predates that change, and I am concerned that the problem will be compounded by the three-week ban.

I seek to find out what the government intends to do to deal with the problem at the Box Hill Hospital, in particular the blow-out in the waiting list over that period.

I can see no explanation for why the deterioration has occurred. I can only see the deterioration getting worse as the impact of the three-week cancellation of elective surgery begins to bite over the next period. I seek the minister's assistance in understanding what the government intends to do.

Teachers: scholarships

Hon. P. R. HALL (Gippsland) — The matter I raise for the attention of the Minister for Sport and Recreation as the representative of the Minister for Education in another place concerns the teaching scholarship scheme. The minister may recall that I raised the matter on Wednesday, 6 September, seeking some general information on how the scheme works; I am grateful for the response I received in my office today from the Minister for Education in respect to my query.

The response indicated that the major purpose of the scheme was to encourage people to take up the teaching profession and to attract teachers to difficult-to-staff locations in Victoria. I think all members would agree that Orbost in far East Gippsland would be one of the nominated difficult-to-staff areas. One of my constituents, Mrs Margaret Tulloch of Orbost, has contacted me expressing a desire to make application under the scheme. On obtaining details of the teaching scholarship she was advised that she would be ruled ineligible to participate in it because of a criterion that a course of study must be completed within one year. Because she lives in Orbost she would need to complete her graduate diploma of education course — which she is willing to do and has enrolled to do — by distance education, which would spread it over two years.

The criterion that study is to be completed within one year seems anomalous, given the fact that people are being sought to teach in remote areas and in difficult-to-staff schools. Mrs Tulloch is already living there. She is eminently well qualified, having obtained a Bachelor of Science degree in agricultural economics with honours and a graduate diploma in physiotherapy. She would be a most welcome addition to the science staff at Orbost Secondary College, and the up-front payment of \$3500 offered by the scheme would be a great advantage to her single-income family living in Orbost.

I ask that Mrs Tulloch, who has already submitted an application for the scheme, not be disqualified simply because she lives in a place distant from any tertiary institution and has to complete a one-year course over two years because she needs to undertake it by distance education.

Workcover: premiums

Hon. W. I. SMITH (Silvan) — The matter I raise for the Minister assisting the Minister for Workcover in the other house concerns a business in Ballarat. Irene Stephen, the company secretary of Stephen Pasture Seeds Pty Ltd, has made three phone calls to her local member, Karen Overington, which have not been returned, and has also written a letter, which has been unanswered. I raise the matter on behalf of the company in lieu of the member not returning any calls.

The company has been in business since the 1950s. In that time it has made one Workcover claim — for an X-ray costing \$65. Yet this year it received a premium increase of 97 per cent — from \$4922 to \$9046. It spoke to its Workcover provider and spent a number of days trying to work out how to reduce the premium. It has opted out of its buyout clause to reduce its premium by 25 per cent; however, its premium increase is still 23 per cent. The business has been around since the 1950s. It has had one claim of \$65 and has not been reclassified; so it does not understand why the premium has increased as it has.

Firearms: licences

Hon. R. M. HALLAM (Western) — I raise with the Minister for Sport and Recreation, who is the representative of the Minister for Police and Emergency Services in the other house, the issue of shooters licences in this state and, more particularly, the concerns and frustrations of my constituent Dwayne Wescombe.

Dwayne is a licensed shooter who formerly had a Victorian shooters licence having passed the firearms safety test. His only sin was that he shifted to New South Wales to follow employment opportunities and ultimately became a licensed shooter in that state as well. There were a few complications with that conversion process, but that is not the beef.

He now has a New South Wales licence duly paid for and valid until October 2003. Unfortunately, for employment purposes, he now finds it necessary to return to Victoria. Guess what? After advising the relevant authorities of his change of address and assuming under the concept of uniform gun laws that

his New South Wales licence would remain relevant, he was told that not only will his New South Wales licence lapse but he will lose the value of the unexpired portion. He is now formally unlicensed, which he cannot afford to be given that he owns a number of firearms. He has been told he will have to apply for a new Victorian licence and go through the firearms licence safety course, notwithstanding that he has passed the same course in the past in both Victoria and New South Wales. He is frustrated.

