Tuesday, 13 November 1990

The PRESIDENT (Hon. A. J. Hunt) took the chair at 3.2 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

RESTRICTIVE WORK PRACTICES

Hon. M. A. BIRRELL (East Yarra)—The Minister for Health will be aware that restrictive work practices in Victorian psychiatric institutions have now reached such absurd and costly extremes that some male Hospital Employees Federation, No. 2 branch employees are refusing to do what they call women’s work. Other employees are illegally altering their work times and others are simply refusing to do the jobs they were employed to do. Therefore I ask the Minister: why has she failed to ensure that these unlawful or improper practices are stopped?

Hon. C. J. HOGG (Minister for Health)—Over the past few years the government has attempted to make inroads into some of the less than satisfactory work practices that have gone on in psychiatric hospitals and shared services. Some gains have been made. Some practices have improved, and in the current Budget climate that is precisely the area that is under examination and being negotiated with the Hospital Employees Federation, No. 2 branch. I am happy to say that in several cases already local agreement has been reached between the institution and the union to change particular practices, to work more efficiently, and make the sorts of savings that are, in this case, absolutely Budget driven. I have stated very clearly that we need to live within a tight Budget; work practices everywhere are being examined and, if they are irrational and illogical, work practices everywhere will have to change.

SALE AND LEASE-BACK OF ROLLING STOCK

Hon. R. M. HALLAM (Western)—I refer the Minister for Industry and Economic Planning to the contract for the sale and lease-back of rolling stock to the value of $250 million which was executed very late—on the last day of the last financial year—and I ask: how does the Minister maintain the government’s claim that this qualifies as an operating lease, given the extraordinary subsequent revelation that a $12 shelf company has become technically responsible for the maintenance of the rolling stock involved?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—I indicate to Mr Hallam that, as Minister for Industry and Economic Planning, I am not the Minister responsible for that issue. It is a matter for both the Treasurer and the Minister for Transport. As I have indicated to the House on previous occasions, if a question without notice is raised that relates to another Minister’s portfolio, I am more than happy to take up that matter with the relevant Minister and provide the honourable member with an answer in due course.

RESOURCE RENT TAX

Hon. T. C. THEOPHANOUS (Jika Jika)—My question is directed to the Minister for Industry and Economic Planning. The Federal government recently announced its intention to introduce a resource rent tax on gas in Bass Strait. This announcement
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has attracted criticism because of the potential to disrupt Victorian industry and for its fiscal consequences to Victoria. I ask the Minister what concerns the government holds about the likely impact of the RRT on Victorian gas.

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The government is concerned about the proposal to introduce a resource rent tax to apply to natural gas. We have indicated in the past and again more recently that we do not oppose the introduction of a resource rent tax to apply to oil in Bass Strait, particularly as there is no significant opposition coming from BHP in respect of oil, but we are concerned about the impact of a resource rent tax in respect of natural gas because it does not apply in the North West Shelf or the Cooper Basin.

We have a significant competitive advantage at the moment with natural gas. The Victorian government is very concerned that introducing a resource rent tax to apply to natural gas will have an immediate and negative impact on the State, particularly on industrial consumers of gas and electricity. The tax will increase Victorian industrial gas tariffs by 8 per cent and electricity tariffs by 1 per cent if the application of the resource rent tax is passed on by the Esso-BHP consortium in the first instance and then the Gas and Fuel Corporation.

By way of illustration, I point out that major industrial consumers such as the Altona petrochemical complex and the Chemplex plant at Footscray will be seriously affected by increased prices for ethane and natural gas from Bass Strait. With the selective application of the RRT to Bass Strait, Victoria will find its energy prices are increasing relative to those of other States.

Having competitive prices for natural gas is critical to the State on two counts: the economy generally, in terms of our competitiveness, and our continuing fight against the greenhouse effect, in that natural gas has some features which make it more attractive to minimising the greenhouse effect.

The government has expressed and will continue to express its concerns to the Commonwealth about the impact of RRT. I have met with the Federal Minister for Resources, and have written to the Federal Treasurer and the Prime Minister. In each instance I have outlined the government's concerns about the RRT and its potential impact.

Clearly, there are four ways in which the Commonwealth can deal with this matter: firstly, that no RRT should apply to gas and royalty should remain as the only tax on gas, and that remains the preferred option for the State; secondly, for the government to lobby the Commonwealth to include in the resource rent tax legislation provisions to prevent Esso-BHP from passing on the increase in tax levels; I am not quite sure whether that can be achieved but that is an option that would mitigate the circumstances I have outlined; thirdly, the necessity for a compensation package from the Commonwealth which takes into account indirect effects on Victorian revenue; and fourthly, if the RRT is to apply to gas it should be applied at a rate equivalent to the rate currently applied in royalty.

There are a number of other options that the Commonwealth could take into account to minimise the impact on Victoria's large industrial gas consumers. The Bill will be introduced in the autumn sessional period of the Federal Parliament. The Victorian government will be taking steps to attempt to have the Commonwealth review its policy decision about the application of the RRT to natural gas; if that is unsuccessful, to ensure that there is a minimum impact on large industrial consumers and on the Gas and Fuel Corporation.

The government regrets that this step has been taken after it had received an assurance from the previous Federal Minister, Senator Cook, that if the resource rent tax was to
apply to Bass Strait there would be an exemption for natural gas. The government will continue to pursue that option.

RESTRICTIVE WORK PRACTICES

Hon. M. T. TEHAN (Central Highlands)—In the reply of the Minister for Health to Mr Birrell, the Minister referred to work practices being less than satisfactory and under examination, and being negotiated with the unions. Why has the Minister refused to insist that any future increase in the pay or conditions of the Hospital Employees Federation, No. 2 branch members are specifically contingent on the eradication of the 44 restrictive work practices identified by Health Department Victoria and listed in documents released recently to Mr Birrell under freedom of information provisions?

Hon. C. J. HOGG (Minister for Health)—There are a number of changes that the government seeks to make in the large institutions for which it has responsibility, and in particular in the large psychiatric institutions. I believe and always have believed that to make progress and to make an impact on those services, to change them, to make them somewhat less institutional in the way services are delivered, it has to be done carefully.

Hon. M. A. Birrell—If at all.

Hon. Robert Lawson—Why was that not done years ago?

Hon. C. J. HOGG—Because there are now so many opportunities that present themselves; in a tight Budget climate it is becoming somewhat easier than it was in the past to have those negotiations. There have been areas of progress achieved over the past twelve months or so, but now there is a different spirit abroad.

People realise that work practices that may have been comfortable but less than efficient in the past simply cannot prevail any longer. That is the way the government is negotiating. It is seeking to have work practices that are not efficient changed so that they become efficient, so the government can do much more within its institutions, and within psychiatric services generally, within the same Budget.

SCHOOLS MAINTENANCE GRANTS

Hon. R. A. BEST (North Western)—I ask the Minister for Education: is it a fact that as from the 1991–92 financial year all government schools will receive a maintenance grant based on their enrolments? I understand the grants will replace the minor works program which presently operates on an as-needed basis. Will the Minister tell the House how much schools will receive per enrolment and explain how schools are to meet the costs of works such as painting and minor renovations when under the new formula the majority of schools—particularly country schools—will receive a mere pittance?

Hon. B. T. PULLEN (Minister for Education)—The broad answer is that what is happening is in line with the Ministry of Education’s objective of giving schools increased resources and greater scope for exercising discretion, and for projects costing less than $30 000 the processing and handling will be transferred from regional offices to schools. This process is being done in the context of supporting schools and assisting school councils in the management of schools. The Ministry is moving in the direction, I believe rightly, of giving schools greater control over resources of that order.

In regard to the direct relationship with the numbers referred to by Mr Best, I believe he is exaggerating the point because obviously the size of schools has a relationship to
the amount of work being done, but to say that there is a complete relationship between minor works done at schools and numbers is not accurate.

**HIGHER EDUCATION IN VICTORIA**

**Hon. JOAN COXSEDGE** (Melbourne West)—I ask the Minister for Education to report to the House on recent developments regarding amalgamations in higher education in Victoria.

**Hon. B. T. PULLEN** (Minister for Education)—Last week I met with the Federal Minister for Higher Education and Employment Services, Mr Peter Baldwin, to discuss the future structural and resource arrangements for higher education in Victoria. I am sure most honourable members are aware that a number of amalgamations in the past have proved difficult to bring about, and several organisations have moved into and out of partnerships and have been seeking partners.

The meeting with the Federal Minister was to take stock of the general situation and to apprise the Commonwealth government of my view and the view of the State government. I have since had the opportunity to speak with all vice-chancellors and hear their views on the matter and what they see as appropriate action in relation to their institutions. The result of these discussions is that the Federal Minister for Higher Education and Employment Services and I have come to a general agreement about the process for future amalgamations of higher education institutions being based on strengthening the five existing universities.

The Federal Minister and I discussed the need for resource allocations to the higher education sector to focus on achieving this goal and take into account the needs of Victoria’s growth corridors. I consider it important that Victoria has five strong universities able to meet the growing demand generally for places in higher education. We also need to plan so that we are able to meet the needs of the growing number of students coming from the three metropolitan growth corridors—in the north, south-east and west of Melbourne. The Federal government’s capital program for 1993 is due to be released in early December and I was encouraged in my discussions with the Federal Minister to learn that there will be support for facilities in growth areas.

In supporting five strong universities both governments agreed that, in any future amalgamations of higher education institutions, campuses close to existing universities should become part of those universities. I will be meeting with representatives of higher education institutions to brief them on the outcome of the meeting.

The Federal Minister and I also agreed to establish a joint project between the State and Federal governments to improve links between the technical and further education sector and universities. It has come to my attention that, of 3000 places in higher education last year where students came from TAFE areas, only 1000 had any recognition accorded of their TAFE qualifications. Of those 1000 students only some 200 were given any credits in the courses they entered for the work done in TAFE. On the surface these statistics seem unsatisfactory and I intend to raise the matter for comment with the vice-chancellors when I meet with them.

The Federal Minister and I have agreed that it is appropriate that work be done in this area, and I am seeking input from the State Training Board and higher education
institutions as to why this is occurring and what measures may be taken to improve the situation.

RESTRICTIVE WORK PRACTICES

Hon. M. A. BIRRELL (East Yarra)—I refer the Minister for Health to her previous answers to questions about restrictive work practices identified by Health Department Victoria and ask: why is the Minister only going to “negotiate” on those issues because surely such issues as the farcical requirement of Health Department Victoria plumbers that they will change a tap washer only if two plumbers are rostered for the job must be solved now and are not negotiable?

Hon. C. J. HOGG (Minister for Health)—I made it clear to this House about the time the Budget was brought down that approximately 1500 jobs would be shed from the health sector and that a number of those jobs would be in head office—about 60 were as proposed to begin with to set an example—and that some jobs would be from the hospitals sector and the remainder from the psychiatric hospitals sector. I have said quite clearly on a number of occasions that there will be no sackings or dismissals and that people will be redeployed throughout that sector.

Hon. M. A. Birrell—From plumber to plumber.

Hon. C. J. HOGG— Obviously that means people will be doing different jobs. There will be an overall net reduction in the number of people employed. That is addressing in a real way the question of restrictive work practices. We are doing it right now; negotiations are going on in some quarters right now. There will also be outcomes right now.

DISADVANTAGED SCHOOLS PROGRAM

Hon. P. R. HALL (Gippsland)—I ask the Minister for Education: is it true that the Victorian State government is proposing to divert $3.6 million of Federal money from the Commonwealth disadvantaged schools program to help pay the salaries of 400 teacher aides of whom only 155 are employed in designated disadvantaged schools and, if so, does this plan fall within Commonwealth guidelines for the expenditure of disadvantaged schools funding?

Hon. B. T. PULLEN (Minister for Education)—Funding for the disadvantaged schools program is targeted towards disadvantaged schools but, as some honourable members know, the definition of “disadvantaged” is questioned from time to time. In this case some discretion is being used and schools that need assistance are being targeted. There will need to be discussion on the guidelines, and that is occurring.

HOUSING FOR THE AGED

Hon. G. A. SGRO (Melbourne North)—Will the Minister responsible for the aged inform the House of the terms of reference for the interdepartmental review of the provision of services for elderly and frail tenants in public housing?

Hon. M. A. LYSTER (Minister for Local Government)—I thank Mr Sgro for his question about the important examination of housing for the aged. I hope the results of the inquiry will be that should aged people be in public housing they will have available to them the same range of services at the same standard as those that are now available to people in the private sector. That is the aim of the review, which will be chaired by the honourable member for Box Hill, Mrs Margaret Ray. It will comprise
representatives from Community Services Victoria; Health Department Victoria; the Ministry for Housing and Construction; my department, the Local Government Department; as well as a representative of the Older Persons Planning Office.

The review will not only analyse the quality and number of services and support services available to older tenants in public housing but will also specify actions that should be taken to ensure that particularly elderly and frail tenants receive the same facilities and services as are provided to tenants in private housing.

Longer term planning issues will also arise from the study, especially in respect of options for both appropriate housing development or redevelopment and the provision of support services which, I think, need a clearer definition. Mrs Ray will report to the Minister for Housing and Construction by March 1991. I believe this will be a most constructive and productive examination of the services available for older people, and particularly frail elderly people in public housing.

**RESTRICTIVE WORK PRACTICES**

**Hon. M. T. TEHAN** (Central Highlands)—I refer the Minister for Health to an earlier answer about psychiatric institutions and her claim that in some areas progress has been made towards improving work practices. Can the Minister give, say, two or three examples of where restrictive work practices have been identified and removed?

**Hon. C. J. HOGG** (Minister for Health)—Several weeks ago I was told that the overall number of employees employed by the Office of Psychiatric Services has been reduced over the past few months. I have been briefed that negotiations with the union to break through some of the restrictive work practices mentioned have been working well and that some local agreements to maximise efficiency in work practices have been successful.

**Hon. M. A. Birrell**—Give us one example!

**Hon. C. J. HOGG**—I believe that if there are successful results such as an overall diminution in the number of employees through the redefinition of jobs and therefore the redeployment of employees, that is the beginning of real progress.

**FORD MOTOR CO. OF AUSTRALIA LTD**

**Hon. R. A. MACKENZIE** (Geelong)—Can the Minister for Industry and Economic Planning inform the House whether there have been discussions in the past few days between members of the government and the management of the Ford Motor Co. of Australia Ltd as to possible further staff lay-offs or possible planned closures? If discussions have occurred, what was the result of them?

**Hon. D. R. WHITE** (Minister for Industry and Economic Planning)—I should like to indicate that in a general sense the government is most concerned by the preliminary report of the Industry Commission which said that there should be an overall reduction in the tariffs of 5 per cent a year for the next four years. As recently as last Sunday the Chairman of the Industry Commission, Mr Tony Cole, indicated in the media that the commission's final report, which will be released soon, may to some extent continue to reflect the material in the preliminary report. That would be of the utmost concern not only to the motor vehicle industry but also the Victorian government, because if tariffs were reduced by 5 per cent a year it could produce a severe dislocation in the motor vehicle industry, if not bring about a dismantling of the industry.

In contrast, the motor vehicle industry has indicated its willingness to accept being under some pressure in respect of a tariff reduction of 1 per cent per annum over at
least the next five years and beyond, which would be tolerable and which would have the support of the government. In the current economic climate the government does not think it is appropriate to have a more drastic tariff reduction than that.

There has been a recent change in the very senior management of the Ford motor company itself, with Mr Dix transferring to other activities and Mr Nasser taking over. My department has had preliminary discussions with Mr Nasser in relation to the activities of Ford and will continue to have discussions with him and give him Ford support in not only the export of the Capri motor car, which is being exported successfully, but other initiatives that Ford might be prepared to take that would enhance investment, economic activity and employment in the State.

The department looks forward to meeting with Mr Nasser from time to time. When those meetings take place I look forward to informing the House of the outcome in what is clearly a sensitive economic environment for the motor vehicle industry in Victoria, a key Victorian industry in the leading State with respect to the motor vehicle industry.

**POLICE PADDOCKS AT DANDENONG**

Hon. C. F. VAN BUREN (Eumemmerring)—Following his recent visit to the historic Police Paddocks at Dandenong, which are of great significance to the Aboriginal community in the area, will the Minister for Aboriginal Affairs advise the House of any proposed development of the area?

Hon. B. W. MIER (Minister for Aboriginal Affairs)—I am pleased to say that last week I visited the historic Dandenong Police Paddocks, which were once the headquarters of the Aboriginal native police and are now leased from the State government by the Wurundjeri tribe. Some honourable members may be aware, as I am sure is Mr Van Buren, of the historical significance of the area, which from 1835 housed native Aboriginal police who were used to implement law and order throughout the then colony, now the State of Victoria.

The Wurundjeri tribe, representing the traditional landowners of the Dandenong area, has indicated that it wishes to construct an Aboriginal cultural interpretation centre on the site to enable preservation and educational awareness of the Aboriginal history of the Police Paddocks. I am pleased to inform the House, and particularly Mr Van Buren and other members from the area, that my Ministry is in the process of assisting the community in developing a submission for funding of the proposed development.

**RESTRICTIVE WORK PRACTICES**

Hon. M. A. BIRRELL (East Yarra)—I refer the Minister for Health to her previous answers in relation to restrictive work practices and to a document in my possession which was released to me by her department and which cites 44 restrictive work practices. In the light of the Minister's previous answers, is it a fact that not one of the 44 work practices identified in the document has been eliminated?

Hon. C. J. HOGG (Minister for Health)—I cannot comment on the number of work practices deemed to be restrictive that may or may not have been eliminated right now. Certainly restrictive work practices are under scrutiny by Health Department Victoria. I mention one huge example of a change in work practices that I believe has been celebrated by people on both sides of this House. It demonstrates that great and beneficial change can happen but it takes time, care and a lot of support to achieve. The example is Willissmere Hospital, which represented an enormous change in the working environment and in work practices.
Hon. M. A. Birrell—That is not a work practice.

Hon. C. J. HOGG—There are probably hundreds of people who had to change their work practices in the change from one great institution to more than twenty community-based services. It is okay to deride that or to think that that kind of change of location and work practices does not mean anything, but it does, and I believe Willsmere Hospital was a great triumph of negotiation, policy change and work change.

BENDIGO PALLIATIVE CARE SERVICE

Hon. D. E. HENSHAW (Geelong)—I refer the Minister for Health to palliative care services, the provision of which on a Statewide basis is a government priority. A limited palliative care service has been operating in Bendigo since late 1989, and I ask the Minister to advise the House of the progress of that service.

Hon. C. J. HOGG (Minister for Health)—I thank Mr Henshaw for his question and for his interest in this topic. There are now nineteen community-based palliative care services operating across the State and a great deal of interest has been expressed in establishing further services. For some time the committee in charge of the Bendigo service was operating on temporary funds and had sought three meetings with me to try to obtain a more permanent funding arrangement, which in this financial climate is difficult to achieve. Last time we met committee representatives they told me that 104 people had been referred to their services, so the service has obviously found great favour in the community.

I am happy to report that, thanks to the work of the regional office, Health Department Victoria has now allocated $165 000 on a recurrent basis for the permanent operation of the Bendigo palliative care service. The service is supported and underpinned by work at the Bendigo and Northern District Base Hospital, the Anne Caudle Centre and the Mount Alvernia Private Hospital. Those three institutions provide a great deal in terms of in-kind support and enthusiastic advice and counselling to the service. The service now offers 24-hour nursing on call, a bereavement follow-up program and a trained volunteer support service to support it. At any time twenty people may be referred to the service and be receiving support from it. The organisation has been well handled in the area, as with so many others in the State, and I am delighted to say that its future is now assured.

PETROLEUM (SUBMERGED LANDS) (FURTHER AMENDMENT) BILL

Introduction and first reading


Read first time.
DENTISTS (AMENDMENT) BILL
Introduction and first reading

Hon. C. J. HOGG (Minister for Health), by leave, introduced a Bill to amend the Dentists Act 1972 and for other purposes.
Read first time.

HEALTH REGISTRATION ACTS (AMENDMENT) BILL
Introduction and first reading

Hon. C. J. HOGG (Minister for Health), by leave, introduced a Bill to amend various health registration Acts and for other purposes.
Read first time.

FREEDOM OF INFORMATION (AMENDMENT) BILL
Introduction and first reading

Hon. M. A. Lyster (Minister for Local Government), by leave, introduced a Bill to amend section 27 of the Freedom of Information Act 1982 and for other purposes.
Read first time.