With some appropriate representations from his federal member, David Hawker, and the Minister for Justice and Customs, Senator Amanda Vanstone, he has been absolved of the need to sit the second safety course, but he has lost the unexpired portion of his New South Wales licence, which is effectively three years. He has said to me, 'We are meant to have uniform firearm licences across the nation. Why can't I be given a fair go?'. He has been given a raw deal. He simply cannot afford to forgo and ignore the duplicated cost of the licensing.

I ask the minister to seek from his colleague the Minister for Police and Emergency Services in the other house some relief for my constituent — I think he has a legitimate beef — and a commitment that the minister will pursue a remedy for what is an obvious anomaly in the application of firearms rules across state borders.

King Parrot Creek: conservation

Hon. G. R. CRAIGE (Central Highlands) — I direct to the attention of the Minister for Energy and Resources, who is the representative in this place of the Minister for Environment and Conservation in the other house, a natural water spring in the vicinity of King Parrot Creek and Wallaby Creek in Flowerdale. A large number of people visit the area to take the natural spring water. The problem raised by the Murrindindi shire council is the dumping of rubbish in the area, the severe environmental damage that is being done in the vicinity and the vandalism that has occurred in that region.

The last thing I want to see is the government restricting access to the area. I am asking for a management plan, because one does not exist. In addition, there is a problem with identifying which government department has authority over the region. It has been quite difficult over past months to establish who has responsibility for management of the specific area.

I ask whether a single authority can be identified. If that cannot be done, I seek cooperation between the different government authorities involved so management plans can be established for the area. I encourage honourable members to visit the area as it is strikingly beautiful.

Craigieburn bypass

Hon. W. R. BAXTER (North Eastern) — I raise with the Minister for Energy and Resources, as the representative in this house of the Minister for Transport, the increasing urgency for Vicroads and the government through the planning processes to identify a suitable route for the Craigieburn bypass off the Hume Freeway or Hume Highway so that the federal government, which funds national highways, can get on and pay for its construction.

Since the opening of the Western Ring Road, which has been a tremendous efficiency boost to Melbourne and in particular the northern and north-western suburbs, there is increasing congestion on the Hume Highway from Somerton Road to the Western Ring Road intersection mainly caused by trucks now travelling on that section of the Hume Highway to join the Western Ring Road. I can understand why truck drivers are taking that route. Clearly it is convenient for them, and getting on to the Western Ring Road is their desirable objective. But it is now becoming very much congested, particularly in peak times, in both directions.

In addition we have the absurdity of our national highway, which links Melbourne and Sydney, having a speed limit of 80 kilometres through Craigieburn, which scarcely seems conducive to efficiency and productivity. Also there is the notorious Donnybrook Road intersection at Bunker Hill, which is the scene of many serious accidents. I understand that there was yet another one yesterday. It seems to me that the northern routes out of Melbourne have been underdone when I consider the improvements in access to Melbourne from Gippsland, the duplication of the Princes Highway through the Berwick area, the proposal to go ahead with the Hallam bypass, and to the west with the Geelong road upgrade, the Western Highway now providing very good entry from that direction, as well as the work going on with the Calder Highway. It seems to me that the Hume Highway has slipped down the priority list.

I invite the minister to give his utmost and earliest attention to identifying a suitable route. I know there are some environmental concerns which cause some difficulty but the nation's productivity is being severely limited by the current unsatisfactory route.

Police: Emerald station

Hon. N. B. LUCAS (Eumemmerring) — I raise with the Minister for Sport and Recreation who represents the Minister for Police and Emergency Services in another place the Emerald police station. On 6 April this year I arranged a deputation with the Honourable Rob Maclellan from the other place to the minister regarding police strength at the Emerald police station which has fallen right away since the last election. The concern in Emerald is such that a public meeting was called, which I chaired. Some 300 people attended that meeting on 17 April, which was also attended by the minister. I give him credit for going to it.

However, at the meeting — it is recorded on page 1 of the local newspaper, the *Ranges Trader Mail* of 25 April — the minister said he was working to boost police numbers at the Emerald station to one sergeant and five constables within two months and to restore Emerald to a 16-hour station with backup arrangements to be reviewed. Since that public meeting our experience is that the minister's promise has not been kept. More than two months have passed. The new sergeant for the station is on long service leave. The acting sergeant is on annual leave. It is not rare for there to be only one officer at the station, and the station is still providing night shift staff to Pakenham. The people of Emerald are concerned and wish the minister to keep his promise.

The comment was made in front of 300 people and it was reported in the local paper. My question to the minister is: will the police strength at the Emerald station be returned to its establishment strength of a sergeant plus five officers as promised by the minister at the public meeting on 17 April?

World Economic Forum

Hon. B. C. BOARDMAN (Chelsea) — I have a matter I would like to raise with the Minister for Youth Affairs. I refer the minister to his response to my question without notice on Wednesday, 6 September. I asked the minister what he was doing to protect Victoria's youth from being exploited and potentially misled by the S11 group in relation to the protests at the World Economic Forum. We are all aware of what happened and the incredible and immense damage that those confrontations and, at times, very violent protests did to Melbourne's reputation. We are all aware that a considerable number of Victoria's youth were exploited by S11 for its own political and completely misleading ends. In his non-response to my question the minister informed the house that I needed to be more specific in

what I mean by the term 'youth'. I ask this question to prevent further confusion when this house is discussing issues of youth policy in the future.

In the *Encyclopaedic World Dictionary*, found here in the Legislative Council, there are no fewer than seven definitions of the term 'youth', both in the singular and collective. They include 'the condition of being young' or 'youngness', and 'the period of youth from puberty to the attainment of full growth'. In his response the minister said that if one was going to talk about youth one had to mention age groups and cultural diversity. If the minister would like to familiarise himself with the *Encyclopaedic World Dictionary* he would find that there is not one mention of culture or age groups in the definition of 'youth'. I think the minister is a little confused by his own interpretation and definition of 'youth'.

So we do not go through this process of being confused and needing to be more specific in what we are talking about when it comes to debating youth policy, I invite the minister to outline in the chamber tonight his definition of youth as he interprets it for his portfolio responsibilities.

Airlines : Melbourne–Hobart service

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Consumer Affairs. It was recently brought to my attention that the cost of air travel between Melbourne and Tasmania appears to be extremely high compared to the cost for journeys equivalent in time or relevant distance between Melbourne and Sydney. For example, the major airlines with which honourable members are familiar have 14-day advance purchase tickets between Melbourne and Hobart costing \$525 for a small businessperson or anyone else needing to go to Hobart for a short time. It is roughly a 1-hour flight from Melbourne to Hobart, and half of that fare of \$525 would be the cost of that 1-hour flight. However, the same aircraft and the same seat with the same airline would cost much less for the equivalent 1-hour flight from Melbourne to Sydney.

I suggest to the Minister for Consumer Affairs that this is a consumer affairs issue for Victorian small businesspeople and those who cannot stay away for longer than one night. The cost for Victorian consumers travelling to Tasmania is out of all proportion with that for other destinations in the country. I realise and understand that it is not possible for the government to dictate the price of air tickets, but there is an opportunity to bring that differential to the notice of the appropriate service suppliers and ask them to explain to

the state government some of the aspects that lead to such unfairness.

To give an example, the same ticket would cost \$333 if one could stay three days, including Saturday night. Air tickets between Victoria and Tasmania are full of catch-22s whereas the cost is much more reasonable if one is going north. I ask the minister if she would have this matter reviewed and perhaps discuss it with the appropriate service suppliers to see if a fairer and more equitable cost of travel between Victoria and Tasmania can be obtained for Victorian residents.

Business: costs

Hon. C. A. FURLETTI (Templestowe) — I draw the attention of the Minister for Small Business to the results of a survey conducted by the Victorian Employers Chamber of Commerce and Industry (VECCI) entitled 'Business trends and prospects' in which more than 350 Victorian businesses were surveyed on their June performance and September outlook. The report was published in the *Business Forum* of last month and indicates that businesses recorded a general slowing down in activity for the three months before June and anticipated that trend to continue for the following three months. The chief executive officer of VECCI, Nicole Feely, indicated that the survey results pointed to a sharp pick-up in non-wage labour costs over the coming September quarter. The survey indicated that 47 per cent of surveyed firms are expecting increases compared with 30 per cent last year. Ms Feely is reported as saying:

The action the Bracks government takes in the days and weeks ahead over Workcover, industrial relations, and state taxation reform holds the key to a dynamic business environment in the state.