ADMINISTRATIVE ARRANGEMENTS

Laid on table.
Ordered to be taken into consideration next day on motion of Hon. R. I. KNOWLES (Ballarat).

LEGAL AND CONSTITUTIONAL COMMITTEE
Subordinate legislation

Hon. D. M. EVANS (North Eastern) presented the eighteenth report from the Legal and Constitutional Committee on Subordinate Legislation (SR No. 64/1990) together with appendices.
Laid on table.
Ordered to be printed.
Ordered to be taken into consideration next day on motion of Hon. R. I. KNOWLES (Ballarat).

PAPERS

Laid on table by Clerk:
Agriculture and Rural Affairs Department—Report and financial statements for the year 1989–90.
Apollo Bay and District Memorial Hospital—Report and financial statements for the year 1989–90.
Papers

Beeac and District Hospital—Report and financial statements for the year 1989–90.
Box Hill Hospital—Report and financial statements for the year 1989–90 (two papers).
Burwood and District Community Hospital—Report and financial statements for the year 1989–90.
Clunes District Hospital—Report and financial statements for the year 1989–90.
Dimboola District Hospital—Report and financial statements for the year 1989–90.
Fairfield Hospital—Report and financial statements for the year 1989–90.
Geelong Performing Arts Centre Trust—Report and financial statements for the year 1989–90.
Greenvale Centre—Report and financial statements for the year 1989–90.
Kilmore and District Hospital—Report and financial statements for the year 1989–90.
Lorne Community Hospital—Report and financial statements for the year 1989–90.
Maffra District Hospital—Report and financial statements for the year 1989–90.
Maroondah Hospital—Report and financial statements for the year 1989–90 (two papers).
Patriotic Funds Council—Report and accounts for the year 1989.
Planning and Environment Act 1987—Notices of Approval of the following amendments to planning schemes:
- Bairnsdale (Shire) Planning Scheme—Amendment L26.
- Bass Planning Scheme—Amendment L11.
- Box Hill Planning Scheme—Amendment L8.
- Broadmeadows Planning Scheme—Amendment L8.
- Bulla Planning Scheme—Amendment L30.
- Croydon Planning Scheme—Amendment L14.
- Essendon Planning Scheme—Amendment L17.
- Flinders Planning Scheme—Amendment L16.
- Footscray Planning Scheme—Amendment L8.
- Gisborne Planning Scheme—Amendment L11.
- Hastings Planning Scheme—Amendment L13 Part 2.
- Healesville Planning Scheme—Amendment L27.
- Keilor Planning Scheme—Amendment L17.
- Korumburra Planning Scheme—Amendment L16.
- Lillydale Planning Scheme—Amendment L53.
- Mildura (City) Planning Scheme—Amendment L19.
- Newham and Woodend Planning Scheme—Amendment L12.
- Northcote Planning Scheme—Amendment L11.
- Numurkah Planning Scheme—Amendment L1 Part 1.
- Otway Planning Scheme—Amendment L13.
- Portland (City) Planning Scheme—Amendment L13.
- Preston Planning Scheme—Amendment L22.
Shepparton (City) Planning Scheme—Amendment L27.
Sherbrooke Planning Scheme—Amendment L31, L33 and L34.
Sunshine Planning Scheme—Amendments L10 Part 1 and L13 Parts 1 and 2.
Swan Hill (City) Planning Scheme—Amendment L5.
Waverley Planning Scheme—Amendments L6, L9 and L13.
Public Transport Corporation—Report and financial statements for the year 1989–90.
Roads Corporation—Report and financial statements for the year 1989–90.
Royal Dental Hospital of Melbourne—Report and financial statements for the year 1989–90 (two papers).
Royal Melbourne Hospital—Report and financial statements for the year 1989–90.
Royal Victorian Eye and Ear Hospital—Report and financial statements for the year 1989–90.
St George's Hospital—Report and financial statements for the year 1989–90.
Statutory Rules under the following Acts of Parliament:
   Audit Act 1988—No. 298.
   Food Act 1984—No. 304, together with copies of the following documents which, by section 32 of the Interpretation of Legislation Act 1984, are also required to be laid upon the Table:
      National Health and Medical Research Council's Food Standards Code—Amendment No. 6 (Commonwealth Gazette No. P 29, 27 August 1990).
   Instruments Act 1958—No. 286.
   Magistrates' Court Act 1989—No. 301.
   Melbourne and Metropolitan Board of Works Act 1958—No. 299.
   Transport Act 1983—Nos 291 and 293 to 297.
Stawell District Hospital—Report and financial statements for the year 1989–90.
Winchelsea and District Hospital—Report and financial statements for the year 1989–90.
Zoological Board—Report and financial statements for the year 1989–90 (two papers).

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Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts:
Land Tax (Amendment) Bill (No. 2)

Second reading

Debate resumed from 1 November; motion of Hon. D. R. WHITE (Minister for Industry and Economic Planning).

Hon. R. M. HALLAM (Western)—Land tax is levied annually on an aggregate of holdings where the threshold value is exceeded as at 31 December in the previous year. It is calculated on the unimproved aggregate value of holdings of individual taxpayers. The individual values are the site valuations determined within the local government structure. However, that valuation process is not carried out each year but is carried out on a four-yearly or six-yearly cycle; hence over the years we have developed a complex form of indexation to establish a common date for those valuations. That form of indexation is established to achieve equity particularly between the valuations of particular classes of land.

Although this indexation may produce a level of equity, it also means that for many people the system becomes confusing. It gives rise to a range of anomalies should there be any fluctuations across the market as has been the case over recent years. For example, the metropolitan valuations which were conducted in 1986 were in fact returned to the municipalities during 1988 and were used as the basis upon which land tax assessments were computed for the first time in 1990. Where there are no new municipal valuations available, the commissioner uses the most recent valuation which is updated by an equalisation factor supplied by the Valuer-General and which is based upon the shifts in the market values that particular municipalities experience. It is a complex process designed to provide some degree of equity between taxpayers.

The theory is that given that land valuations are indexed to establish a common valuation date land tax collections themselves should therefore generally reflect any shift in land values. That may be the case in broad terms, but there is one further complication and that is that the rates of tax levied across the scale are savagely progressive and therefore we have the additional problem of bracket creep.

To establish how extraordinary bracket creep can be it should be noted that a range of taxes goes from 0.2 per cent at the lower end to 3.6 per cent of valuations at the top end of the scale. An enormous range of taxes is levied.

Each year a Bill is introduced into Parliament that is designed to index two concepts to overcome the problem I have just outlined. Firstly, the traditional form of relief is to lift the threshold in line with the shift in land valuations to avoid new landholders being caught in the land tax trap because of the shift in land valuations. Secondly, provision is made to adjust the level of land values to avoid a penalty arising simply because taxpayers have been pushed into the higher brackets—that is, to avoid taxpayers being levied tax at a rate of increase greater than the shift in land values.
That form of indexation is precisely what the Bill is designed to achieve and to that extent, and given that it provides tax relief, albeit marginally, the Opposition does not oppose the Bill. However, the Opposition is not happy about the Bill because of one fundamental complication: that is, that such a Bill was not passed by Parliament in 1989. As a result that year passed without a tax relief mechanism being put in place by Parliament. Victoria has missed a whole chapter in its tax framework and as a result the taxpayers were slugged in 1990 in their land tax assessments.

It is clear that the Land Tax (Amendment) Bill (No. 2) does not remove completely the effects of the gap in the indexation process. In other words, a step was missed last year and taxpayers were slugged but the Bill does not pick up the gap arising as the result of that step being missed. In effect, while the Bill will provide some relief—as I said, that relief is marginal—the government has grabbed a substantial windfall by not processing a similar measure last year. The windfall is now built into the system.

The clearest example I can give of the windfall comes from the government's own statistics. Last year, under the 1989-90 Budget, when the Land Tax (Further Amendment) Bill was presented in the other House, the government predicted land tax would have been payable by fewer than 65,000 Victorian taxpayers. That figure is mentioned in the Treasurer's second-reading speech.

This year the government reports that in respect of the Bill 96,000 taxpayers have been caught; in other words, 31,000 more Victorians are caught by the land tax net, but the Bill releases some 25,000 of them. The government is saying to the Opposition, “If you don’t process the Land Tax (Amendment) Bill (No. 2) the other 25,000 Victorians will stay in the land tax net”. Thus, notwithstanding the processing of the Bill, 60,000 more Victorians will be caught. In other words, the windfall gain the government was happy to grab last year has not been recovered; it has been institutionalised. I suspect it will affect a percentage of Victorian taxpayers for many years to come; it will simply be processed into the future.

The government has worked hard to convince the Opposition in particular and taxpayers in general—and, indeed, the press—of just how benevolent it has been in indexing values and rates and thus restricting the increase in the land tax burden. One of the bases on which the claim is made is a comparison with New South Wales. The government has said the land tax penalty in New South Wales is $126 a head and by comparison people in Victoria are well off because the penalty in this State is only $92 a head.

Apart from the obvious comment that raw comparison would invite—going to the issue of population density and land mass—I find it interesting that the government chose to overlook the crucial aspect of any comparison of Victoria with New South Wales. It happened that last year, in the face of a similar experience—that is, an exploding impact of land tax in New South Wales—the Premier of New South Wales, Mr Greiner, refunded 25 per cent of the tax incurred! He actually gave people back the tax levied against them—or part of it. If the government is going to use New South Wales as a basis of comparison, it would have been nice to have that fact revealed: that New South Wales taxpayers were given that form of relief.

Victorians are presented with the eternal comparison based on unchanged policies, the hypothesis that we would have been somewhere different but for government action. I am not sure whether the average Victorian is impressed by that, but I am not. It is nonsensical and hypothetical. It does not change the fact of an enormous impost in land tax.

For instance, honourable members are told that if the Bill does not go through an average increase in land value—upon which the tax is assessed—could be expected to
be 18.7 per cent. As I said, I do not find that hypothetical figure to be of any consolation; nobody would feel any better for having that figure pointed out to him or her. In 1989-90, land tax put $306.9 million into the coffers of this State. This year the Budget explains that $404 million can be expected to be collected. The figures represent an increase of 31.6 per cent; notwithstanding all the efforts to rationalise the increase in tax, it will be an increase of almost one-third.

I am not consoled by the caution given by the government that an assessment cannot be made of the shift in the incidence of tax simply by undertaking a crude comparison between the two Budgets. The explanation given is that the figure included in the Budget includes 50 per cent to 60 per cent of the 1990-91 tax; it includes almost 50 per cent of the tax due and payable last year. Honourable members are told that “some” tax relates to earlier years. We are told, “You can’t draw the crude comparison because there is a matrix of collections”. The statement does not make me feel any better. I think it makes the situation worse.

I have raised this point before: it is absolutely crazy that the Budget documents do not explain or reveal the true picture. I do not want to misread the importance of the shift in collections. It would assist me and other members of this Chamber if we were provided with some breakdown of the assessments. It is no good the government saying, “We have not got them”, or “It is too complex”, or “You are not entitled to them”. Someone has worked out the assessments and the expected rate of collection because the figure appears in the Budget. If someone tucked away in Treasury has gone to all the trouble of working out what the collection will be and how it will relate to tax due but not paid from the previous year and some years before, all I am asking is that the government trot those figures out. Then honourable members will not run the risk of drawing the wrong conclusion.

We do not want the Treasurer cautioning us not to misread the figures. I find it somewhat insulting that the Treasurer draws up the Budget and then says, “Hang on, don’t rely on the figures because they could be misleading”. What an extraordinary situation! It would be nice to learn where we are in respect of the target. For instance, I should like to know how much of the expected revenue from land tax this year relates to tax assessed in previous years. I should like to know also whether the collection process is effective. They are simple, fundamental questions that I think honourable members are entitled to put to the government.

As I said, I do not want to draw the wrong conclusion but the fact remains that honourable members are simply not given the basic data on which to assume the conclusion is right; they have no way of knowing whether it is right. I seek an explanation as to why the raw conclusion drawn from the data in the Budget is correct or incorrect. In the absence of the data I have just outlined, honourable members are entitled to conclude the tax collected is expected to increase by 31.6 per cent.

The Minister for Industry and Economic Planning has just walked into the Chamber. I am delighted he is here, and I put on record a formal request to the government to release the land tax data. If we are told that we cannot draw conclusions about cash collection this year compared with last year, I want to know the details of why we cannot do that and I want to know the collections versus assessments for, say, the past three years.

Perhaps the worst feature of the 31.6 per cent increase anticipated in the Budget is the fact that last year tax assessments represented a massive increase on the previous year. In 1988-89 land tax was responsible for $230 million of revenue in the public purse. The $307 million collected last year represents an increase of 30 per cent or more. Effectively that represents a land tax collection of $230 million two years ago to a land tax expectation of $404 million in the current Budget. Leaving aside the complication
of what is truly collection versus assessment values, that is still a massive increase and that increase has become an enormous impost on business. It is clear to anyone who reads the danger signals that that tax has become so burdensome that many businesses have simply folded under its weight, especially in the central activities district where land tax values have skyrocketed in the base valuation year and that has led to enormous increases in land tax assessment.

In the face of that shift in land values and the escalation in tax assessments, we sought some assistance from the Australian Institute of Valuers and Land Administrators this time last year. My colleague, Mr Wright, initiated that call for help. The institute took a random sample across five metropolitan municipalities and that showed that the expectation of land tax increases was nothing like the modest prediction in the Budget documents, it was several times in excess of that. In fact it is a matter of record that the institute predicted that land tax assessments could expect to increase by something like 30 per cent in Berwick, 150 per cent in Hawthorn, 170 per cent in Melbourne city, 59 per cent in Moorabbin and an incredible 283 per cent in South Melbourne.

In the face of those massive figures we simply were not prepared to believe the government’s rhetoric about the extent of the increase. The government received a massive windfall and I suspect the windfall is greater than we at this stage are able to isolate because of the complication I mentioned before that we cannot isolate the level of assessment as distinct from the level of collection. That is precisely why I am seeking from the Minister the clarification I outlined a moment ago. It is clear that when the time came for the tax to be assessed, notwithstanding the claim from many of the government ranks that the institute had got its sums wrong, the assessments were of the order predicted in that case study and it did not come as any surprise to the Opposition to learn of assessments reaching 100 per cent increase or more. It was no surprise to learn that many assessments had shown a 100 per cent increase over the space of just two years.

I find it intriguing that the Treasurer should now trot out the defence that he offers in this instance. He says that the landlords cannot complain because the tax has gone up in line with the shift in the value of land. His rationale is that landlords were happy enough to take those valuations on board and use them to pump up borrowings—that is the inference in the second-reading speech. If that is the best the Treasurer can do, we are in bigger trouble than I first thought because that response is absolutely pathetic. It shows that the Treasurer does not understand the basics of business, a balance sheet or day-to-day operation in the real world.

That response draws upon the assumption that land values are somehow directly linked to profit or the ability to pay. That is absolute and arrant nonsense. The fact that one may have a technical value in asset structure is absolutely no help when it comes to writing a cheque. The bank manager does not say, “Well, Mr White, I am happy to accept your cheque because you have a six zero figure in assets supporting you”. That land asset may be mortgaged to the hilt but one must still pay tax on it. Even if we forgive the Treasurer for misunderstanding the relationship between equity and profitability I simply cannot forgive his reliance on the crude notion that land holdings are somehow related to ability to pay. One simply cannot transfer fixed assets into liquidity. The book values of land are not much help when one comes to write a cheque.

The second assumption is even more idiotic and questionable. The Treasurer says that it can be assumed that the landlord will pay the tax. That goes back to Labor Party philosophy that it is all right to kick the bloke at the top, to get into the big fellow.
Hon. R. A. Mackenzie interjected.

Hon. R. M. HALLAM—That is the point, Mr Mackenzie; in its mad scramble to knock down all these landlords in Collins Street the government has made life miserable for the tenants. It has missed the entire point.

Hon. R. A. Mackenzie—It is against the spirit of the Act.

Hon. R. M. HALLAM—I am pleased to have your support, Mr Mackenzie. It is against the spirit of the Act and ultimately against the consumers. Whether it is understood by the Treasurer, the irony is that the landlord hands on that responsibility to the tenant because most tenancy agreements, at least those with which I have been involved over the years, have provided specifically that land tax becomes the responsibility of the tenant. It is the tenant who has to struggle to meet the impost of land tax and it is doubly unfair because the land tax share directed to the tenant is directly affected by the other property the landlord owns under this concept of aggregation. The more land the landlord owns the higher the tax rate and the more the poor little tenant at the bottom pays. No wonder tenants are upset.

Hon. R. A. Mackenzie—The tenant cannot claim land tax as a tax deduction.

Hon. R. M. HALLAM—I am not convinced of that, Mr Mackenzie. However, it is incredibly unfair and it shows how abysmally out of touch this government is to think that it can simply increase the land tax for the big financiers down in Collins Street without making any impact elsewhere. That is why it is not only the landlords but many others throughout the community who are groaning under the weight of the increase in land tax. It is perhaps even more grotesque in one other respect. In terms of the aggregation and the fact that that pushes the total holding of the landowner into a higher tax bracket, it may well be that his principal place of residence is also caught, and so it follows that it may also be that the tenant on the bottom is paying more in land tax because of the residence of the landlord at the top. I do not know how that strikes you, Mr President, but it strikes me as being grossly unfair.

That specific concept of including the primary residence is a legacy of the Honourable John Cain. It is an inequity which no other State, with one exception, suffers, I believe. The exception in that case is poor little Tasmania. No other mainland State levies land tax on the principal place of residence. In my view that again illustrates the philosophy under which this government struggles. It highlights the fundamental flaw in the understanding of the Labor Party. Apparently it is okay to tax the bloke at the top, and this is a classic example where it is the bloke at the bottom or the consumer who gets hit in the leg.

The Treasurer's second offence is perhaps even less rational but, I suspect, more understandable. He says this whole scenario is the fault of the Opposition. He says it has arisen as a result of the extraordinary attitude—that is the terminology he used—of the Opposition at this time last year. I do not want that comment to go unchallenged because the only thing that was extraordinary about our attitude last year was that we wanted to protect the taxpayers. We said to the government, “You can't have a new duty on goodwill”. We said no to that. Then we said it could not have the deeming provisions within the payroll tax Bill which would have seen subcontractors being presumed to be employees and therefore responsible for WorkCare payments in principle. That would have been grossly unfair and we said no to that.

In fact we said, “If you like you can split the Bill. Take the deeming provisions out and you can have your payroll tax Bill”. The government said that was not acceptable and decided it would not bring those Bills on for debate and, in return for the Opposition's recalcitrance or refusal in that instance, it decided not to bring the land tax Bill on for debate so that the taxpayers of the State would miss out on the relief it
would provide. That is the sort of level to which the debate stooped at this time last year.

The point is that the land tax Bill was not debated last year. It never got to this House. In fact it was never debated in the Assembly. We had the extraordinary situation of the Opposition arguing that the government should bring on one of its own Bills for debate! The government refused.

Hon. R. A. Mackenzie—Mr President, I direct your attention to the state of the House.

Quorum formed.

Hon. R. M. HALLAM—The situation is absolutely bizarre. Here we have a government which says to the Opposition, "It is really your fault that all this tax impost has occurred", when in fact it was the Opposition which argued last year for the government to bring on its own Bill for debate. It chose not to do so. No-one out in the community swallows the line that somehow it is the Opposition's fault that land tax drove many businesses to the wall last year. People understand the way this government works.

In the wake of what we said to the government last year—that it could not have part of its stamp duty Bill and part of its payroll tax Bill—came the option for the Cain government to cut expenditure. It was a very simple option understood by everybody in this State. The government chose not to take it up. The government took the view that it could not survive without those two taxing mechanisms, and so in turn it penalised the taxpayers of this State who were brought within the land tax trap. A cut in expenditure was something foreign to this government and it denied taxpayers the relief which it now says they were entitled to by the very fact that it brings this Bill before the House. As I said, it is pretty ironic that the government should be blaming the Opposition for this situation, but that in itself is a fairly accurate commentary on how well this government is travelling.

No-one swallows the Treasurer's soft soap. We have all seen the impact of the land tax increases. This Bill will pass because at least it provides some relief; at least it eases the burden for next year. In that context there are four central features that are very important. The first is the exemption level or the threshold of which I spoke earlier. That will be lifted from $105 000 in 1986 values to $150 000 against the land valuations of 1987. As I said before, the shift in that threshold will relieve some 25 000 taxpayers who have been brought within the land tax trap. Therefore it is a very important initiative and relief mechanism.