Such an environment is fundamental to jobs growth ...

I ask the minister what action she and the Bracks government will take in the days and weeks ahead to ensure that the dynamic environment which was created under the Kennett government continues in the future.

Minister for Sport and Recreation: publication

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I refer the Minister for Sport and Recreation to the *Active State* publication. Honourable members would have received the publication in their electorate offices over the past month or so. According to the cover of the winter 2000 edition of *Active State*, a publication of Sport and Recreation Victoria, which is part of the Department of State and Regional Development — —

Hon. C. A. Furletti interjected.

Hon. G. K. RICH-PHILLIPS — I will get to that, Mr Furletti. This is a 10-page, full colour, glossy-paged document. One would expect the government and the department to use such a publication to promote programs and to encourage sport in Victoria. I realised on opening the publication that regrettably it had been hijacked by the minister not to promote sport but to promote himself.

Hon. D. McL. Davis — How many times does he figure?

Hon. G. K. RICH-PHILLIPS — There are no fewer than 13 references to the minister by his full title, the Honourable Justin Madden, MLC, Minister for Sport and Recreation. There are a further eight references to the minister by name, and a total of 21 references to the Minister for Sport and Recreation in this sport publication.

If one is under any doubt who the Minister for Sport and Recreation is, there are some photographs. There is the obligatory ministerial mug shot on page 2 and a further seven photos of the minister, giving a total of eight photos. His name is mentioned 21 times and there are eight photographs.

I ask the minister to desist from using departmental funds for his own self-promotion, and I ask him to provide an explanation to the house why the publication was used for self-promotion.

Fishing: catch signage

Hon. J. W. G. ROSS (Higinbotham) — I refer the Minister for Energy and Resources to Labor's plans for recreational fishing launched during the lead-up to the 1999 general election and the commitment made by Labor that it would, in partnership with peak fishing bodies and local councils, develop a system of signs to be displayed at jetties, piers, boat ramps and popular fishing locations to assist anglers with fish identification and indicate size and bag limits for a range of fish species. I assure the house that no such signs have been displayed on jetties, piers or boat ramps in my bayside electorate where a prolific number of anglers seek recreational fishing.

After one year in office, what steps has the minister taken to implement the promises that were made to the Victorian community at the last election?

Drugs: rave parties

Hon. M. T. LUCKINS (Waverley) — The matter I direct to the attention of the Minister for Youth Affairs relates to the conduct of rave parties held throughout Victoria. I have received correspondence from Josh Brooker, who has for two years been campaigning vigorously to educate the community about the enormous risks to young people who attend such rave parties. He says in his letter:

Rave parties are open to anyone over the age of 15 years, but I have seen children as young as 10 at them, quite obviously stoned. At these parties drugs are freely available to anyone who has the money. Rave parties are no more than safe houses where children can do all sorts of illegal drugs. The organisers not only provide 'chill-out' rooms for those who have had a 'bad trip', but also appear to actively promote these parties as a venue for drug use with flyers playing upon household medicines and packaged 'trips' with cartoon characters on the wrappers.

He goes on to say that he has written to the Minister for Health, Mr John Thwaites, and a reply from the minister states:

... the government has funded the Ravesafe project *Safe Time 99*, a strategy which involves a group of young people staffing a 'chill-out' space providing water, first aid and crisis management to patrons who are experiencing drug-related anxiety at rave parties. The letter also says that the 'government is committed to improving the range and quality of services available to drug users'.

This response tells me that the state government admits that drugs are rife at rave parties and deals with this problem by setting up a mock-style hospital in what is already effectively a huge drug hotel. This strategy I believe condones drug use by minors and, in effect, actively promotes rave parties as a safe venue for young people to take drugs.