The second central feature is the shift in the steps of the rates themselves. The second step will cut in at $240 000 where it was $175 000 previously; the third step will cut in at $490 000, which is an increase of $90 000 over the previous threshold. The fourth step will cut in at $1.5 million compared with $1.2 million previously; and the top tax bracket will now apply only from $3 million of land value as compared with the previous level of $2.2 million. That will have a substantial effect in respect of the bracket creep. It overcomes the inevitability of taxpayers being required to pay more simply because the shift in the value of their land would push them into a higher tax bracket. That is a very important initiative and concession, and we do not denigrate it at all.

The third important feature is the marginal rates themselves. The government has reduced the impost of tax across the top three categories. We should be grateful for small mercies, and it does provide relief—I am delighted to concede that—but I also have to raise a question mark about why the government should go in that direction now when it argued so vehemently last year that to shift the rates was totally
inappropriate. We had government employees, public servants, arguing that it was unnecessary to change the rate of tax. In this case the top rate has been reduced from 4 per cent of land value to 3.6 per cent. The second top rate has been reduced from 3 per cent to 2.8 per cent; and the middle bracket has been reduced from 2 per cent to 1.8 per cent. Again, that will provide relief to Victorian taxpayers.

In addition, perhaps the most important concession in the Bill is the application of an across-the-board ceiling. It contains a restriction which says that there shall be no increase in the imputed value of any parcel of land greater than 27 per cent. That puts a ceiling across all the computations apart from those that are established directly by land valuation derived from a sworn valuation or from a sale. At least that will help alleviate a repeat of the experience in the central activities district of Melbourne where land values skyrocketed in a very short space of time. When that factor was fed into the computations of land tax, it blew them through the roof.

The House is told that by imposing the ceiling now Victoria can expect that land tax will not increase in aggregate terms by more than 7.8 per cent in 1991. I am intrigued by that although I do not dispute it; that statistic may be right. I should like the Minister for Industry and Economic Planning to explain where that figure was derived from because it seems totally inconsistent with the raw data taken from the Budget documents about the collection expected this year as opposed to that achieved last year; it amounts to a 31.6 per cent increase. I am intrigued as to why the ceiling means that no taxpayer in aggregate should come in above 7.8 per cent. I would be delighted to be persuaded that the two figures are consistent.

The Opposition notes with some interest that Mr Fordham, the honourable member for Footscray in the Legislative Assembly, has been commissioned to hold an inquiry into land tax. That is a very important step. We should not look a gift horse in the mouth, and we do not. The Opposition supports that inquiry and it does so with some relish. I have studied the terms of reference, as indeed have some of my colleagues, and we concede that they are appropriate. The Opposition looks forward to the findings.

I am sure that if the inquiry is conducted in a genuine way and in a genuine context it will find and confirm the anomalies that the Opposition has been highlighting regarding the incidence and effects of land tax over some years. The Opposition supports that initiative. The pity of it all is that for many businesses it may be too late. They will not survive and I am indeed very sorry for that. In addition, it may also be too late for the government.

Hon. B. E. Davidson—Are you sorry about that too?

Hon. R. M. HALLAM—That does not cause me a minute’s concern, Mr Davidson.

For the reasons outlined, it is my responsibility on behalf of the coalition to announce that the Bill will not be opposed.

Hon. ROSEMARY VARTY (Nunawading)—I congratulate Mr Hallam on his detailed analysis of the Land Tax (Amendment) Bill (No. 2). It is true that the Bill provides some relief to small business because it has increased the tax-free threshold to $150 000 and gives relief to about 25 000 taxpayers. However, the Bill is still unfair and inequitable in its impact on business and on families because it is a wealth tax. There is no question that it is other than a straight wealth tax.

The government has a penchant for taxing those whom it perceives to be wealthy although it gets a little mixed up along the way as to who is wealthy and who is not, and who is generating the wealth that allows the employment of Australians.
Land Tax (Amendment) Bill (No. 2)

13 November 1990
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The Budget discloses that $44 million in revenue will be forgone in this year as a result of the measures in the Bill, and $77.5 million in revenue will be forgone in a full year. The government tends to make much of that argument about forgone revenue but land tax is still a massive rip-off because it will collect an estimated $404 million this year compared with $307 million in actual collections last year. If the figures are any guide to the comparison between last year's estimates and collections, the estimate of $404 million for this year is understated. That gap will be far wider. In 1981-82 the collection of land tax amounted to $116 million; the estimate this year is $404 million. The increase in eight years amounts to 249 per cent, yet the consumer price index has increased by only 83 per cent. Victorians can then understand the massive rip-off that has occurred.

It is usual in the annual land tax Bill to provide relief in two ways: by increasing the threshold level and by reducing the rate in the dollar to provide some sort of equalisation factor to take account of increases in land values. The Opposition says that has not occurred sufficiently. The government is intent on increasing only its revenue and is not concerned about equalisation factors or about ensuring that people are treated equitably.

This year, collections of land tax in the City of Box Hill—one of the cities in my province—increased by 60 per cent. Much of that city covers areas like Mont Albert which has an ageing population; many residents may be asset rich but certainly they are cash poor in the sense of being able to meet those sorts of commitments. The government has made a misguided attempt to force those who have lived in that area for a long time to sell their homes to pay for the land tax imposition.

The Mitcham area has a strip shopping centre with a number of small businesses that have been run by family members for a long time. A number are now caught up in the land tax net because there is no exemption for principal places of residence. Suddenly those people find themselves caught for the first time in the land tax net.

One person whom I visit fairly regularly has said that after this year the family will close its business; come Christmas, the family will not continue operating because the imposts of government charges have become too high. They will sell their assets because they take the view that in a few years time the assets will be totally eroded so that then they would not have what is, in effect, their superannuation as a retirement benefit. The family members are in their late fifties and had intended to sell the business within the next couple of years. They believe that if they do not sell now there will be nothing left in a few years.

One has only to drive through the outer eastern suburbs to see the empty shops in any of the major shopping centres and strip centres. That has occurred largely because of imposts such as land tax. Retail sales have not increased at the expected rate. A comparison of the June 1989 and June 1990 figures reveals a 1.7 per cent increase in retail sales—very much below the inflation rate. Even if all charges had increased at only the inflation rate, those in the retail area would be well behind the eight ball because their sales have not kept pace with the rate of inflation.

Land tax is not as visible as other government taxes. Payroll taxes and stamp duty on the sale of properties or businesses are up-front charges that the employer draws and pays either on a monthly basis or on the sale of the business or property. Land tax is part of the outgoings of a business but the proprietor has no way of budgeting for that tax because he does not know what the landlord will charge for land tax for the following year. It is impossible to make an accurate assessment of the amount of land tax as part of the outgoings of a business. Normally a provision is made for outgoings, but in the case of land tax the proprietor does not know what figure to allow.
Land Tax (Amendment) Bill (No. 2)

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It would not be so bad if the government had shown fiscal restraint, but it has not done so, which is an added concern to business people. They are being forced to tighten their belts to pay taxes to a government which shows no fiscal restraint whatever.

One would have thought the government would acknowledge that land taxes are a rip-off and adopt the proposals introduced by the New South Wales government, which has reduced the land tax burden in two ways: firstly, by reducing it by 25 per cent, and, secondly, by refunding 25 per cent of the 1990 land tax. The rate of land tax in New South Wales is now 1.5 per cent, one of the lowest rates in Australia, but Victoria has the highest land tax in Australia.

The Victorian Congress of Employer Associations provided me with details of massive increases in land taxes paid by businesses in 1989 and 1990. In one instance a business paid land tax of $26,700 in 1989, but that figure increased to $96,000 in 1990, an increase of 350 per cent. No business can budget for that sort of increase and impost.

The government takes the view that land tax is a wealth tax and so it is a tax on the rich. It fails to recognise that the people who own properties and pay land taxes let those properties to tenants to conduct their businesses, and the land tax is payable by those tenants as an outgoing in their business accounts. Those people are often the sellers of goods or services and somewhere along the line the imposition of land tax is incorporated into the sale price of those goods and services. Therefore, the persons who buy the goods or services pay the increase in land taxes and generally they are the people who can least afford to pay that increase—the people whom the government professes to look after. The people at the bottom of the pile cannot pass on the cost of increased goods or services to anyone else. They are the ultimate users of those goods or services.

Victoria is the only mainland State that still includes the principal place of residence in the computation of land tax. Tasmania still adopts that practice, but it does not occur in any other mainland State. The Opposition says that the principal place of business should not be included in the assessment for land tax. We have been open about that and we have also said that land tax rates should be reduced to allow for the massive increases in property values over recent years where land tax is based on 1986 values, which are much higher than the current property market. That reduction would be in the form of an equalisation factor and would mean that the tax was not so inequitable.

The Bill recognises that there should be reductions in land taxes, but it does not go far enough. The Opposition welcomes the government's inquiry into land tax, but it is long overdue and should have been put into place before the last Budget session.

I reinforce and adopt Mr Hallam's comments regarding the Treasurer suggesting that it is the Opposition's fault that the measure was not introduced earlier. The reason the measure was not introduced earlier had nothing to do with the Opposition, but far more to do with the fact that the government could not forgo the extra revenue that this measure was designed to reduce. Not bringing the measure on earlier has given the government a windfall.

The Opposition indicated that it would not pass the payroll tax Bill in its then form because of the deeming provisions making subcontractors eligible under WorkCare and payroll tax and last year, the goodwill tax. The government took the weak way out and when it could not balance its books it decided not to bring on the Land Tax (Further Amendment) Bill at that time and to blame the Opposition for it. This miserable government could not show any fiscal restraint and required the extra revenue it received by not introducing this measure until now.
The Opposition will reluctantly allow the Bill to pass but does so noting that land tax is a severe impost on business and ultimately on employment. The government will be called to account very soon in respect of the issues raised not just by this taxing measure, but other taxing Bills as well.

Hon. R. A. MACKENZIE (Geelong)—What has been said by the two previous speakers in the debate is true in many ways, because land tax is an impost that is often paid not by the people it is levelled against, but by people in the lower socio-economic bracket who can least afford to pay it. This taxing measure should be reformed and it is a pity that the government has not taken the opportunity to introduce reforms discussed by the government and others over a considerable period.

The previous government was also taken to task because of land tax and the way it operates. The inquiry that has been initiated by the government is most welcome. One hopes that as a result of it many of the inequities in land tax will be removed. We look forward to next year's land tax Bill introducing many reforms because as Mr Hallam and Mrs Varty have said, the landlords to whom the tax is aimed in the spirit of the Act simply pass on the tax so that it becomes part of the tenant's rental, and it is often imposed on the tenant in a most unfair way.

I recall an instance in Geelong of a landlord who owned five shops of varying sizes in one particular complex. Some of them faced the main shopping area and others did not so they all had varying capabilities of earning income. Faced with the prospect of having to pay land tax on those five properties, the landlord simply divided his land tax bill by five, overlooking the ability of the individual tenants to pay the tax. There are other instances where leases are drawn up and agreed to by tenants without land tax appearing; the landlord simply bills the cost into the total rental, and that is fair enough.

In other instances leases are drawn up and land tax is recorded separately. As Mr Hallam and Mrs Varty pointed out, tenants do not know by how much land tax will increase from year to year and it is difficult for them to allow for the increase. I remember vividly a shop tenant in Geelong coming to my office about an increase in land tax which he had assumed when he signed the lease was something like council rates and, never having paid land tax before, he had not thought it could be anything like the $22,000 he would have to pay. He owned a small shop that sold greeting cards and small gifts. One can imagine how many birthday cards he would have to sell to make up the $22,000 to pay the land tax bill! As a consequence he had to put off two staff—two more unemployed people! That is an example of land tax not being paid by the landholder at whom the legislation is aimed.

Another area that needs considerable reform is the valuation of property. We need to consider how we value properties because in many cases we rely on the expertise of one person to say what the value of a property is. There are many instances of two valuers giving valuations with a large variation between them. Much unfairness occurs in this area and many people are avoiding paying land tax by passing it on to people who cannot afford to pay it. It is creating many inequities in our society and is leading to businesses failing and the loss to the community of those failed businesses. The loss of employment must eventually be borne by the government, which spends the taxes raised in redressing the damage it has caused.

I welcome the government's move in appointing Mr Fordham, the honourable member for Footscray, to carry out the inquiry into land tax. It is long overdue because the inequities of the land tax system were talked about long before this government came to power. It is pleasing to hear Opposition members now saying similar things to what the government said when it was in opposition. I hope that this time next year we will be debating a new land tax reform Bill that will eliminate the inequities of the current
system and that we will be able to introduce a tax that is fair, that is levied on people who can afford to pay and that is paid by the people against whom it is levied.

Hon. K. M. SMITH (South Eastern)—In speaking on the Land Tax (Amendment) Bill (No. 2) let me put it quite bluntly that I do not support any of the taxing Bills the government has introduced, particularly this land tax Bill. It is another unfortunate episode in what the government has been prepared to do to the people of Victoria—slugging them left, right and centre in attempting to make up for some of the mismanagement and dollars in debt it has amassed over the past eight years. Unfortunately, the government has not been prepared to react appropriately to the pleas of the people, particularly in the past twelve months since the last land tax assessment notices were sent out. It is appalling to think that in some of the examples reported in newspapers, on television and in radio reports of businesses struck down and forced into unviable positions because of the land tax that has been thrust upon them, people have to consider closing down their businesses.

I read about a shopkeeper in the Moonee Ponds area who has demonstrated the problem he faces. In 1988 he paid $38.10 in land tax, which one would consider to be a reasonable amount, but in 1989 the government grabbed the opportunity of increases in the value of land and levied land tax of $2443 on the property, and in the twelve months in which he has to make up that sort of money his bill for 1990 nearly doubled to $4447. That massive increase in land tax is out of all proportion to the type of business that man runs. That is just one example, and I shall mention others later.

I am sure honourable members have read about problems faced by people in small fish and chip shops who are facing massive increases in land tax from $500 to $5000. They have worked out that they would have to charge something like $5 for a small bucket of chips to recover the amount of money they must pay in land tax.

It is all very well for the government to exempt properties valued under $150 000 and to say it is doing something for those people in this Bill; the fact is that it is too little, too late. The government has hit the people of Victoria, particularly the business community, for so long now that I have a strong belief that as time goes on not enough people will be left in business in Victoria to pay the taxes, whether the assessments be based on valuations of $150000, $250000 or $500000. The problem is that the government is intent on putting businesses out of business. It is not just the way it is prepared to do it that concerns me because even though the government says it is trying to improve the system and put equity into it, land tax is completely wrong on many counts. The government has made a grab for money and three times deferred a land tax Bill before bringing it finally into this House for us to pass judgment upon it. I ask the government whether it thinks it can get blood from a stone. I do not believe it can. I think the people of Victoria are reacting, and reacting strongly.

I look at the Bill as being one of envy. It is a tax that is put on people who have managed to acquire some property or properties. Being based on municipal valuations, the land tax has blown out of all proportion to the cost of the rates and the government has decided it will hit these people for a large amount of money. I call this a Bill of envy. The second-reading speech states:

Among the landlords themselves there are many who, while complaining now about their land tax being based on increased land values, were more than happy to take on their books those same appreciated asset values of the boom years and to gear up their borrowing on the strength of them.

The government itself has shown that it is trying to catch up with some of the people who are in the unfortunate position of having their property values go up. The government wants to get its hands on it. Land tax is ripped off the community and the government gives nothing back. This is typical of what it has been doing and I am not sure it really understands the repercussions of the actions it is taking. I cannot bring
myself to believe the government is doing something right in raising the exemption level of the tax to $150,000.

We all know properties have gone up in value. The original valuation was $105,000 on 1986 valuations and the government will not be prepared to raise that at a certain date in the future. We know that. The government is not prepared to do that and it has a damned cheek to suggest that it will have a review of the tax. It has put the failed former Deputy Premier, Mr Fordham, the honourable member for Footscray, in charge of the review. The government has listed a number of things it will examine and the review will come up with some recommendations for any changes that are necessary. I am prepared to state in Hansard the fact that what the government is going to do is stretch out the review that Mr Fordham will carry out into land tax.

Its recommendations will come forward in twelve or fifteen months, during which the government will have ripped more money out of the pockets of Victorians because of land tax. Mr Fordham will recommend to caucus and the Labor Party that it should do something about lowering land tax.

It is the same old story of what it is going to do with payroll tax to bait the voters of Victoria, hook, line and sinker. It will throw out the bait and say, “We will lower land tax for the people of Victoria”. Mr Fordham is reviewing this matter over a period of time. It does not matter how many millions of dollars we have ripped out of the pockets of Victorians up until now; we are going to lower the rate of land tax and raise the level of the exemption. One can see it coming. It is sticking out like a sore toe. This is a devious government; we know that. It is going to make every effort to try to get re-elected at the next election. It will do the same with land tax as it will do with payroll tax—drop it 1 or 2 per cent—because the truth is it does not matter to the government what promises it makes in its hope of being re-elected at the next election. I do not think the people of Victoria will go for it, but the government will try to lie to the people as it did with the family pledge at the 1988 election.

Last Sunday it was with great pleasure that I attended Coolart Homestead, which is an historic home on the Mornington Peninsula. There were on display some books and letters between members of the family who originally owned the property, and a book of accounts for the Coolart Estate Pty Ltd. When I looked to see what the people had to pay for their property and the expenses they had I found they paid 13,518 pounds for the property on 31 December 1837. As item 4 or 5 they had listed State land tax. I did not think it could possibly have gone back that far. Maybe it came over on the convict ships. It was a land tax of 3 pounds 11 shillings and 2 pence. It was probably a huge amount of money in those days—equivalent to what the fish and chip shop owner is paying for his land tax!

I thought it was interesting that land tax went back 153 years. At that time the family had 2000 acres of prime land on the foreshore at Somers. There is not as much there now and the government owns the property, so land tax would not be paid on it and the people can be extremely grateful for that. Unfortunately the rest of us poor souls have to pay it.

There are some other matters of interest I shall mention relating to land tax and the number of different tax measures the government is imposing on people. I shall refer to some of the figures that were released by the Bureau of Immigration Research. Honourable members are probably wondering what I am getting at now. Victoria has 26 per cent of the population of Australia and has a history of being the centre of manufacturing. The Minister for Local Government can relax. She does not need to call a point of order because I shall get to the point.

The problem we have is that because of a number of taxes imposed on businesses only 16 per cent of migrants who come to Australia come to Victoria. The people in
England, Hong Kong, Singapore and New York ask themselves where they should move their manufacturing businesses to, and while they once would have said, "We will go to Victoria, which is under a Liberal government" now they say, "The cost of setting up a business and conducting it in Victoria is too high". They go to New South Wales instead. The Premier of New South Wales has to be complimented on the way he was prepared to review land tax and pay back to the people who have been ripped off by the previous government 25 per cent of what they had paid over. I thought that was a pretty fair thing for a government to do, but I cannot see this government ever giving money back. It can only make a few promises about what it may do.

In conclusion I should like to say that I cannot support the Bill. My previous business background will not allow me to support it because I believe the tax is a rip-off of the business community which has already been hit and hurt throughout Victoria for a long time under this government. I was going to say it is another kick at the guts of business, but that is probably not a suitable Parliamentary term to use, although it demonstrates exactly how I feel. The government has kicked business for long enough. This is only another way of doing it and forcing people out of business.

The promises of raising exemptions do not necessarily make life easier for businesses. The government is not prepared to do anything positive so far as exempting principal places of residence is concerned, and it will still have aggregation of the businesses and properties that are owned by a particular person or company.

At least the Opposition will be prepared to support people when the issue has been discussed outside the party structure. We will exempt the principal place of residence and we will remove aggregation of properties. We will recognise the fact that businesses cannot continue to be hit and kicked around as they have been under this government. Although the coalition is supporting the Bill, I personally cannot support it.

Debate adjourned on motion of Hon. REG MACEY (Monash).

Debate adjourned until later this day.

COURTS (AMENDMENT) BILL

Second reading

Hon. M. A. LYSTER (Minister for Local Government)—I move:

That this Bill be now read a second time.

This measure is another step in the continuing improvement and general upgrading of the Victorian judicial system. During the term of this government, considerable attention has been given to the court structures of this State, after years of neglect by previous administrations.

Since the report of the Civil Justice Committee in 1984 the government and the judiciary have worked together to improve the judicial system in Victoria. The number of judges and magistrates in the State have been increased considerably. Greater "judge power" results in shorter court waiting lists and fewer delays. This is beneficial to the wider community. As well, the court building program and improvement of court facilities and rationalisation of court resources across the State have been priorities of this government. The administration of justice in this State is much the better for the efforts of this government.

At the same time the legislation governing the courts has all either been re-enacted with improvements or substantially modernised as have the rules of court governing court procedure. The claim can justifiably be made that the Victorian courts now have the most modern legislative and regulatory structure in the Commonwealth.
Constitution (Proportional Representation) Bill

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The Bill has as its major focus the improvement in the status of masters of the Supreme and County courts. The Bill gives masters tenure in office in recognition that they play a pivotal role in the disposal of the business of the higher courts in this State. The continuing development of the role of the masters, particularly since the broadening of their powers in both the Supreme and County courts under the new rules of those courts, requires recognition of the status and importance of the office.

The Bill also widens the powers of the Supreme and County courts to refer appropriate cases to mediation or arbitration. In view of the community’s desire for cheaper and less formal dispute resolution systems to be available in the right cases, and because such cases can often be better resolved in forums other than the courts, it is highly desirable that the courts have the widest powers to refer cases to alternative dispute resolution systems. In many cases, specialist arbitrators, especially in technical cases, can resolve disputes more quickly and cheaply than the normal judicial process.

Other miscellaneous amendments made by the Bill are set out in Part 5. They include an amendment to the Crimes Act to give the Director of Public Prosecutions a discretion to choose in which court a person should stand trial. This discretion is subject to controls but should ensure that the appropriate court hears a trial. As well, there is an amendment to the County Court Act to give the County Court unlimited jurisdiction in personal injuries matters. These matters were canvassed in the former Attorney-General’s higher courts discussion paper and response published last year. Part 5 also includes amendments to Schedule 5 of the Magistrates Court Act 1989 to increase the power of the court to extend time limits for the commencement of committal proceedings.

Other amendments of a minor nature are also included in the Bill, including the correction of a misnumbering of paragraphs in the Legal Profession Practice (Amendment) Act 1989 which has created difficulty for the Law Institute’s complaints handling process.

I commend the Bill to the House.

Debate adjourned for Hon. HADDON STOREY (East Yarra) on motion of Hon. R. I. Knowles.

Debate adjourned until later this day.

CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. B. W. MIER (Minister for Consumer Affairs) on motion of Hon. M. A. Lyster.

Hon. M. A. LYSTER (Minister for Local Government)—I move:

That the Bill be printed and, by leave, the second reading be made an Order of the Day for later this day.

Hon. R. I. KNOWLES (Ballarat)—Leave is refused.

Ordered to be printed and second reading to be made Order of the Day for next day.
LIQUOR CONTROL (FEES) BILL

Second reading

Debate resumed from 31 October; motion of Hon. D. R. WHITE (Minister for Industry and Economic Planning).

Hon. R. M. HALLAM (Western)—The Liquor Control (Fees) Bill introduces another of the revenue initiatives announced in the Budget documents. The first point I wish to make is that the Bill is part of the Budget package. It represents an increase in an existing tax and, while the Opposition might be upset at the dimension of the increase, I have to report that the Bill itself will not be opposed. The Bill has one simple central effect: it increases the licence fee on liquor other than that which qualifies as low alcohol content liquor purchased in Victoria from 9 per cent to 11 per cent and applies that rate to licences falling due for payment on 1 January 1991. Effectively the Bill says that when you go to the Act and see the figure “9 per cent” you simply cross that out and substitute “11 per cent”. While the effect of the Bill may be simple—it has been promoted by the government as innocuous—the ramifications for the liquor industry are extraordinary. Firstly, under the increased rate of fees the revenue budgeted for in the 1990-91 financial year is $147.6 million. Based on the simplest raw comparison with the previous year’s revenue figure of $119.7 million, that represents an increase in excess of 23 per cent—a massive increase!

The licence fees fall due for payment on the first day of the calendar year for which they apply. Hence this Bill includes the full-year effect of the taxing mechanism. However, licensees can elect to pay by four instalments under a specific scheme allowed for in the Act. If that course is chosen by the licensee the last of those instalments falls due on 10 September 1991—it falls outside the current financial year! Even after allowing for the penalty which must apply in that case and must be paid with the first instalment, the 23.3 per cent increase that I have just outlined may understated the true extent of the increase—it may be higher! I raise the issue in exactly the same context as I did in respect of the debate on the Land Tax (Amendment) Bill (No. 2).

The House has not been given the wherewithal to do a true comparison. Nowhere in the Bill is the true effect of this fee increase shown. Again I call on the government to provide a simple statement of what the increase is expected to achieve.

Honourable members have been told what the cash implications will be but I want to know what the true implications are. The government cannot say honourable members are not entitled to that or that such information is impossible to provide, because someone has worked it out. I ask the Minister for Local Government to provide the House with a simple chart showing precisely what the increase in fees from 9 to 11 per cent means in real terms. I know what it will mean in revenue but the true effects of the increase have not been given.

Of course, what is revenue for the government in this case is a cost to the industry. The timing of the penalty in this respect is absolutely terrible. Apart from the economic downturn applying throughout Victoria, the liquor industry in particular is now in absolute chaos. That chaos can be attributed, at least in part, to the so-called reforms introduced by the former Cain government.

Following the Nieuwenhuysen inquiry a few years ago the government set about what it euphemistically described as liberalising the liquor laws of the State.

Hon. K. I. M. Wright—It has created great confusion.
Hon. R. M. HALLAM—It has indeed. Victorians were told that they had to become more civilised in their drinking habits—that the laws of the land should be more appropriately directed towards the needs of the purchasing public rather than toward the selfish interests of existing licensees. That is what the government said. I well remember the National Party's opposition to that policy. I well remember debate within the National Party and being part of a decision which effectively pointed out the government was going in the wrong direction. The National Party advocated the direction to be taken should be 180 degrees different from the one taken by the government. I take no joy in now saying that the circumstances that have evolved since then in fact confirm the National Party's worst fears expressed during debate on that liquor reform Bill.

The main outcome for the industry post-Nieuwenhuysen has been an absolute explosion in licence numbers. In May 1988 Victoria had 5128 licensees. In June of this year—only two years later—there were 6617 licensees, an increase of 29 per cent or almost 1500 licences. About half of the 29 per cent increase over two years is accounted for in the category of on-premises licences, which cover bistros and restaurants. These facilities are able to allocate 25 per cent of their floor space to the sale of alcoholic beverages, and in my view many of them have become nothing better than sly grog shops. One should not confuse them with the 30 000 individual single-event licences approved by the commission in the past financial year. The crucial issue to be considered is that sales in Victoria have been static, or slightly in decline, so the trade is spread more thinly—the declining trade is now spread across a further 1500 licensed premises.

Considering that background, it is no wonder the industry is in absolute turmoil. I suspect the latest increase introduced by this Bill will be the straw that breaks the camel's back for many Victorian licensees. The Australian Hotels Association, Victorian branch, has reported that 86 of the 1450 hotels in this State are in receivership and that no fewer than 400 were sent suspension notices for failing to pay the fourth instalment of their licence fees which fell due on 10 September. More than one in four Victorian hotels has its licence in jeopardy! The National Party believes that outcome was entirely predictable. It said so when the rules were changed. There is nothing astounding about the outcome.

Prior to the reforms introduced by the Cain Labor government the Liquor Control Commission, as it then was, was required to assess the effect of any new entrant into the industry upon the viability of other licensees in the general location. The commission was required to take into account the economic impact of any new licences granted. Of course the Labor Party philosophy found that abhorrent. That requirement was viewed as some form of protection and something to be attacked. However, as the National Party maintained at the time, the effect of that provision produced stability within the industry, or a degree of rationality over the years. Under the circumstances that applied before the so-called liberal reforms, licensees had a valuable asset in the form of their licences. Licences had some commercial value and as a result licensees looked after their licences and treated them with respect. In addition, because of the value placed on licences the commission had a powerful bartering chip. It could require an individual licensee to abide by a whole range of conditions in respect of premises and standards. The commission was able to supervise and maintain a standard across the industry. Over the years hotels particularly have been required to meet those standards, and many spent thousands and thousands of dollars at the direct instruction of the then Liquor Control Commission. The commission was able to impose standards on decor, flooring, accommodation and meals and that was a central feature of the whole industry.
Under the Cain government's reforms the Liquor Licensing Commission is specifically prohibited from taking into account any effect on other licensees in the area should additional licences be granted. Therefore I find it ironic that in a decision handed down on 10 May 1989 in respect of an application by Dominoes Wine and Spirit Merchants for a packaged liquor licence in the Mordialloc area, Assistant Commissioner Elizabeth Bond expressed her grave concern about the effect on the immediate trade in the vicinity if an additional licence should be granted.

Assistant Commissioner Bond deplored her inability to take that factor into account in reaching her decision. She said that, notwithstanding that fact, she intended to grant the licence. That was not something new to members of the opposition parties, because such a change had been predicted. It is a crazy situation that is bound to lead to short-term discounting and long-term instability in the industry. If this continues we will finish up with quick-quid operators, the very type of people we say we want to protect the community from. Additional outlets, particularly on-premises licences and late-hour outlets are extremely hard to police, and all sorts of statistics can be produced to support that claim.

Industry standards have deteriorated since the reforms were introduced, so much so that the industry is heading in a direction opposite to that proposed by the government. The industry is not becoming more sophisticated; instead the government is promoting sly grog shops, many of them masquerading as discos and bistros. In short the industry has become anything but civilised. The liquor industry is not only legitimate but very important. Problems caused by alcohol abuse will not be solved by downgrading the industry—quite the reverse. Wines and other alcoholic beverages have been around since at least biblical times and their abuse throughout history is well documented; but that will not change as a result of the policy direction taken by the Labor government.

Our beer and wine industries are important export earners and we should be proud of the products Victoria produces, which have attracted an excellent international reputation. That alcoholic beverages are sometimes abused is no excuse for the government treating the liquor industry as a cash register. The 2 per cent increase in the licence fee represents an increase of approximately 22 per cent when the licensee comes to pay the fee, which will have an enormous impact on the profitability and liquidity of most licensees. For instance, a licensee whose liquor purchases amounted to $400,000 for the year ending 30 June 1990 will now have to find not the $36,000 he expected to pay on 1 January next year, which he budgeted for, but $44,000—in other words, he will have to find $8,000 on short notice. Licensees were told about the increase only when the Budget was brought down; so in my example the licensee has only four months trade from which to set aside an additional $8,000.

Hon. B. W. Mier—That's wrong.

Hon. R. M. HALLAM—I'll be delighted to hear your formal response, Minister, because I suggest it is right. After all, the Minister for Consumer Affairs is meant to know about these things; all I am relying on is 20 years experience in the industry! The retailer in my example will have to find an additional $8,000 after he has cast his budget. When he sat down at the beginning of the year he had no notice that the government would increase his licence fee by 22 per cent.

Hon. B. W. Mier interjected.

Hon. R. M. HALLAM—Although the Minister makes light of it, the increase will make life very difficult for those in the industry.

The Australian Hotels Association has suggested to the opposition parties that the tax is retrospective in some ways. I cannot accept that because the licence fee is payable
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for each calendar year; it is payable in advance and is due on 1 January, although it is
normally paid on 10 January. For the purposes of computation it is derived from
purchases for the previous financial year—that is, purchases up to 30 June of the
previous calendar year. The AHA also suggested that the opposition parties should
argue that the fee should be based on current purchases and not on purchases of the
last year, because that is somehow retrospective. Apart from the opposition parties
having no choice in the matter because we cannot amend money Bills, if the fee were
based on current purchases it would become an excise, in which case the
Commonwealth government would say to the State government that the fee could not
be collected.

Although the collection of the fee is not retrospective in the true sense of the word, the
lack of notice given to those who must find the cash implications of the increase makes
life very difficult for them. A retailer facing trading problems caused by the expansion
in the number of licences granted will have great difficulty finding the extra 22 per
cent in a few months.

Hon. B. W. Mier —2 per cent.

Hon. R. M. HALLAM—It’s not 2 per cent! It may be 2 per cent to you, Minister,
but it is 22 per cent to the person who has to pay it—and again, I shall be delighted to
hear the Minister put his case.

The liquor industry has suggested that the government should allow licensees to pay
the cost of the licence over the year—say, on a monthly basis without penalty. I find
that idea attractive if for no other reason than that it would ease the liquidity problems
faced by licensees in making an up-front payment once a year; but again, the opposition
parties do not have the chance to amend the Bill because it is a money Bill. Nevertheless
I have made some calculations based on the instalment alternative available under
the Act. The poor old licensee would have to be really hard up to opt for the alternative
offered by the government supposedly to ease retailers’ liquidity problems.

Assuming that a licensee faces a fee payment of $40 000, under section 116 of the
Liquor Control Act he could choose to pay by four equal instalments falling due on 10
January, 10 March, 10 June and 10 September of each year. If the retailer chose the
alternative an extra $3000 would have to be paid at the time the first instalment was
made, which amounts to a total fee of $43 000. The extra $3000 is a penalty, not
interest, because the word “interest” is not mentioned in the Act. The alternative
offers the deferral of $10 000 for 59 days, $10 000 for 151 days and $10 000 for 243
days. Assuming an accommodation cost of 15 per cent, for a penalty payment of
$3000 a retailer would supposedly save $1861.50—but effectively he would be some
$1200 out of pocket, a very poor deal. I do not swallow the government’s line that the
alternative is a relief mechanism. For comparison’s sake, that works out to an interest
rate of approximately 23 per cent. No-one could consider that to be a benevolent
easing of the burden imposed on licensees.

Only those people who are absolutely strapped for cash would take up the option that
is available under the Act, and they pay through the nose for it. Let us not hear any
more of the suggestion that this is some form of relief. One is told the tax is supportable
because it brings the Victorian tax into line with other States. That is true; 11 per cent
is the rate that applies in South Australia, Western Australia and Tasmania. I note
that the rate applying in New South Wales is 10 per cent and the rate applying in
Queensland is 8 per cent. I wonder why the government did not use the comparison
with Queensland in this case. It uses a comparison with Queensland at every
opportunity in a whole range of other instances.

Hon. R. M. HALLAM—I would be interested to hear the argument about harmonisation in respect of Queensland. I do concede that Victoria is the only State, with one exception—South Australia may also do it—that gives an exemption for low alcohol content liquor. Beer that falls below a level of 3.8 per cent of alcohol by volume and wine that falls below 6.5 per cent of alcohol by volume is exempted completely from the fee. I concede that is an important initiative that was introduced in 1987 and addresses in some part the problem of alcohol abuse.

The Opposition is not impressed with the government’s argument that the rate itself has not been increased since 1987. That is obviously a specious argument and hardly warrants a response. Obviously the yield from the given rate that has applied for many years has grown dramatically since 1983.

I concede that the 11 per cent is largely consistent with the other States. Because exemption is granted for low alcohol content liquor, and because this is an extension of an existing tax and therefore does not fall within our commitment in respect of new taxes, and given that the Opposition cannot amend it, irrespective of how much it would like to, and the fact that its only choice is to refuse or pass the Bill, the Opposition has decided not to oppose the Bill.

It seems self-evident that having made a decision to pass the Budget itself that a decision should be made on balance—and this decision was on balance—that the Bill should be allowed to pass.

Hon. K. M. SMITH (South Eastern)—Once again I rise to say here is a Bill I do not support, the Liquor Control (Fees) Bill. My concern is for the large number of licensed premises: 1450 hotels, 1000 retail bottle shops, 1500 licensed restaurants and 1900 licensed clubs. That totals approximately 5850 licensed premises that will be affected dramatically by the 22 per cent increase in taxation that has been thrust upon these people.

It was interesting to hear the Minister for Consumer Affairs saying that it is only a 2 per cent increase. He should investigate himself because he is conning the people; it is a 22 per cent increase for the last twelve months supply of liquor that has been sold. There is no way known that the owners of licensed premises will be able to recover that money. The people in those businesses cannot say to their customers as they walk past the store, “Come back, we’ve got an extra amount of money that has has to be paid for last year’s drinks. I remember you bought a dozen bottles of beer and a bottle of scotch from me so you’re going to have to pay tax on that for last year.” One would hope that would not work because we would all probably be put in rather embarrassing positions, being accosted in the streets by proprietors of licensed liquor stores. I do not want that to happen to me and it should not have to happen to these people who are going to have to find that money all of a sudden and pay it over—and pay it over they will.

My colleague from the front bench of the National Party, Mr Hallam, has once again stolen a lot of figures that I should like to have used, but I suppose it is worth while talking about some of those things again because it is important that the record show the Opposition’s disgust at what the government is all about. What it is about is ripping into the people of Victoria because ultimately, after it is all finally paid for by the liquor store owner, the people of Victoria are the ones who are going to have to pay. If the liquor store owner has any brains at all he is going to put on a bit extra in this coming year to try to cover himself for the money he has had to pay out for last year that he did not have a chance to pay because of this incompetent, greedy, nasty and untrustworthy government. That is a problem the shopkeeper, the hotel owner and the club operator face. Think of the clubs; the Returned Services League will find it will have to take out of its revenue money that it has set aside for improvements to its clubs. It is the same with hotels and liquor stores.
The government does not give a great deal of thought to what running a business is about. Most of its members have never worked in their lives. They have been employees of the unions, schoolteachers or something like that. They are not capable of thinking as the Opposition does and what running a business is all about. The Opposition knows what it is about; it is planning for the future, expansion, putting a few dollars aside so that in time to come when one needs that extra money it will be there. These people are put in the position where they are not going to have that money.

There are a couple of other figures that have been provided to me by the Australian Hotels Association that are worth mentioning in relation to the number of businesses that are currently in liquidation because of the economic downturn. The industry is currently experiencing a very bad period so far as liquidation of organisations is concerned. There are some 86 hotels in receivership out of a total of 1450. Honourable members on the government side would say it is not too many and it does not really matter about them. But it does matter because it is 86 businesses this government sent broke. Some 400 have had their licences suspended because they could not pay their last quarterly instalments on the previous amounts of money they had to pay. It is not the rip-off that is going to happen—the 22 per cent increase coming along now—this is on the last quarter of their licence fees for last year.

That is an indictment of the government. People who say when things go bad hotels and gambling thrive because people are either drinking themselves to death because of the current situation or they are trying to gamble themselves into winning situations are not correct. What is happening is that these people are going broke. During the financial year ended 30 June 1990 the State government collected $43 million in licence fees from 900 retailers in licensed liquor stores.

The fee increase to 11 per cent—which shows in the figures as a 2 per cent increase but which is really an increase of 22 per cent—will mean that retailers are paying in the vicinity of $53 million or an average of $59 000 for every outlet, which is a retrospective increase of $11 000 per outlet. It is a huge amount of money for these people to come up with, and I am merely going over the figures referred to by Mr Hallam, but it is important that we reinforce those figures.

It is unfortunate that the government is prepared continually to try to crucify businesses throughout Victoria, and we are looking now at the licensed liquor stores, hotels and clubs. The owners of these premises are hurting, and with the 22 per cent increase, I am sure that many more than 86 hotels will be in liquidation and many more than 400 people will not have paid their quarterly dues. Businesses in the liquor industry will be going to the wall in droves. I cannot support the Bill in any way because it is another cost to businesses in Victoria.

Hon. G. P. CONNARD (Higinbotham)—This impost is being imposed by the government purely and simply because it is short of money. It would not be quite as bad if officers of the Ministry of Consumer Affairs were efficient in collecting moneys due to the Ministry, but fairly large sums of money are involved here and it seems to me that this inefficient Ministry has wrongly imposed the fee. It would perhaps have been a little better if the Minister for Consumer Affairs had been here to listen to the remarks made in the House, but regrettably he is not.

Basically the problem is one of an inefficient administration. My colleagues in this House will have noted that some questions on notice were asked by me concerning the Ministry and the Liquor Licensing Commission and I make the point because a comparison of the figures is quite interesting. One of the questions on notice I put to the Minister for Consumer Affairs this sessional period was question No. 393, asking the Minister what was the monetary value of the liquor licensing fees for the past three years. The answer was that income derived under the previous arrangements in
1987–88 was $90.91 million, and in the following year, 1988–89, it was $114.15 million. In 1989–90 it was $120.07 million, and of course this will increase, as Mr Smith said, by some 22 per cent on top of the ordinary inflationary rate, so we are talking about large sums of money.