He says further:

My aim is to get the government to set up an investigation into the operations of the rave industry and to look at the impact that these rave parties have had on drug use by minors. At the very least, the government should consider limiting these parties to patrons over the age of 18. Whilst this is not going to stop Australia's worsening drug problem, it will make access to such an enormous cocktail of illicit drugs far more difficult for our children and youth. Other countries have realised the inherent dangers in holding these parties and have either put an age limit on them or banned them altogether.

What action will the minister take to address this serious issue to protect young Victorians attending rave parties?

Olympic Games: athletes and volunteers

Hon. I. J. COVER (Geelong) — I refer the Minister for Sport and Recreation to tomorrow's celebration of Victoria's Olympians, medallists from other states who

will be in Melbourne for the public recognition tomorrow and Olympic volunteers from Victoria. I acknowledge the invitation extended earlier today by the Leader of the Government to all members to attend tomorrow's welcome home for the athletes.

I am looking forward to congratulating our successful athletes, not the least of whom we are informed today is Lauren Burns, who won a gold medal in tae kwon do. With the most recent information given to the house tonight, I suggest that anybody who wants to be guaranteed that his or her photograph will appear in the next issue of *Active State* should sit next to the Minister for Sport and Recreation.

While still imbued with the Olympic spirit, I am sad to recall that prior to the Olympics we heard in this place how the Victorian government had snubbed Victorian volunteers who worked at the Olympic football matches in Melbourne. Some 600 volunteers were involved in that program but they were snubbed by the government, which was not even able to assist them by providing free transport to and from the Olympic venue in Melbourne, the Melbourne Cricket Ground.

The Olympics were not only a great success in Sydney but also in Melbourne where the Olympic football attracted more than 320 000 people to seven games, which was an average of 47 000 people at each of those games. The volunteers obviously had a lot of work to do.

I understand a number of Victorian volunteers have been invited to tomorrow's celebrations. I also understand that those volunteers are the Victorian volunteers who worked at the Sydney Olympics. I seek clarification on whether the Victorian volunteers who worked in Victoria at the Olympic football have also been invited to be recognised tomorrow so that they are not snubbed for a second time. If they have not been invited, my question to the minister is: how does he propose to invite them between now and 9.15 tomorrow morning?

Fishing: regulation

Hon. PHILIP DAVIS (Gippsland) — I direct a matter to the attention of the Minister for Energy and Resources. Recently several honourable members received correspondence from Mr Anthony Sharp of Emerald. Mr Sharp raised concerns about the lack of enforcement of fishery regulations due to an apparent lack of departmental officers who are able to attend important and popular fishing spots such as the Goulburn River at Acheron. Mr Sharp contrasted Victoria's lack of enforcement effort with the active

and officious enforcement operations in New South Wales. I am sure the minister will agree that the protection of Victoria's fishery resources for the benefit and enjoyment of generations to come is dependent on an effective enforcement regime. Will the minister advise the house what additional resources the government will commit to enforcement?

Youth affairs portfolio: consultancies

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Youth Affairs. My query relates to consultancy contracts entered into by the minister or by his department since the government assumed office on 20 October last year. How many consultancies have been entered into in the youth affairs portfolio since the minister took office last year?

State and Regional Development: consultancies

Hon. C. A. STRONG (Higinbotham) — I seek the assistance of the Minister for Small Business. I ask the minister to provide to the house details on the number of consultancies she has entered into during her time as minister on behalf of her department, the Department of State and Regional Development.

Energy and resources portfolio: consultancies

Hon. ANDREW BRIDESON (Waverley) — I seek the assistance of the Minister for Energy and Resources. My query relates to consultancy contracts entered into by the minister or by her department since the government assumed office on 20 October last year. How many consultancies have been entered into in the energy and resources portfolio since the minister took office last year?

Industrial relations portfolio: consultancies

Hon. G. B. ASHMAN (Koonung) — I direct my question to the Minister for Industrial Relations. How many contracts have been entered into by the minister since the ALP assumed office? What is the approximate value of those consultancies?

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Jeanette Powell raised for referral to the Minister for the Arts funding for the Shepparton Country Festival of Writing. I will raise that with the minister and ask her to respond in the usual manner.