I made inquiries to the reconstructed Ministry about some of the administrative details surrounding these figures. As we know, the assessment is due on 1 January of every year and traditionally the inspectors—as they were known before the recent Act came into operation—were assisting the hoteliers and licence holders in assessing the liquor licensing fee to be paid. Naively I asked the Minister a question on notice about how many inspectors of licensed premises were employed by the former Liquor Control Commission and the Liquor Licensing Commission over the past two years. The Minister rather impertinently answered:

"... the Liquor Control Commission and the Liquor Licensing Commission does not and did not employ inspectors."

When I went down the track a little further I discovered that inspectors are currently called field information officers on the one hand, and licensing fund assessors on the other hand, so it just depends on which answer one chooses to read.

In question No. 394 I asked how many licensees were required to pay fees to the commission on 31 December 1989 and on 10 March 1990 and how many paid on or before the relevant date. The Minister answered by stating:

"... 6169 licensees were required to pay fees ... for the 1990 calendar year of which 2063 licensees paid their fees in total on or before the relevant date."

So fewer than one-third pay their fees as and when they are due. The outstanding point about the rest of the reply is that enormous sums of money have been spent on computer installations within the commission for these assessments, yet the answer to question No. 394 continues:

"Computer systems at the Liquor Licensing Commission do not readily enable the commission to obtain the number of licensees who were required to pay their licence fees to the commission by quarterly instalments on or before the relevant dates."

"The time and resources required to obtain the detail requested cannot be justified as it would take a minimum of 100 hours (approximately)."

And then it goes on to say:

"A new computer system is being installed and production of reports of this nature are under consideration."

That answer to a question on notice is quite easily interpreted as meaning that the Liquor Licensing Commission does not know. Despite expensive computer systems being installed, it does not know.

It is equally interesting to note, in pointing out the incompetency of the Minister and his Ministry, that I asked in question No. 392 how many assessors—we have the term right now—were employed in the former Liquor Control Commission on 1 January 1988 and at the Liquor Licensing Commission on dates such as 1 January 1989 and 1 July 1989. In question No. 391 I asked how many licensed premises in each category were visited by the inspectors or assessors, and I matched the two questions together because the purpose of these assessors is to assist the licence holder in the actual assessment of his returns. The answer was that for the period January 1988 to June 1988 five assessors visited 50 premises, and in the period from July 1988 to December 1988 five assessors were in the employ of the commission and they visited zero premises.

In the period from January 1989 to June 1989, 26 premises were visited by two assessors; in the period from July 1989 to December 1989 two assessors visited zero
premises, and finally, in the period from January 1990 to June 1990, the commission employed three assessors who visited 24 premises. The average is roughly three assessors over six months visiting about 30 premises.

These assessors are busy people, because I am informed by some of my hotelier friends that it takes roughly half a day to a day for the assessors to go through the books of a hotel and come up with the assessment!

I am pointing out that it is an extremely messy operation. There are insufficient assessors for the number of premises they must visit such as hotels, bottle shops and licensed premises. Basically there are too few assessors to provide the necessary figures accurately. They are certainly not able to do their duties in the time they spend assessing premises.

The answers to the questions on notice to which I have referred indicate that the computer system is failing. Despite that, the government has the impertinence to claim it is doing well and should be allowed to take an additional 22.5 per cent from the incomes of hoteliers and licence holders. My colleague Mr Knowles asked question on notice No. 577, which states:

In respect of the year 1990 to date, how many licensees or licensee companies (specifying the licence category) are in default of payment of licence fees under the Liquor Control Act 1987?

The answer is:

Full reports to produce this information are not available from the computer system at the Liquor Licensing Commission. The time and resources required to obtain this information through a manual search of files cannot be justified. However, 436 licensees were recently sent letters stating that their licence had been suspended for being in default of their fourth instalment payment under the Liquor Control Act 1987.

The Liquor Licensing Commission must go through list of hundreds of licensees using a manual system when an expensive computer system is available. The system is failing, and yet the government has the impertinence to ask for an additional 22.5 per cent in fees. In question on notice No. 577 Mr Knowles also asks:

What is the total owed by defaulting licensees?

The answer is:

The amount of outstanding licence fees is currently unavailable.

The Ministry of Consumer Affairs has a computer system that does not work. The government cannot say how much in licence fees is outstanding, and yet it wants to increase the fees. I am shocked by that; it is a case of dereliction of Ministerial duties. The Minister is not even in the House to listen to the complaints of the Opposition, and I sincerely hope the Minister for Local Government will listen to my remarks and pass them on.

Hon. M. A. Lyster—So long as they are relevant.

Hon. G. P. CONNARD—Is it not relevant that the Ministry of Consumer Affairs cannot inform honourable members of the amount of outstanding licence fees when the government is talking about increasing the fees by 22.5 per cent? Mr Knowles also asks:

What licensees . . . are in default of payment or part payment of licence fees at the present time?

The answer is:

This information is under preparation, which is not suitable for release, in order to protect commercial confidentiality.
Irrespective of commercial confidentiality, the Ministry of Consumer Affairs cannot answer the simple question of how many licensees are in default of payment or part payment of licence fees. Despite that, the Minister has the gall to ask the House to agree to increase the licence fees by 22.5 per cent.

I shall refer to question on notice No. 389 which asks how many licensed premises in each category were visited by inspectors for the purposes of inspection during the last two and a half years. The answer is long, but it says the Liquor Licensing Commission employs field information officers. The answer informs me that the Chief Commissioner of Police appoints police officers as licensing inspectors and the Liquor Licensing Commission has an investigation section. The answer also says the Liquor Control Act represents a deliberate effort to remove the Liquor Licensing Commission from issues peripheral to the licensing of premises. However, the answer does not inform me how many licensed premises in each category were visited by inspectors. I re-emphasise the fact that the government has the impertinence to ask for more money from the system when it does not know how much money is currently owed.

The government has looked upon liquor as a fundraising and income-producing product. I am inclined to agree with my colleague Mr Smith that there is a degree of retrospectivity in the fees, although Mr Hallam says that is not the case. The fees are raised from liquor sold in any one calendar year and are due to be paid on 1 January the following year. It is a matter of semantics to say whether that is retrospective in the true sense of the word. Certainly hoteliers believe it is retrospective because it is a fee on liquor sold in the past and not in the future. Coming from a small business background, I agree with the hoteliers and licence holders that it is a retrospective tax.

There is no doubt that the economic downturn has been caused by the disastrous Hawke-Keating government, ably assisted by the Cain-Jolly government and now the Kirner government. In the province I represent I am aware of two major successful well-run hotels that are now bankrupt because of high interest rates.

Former Liberal governments looked upon liquor as a social doctrine. They created a network of licensed bottle shops in an endeavour to keep drunkenness out of hotels. The Liberal Party believes hoteliers are responsible for looking after their clients to prevent drunkenness in hotels. The government has extended the sale of liquor into a variety of institutions and many liquor licences are available to restaurants, clubs and other venues. The granting of licences to such premises is fine provided that the Victoria Police and Liquor Licensing Commission have competent and proper methods of inspection.

I can take the Minister to several small sporting clubs in my province that have recently acquired licences where he will note that there is no proper management by the clubs of the liquor ingested by its members. Approximately three months ago I visited one of those clubs, which is an excellent sporting club, but liquor was being poured down young people's mouths and there was no sign of competent managerial control. Because of a shortage of numbers, the police are unable to oversee the increased numbers of small club and restaurant licence holders. The police have given up their inspectorial roles controlling the ingestion of liquor and drunkenness in these clubs.

There are not sufficient assessors undertaking an inspectorial role yet those who are on duty are not being overworked. A great deal must be done by the Liquor Licensing Commission. I note that a new commissioner, Mr Tony Ryan, has been appointed. He has had a fine career in the Public Service; indeed, he is a constituent of mine and I respect his ability. He has a difficult task given the resources available to him. I do not believe goodwill is being provided by the department and nor will he be given the resources that he needs to do his job properly.
I am concerned about the increase in licence fees because I believe they will cause many hoteliers to become bankrupt. The majority of hoteliers in my province, if not all, are good hoteliers. I want them to be able to earn a good living by running respectable and good hotels, but their backs are already against the wall financially and this increased impost will make it impossible for them to continue in the industry. When the new fees are imposed on 1 January 1991 that will create enormous problems for their survival.

I regret that there has been an increase in other retail liquor outlets, particularly the clubs in my province, which are damaging the hotel trade because they are selling liquor at competitive prices. There will be further bankruptcies in my province because the incompetence of the government has caused a downturn in the economy which will send more hoteliers into bankruptcy.

In speaking strongly against the Bill I am aware that because of other events it will pass through the House. I regret its passing because I believe it will have a more damaging effect than that which the government suggests. The Kirner–Roper government is operating in isolation; it does not know what is happening in the commercial world. I warn the government that there will be further bankruptcies and businesses in trouble. I regret that the Bill will be passed.

The PRESIDENT—Order! As there is not a quorum present I ask the Clerk to ring the bells.

Quorum formed.

Motion agreed to.

Read second time.

Passed remaining stages.

Sitting suspended 6.27 p.m. until 8.3 p.m.

CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL

Second reading

Debate resumed from 10 October; motion of Hon. C. J. HOGG (Minister for Health).

Hon. M. T. TEHAN (Central Highlands)—The Chiropractors and Osteopaths (Amendment) Bill is a simple Bill, described in the explanatory memorandum as making some housekeeping amendments to the principal Act. It is a technical Bill and the Opposition will not be opposing it.

While honourable members are considering the three clauses that will make the housekeeping amendments the opportunity exists for the Opposition to indicate to the House in general and the Minister for Health in particular that the feeling among chiropractors and osteopaths—particularly among chiropractors—is that the Bill does not go far enough and that the Chiropractors and Osteopaths Act 1978 needs further revision. The Opposition has consulted with the Australian Chiropractors Association, the Australian Osteopathic Association, and with people in some individual chiropractic clinics.

As I said, the Bill is simple; it consists of only five clauses. Clause 3 repeals section 1 (3) of the Chiropractors and Osteopaths Act which divides the Act into parts. As the explanatory notes to clause 3 indicate, under modern drafting practice no need exists for dividing the Act into parts and therefore section 1 (3) will be repealed.
Clause 2 provides that the Act will come into operation on the day it receives Royal assent. As that assumes the whole of the Bill will be proclaimed at the same time, the Opposition has no problem with the provision.

The two operative clauses are clauses 4 and 5. Clause 4 will insert "21A" in section 8 (5) of the Act. The purpose of the amendment is to cross-reference section 21A in the principal Act, as section 21A was inserted in the Chiropractors and Osteopaths (Amendment) Act 1987. Section 8 (5) will refer to sections 3, 6, 9, 17, 20, 21A and 25. The subsection provides definitions of chiropractic and osteopathic in paragraphs (a) and (b); the amendment redresses the omission to which I have referred.

Clause 5 amends section 14 of the principal Act by substituting the words "sections 13 and 13A" for "section 13" in section 14 (1) of the principal Act. The need for the inclusion arises because of amendments made by the Accident Compensation (Amendment) Bill in 1987. The amendment will ensure that the Chiropractors and Osteopaths Registration Board can inquire into unprofessional conduct. Section 14 (1) will read:

The Board shall for the purpose of conducting an inquiry authorised to be made under sections 13 and 13A have all the powers conferred by—

It then lists various sections of the Evidence Act.

Honourable members can see the Bill does not have much substance. As I said, the Opposition will not oppose the Bill. I refer to a letter written to me on 1 November 1990 by Dr R. Graham Hunt on behalf of the Victorian branch of the Australian Chiropractors Association in which the association supports the proposed legislation in the following terms:

It does, indeed, appear that the three changes made to the Act by the amendments presented in the current Bill are simple, necessary and overdue. For the professions regulated under the provisions of the Act, they are not remarkable nor do they present any problem.

However, the association indicates other provisions in the Act have not been addressed in recent times. I take the opportunity of indicating to the House some areas the Minister for Health might consider. I quote again from the letter of 1 November in which the association says:

We do, however, have problems with other aspects of the Act as it now stands. What is remarkable is the inaction of the Minister for Health, or rather should we say a succession of Ministers for Health, in bringing about changes to the Act that were promised even before the Cain Labor government took office in this State.

In 1978 the then Opposition spokesman for health matters, Thomas W. Roper, indicated that he would indeed see, upon coming to office, that the Labor government appointed a majority of chiropractors to the Chiropractors and Osteopaths Registration Board.

The then Opposition spokesman for health, Mr Roper, was reported in Hansard on 2 May 1978 with that reference. The association would like to see that undertaking brought into effect. The promise was made in 1987. The letter continues:

In 1987 the then Minister for Health, the Honourable David R. White, met at Parliament House with a deputation from the ACA. Among other matters, the composition of the board was discussed. Following that meeting we corresponded with the Minister and suggested that the provision be made to increase the chiropractic representation on the board. The Minister indicated that public comment should be sought on the report of the "Review of Registration Boards." ". . . before altering the composition of the Chiropractors and Osteopaths Registration Board."

In July 1987 the Minister, having heard representations from the Australian Chiropractors Association and read its correspondence, said the matter would be addressed in the report on the review of the registration boards.
The letter goes on to say that the interim report was released in November 1987 and four months were set aside for consultation on different aspects of the report. The chiropractors responded to the report by way of a further submission in 1988. In August 1989 the association was informed that the final report on the review of registration for health practitioners was about to be released. The association's letter states:

We have yet to sight a copy of such a document.

The association said that in August last year it asked the current Minister for Health, the Honourable Caroline Hogg, to implement necessary amendments to bring about an increased representation for chiropractors on the registration board. The association informed the Minister that it believed that representation should allow chiropractors to fill the majority of places on the board. It continues:

As you are no doubt aware, the registration board was recently inoperative because of difficulties encountered in filling places with certain members who represent sections of the medical fraternity. Important matters that have to be dealt with by the board have been held in abeyance when required nominations have not been forthcoming. We find this to be totally against the interests of the public of Victoria. Notwithstanding assurances made by the Minister concerned, the board is not yet at full strength.

The association is concerned that the Chiropractors and Osteopaths Registration Board, which was set up under the Chiropractors and Osteopaths Act, has not had sufficient numbers of members on it over the past couple of months to enable the board to work effectively. In the last paragraph the association states:

Perhaps as the current Bill is debated, you may be able to bring these facts to the attention of the Parliament. We would be most appreciative if you can press the Minister to give an undertaking to implement the changes to board composition during the next Parliamentary session. There are a number of other areas where the current Act needs amendment and we would appreciate meeting with you in the near future to discuss such matters in detail.

Although we do not oppose the minor amendments the Bill will make to the Act, it is obvious there is a larger problem behind the principal Act which has become apparent to me only in the past few days when I received this letter from the the Australian Chiropractors Association. It would appear that there needs to be a filling of places on the board and some response to what has been a long-standing request by the Australian Chiropractors Association to have more than the two places it currently has on the seven-man board.

The statistics the association quotes are interesting. On the board are three medical practitioners, one osteopath, a practising barrister and two chiropractors. Of the 620 persons registered under the provisions of the Act, one is both a chiropractor and osteopath, 45 are registered osteopaths and 574 are registered chiropractors. I presume the association's argument is that considering the number of practising chiropractors registered the association would like chiropractors to have more representation on the board.

I bring that to the attention of the House and I ask the Minister to make some comment on what has obviously been a long standing concern even prior to 1982 for the Australian Chiropractors Association. With those words and that request of the Minister, the Opposition will not oppose the Bill.

Motion agreed to.

Read second time.
Hon. C. J. HOGG (Minister for Health)—By leave, I move:

That this Bill be now read a third time.

I thank Mrs Tehan for her contribution. Certainly the intention of the Bill was to make small but necessary changes of an uncontroversial nature. I assure Mrs Tehan that further changes will be made during the next Parliamentary sitting. Perhaps a Bill can be introduced and lie over to be debated by the parties during the next sessional period.

Motion agreed to.

Read third time.

HEALTH (RADIOGRAPHERS) BILL

Second reading

Debate resumed from 17 October; motion of Hon. C. J. HOGG (Minister for Health).

Hon. M. T. TEHAN (Central Highlands)—This is a relatively small Bill bringing about technical amendments to the Health Act 1958 or those parts of it that were enacted as a result of the Health (Radiation Safety) Act 1983. The Opposition will not oppose the Bill.

We have consulted with a number of organisations, including the Australian Institute of Radiography, from which organisation we have received a reply to which I shall refer. The Bill is supported by the Australian Institute of Radiography, the Radiographers and Radiation Technologists Registration Board and the Australian Society of Nuclear Medicine.

The Bill consists of eight clauses and exempts persons registered with the Radiographers and Radiation Technologists Registration Board of Victoria from being licensed by the chief general manager. I understand the provision for both licence and registration was covered by section 108 of the Health (Radiation Safety) Act 1983 but the board had not been set up at that time and the practice was that all radiographers and radiation technologists were being licensed by the chief general manager. However, now that the Radiographers and Radiation Technologists Registration Board of Victoria is established, those members of the medical profession or allied health professions who deal in nuclear medicine technology are, as a matter of practice, seeking both registration and licensing.

This Bill brings in a provision by the insertion of proposed section 108AF (1A), which indicates that any person who is registered under section 108AL to practise in radiography or nuclear medicine technology is exempt from the requirement to obtain a licence. Therefore, it removes the requirement that one be both registered and licensed, and for those practising radiation for medical purposes registration by that board is enough.

The second purpose of the Bill is to amend section 108AL of the Health Act to make a name change. From now on the board which was previously called the Radiographers and Radiation Technologists Registration Board of Victoria shall be called the Medical Radiation Technologists Board of Victoria. Paragraph (b) of proposed new section 108AL (1) provides that in subsection 2 (b) for the word “radiation” there shall be substituted the words “nuclear medicine”.

Third reading

Hon. C. J. HOGG (Minister for Health)—By leave, I move:

That this Bill be now read a third time.

I thank Mrs Tehan for her contribution. Certainly the intention of the Bill was to make small but necessary changes of an uncontroversial nature. I assure Mrs Tehan that further changes will be made during the next Parliamentary sitting. Perhaps a Bill can be introduced and lie over to be debated by the parties during the next sessional period.

Motion agreed to.

Read third time.
There is a further provision that board members of what is now to be the Medical Radiation Technologists Board shall have their fees fixed by the Governor in Council from time to time rather than prescribed through regulations.

I refer to a letter from the Australian Institute of Radiography (Victorian Branch) dated 24 October 1990 and sent to me. It states:

You will be aware that the Health (Radiographers) Act 1990 is to be considered by the Parliament in the near future.

We write to inform you that the Australian Institute of Radiography (Victorian Branch) has reviewed the proposed Bill and recommends that it be enacted as soon as possible.

The background to this proposed legislation and our support for it is that the existing legislation to establish the radiographers registration board, enacted some years ago, does not have sufficient scope to give the board power to actually register practitioners.

The result of the existing legislation is that the registration board exists under an Act of Parliament but the board cannot achieve the function intended by that Act.

We are advised that the proposed amendment will rectify that obviously unsatisfactory situation.

We therefore recommend your support for the Health (Radiographers) Act 1990, and request your assistance to ensure its passage through the Parliament during the current session.

The institute is confirming what I set out in my explanatory remarks: that the board is now in a position to register practitioners and that, having registered, there is no need for duplicating the process by practitioners obtaining a licence at the same time. There are some transitional and savings provisions in the Bill, and I can only hope that with these amendments, which the Opposition does not oppose, the Health Act—and certainly those sections that relate to radiation and the use of radiation technology and the division that is called radiation safety—will be sufficient to ensure that the practice of radiation medicine and radiation technology can continue in this State.

The Opposition does not oppose the Bill.

Motion agreed to.

Read second time.

Third reading

Hon. C. J. HOGG (Minister for Health)—By leave, I move:

That this Bill be now read a third time.

In so doing, I thank Mrs Tehan for her contribution to the second-reading debate.

Motion agreed to.

Read third time.

MURRAY–DARLING BASIN (AMENDMENT) BILL

Second reading

Debate resumed from 1 November; motion of Hon. B. T. PULLEN (Minister for Education).

Hon. D. M. EVANS (North Eastern)—The Murray–Darling Basin (Amendment) Bill is a piece of legislation with which the coalition parties have no difficulty. It is our clear understanding that the Bill requires the concurrence of the three State governments and the Federal government; indeed, the agreement itself is signed by the Prime Minister, the Premier of New South Wales, the Premier of Victoria and the Premier of South Australia.

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What the Bill does is to facilitate the decision-making process of the Murray–Darling Commission by ensuring that decisions can be taken without all of the parties necessarily meeting, but provided that in due course the decisions are endorsed.