The Honourable David Davis raised a matter for the Minister for Health. I will ask him to respond to that matter in the usual way.

The Honourable Wendy Smith raised for the Minister for Workcover a matter about a business in Ballarat. I will take that up with the minister and ask him to act on it as soon as possible. If all the details are not available on the record in *Hansard* I may get more information from the honourable member so that I can pass it on to the minister tomorrow.

The Honourable Gerald Ashman asked me about the number of contracts in which I have been involved as the Minister for Industrial Relations since 20 October 1999. I will take that on notice and respond to him.

The ACTING PRESIDENT — Order! I advise the house that under the rules governing the adjournment debate matters raised must relate to recent occurrences. Some of the matters raised this evening were not about recent occurrences and may have been more suitable to have been raised as questions on notice. I do not rule that the matters raised were out of order. I raise the issue for the information of the house and ask honourable members to take note of it.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Ron Best called on the Minister for Environment and Conservation to ensure that the residences of Newstead are connected to sewerage schemes as soon as possible. I will refer that matter to the minister.

The Honourable Andrea Coote called on the Minister for Environment and Conservation to take action to protect the Royal Botanic Gardens from damage from grey-headed flying foxes as soon as possible. I will refer that matter to the minister.

The Honourable Geoff Craigie requested that the Minister for Environment and Conservation advise which is the responsible authority for the King Parrot Creek in the Shire of Murrindindi in order that the responsible authority can be requested to prepare a management plan for the area. I will refer that matter to the minister.

The Honourable Bill Baxter invited the Minister for Transport to give his attention to identifying a suitable route for the proposed Craigieburn bypass to relieve congestion on the Hume Highway. I will refer that matter to the minister.

The Honourable John Ross referred to the government's commitment to signage regarding fishing limits on jetties and other facilities used by recreational

fishers. I can indicate to him that funds have been committed for that purpose through the fund created from the sale of recreational fishing licences in accordance with the advice on the expenditure of those funds. As to specific commitments in the member's electorate, I will be happy to provide the information to him, if that is the information he is seeking.

The Honourable Philip Davis raised the matter of the enforcement effort for the protection of fisheries in general and asked what additional resources the government would commit to that purpose. I can indicate to him that I have advised the house that the government has already committed additional resources that have been provided through the current budget for the restructuring of fisheries and wildlife offices and an increase in management positions to improve the effectiveness of fisheries enforcement. The government recognises that there will be ongoing demand for increased resources for the provision of improved enforcement due to increased pressures from recreational, commercial and, unfortunately, illegal operations in fisheries. Those increased demands and pressures will be dealt with through the budget process in the normal way.

The Honourable Andrew Brideson referred to consultancy contracts, which is a matter I will take on notice.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Sang Nguyen raised for the attention of the Minister for Community Services in another place access to disability services by non-English-speaking members of the community and how they can learn about the services available. I will pass that on to the minister, who will reply to the honourable member in due course.

The Honourable Ron Bowden raised the issue of air travel between Melbourne and Tasmania and the fact that the cost is higher than the cost of air travel from Melbourne to Sydney. The honourable member pointed out that a 14-day advance purchase return ticket from Melbourne to Hobart cost \$535. A cheaper option is a \$333 return ticket if you stay three days and three nights in Hobart, which is not necessarily a viable option for many people. The price of airline tickets is outside the jurisdiction of my ministerial responsibility, but I will ask my department to look into the issue. I am sure it will be argued that the price of tickets depends on the air traffic and the number of seats available under those pricing regimes. We will ask the question, even though there is no mechanism by which we can activate any concessional fares.

The Honourable Carlo Furletti raised a survey by the Victorian Employers Chamber of Commerce and Industry (VECCI) of business trends and prospects. He referred to a three-month slowdown leading up to the introduction of the goods and services tax. We know the GST was the basis for that slowdown. Mr Furletti referred to non-wage costs. I point out that VECCI has also done a study on small business compliance with the GST. Compliance costs for small businesses are in the vicinity of \$6800 and for medium-sized businesses they are in excess of \$19 000, so the costs are considerable.

In relation to Workcover, the government has indicated that it will review the industry rating system, something it inherited from the previous government. It was not reviewed in the seven years of that government's administration other than to take away the bonus and penalty scheme. The government hopes the review will help small businesses by providing a healthy and safe working environment.

The taxation review report is due in December. That review will result in some tax relief for small businesses — as I said earlier, up to \$400 million in the life of this Parliament.

The Honourable Chris Strong raised an issue regarding consultancies that I will take on notice.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Bill Forwood referred to the Minister for Major Projects and Tourism in another place a regional Victoria tourism group and issues involving research work and the potential for conferences. I will forward that issue to the minister.

The Honourable Peter Hall referred to the attention of the Minister for Education in another place the teaching scholarship schemes and a problem regarding eligibility that involves a particular constituent. I will refer that issue to the minister.

The Honourable Roger Hallam referred to the attention of the Minister for Police and Emergency Services in another place an issue raised by a constituent about his shooters licence, particularly when he moved from Victoria to New South Wales and back again. I will refer that matter to the minister.

The Honourable Neil Lucas referred to the attention of the Minister for Police and Emergency Services the police strength at the Emerald station, which I will also refer to the minister.

The Honourable Cameron Boardman again raised an issue he has previously raised with me as Minister for

Youth Affairs concerning the S11 protests and protesters.

If Mr Boardman did not understand my response on that occasion, I am happy to clarify it. He uses the word 'youth' generically. As I said when I answered the question, he should be careful about the way he uses it. University and school youth will have different liberties and rights, depending on their ages and where they should be at the time. That is the point I was trying to convey, but the honourable member did not understand. Youth under or above the age of 18 have different liberties under the laws of the state.

The Honourable Gordon Rich-Phillips asked about a document and the number of references to the minister. Obviously I have been active. The sector is well aware of the good work done by my department. I am sure I do not appear too often.

The Honourable Maree Luckins raised the issue of rave parties. For those honourable members who are not aware, Ravesafe is a peer education project that targets high-risk illicit drug users who frequent the rave party scene. It has been funded for the past three years. Its peer education provides for harm minimisation and safe using practices and resources — for example, water, ear plugs and crisis intervention — and to provide a chill-out space to thousands of ravers across Victoria each year. No doubt that would complement what the government is trying to do in relation to harm minimisation in drug use. The honourable member was concerned about the ages of those attending the rave parties. I am happy to raise those issues with my ministerial colleagues to see how the age of those attending the parties may be monitored or policed.

In relation to the matter raised by the Honourable Ian Cover regarding tomorrow's parade of Olympic Games athletes and volunteers, I clarify that the volunteers have never been snubbed in this state. On a number of occasions I have referred to the fantastic work the volunteers have done. They were not provided with public transport, as I explained in that circumstance, because the focus at the Sydney Olympic Games was on public transport. You could not access car parking on the site. As I said, volunteers were given car parking tickets. In Melbourne they got an even better deal in that they received tickets to events when they were not working in their voluntary capacities. I am also advised that tomorrow volunteers at the Melbourne and Sydney Olympic Games events have to present the identification cards they used at the games.

I am happy to take on notice the matter raised by the Honourable Andrew Olexander.

Hon. K. M. Smith — On a point of order, Mr Acting President, the minister was asked about the cost of a number of consultancies. The same question was asked of the other three ministers, but none answered; they spoke about getting the information at a later time. When can the opposition expect the figures to be supplied to the opposition?

The ACTING PRESIDENT — Order! On the point of order, that is up to the ministers. The guidelines for the adjournment debate are that matters raised on the motion for the adjournment of the house cannot be the subject of debate. An honourable member can raise a matter, and a minister disposes of it.

Hon. K. M. Smith — Further on the point of order, Mr Acting President, that means if a minister does not wish to answer a question he or she can give any sort of answer and sit down. No minister answered the question about consultancies. Ministers have a responsibility to the house to provide answers to questions.

The ACTING PRESIDENT — Order! The ministers have complied with the guidelines. I suggest certain questions be put on notice because, under the standing orders, answers will be given.

Motion agreed to.

House adjourned 11.50 p.m.