Perhaps it might be worth while to consider the value of the Murray–Darling Basin Agreement itself because for many years the then River Murray Commission controlled certain aspects of the operation of the River Murray, Australia's most important waterway and the centre of the Murray–Darling Basin, which I imagine is perhaps the most productive area in the whole of Australia.

The effects of what happens in the Murray–Darling Basin are very important to Australia's economy. It is the centre for an enormous and wealthy series of industries, not only food producing but also fibre-producing industries. It is also the centre of a major population and the centre for the generation of hydro-electric power.

At the same time, with the responsibilities that the River Murray system itself carries, there is an opportunity for an immense amount of damage to be done to the river system. The natural flow is impeded by very substantial water storages. The flow of the Snowy River and others is diverted from the seaward flow to increase the amount of water that flows down the Murray. The very operation of irrigation means that the natural flood regime of the river is changed artificially, putting a strain on the river banks, on the salinity levels and on the whole ecology of the river, be it the river red gums or the birds, plants and animals along the river banks.

More importantly, in order to carry out the vast responsibility that this river has for the whole Australian economy, it is essential that it functions well. We cannot afford the sort of situation that Charles Sturt the explorer found in 1825 when, on arriving with his men at the junction of the River Murray and the Darling River, he found the water too salty to drink.

Not only do the irrigation areas around Mildura and South Australia depend on the salinity levels being adequate and safe for irrigation but also South Australian towns downstream and hinterland cities depend entirely on the River Murray for their domestic supplies. That makes it immensely important that the River Murray Commission, now the Murray–Darling Commission, is able to operate efficiently and to have its decision-making processes facilitated in a way that means that the best possible result is achieved by cooperation between the State governments and the Federal government in the areas where it is required. The Murray–Darling Basin (Amendment) Bill which is currently before the House is intended to facilitate that administrative process.

It has been very difficult for Ministers, who may be extremely busy people, to meet urgently as required to make decisions. I am told that from time to time Ministers who have that responsibility are meeting in airport lounges because that happens to be where they are at the time. That is not a very sensible way to carry out the responsibilities of a major commission with the effect that it has on the Australian and the hinterland economies. This Bill facilitates the decision-making process in that case.

The coalition parties—certainly the National Party—are very happy to see some movement in this direction. The Opposition welcomes the efforts being made by the Murray–Darling Basin Committee and understands its importance. So many people in this House and in other Houses of Parliament throughout Australia have spoken of the importance of looking after the ecology of the River Murray and its productivity. The legislation will be one small step to facilitate that process and to make it more efficient.

Motion agreed to.

Read second time.
Third reading

Hon. C. J. HOGG (Minister for Health)—By leave, I move:
That this Bill be now read a third time.
In so doing, I thank the Opposition members who have contributed to the debate.

Motion agreed to.

Read third time.

JUDICIAL STUDIES BOARD BILL

Second reading

Debate resumed from 31 October; motion of Hon. M. A. LYSTEl (Minister for Local Government).

Hon. M. T. TEHAN (Central Highlands)—The Opposition does not oppose the Bill and regards it as a piece of legislation that is quite unique in Victoria in that it is the first time that a Judicial Studies Board has been established.

The functions of the board are fairly self-explanatory and give some explanation to the House of what is expected of the legislation in that the board is set up to conduct seminars on sentencing matters for judges and magistrates. That is a matter of some concern in the community, and the board will provide an opportunity for judges and magistrates to discuss sentencing matters at seminars.

Also, the board will be able to conduct research into sentencing matters. It is obvious that from time to time there has been a need for research into sentencing matters. The board shall prepare sentencing guidelines and circulate them among judges and others; that is in an effort to seek uniformity of sentences between magistrates and County Court and Supreme Court judges.

Another function will be to develop and maintain a computerised statistical sentencing database for use by the courts. That will be a recognition of the value of modern technology as it will be associated with the practice of law in Victoria. Until now modern technology has not been effective in the legal jurisdiction in Victoria but a computerised statistical sentencing database will prove the value of technology to the judiciary.

The board will be able to provide sentencing statistics to judges, magistrates and lawyers, and will give them the opportunity of assessing the varying sentencing differences between judges and magistrates. It will seek to give to the community some understanding of the sentencing statistics over the years, as delivered by judges and magistrates. The board will monitor future sentencing trends. It will assist the courts to give effect to the principles contained in the Penalties and Sentences Act. It will consult with the public, government departments and other interested people, bodies or associations on sentencing matters, and will advise the Attorney-General on that subject.

In short, the functions of the board will provide an opportunity for all involved in the very serious responsibility of sentencing people for criminal offences of having access to computerised material, and to have the opportunity of looking at previous databases; also, to examine research being done on the effectiveness of sentencing; to confer at seminars with other judges and magistrates; and to be able to become pro-active in advising the Attorney-General on sentencing matters.
The functions of the board certainly commend it to the Opposition. On that basis the Opposition will not oppose the legislation.

Hon. HADDOON STOREY (East Yarra)—I support the remarks of Mrs Tehan. She has very clearly and succinctly outlined the role of the board, as detailed in the Bill. The Bill is interesting because it is called the Judicial Studies Board Bill although it had its genesis as the Criminal Justice Board Bill. It has undergone the transformation of passing through the other place on its way to this House. The original Bill as introduced by the government gave effect to a number of the recommendations of the sentencing committee chaired by Mr Justice Starke, who is now Sir John Starke, but did not completely follow those recommendations.

Consequently, as a result of a number of valid points made predominantly by the honourable member for Kew, Mrs Wade, in the other place, the government agreed to a number of amendments. The Bill now deals with the Judicial Studies Board.

The change in the system of judicial administration in Victoria is significant. In the past it was common for judges to meet to talk about common issues such as sentencing matters; Victorian magistrates used to conduct conferences once or twice a year to discuss common issues, including sentencing.

It is important that the community has a sense of acceptance and confidence in the system under which people who are convicted of crimes are sentenced. Too often in the past there have been examples of a person being convicted of a particular crime and being given a particular sentence, while shortly after another person who has been convicted of a similar crime has been given a completely different sentence. The community has justifiably been concerned about the system.

Quite often the different sentences have reflected the different sets of circumstances surrounding the commission of the crimes, and were quite appropriate. However, the community was not informed about those matters and had occasion to be concerned. The establishment of the Judicial Studies Board, with the research and seminars that will follow, including the preparation of sentencing guidelines, will provide added confidence in the way in which the judicial system operates.

It should be noted though that the provision will not affect the discretion of individual judicial officers. There will be guidelines, but judicial officers will not be compelled to impose a particular sentence in a particular case. They will take note of the guidelines, but having noted them they will still apply sensible discretion in a particular case and impose what is an appropriate sentence for that particular case.

I hope this measure will help to engender confidence in our judicial system. It is important we do that because it is under threat today on account of a general departure from the recognition of authority; a general departure from recognising that we should have people who have established standards and who ensure those standards are observed. Regrettably, the government has contributed to this problem because it has failed our judicial system by not providing the resources that are needed to take account of changing social circumstances and it has allowed outrageous delays in the court system. Even though this has improved recently, over a period of years delays have been a marked feature of our court system and have done a lot to bring the system into disrepute within our community.

The legislation is a useful mechanism arising from Sir John Starke's report, which will help to improve the administration of justice within this community and will help, therefore, to restore a sense of acceptance of the rule of law. They are desirable objectives and for that reason, as Mrs Tehan said, the Opposition will not oppose the Bill.
The Hon. R. I. KNOWLES (Ballarat)—I had not anticipated entering this debate and I speak as someone who has no legal training, but from the perspective of one who has always looked up to the courts and had faith in the court system and the system of justice.

My concern is that the Bill represents a measure of defeat because, although its provisions will allow judges and magistrates ultimately to exercise their judgment, it initiates seminars and studies that they will undertake before they are able to exercise their decision-making responsibilities.

For better or for worse we make judgments about individuals and their capacity to exercise their responsibilities, and we are placing our trust in their commonsense. The Bill says that is not enough and, in a sense, it is conning the public. Parliament is saying to the community that it should trust our judiciary while acknowledging that they may not be perfect and therefore will require training courses. The bottom line is that, even though our judges and magistrates may attend the seminars, Parliament will still allow them to exercise their own judgment.

The legislation will establish a Judicial Studies Board and one of the functions of the board is to conduct seminars for judges and magistrates on sentencing matters. Although judges and magistrates will attend the seminars they will still be allowed to exercise their own judgment. Parliament is encouraging the public to believe that it does not have to hold in high regard those people who occupy the very important position of judges in our judicial system.

I accept that the legislation will pass and its provisions will come into effect, but I believe we are encouraging cynicism towards people in authority by introducing this measure and, in effect, saying to the community that people do not have to look up to those who occupy these important positions.

I know that view is diametrically opposite to the legislative changes of recent years, but I believe Parliament is not properly serving the community it seeks to represent, which desperately wants to believe the judicial system is above the political system and is the source of wisdom, because this measure is, in effect, saying that those who occupy those important positions are ordinary human beings. In the final analysis it is still up to our judges and magistrates to exercise their judgment when sentencing and in dealing with other matters that come before the courts.

Although I am not opposed to the measure I do not believe honourable members should be wrapped up in believing it will somehow turn around the public perception of our judicial system. In fact, one can mount a strong argument that the measure may well weaken the faith and belief the community has in our judicial system.

Motion agreed to.

Read second time.

Third reading

The Hon. M. A. LYSTER (Minister for Local Government)—By leave, I move:

That this Bill be now read a third time.

I thank Mr Storey and Mrs Tehan for their contributions. Mr Knowles's contribution was intriguing. I cannot agree with him. I believe the Bill will enhance the role and the public perception of the judiciary. It is a most important initiative which will provide the judiciary with important research material and statistical information which will assist it greatly in the sentencing task, which we all agree is complex.
Juries (Amendment) Bill

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I know the Attorney-General will take on board the comments Mr Knowles has made although I do not believe he will agree with them, but the government will monitor, with the judiciary, the Judicial Studies Board to ensure that it meets the aims the government has for it.

Motion agreed to.

Read third time.

JURIES (AMENDMENT) BILL

Second reading

Debate resumed from 31 October; motion of Hon. M. A. LYSTER (Minister for Local Government).

Hon. HADDON STOREY (East Yarra)—This small Bill makes a number of amendments to the way in which juries operate in this State. In the circumstances they are sensible amendments and the Opposition is happy to support them. Three changes will be brought about by the Bill. The first relates to the procedure for majority verdicts in the County Court. At present the position in the Supreme Court is that where there is a jury of six in civil cases the majority verdict can be introduced only in certain circumstances, whereas in the County Court the circumstances are different. At the moment in the Supreme Court civil juries are constituted by six persons and a majority verdict of five jurors may be taken after 3 hours of deliberation if the jury cannot reach a decision. That is unlike the case with the County Court where it has been possible in the past for a jury of four to be empanelled to consider its decision, and a simple majority of that jury can be taken at any time.

These days County Court juries in civil cases can consist of six persons and it is appropriate that the same procedure as applies in the Supreme Court should apply in the County Court. This first provision in the Bill makes the procedure the same.

The second matter dealt with by the Bill relates to criminal trials that are estimated to take a long time—that is, longer than three months. I was interested to hear someone on radio talking about the trial of Ned Kelly, which apparently lasted for two days. In that time he was tried and found guilty and a sentence was imposed. Today, a jury trial of similar complexity would last for weeks, if not months, and it has become the practice for a number of criminal trials to continue sometimes up to six months or longer. Part of that is explained by a number of trials in the field of corporate crime where there are complexities and sophistications which require a great deal of analysis and calling of expert witnesses, and it is necessary to go through transaction after transaction. Those trials can go on for many months.

It can also happen even in other criminal trials that do not have any element of corporate crime involved in them. Something has changed the way in which criminal trials have been administered over the years. The result is long trials in which twelve jurors are empanelled. If several of them become ill during the trial, the trial has to be aborted, which means a waste of public money because the public purse generally pays for both the prosecution and the defence. It also means that the court is occupied sometimes for months with the trial being aborted and the case having to be retried.

The government has proposed that in those cases of criminal trials that are estimated to take longer than three months it will be possible to empanel fifteen jurors who will sit on the trial and remain there until the end of the trial. If at the end of the trial when all the evidence has been given, the parties have summed up and the judge has given his charge to the jury, there are still more than twelve jurors left, a ballot will be taken
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among the remaining members of the jury to reduce the number to twelve. This will mean that the risk of a trial being aborted by jurors becoming ill will be considerably lessened but it will also mean that all of the jurors will have participated in the whole case so even though one or two of them may be balloted out at the end of the time, they will all have participated in the full case and all of those left will have a full knowledge of what happened during the trial.

Other countries have adopted different ways of overcoming the problem. Some countries have emergency jurors standing by but the problem with that is that those jurors have not been involved in the case all along and if they are brought in at a later stage of the case they do not have the same understanding of the case as those who have sat throughout the trial. The solution the government has come up with seems a practical solution and it is certainly worth a try.

The third thing the Bill does is to amalgamate the civil and criminal jury pools. In the past those pools were kept quite separate even though they were drawn from ordinary Victorians. There seems no reason why there should not be a common pool of people from which people can be drawn to serve on whatever trial comes along next, whether it be a civil case or a criminal case, and by doing that make administrative savings. Because only one pool needs to be empanelled at one time fewer numbers of jurors would need to be on call at any one time and they would all be treated in exactly the same manner so there is a jury of peers.

These days the concept of a jury of peers is perhaps not as accurate as it used to be because many people are able to obtain a discharge from jury service because of their occupations or pressing needs of one sort or another. It is quite common to find juries consisting of rather a narrow band of the community instead of a wider spectrum of the community of which they should be representative. However, that is a wider issue. The present issue is simply the bringing together of the civil and criminal jury pools which represents an administrative convenience which ought to be tried in order to improve the administration of justice in this State.

The Opposition supports those three measures and hopes they will work. It requests that the Attorney-General review how they operate to ensure they are achieving the objectives set out in the legislation and be prepared to bring it back to Parliament if it becomes necessary to make improvements. The Opposition supports the Bill.

Motion agreed to.

Read second time.

Third reading

Hon. M. A. LYST (Minister for Local Government)—By leave, I move:

That this Bill be now read a third time.

In doing so, I thank Mr Storey for his support of the legislation.

Motion agreed to.

Read third time.

COURTS (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Hon. M. A. LYST (Minister for Local Government).

Hon. HADDON STOREY (East Yarra)—The Courts (Amendment) Bill makes a number of amendments concerning the way courts are administered in Victoria. From
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de the outset I can say that the Opposition supports the amendments and recognises they are an attempt to improve the way the court system works, and we should be ready to make those amendments to try to make our system provide justice more readily and expeditiously.

I shall mention a number of the different features of the Bill, although not all of the miscellaneous amendments. Firstly, the Bill recognises the increased powers exercised by masters of the Supreme Court and the County Court. Today masters of those two courts perform a range of responsibilities and judicial functions. They are important in dealing with matters which arise during the course of hearings or proceedings, and often they can lead to the final disposition of cases. Certainly they relieve the judges of the Supreme and County courts of a number of matters which would otherwise have to be dealt with by those judges in the course of proceedings leading to a trial.

As they perform these functions in the nature of judicial officers, it is appropriate that masters have the same protection that judicial officers have. As honourable members know, judges can be removed only by a resolution of both Houses of Parliament, and it is important to preserve their independence so they know they can give decisions without any fear that the government of the day can take action against them because it does not like the decision given. Now that masters have moved into more judicial functions it is appropriate that they have similar rights of tenure and pension rates to judges. The Bill gives those rights to them and in particular provides that they can be removed only by resolution of the Houses of Parliament. That will ensure their independence and that no fear or favour is reflected in any decision they give.

The second matter the Bill deals with is the power to refer cases to arbitration or mediation. There has been a growth in the number of cases referred to arbitration. That arises partly from the delays that have grown in the courts but also because of the desire to have specialist people deciding certain cases which involve specialist jurisdiction. There has also been an increase in the reference of cases to mediation. It does not necessarily resolve anything but it means the parties are brought together and there is an opportunity for them to resolve their differences. Nothing can be imposed on them and if no agreement can be reached by the parties the case goes to the court for hearing.

The Supreme Court has the power to refer cases to arbitration, but it does not have power to refer cases for mediation. The County Court has not had power to refer cases to arbitration or mediation. The Bill gives that power to those courts. I think it is important to recognise that the power should not be used as a way of sending business away from the courts. That would be detrimental to the image and standing of our courts. However, it is clearly appropriate for certain cases to be referred to arbitration or perhaps mediation, so these powers are a welcome addition to the powers of both the Supreme and County courts.

The Bill also deals with the matter of the choice of court in which a person should stand trial. The Director of Public Prosecutions determines whether a person should stand trial. The Bill gives the Director of Public Prosecutions the discretion to choose the court in which a person will stand trial. Again, that is appropriate. There is a tendency to relegate trials to a particular court depending upon the significance of the crime committed. If it is a very serious crime the tendency is to refer it to the Supreme Court. A lesser crime is referred to the County Court. In fact, there are some cases where a person may be charged with an offence which is not high in the hierarchy of crimes but involves an important issue of law which is going to finish up being decided in the Supreme Court anyway because no matter what the decision is the prosecution or the accused is likely to want to have the matter of law resolved by the Supreme Court.
The Bill gives the Director of Public Prosecutions a discretion so that if he can see that a case is going to finish up being decided in the Supreme Court he can refer the trial to the Supreme Court. Perhaps that will reduce the number of hearings involved and ensure he gives an authoritative decision and that the accused is not exposed to a series of cases rather than one case to determine the outcome of the trial. The Opposition agrees it is a sensible discretion to give to the Director of Public Prosecutions.

There is also a power to give the County Court extended jurisdiction in personal injury cases. In effect, the County Court will be able to decide personal injury cases even when the amount of damages is unlimited. I point out that it is a choice for the person bringing the action. If the plaintiff wishes to choose the Supreme Court this amendment does not take away that choice. It may be that the Supreme Court will of its own motion decide the case should never have been in the Supreme Court and refer it to the County Court, but that is another issue. That can happen today in any event. This provision enlarges the range of options for a plaintiff so he can bring his case in the County Court no matter what the amount of damages, or in the Supreme Court if that is considered appropriate.

There is another provision in the Bill to permit the charging of a composite fee in the Supreme Court. At the moment a number of fees are charged for a number of steps in an action, and the idea of this is to provide the opportunity for putting those fees together rather than a series of fees being charged. There is potential danger in this situation and I hope it is not abused or used to the disadvantage of parties in Supreme Court proceedings. On the one hand, if a party is to be charged a fee for the initiation of an action which covers all the possible fees that may be involved in that action from start to finish, many people will be deterred from initiating action at all because that process can be very expensive. On the other hand, a number of standard things need to be done during the course of a trial for which fees are now charged, and it seems appropriate to charge a composite fee in those circumstances. While the Opposition does not oppose the provision it will wait to see how it is implemented.

There is also power in the Bill to fix by regulation admission fees for barristers and solicitors. In years gone by when people were admitted to practice a fee had to be paid. As I recall, that was a fairly small fee that went to the Supreme Court Library. The government provided a small supplement to the running costs of the Supreme Court Library and most of the library’s running costs were met from the admission fees paid by barristers and solicitors. Those fees did not meet the running costs of the library, which for many years suffered from a lack of funds to keep up to date with text books, statutes and reports. This provision will enable the fees to be fixed by regulation, which means the government will determine the fees. In the past it has been the judges who have, in effect, determined the fees. The Opposition hopes the government will not see the provision as a way of raising funds to meet all of its financial problems. I do not think it will be able to do that because most young people being admitted to practice as barristers and solicitors cannot afford much in the way of fees in any case.

Hon. M. A. Birrell—It is hard enough to get a good Queen’s Counsel to admit you!

Hon. HADDON STOREY—A Queen’s Counsel usually charges the standard fee for admitting someone, which is “fee declined”. A number of other housekeeping amendments are proposed but I will not take up the time of the House going through those. Suffice to say the Bill consists of miscellaneous amendments, most of which will improve the administration of justice in Victoria. I say again that the Attorney-General should watch carefully to see that the provisions work in the way that is intended and be ready to amend the legislation if they do not.
Unless the government provides to the courts the resources it should, in the long run these amendments will not make much difference. I urge the government to have regard to the needs of the courts and to ensure they are properly funded, staffed and equipped to help restore community respect for law.

The PRESIDENT—Order! I am reminded that this Bill affects the jurisdiction of the Supreme Court and is required to be passed by an absolute majority. To enable me to be certain that an absolute majority of honourable members of the House is present, I ask the Clerk to ring the bells.

Required number of members having assembled in Chamber:

The PRESIDENT—Order! The question is:

That this Bill be now read a second time.

To enable me to be satisfied, in accordance with the provisions of the Constitution, that an absolute majority of honourable members support the Bill, I ask all honourable members supporting the second reading of the Bill to rise in their places.

Motion agreed to by absolute majority.

Read second time.

Ordered to be committed next day.

VICTORIAN PUBLIC OFFICES CORPORATION (REPEAL) BILL
Second reading

Debate resumed from 31 October; motion of Hon. B. W. MIER (Minister for Consumer Affairs).

Hon. R. M. HALLAM (Western)—The Victorian Public Offices Corporation was established in 1974 with the charter of arranging accommodation for government departments and agencies. In the interim it has had a fairly chequered career because it has been consistently criticised, by the Auditor-General in particular, for its failure to generate sufficient income from its own sources to meet the service costs associated with the property outlays. The Auditor-General's report of 1989 makes the comment that the first criticism was levelled at the corporation as far back as 1982 and raised a very substantial question mark over its financial viability. The Auditor-General in 1989 reported that nothing had changed.

Officers of the corporation are quick to point out that the problems have arisen as a direct result of government policy not to impose rental on central agencies. The point is made that that policy made it impossible for the corporation to service the property acquisition costs it had incurred. Instead it has had to rely each year on handouts from the Treasurer. It is ironic that the Treasurer simply tots it up on the blackboard and has been treating the allocations as special advances, which have been accumulating as a liability and complicating the issue even further. The last published balance sheet of the corporation showed that the special advances had reached an accumulated total of $5 million at that date.

In April 1985 a decision was taken by the corporation—made up of the then Premier, Treasurer, Minister for Conservation, Forests and Lands and Minister for Water Resources—to wind up the organisation and to transfer its operation entirely to the Department of Property and Services. That was not really any big deal because at officer level that situation had existed for some years; the Department of Property and Services had effectively undertaken the administration of the corporation and in a
day-to-day context I do not think anybody noticed the difference in respect of the wind-up of the corporation.

In fact, from my research the Victorian Public Offices Corporation appears to have been a separate operation in name only, although under the reporting requirements it was required to report independently to Parliament. The government planned to repeal the Victorian Public Offices Corporation Act 1974 when the land Bill was introduced into Parliament. Honourable members will recall that Bill was intended to differentiate between public and government land. Although the government has been involved in much huffing and puffing about the introduction of that Bill, the fact remains it has not seen the light of day. I contend it will not see the light of day. In the interim the Victorian Public Offices Corporation simply sat on the shelf collecting dust and received an annual slap on the wrist from the Auditor-General. A decision was then taken to wind up the corporation administratively as from 30 June 1989, and that administrative action was implemented.

Advances from the Public Account were repaid—that is the $5 million to which I referred a moment ago. The outstanding loan commitments then totalling $7.5 million were assumed by VicFin. The assets of the corporation then totalling $70.2 million were surrendered to the Crown.

The Bill has the simple design of disposing of the legal shell of the corporation that remains. It raises two fundamental questions and I shall address them briefly. The first is whether the corporation had authority to proceed with the wind-up other than by way of legislation, given that it had been established by legislation. The lawyers of the coalition had a field day in debating that point. The second issue was whether Parliament should agree to the validation through the introduction of the Bill; in other words, whether it would agree to the validating effect being backdated to the date at which the administrative wind-up took place—11 May 1989.

In respect of the first question, my view is that the corporation had the authority. I suggest the Victorian Public Offices Corporation Act is unique. Section 9 (1) (p) empowers the corporation:

to surrender any land held by the Corporation to the Crown with or without securing any consideration.

I am not a lawyer but it seems clear to me that if the corporation could surrender any land to the Crown it would be entitled to surrender all its land. I cannot understand why there should be any differentiation between land and other assets and suggest they should be read as being synonymous. In other words, I believe that authority clearly gives the corporation the opportunity of winding up its net assets in totality. In addition, I have been advised that the Solicitor-General confirmed that view. The Minister for Property and Services extended to me the courtesy of showing me the Solicitor-General’s opinion. It was very clear: he said that although he preferred legislation to put the issue beyond doubt he believed, assuming the funds were sufficient to meet the liabilities, the corporation had the authority to proceed with the wind-up. In that case clause 6 is superfluous. It states:

(1) On and from the date of commencement of this section the Victorian Public Offices Corporation ("the Corporation") must be taken to have been authorised to surrender its assets and rights to the Crown.

(2) On and from the date of commencement of this section the Corporation must be taken to have been authorised to transfer its obligations in respect of money borrowed by it to the Victorian Public Authorities Finance Agency.

That is VicFin. In other words, it seems clear to me that the government has put clause 6 in the Bill purely as a precautionary measure. To some degree that has been confirmed because departmental officers who briefed members of the coalition on the Bill indicated that there was debate at least at officer level on whether there was a need
to include clause 6. That being so, the question confronting the coalition was whether it should simply rubber-stamp an action taken by the government in allowing clause 6 to stand in confirmation of a previous action. The question now is whether the coalition should at this time simply offer validation for something the government had undertaken at a previous date. There was a view in the party room—there is no secret about that—that the Bill represented the recognition of a mistake by government and that the mistake would be remedied by the Bill and therefore we should not muck about with it. Several members of the coalition suggested it was a simple Bill, but the consensus was: why offer validation if there is even the slightest chance the action was ultra vires? Why offer absolution to the government? What has it done to deserve absolution?

Hon. Rosemary Varty—Not very much.

Hon. R. M. HALLAM—That was the argument. Why should we go out of our way to let the government off the hook? The view was taken that this was another example of the government treating Parliament and the Parliamentary process with absolute and total contempt. Why should we simply confirm that contemptuous action? Why not send a message to the government that we are sick of it presuming upon Parliament all the time, and that it is time it treated Parliament in the way it is meant to be treated? If this organisation was established by legislation, one is entitled to presume that if the government wanted to wind up the organisation it should introduce legislation into Parliament.

I am not happy about the government's circumvention of the rules, protocol and precedents. It is pretty clear from the number of glaring examples of abuse that the government has thrown out the rule book. On that basis the coalition will not offer absolution to the government and will oppose clause 6. Therefore, it follows that the coalition will oppose clause 2 (1) which states:

Section 6 is deemed to have come into operation on 11 May 1989.

That is the date on which administrative action was taken. The coalition is satisfied that the wind-up has taken place. There is no doubt that the loans have been repaid and the assets have been transferred. There is no doubt that the property has been surrendered to the Crown. But we are not happy with the way such action has been executed.

The coalition will allow the Bill to pass so that at long last the shell that has been repeatedly put down by the Auditor-General—and he should be happy about that—will no longer exist. However, we are not prepared to offer validation or absolution to the government simply because it has chosen to bend the rules. The coalition will not entertain such action any more. It will not allow retrospection to be provided for something that has even the slightest question mark hanging over it. I do not believe the action of the coalition will have any far-reaching consequences. I am not sure whether it will make a very big splash on the annals of history—it will probably pass almost unnoticed. But it will send a clear message to the government that it is on notice and can expect to be stood up to every time it bends the rules. Every time the government attempts a short cut in the Parliamentary process it can expect to be called to order. Apart from that validation of what is a previous action I report to the House that the Bill will not be opposed.

Motion agreed to.

Read second time.

Ordered to be committed next day.
Adjournment

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COUNCIL

ADJOURNMENT

Integration teacher for Euroa Secondary College—Diamond Valley Community Health Service—Registration of schools—Aboriginal and Torres Strait Islander Commission elections—60-plus rail travel—Strategic Research Foundation—Fuel reduction burns—Amalgamation of tertiary institutions—Mining industry planning powers—Educational guidance officers—Crown land rentals—Langi Kal Kal Youth Training Centre

Hon. C. J. HOGG (Minister for Health)—I move:

That the Council, at its rising, adjourn until tomorrow at 10.30 a.m.

Motion agreed to.

Hon. C. J. HOGG (Minister for Health)—I move:

That the House do now adjourn.

Hon. M. T. TEHAN (Central Highlands)—The matter I direct to the attention of the Minister for Education concerns constituents who approached me last week about a matter pertaining to an integration teacher for their thirteen-year-old child. The child attends the Euroa Secondary College and is currently in year 8. In 1988, some two years ago, he was a normal, healthy, active ten-year-old before suffering a very unfortunate accident in July 1988 which, in the words of a clinical neuropsychologist from the Royal Children’s Hospital, left him with considerable physical and cognitive difficulties.

In support of their request for an integration teacher for their son, the boy’s parents have included material from the Royal Children’s Hospital and from a physiotherapist from the Euroa Secondary College which shows that the child has an opportunity to complete his secondary education if he can obtain the assistance sought. The boy is currently living a normal life; he had reached year 5 before the accident occurred. His parents have tertiary qualifications and his two older siblings are attending tertiary institutions. Despite the difficulties caused by the accident if he can be helped to gain a tertiary qualification he has the chance in the long term to become independent. I ask the Minister to consider urgently this child’s pressing need for an integration teacher.

The integration system established by the government has worked well in primary schools but is only now being considered for the secondary school system. The boy’s parents say that he has different form teachers and is assisted by various health professionals and a part-time aide. The writer of the letter from the Royal Children’s Hospital believes that for the boy to derive educational benefit from his current setting it is essential that he have access to a curriculum that is specially tailored to both his cognitive and his physical limitations.

Recently I approached the regional office of the Ministry at Benalla to ask whether the application by the Euroa Secondary College would be considered. The valid explanation given to me was that because there is only one child with a disability at the Euroa college the provision of an integration teacher to that school would have a lower priority than the provision of a teacher to a school with a number of similarly affected children.

I suggest to the Minister that one of the most important factors to be considered in this situation is the long-term advantage to be gained by providing an integration teacher for this one child. If, with the help of an integration teacher, one child is able to go on to tertiary education and so become independent that might be considered a more responsible and effective use of a scarce resource than the supply of an integration teacher for, say, four children who, despite the assistance of a full-time integration teacher, may not be able to complete their secondary education. I say that with
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sensitivity because it is very hard to compare one disability with another. Nevertheless
the effectiveness of the provision of a teacher in this case must be taken into account.

I spoke to Eddie Loughlin, who is a member of the assistance integration committee,
and he told me that unless a high priority was given to this application at the regional
level it would be difficult for his committee to override a decision made by the regional
office. I have tried to establish the stage the application made by the Euroa Secondary
College has reached. At present it appears that the most the college will be offered is a
part-time aide.

I appreciate that at this late stage it is difficult for the Minister to intervene. As strongly
as I can I ask the Minister to consider, firstly, the effectiveness in the long term of
providing an integration teacher for this child, as a result of which he may very well
be able to live an independent life; and secondly, how difficult it is for a child in these
circumstances to cope with a plethora of form teachers who teach various subjects and
to have for assistance only the services of an integration aide. If the child had someone
to regularly help him or to at least supervise a program tailored to his needs he would
be able to complete his secondary education.

I know the family concerned and I am aware of the genuineness of their request.
Although I know how difficult it is to interfere with the process, as strongly as I can I
ask the Minister to examine the situation and to do whatever he can to help. Any
assistance he can give would be deeply appreciated by and of long-term benefit to the
boy and his family.

Hon. B. A. E. SKEEGGS (Templestowe)—I direct to the attention of the Minister
for Health concerns expressed to me by the board of management of the Diamond
Valley Community Health Service about the proposed reduction of services provided
by child health medical officers to children and parents in the preschool medical
service. The board is concerned to see that the service is not diminished but rather
continues at full strength to ensure the maintenance of pre-school medical services in
the area.

The community health service advises me that service providers from the centre work
closely with the medical officers; and it is a recognised fact that children must be
physically, socially and mentally healthy if they are to effectively commence their
formal education. The detection of problems and their referral for treatment by
preschool medical officers contributes to the criteria for the effective and happy
transition from home to school and saves many hours of anguish and thousands of
dollars in later school years.

I ask the Minister to consider the request carefully with a view to ensuring the
continuation of the service at a proper strength.

Hon. K. I. M. WRIGHT (North Western)—The matter I direct to the attention of
the Minister for Education concerns the registration of schools, particularly the
registration of the Olivet Christian School at Campbell’s Creek, which I visited only
last week and which I found to be effectively and efficiently run. I have played host to
groups of children from the school who have visited this place.

The problem is that although they are presently registered, their 1991 registration is
threatened. Apparently their secondary classes—it is a school that runs from year 1
up to year 12—are not all of ten students or more. As I saw it when I was there the
students work separately under the supervision of teachers and they achieve educational
standards that are consistent with their personal, moral and spiritual values. I put to
the House that denying registration would deny the community excellent education
resources. The parents would lose their freedom of choice and the education that
meets their children's requirements. It is also unfair and inequitable for retrospective consideration of enrolment criteria; that would be wrong.

There was a court case in the Supreme Court in South Australia on this particular matter of registration, and it found in favour of the parents and the schools against the education authorities. I ask the Minister whether he will take a personal interest in this matter, look into it and come back with his decision.

Hon. K. M. SMITH (South Eastern)—I refer the Minister for Aboriginal Affairs to his answer to a question from Mrs Jean McLean on 9 October regarding the then forthcoming Aboriginal and Torres Strait Islander Commission elections where he said in part:

I am pleased that the Aboriginal community has demonstrated its support for the establishment of the commission.

Will the Minister tell the House, with all that support, why only 17 per cent of the Victorian Aboriginal community voted in that election?

Hon. D. M. EVANS (North Eastern)—I raise a matter with the Minister for Education representing the Minister for Transport in another place and refer to an issue raised with me by the road trauma division of Rotary International district 979. It drew attention to the fact that most States have a scheme to assist the over 60s with a reduced rail fare structure for rail travel. I point out that many of the over 60s, and they are mostly retired people, would make more use of the rail transport system if there were reciprocal concessions between States, particularly for annual holidays.

It is relevant to bring this matter to the Minister's attention because it will not be very long before the major Christmas and New Year holidays are upon us. I suggest to the Minister that he ensure with his colleague in another place, the Minister for Transport, that renewed efforts are made to achieve reciprocal transport concessions for pensioners and elderly or aged people with the State governments, particularly those of Victoria and New South Wales and Victoria and South Australia.

In so doing it would assist by keeping older people off the roads at Christmas and New Year during the holiday period and would be of great benefit to them as well as giving the railways additional patronage at that particular time. I ask the Minister if, on behalf of the road trauma division of Rotary International district 979, he would be prepared to raise the issue with his colleague in another place and provide me and the Rotary International district with an answer in due course.

Hon. G. P. CONNARD (Higinbotham)—I direct my remarks to the Leader of the House representing the Premier, or perhaps in his own right. I draw to his attention an article in the Age of 20 June 1990 where it is announced that Victoria's Strategic Research Foundation, which has a partnership with the Commonwealth Scientific and Industrial Research Organisation, has established a new institute in this city that will work on a new generation of drugs.

The interim director of the institute is a Dr Peter Colman from the CSIRO. According to the article this new Biomolecular Research Institute will complement the corporation's role—the corporation being the existing Australian Medical Research and Development Corporation, commonly called AMRAD—by functioning as a centre from which research groups will have access to Australian discoveries.

My attention has also been drawn to an article in the Australian Financial Review of Monday, 25 June 1990 where the Prime Minister has formed a new organisation that is intended to fund research institutes across Australia. The applications for funding were to close on 31 October. It seems to me that in the area where I come from, as a director of the Macfarlane Burnet Centre for Medical Research, that it is a little
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confusing. What is the Strategic Research Foundation's role with regard to AMRAD? What is the role of the Federal funding body? Is it intended to fund organisations like this? What relation does the State have with the Federal government's funding processes with either of these two organisations, AMRAD and the Strategic Research Foundation? Also, what are the relationships specifically between the Strategic Research Foundation and AMRAD that are entirely State initiatives?

Hon. R. M. HALLAM (Western)—I raise an issue with the Minister for Education who represents the Minister for Conservation and Environment in another place. This issue is of grave concern and has to do with reports that there is an internal dispute within the Department of Conservation and Environment brought about by a log of claims submitted by the Australian Workers Union, and that the outcome of the dispute has been a black ban on fuel reduction burns as part of the protection of the small township program.

I am told the manning of fire towers has been delayed and a whole range of fire protection works is not proceeding as a direct result of this black ban. I remind honourable members we are approaching another fire season and anything that impedes the preparation for the fire season and the arrangements designed to protect our community must be seen in a very serious light. I ask the Minister to raise with the Minister for Conservation and Environment in another place my concern that these reports are accurate and based on fact, and to pass on to him my request that if these reports are accurate he take urgent action.

Hon. HADDON STOREY (East Yarra)—I raise a matter for the Minister for Education that arises from the changes that are occurring in higher education in Victoria. It is something that the Minister referred to earlier today. I raise with him the amalgamation of the Hawthorn Institute of Education with the University of Melbourne. That is one of the few amalgamations that is welcomed by both parties and where both parties are anxious to proceed and are looking forward to the amalgamation being consumated. Honourable members have not seen any legislation introduced during this sessional period to bring it about. I ask the Minister whether the government intends to make legislative provision for this amalgamation to enable it to take effect from 1 January 1991?

Also, is the Minister proposing to handle this matter through an Order in Council rather than through legislation? If it is the latter, will the Minister give an assurance that legislation will be submitted to Parliament in that autumn sessional period of 1991 to secure this amalgamation?

It is a shame that the amalgamation is apparently being held up simply because the government is having problems with other amalgamations and is not prepared to move so I ask whether the Minister can explain what he is intending to do and I ask him whether he will give an assurance. I also want to know, when legislation is introduced, whether it will provide for transfer of ownership of the land and other properties used exclusively by the Hawthorn Institute of Education and the University of Melbourne to compensate or accompany the acceptance by the university of the liability of the institute.

It would help if the Minister gave an indication so that the people involved in those two institutions can have some idea of when they will be able to proceed with an amalgamation which clearly all parties want and which is apparently being stalled because of problems the Minister has with other amalgamations.

Hon. B. A. CHAMBERLAIN (Western)—I raise a matter with the Leader of the House in relation to the recent decision of the Minister for Planning and Environment in exercising the provisions of section 11 of the Planning and Environment Act.
First, the Minister for Planning and Urban Growth appointed the Leader of the Government, in his capacity as Minister for Industry and Economic Planning, to be a planning authority for the purposes of preparing planning scheme amendments for mining and the extractive industries, the Minister being responsible for both those areas.

On 19 September I raised with the Minister the issue of how he would exercise that role in relation to the role of local government. At that stage my question was limited to the mining issue. In further response the Minister referred to the number of different scenarios that could apply when he was exercising that power given under section 11 of the Act to prepare planning scheme amendments and said that the range of scenarios included, firstly, the amendments being prepared by the municipalities; secondly, the preparation of the amendments by the municipalities with support from his department; thirdly, the preparation of the amendments by the department with the support of the municipality; fourthly, the preparation of the amendments by the department with the municipality taking a neutral role, and finally the department producing the amendments with the municipality in opposition to it.

Tonight my question is limited to the issue of extractive industries and the role of the Minister as the planning authority in relation to the role of local municipalities, and I ask the Minister whether he intends to use the same system of consultation and interaction with local government as he outlined to the House on 19 September in relation to mining.

Hon. R. A. MACKENZIE (Geelong)—I refer to the Minister for Education the reduction that is taking place in educational guidance officers or psychologists in the Geelong region. There are reasons for the reduction in staff in the education area; we have heard what the Ministry is endeavouring to do, but I should like the Minister to explain the rationale behind this exercise inasmuch as the reduction in the Geelong region is something like 57 per cent, which will mean that the Geelong area will finish up with one guidance officer for something like 5000 students, whereas in every other region, including the metropolitan region, there is approximately one guidance officer to every 2000 students.

I should like to know why the Geelong students should be so disadvantaged at a time when there are enormous problems in the Geelong area. There will be a great need for the service of guidance officers and I cannot see the justification for the huge reduction.

When examining the structure of the support services in the region, one sees that it is divided up into several subgroups. In the main management area in Geelong, the regional manager of the support services receives something like $54 000 a year and has approximately 40 people directly under his control, but in some of the subregions a manager earning $51 000 a year has something like four people under his control. About four of the subregions have a small number of staff with highly paid managers. These subregions could easily be managed from the head office in Geelong so cuts could easily be made in some areas without affecting the students.

I ask the Minister, firstly, whether he can explain the rationale for Geelong's drastic cuts, and secondly, why the administrative services could not have been cut so the students would not be affected.

Hon. ROBERT LAWSON (Higinbotham)—I address my remarks to the Minister for Education as representative in this place of the Minister for Conservation and Environment. I ask him to make a plea on behalf of community tenants of Crown land.

As the Minister would know, previous governments have followed a benign policy of permitting community tenants to occupy Crown land for a peppercorn rent. The types
of tenants on Crown land include scout groups, bowling clubs, yacht clubs, sporting clubs, lifesaving clubs, senior citizens clubs and various other groups that are run not with any motive of profit in mind but to provide service to the community.

The Liberal Party has always considered the value of these groups to outweigh by far any rent that may be collected from them, but the policy has changed over recent years and now an attempt is being made to collect what is known as an equitable rent from these groups. We are of the same opinion as always—that the value of the work they do far outweighs any rent that may be collected from them—and we wish this point of view to be put to the Minister and hope for a favourable reply.

Hon. R. S. de FEGELY (Ballarat)—I raise a matter for the attention of the Minister for Health representing the Minister for Community Services in another place. It is a serious matter relating to the concern of people in the Beaufort area in my electorate and, in particular, to the Youth Training Centre at Langi Kal Kal.

Slightly more than twelve months ago I wrote to the then Minister, Mr Spyker, expressing concern about escapes from that institution, and at that time was told that while escapes from Langi Kal Kal occurred occasionally and institutional staff were concerned about them, they were under control by the installation of alarm systems and also additional support staff.

There are 62 inmates at Langi Kal Kal and since 1 January this year and up until yesterday there have been 61 escapes, of which six have been cases of failure to return from leave. We have also had reported crimes in the wake of these escapes including the theft of ten motor vehicles from Beaufort and seventeen from further afield. Eleven assaults occurred during that period as well as six burglaries, 40 traffic offences and also drug offence problems.

The community in Beaufort has had enough of this situation, as one would understand. The difficulty has occurred because Langi Kal Kal is being used as a remand centre rather than a youth training centre. A number of offenders up to 21 years of age are at the centre and serious crimes have been committed by some of them, including indecent assault, armed robbery, rape, arson, drug trafficking and assaulting police. I do not want to go into the details because proceedings are to be heard before the courts, but two people associated with Langi Kal Kal have been charged with murder.

Last year the then Minister for Community Services, the present Minister for Transport, installed alarm systems at the farm and the workshop. However, since then between midnight and dawn only one officer looks after each section. There are three sections, and therefore there are only three officers present during that time. If the alarms go off at the workshop or the farm, two officers must attend and that means two sections are left unattended.

Approximately $25 000 worth of glass has been broken by trainees escaping; they simply smash the windows to get out. The community is concerned about the matter as the youth centre is surrounded by a former soldier settlement area and many elderly people occupy the farms. Some widows living on their own could be subjected to the treatment I have mentioned because of a government that is not prepared to provide sufficient resources to properly look after the institution.

The Victoria Police have provided me with crime figures for Beaufort for the past three months: there have been 29 escapes from the youth centre and 23 motor cars have been stolen; there have been 5 burglaries, 4 thefts and 7 assaults; 1 drug charge has been laid and there have been 39 traffic offences. Many of the trainees are being returned to Langi Kal Kal two and three times simply to abscond again.
The people of Beaufort have had enough and there will be an enormous outcry unless something is done about it. If it is to continue to be used as a remand centre, sufficient staff must be provided. In the old days if a trainee escaped he went straight into a high security prison, and similar deterrents need to be put in place now. If action is not taken a disaster will occur in the district; for example, residents of nearby farms may be attacked. Some years ago an incident occurred at Ararat where people were seriously injured by escapees from Langi Kal Kal. I implore the Minister to ask the Minister for Community Services to do something to rectify the situation immediately.

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—In response to Mr Connard I indicate that the Strategic Research Foundation and the Australian Medical Research and Development Corporation are two distinct and separate organisations. The AMRAD research centre falls within the Department of the Prime Minister and Cabinet and is responsible for receiving submissions from research institutions throughout Australia. The submissions must have been received prior to 31 October this year, consistent with the criteria laid down by the research centre, and the centre essentially seeks to provide funds for research that has significant commercial potential. The government looks forward to the range of submissions from Victoria being favourably considered by the Commonwealth.

The Strategic Research Foundation does not have any normal links to that process. In fact, the new Biomolecular Research Institute would make a submission to the Commonwealth for funds through the AMRAD research process. I hope the submission will be received favourably because of the importance of the work of Dr Peter Colman on influenza. I also hope the other submissions being made by a range of organisations throughout the State will be favourably considered.

Mr Chamberlain raised the issue of planning responsibilities in the Department of Industry and Economic Planning. It is clear that the Mineral Resources Development Bill (No. 2) proposes that the Department of Industry and Economic Planning has a delegated planning responsibility from the Department of Planning and Urban Growth.

Hon. B. A. Chamberlain—That is not in the Bill.

Hon. D. R. WHITE—It has been agreed that that will occur. As a result, other sections of the community are interested in seeing whether the extractive industries could be put in a similar category. At this stage the government has not reached a view about the merits of that proposal. The merits are being examined to determine whether the initiative taken in relation to the mining industry should be extended to the extractive industries industry.

Hon. B. A. Chamberlain—Your colleagues told the MAV that it is going to happen.

Hon. D. R. WHITE—The government has not reached a view as yet.

Hon. C. J. HOGG (Minister for Health)—Mr Skeggs raised a question about preschool health examinations and was preceded in his concern by Mrs Tehan and Mr Hall. I reiterate the reply that the new Victorian child health program is still the subject of detailed recommendations from a committee chaired by Professor Phelan. The changes made are in line with all the reports of the past five or six years dealing with health issues in early childhood.

The preschool medical examination will now occur at school entry and will have as its focus several screenings for vision and hearing. Other components of the program have not yet been determined but I hope to have those details before the end of the session. I shall certainly correspond with members if those details come to me in December, but I hope I will receive them earlier than that.
The program will begin at the start of the next school year. All preschool children will be included and the program will extend to the end of a student’s school life. Each parent will receive a questionnaire to fill in upon enrolment whenever that is done. Should the questionnaire not be filled in, there will be automatic follow-up of that family. That is a reassuring detail: if the questionnaire is not answered for any reason the service will follow it up. There are many other details and I look forward to informing honourable members of them when they are settled.

I am aware of the seriousness of the matter raised by Mr de Fegely, and I shall certainly direct it to the attention of the Minister for Community Services as soon as possible.

Hon. B. T. PULLEN (Minister for Education)—Mrs Tehan raised the situation of a child with a severe disability attending a secondary college. She was concerned whether the child was receiving adequate attention in terms of the full development the child could reach given his serious disability. I can see that this is a difficult issue. I will undertake to have the matter investigated and I will discuss the outcome of that investigation with Mrs Tehan.

Mr Wright raised the matter of the registration of schools and the treatment of class sizes at particular schools. He will be aware that the Registered Schools Board was set up for the purpose of managing schools. If Mr Wright will provide me with details of the case I shall seek to have that matter put before the board to ensure that it is treated in an appropriate manner.

Mr Evans directed a matter to the attention of the Minister for Transport regarding reciprocal concessions between States provided to people who are over 60 years of age. I believe the matter has been investigated to some extent, but I am happy to raise the matter again with the Minister. My recollection is that the investigation showed that reciprocal arrangements would disadvantage Victoria in the cost of the exchanges. I wonder whether that means more people in this age group are visiting Victoria. The best thing to do is to raise the matter again to find out what can be done at this stage.

Mr Hallam raised a matter for the Minister for Conservation and Environment regarding bans by the Australian Workers Union on certain important services. He was concerned about their impact during the summer period. I can understand his concern and I shall raise the matter with the Minister.

Mr Storey raised the matter of the amalgamation status of the Melbourne University and the Hawthorn Institute of Education. I assure Mr Storey I am anxious that a conclusion is reached on some amalgamations, if not all. I do not believe I am holding anything up that is able to go ahead. I am meeting with all the vice-chancellors this week in an endeavour to proceed with the position generally. I shall seek clarification of this particular amalgamation.

Mr Mackenzie raised the reduction of staff of school support services in the Geelong area. He acknowledges that reductions were necessary in terms of the Budget. I have endeavoured to reduce the impact of staff reductions as far as possible and I have succeeded in reducing numbers in absolute terms by finding other savings in substitute for positions in the school support services. I have also reduced the numbers by changing the ratio between regional proposals for the loss of positions from the school support service and the Public Service—at some cost in the reactions of the Public Service. However, I made the judgment of fewer cuts from schools and also by setting down guidelines to protect areas such as the visiting teacher service to a reasonable extent with a reduction from 210 to 180. That number will sustain a good service. The details of the final profiles have been in the hands of the local regional officers to a large extent, with negotiations being undertaken to determine a final appropriate profile of positions relative to the needs of the area. I have been assured that the
results, given that there have been reductions, are fair when comparisons are made between different parts of the State.

Hon. R. A. Mackenzie—That is not so; there are half that number.

Hon. B. T. PULLEN—I am interested in the figure that Mr Mackenzie quoted. As late as yesterday I asked for clarification of all the figures on the school support centres in relation to the number of schools and the number of students. I want to be comfortable that there is some parity between the numbers that were provided in a particular school support service and the number of schools and students that it would serve.

Some allowance needs to be made, particularly in country areas, where freedom of movement and other factors come into play with services that relate to particular areas such as the integration of students with disabilities. That factor might be greater and therefore outweigh particular numbers.

I have tried to give attention to detail as is reasonable in getting a final figure. I shall undertake to examine the situation that Mr Mackenzie has raised; if there is an anomaly it may be justified by the information that has been provided to me. I am prepared to investigate it. As late as yesterday I have asked questions to assure myself that there is an equitable relationship between schools and the school support services.

Mr Lawson directed to the attention of the Minister for Conservation and Environment the charges that apply to community tenants which cover a range of tenants from yachting clubs to scout groups. I undertake to raise the matter with the Minister for his response.

Hon. B. W. MIER (Minister for Aboriginal Affairs)—In response to the question asked by Mr Smith about the voter turnout for the election for the Aboriginal and Torres Strait Islander Commission held on Saturday, 3 November, I respond as I have previously responded to questions in this House that the election was an inaugural one; it was also the first time that the Aboriginal people have had an opportunity to cast their votes in this manner. It was not a compulsory election and once again the turnout demonstrates to me, and it should demonstrate also to all honourable members, some of the problems associated with non-compulsory ballots. It should also be noted that the Australian-wide turnout was higher proportionately than that which occurred in the United States of America during the last Presidential election. Nevertheless in the future we will see a better response. It is a learning process.

There are three regions in Victoria in which elections took place for council vacancies. In Bairnsdale, or the eastern region, there were 31 nominations for 13 vacancies; in Halls Gap, or the western region, there were 28 nominations for 13 vacancies; and in Melbourne, or the central region, there were 26 nominations for 16 vacancies. Honourable members will note that there was a good response to the election. I emphasise again that there are problems associated with non-compulsory elections and I also report that the election result should be known within the next two weeks. It was a proportional representation ballot and because of that it will take a little more time for the result to be announced.

Motion agreed to.

House adjourned 10.20 p.m.
QUESTIONS ON NOTICE

LAKE EPPALOCK RECREATIONAL FACILITIES
(Question No. 293)

The Hon. G. B. ASHMAN (Boronia Province) asked the Minister for Housing and Construction for the Minister for Conservation and Environment:

Will all commercial and club site lease holders at Lake Eppalock be allowed to renew their leases in accordance with the renewal options contained in the leases?

The Hon. B. P. PULLEN (Minister for Housing and Construction)—The answer supplied by the Minister for Conservation and Environment is:

Yes.

MELBOURNE 1996 OLYMPIC BID
(Question No. 360)

The Hon. G. B. ASHMAN (Boronia Province) asked the Minister for Health, for the Minister for the Arts:

In respect of each department, agency and authority within his administration, what contributions have been made to the Melbourne 1996 Olympic bid, indicating, in each case, the amount contributed or, in the event of a non-cash contribution, the cash equivalent?

The Hon. C. J. HOGG (Minister for Health)—The answer supplied by the Minister for the Arts is:

The only cash contribution from the Ministry for the Arts was an amount of $60 000 contributed by Film Victoria towards the production of a film used in the bid.

Non-cash contributions comprised:

Participation by senior officers of the Ministry in the development of the cultural program which would be run as a part of the Olympics in Melbourne; and

time spent by officers at the National Gallery of Victoria and the Victorian Arts Centre in providing conducted tours of those institutions for visiting members of the International Olympic Committee and their entourages.

It is not possible to provide any realistic estimate of the cash value of these activities.

DRIVER LICENCE TESTING STATIONS
(Question No. 485)

The Hon. G. B. ASHMAN (Boronia) asked the Minister for Education, for the Minister for Transport:

In relation to each driver licence testing station in Victoria:

(a) How many testers were employed as at 30 June in each of the years 1988, 1989 and 1990?

(b) How many tests were carried out in 1988 and 1989, and in 1990 to date?

(c) What percentage of test applicants were successful on the first attempt to gain a licence at each station in the twelve months to 30 June in each of the years 1988, 1989 and 1990?

The Hon. B. T. PULLEN (Minister for Education)—The answer supplied by the Minister for Transport is:

(a) This information is not available because licence testers were not grouped separate to the equivalent staff classifications prior to 1990.
However there were 289 licence testers employed by VIC ROADS as at 30 August 1990. This figure does not include Victorian police officers who also undertake licence testing activities.

(b) and (c) The following table shows details of tests conducted at each district office in 1988, 1989 and 1990 to date. While the percentage of successful first attempt is not recorded, the table does indicate the number who pass and fail which may assist the honourable member.

### 1987–88 FINANCIAL

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## Questions on Notice

**1240 COUNCIL 13 November 1990**

### 1989-90 FINANCIAL

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1989-90 FINANCIAL
### Questions on Notice

#### 13 November 1990

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Questions on Notice

1242 COUNCIL 13 November 1990

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POLLUTION ON BELLARINE PENINSULA
(Question No. 504)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Education, for the Minister for Conservation and Environment:

In respect of pollution on the Bellarine Peninsula from local Geelong industries:

(a) Has the Environment Protection Authority or the Ministry for Conservation and Environment received complaints concerning pollution problems on the Bellarine Peninsula; if so—(i) have these complaints been investigated, indicating the results of any investigations; and (ii) what action has been taken to extend "smog alerts" to the Geelong region?

(b) What action is proposed to prevent the Shell refinery at Corio from burning hydrogen sulphide on days of low cloud when pollution is held down, or under any other conditions which would result in smog?

(c) Will the authority reduce the time which Shell can operate, despite faults which allow sulphur dioxide to be emitted more excessively than usual?

(d) Has the authority received complaints about odiferous atmospheric pollution; if so—(i) has it investigated those complaints; (ii) has it been able to find the cause and/or source of any such pollution; (iii) has it compared the emissions from the Werribee sewerage farm with those from the Shell refinery; and (iv) has it tested the emissions from the Shell refinery for odiferous hydrocarbons and sulphur dioxide, indicating the results of any such investigations or tests?

Hon. B. T. PULLEN (Minister for Education)—The answer supplied by the Minister for Conservation and Environment is:

1. Complaints have been received by the Environment Protection Authority concerning apparent pollution problems on the Bellarine Peninsula. In the three-month period (June to August of this year), for example, a total of nineteen incidents of alleged pollution were reported to the Geelong office of the EPA by residents of the Bellarine Peninsula.

(a) Of the complaints, thirteen related to matters which fell under the jurisdiction of the EPA and were investigated. The other six incidents were matters for other bodies. Four were referred to the local councils, one was referred to the local councils, one was referred to the Port of Geelong Authority, and one was referred to the local foreshore committee for appropriate action.

Of the thirteen handled by EPA, three could not be substantiated by the investigating inspectors, three were complaints of activities which were not causing pollution, two were complaints relating to a licensed discharge which produces a visible plume due to condensation of water vapour, one was a report of material dumped by the road, and the remainder were complaints of odours. In one case a pollution abatement notice was issued to require the removal of odorous material.

(b) "smog alerts" for the Geelong region will be feasible in approximately twelve to eighteen months time. Air monitoring stations at Corio and Point Henry have recently been added to the EPA network, with two stations due to come on line within a few months. Data covering a period of 12 to 24 months from these stations are needed before the conditions under which smog is generated in the Geelong region are known.
Questions on Notice

13 November 1990

2. Restricting the flaring of gases from the Shell refinery on days of low cloud or smog conditions is impracticable, because the flare is a safety device. The existing EPA licence and Shell’s operational practices minimise the amount of material flared. To achieve lower emission levels would require shutting down the refinery. This is a process which takes several days and increases the risk of environmental contamination.

3. In the State environment protection policy (the air environment) schedule 9 contains conditions which relate to the burning and discharge of sour gas streams at oil refineries during periods of equipment breakdown. If the sulphur recovery units cannot handle the sulphur load, these conditions require the refineries to convert to a low sulphur feedstock within four hours of such a breakdown.

4. Of the thirteen complaints mentioned in the answer to question 1, five related to odours.

(a) These complaints were investigated. In four cases it was possible to determine the source of the odour. Three of the incidents were related to the activities of the Board of Works sewage farm at Werribee. The fourth incident related to a decomposing pile of chicken manure.

(b) Since the extension of the air monitoring network to Geelong, it has been possible to apply computer aided backtracking of air movements to odour investigations. In several cases, such backtracking has been used to confirm that the odours most likely originated at the Board of Works farm at Werribee.

(c) While emissions from the Werribee sewage farm are different from those of the Shell refinery, chemical characterisation of the odours has not been carried out due to very low concentrations of the contaminants involved. Very low concentrations of odorous compounds can be detected by the human nose, but may be below the limit of detectability of scientific instruments.

(d) The EPA carried out stack emission tests at the Shell refinery in February and March of this year. Due to problems with the test equipment, the data from these tests were subsequently found to be unreliable. Further tests are scheduled for the October–November period.

Data from the air monitoring station, which continuously monitors the ambient air in the vicinity of the refinery, indicate that the refinery generally operates in accordance with its licence conditions and within the requirements of the State environment protection policy (the air environment).

JOURNALISTS QUALIFICATIONS—LOCAL GOVERNMENT DEPARTMENT

(Question No. 522)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Local Government:

What staff have journalists’ qualifications and are employed either full or part time within the Ministry, the department, or any of its agencies, respectively, indicating in each case—(i) their name; (ii) when they were first employed; (iii) the last media outlet they worked for; (iv) their rate of pay; and (v) whether they ever worked within the Government Media Unit?

Hon. M. A. LYSTER (Minister for Local Government)—The answer is:

There are no staff with journalists’ qualifications employed in:

(a) the Ministry;
(b) the department;
(c) any of its agencies.

GOVERNMENT JOURNALISTS’ QUALIFICATIONS

(Question No. 530)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Health, for the Minister for Community Services:

What staff have journalists’ qualifications and are employed either full or part time within the Ministry, the department, or any of its agencies, respectively, indicating in each case—(i) their name; (ii) when they were first employed; (iii) the last media outlet they worked for; (iv) their rate of pay; and (v) whether they ever worked within the Government Media Unit?
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Hon. C. J. HOGG (Minister for Health)—The answer supplied by the Minister for Community Services is:

At present there are five officers of the Community Services Victoria who are known to have journalistic background. They are:

1. (i) Press Secretary; (ii) April 1990; (ii) Melbourne radio; (iv) $49 156—$51 855 (includes 15 per cent commuted overtime allowance); (v) yes.
2. (i) Manager, Media Liaison Unit; (ii) September 1989; (iii) Melbourne daily newspaper; (iv) $43 136—$45 092; (v) no.
3. (i) Administrative Office Level 7 (ADM-7); (ii) September 1987; (iii) ABC Radio; (v) $43 136—$45 092; (v) yes.
4. (i) Media Liaison Officer; (ii) October 1990; (iii) suburban newspaper; (iv) $38 697—$40 675; (v) no.
5. (i) General Manager; (ii) December 1985; (iii) Melbourne daily newspaper; (iv) $69 661; (v) no.

PROVISION OF INFORMATION BY DEPARTMENT OF LABOUR STAFF
(Question No. 540)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Consumer Affairs, for the Minister for Labour:

What are the details of any protocol, instruction or directives to be observed by staff in the Minister's department when providing information to Opposition members during a formal or informal briefing or visit or in responding in writing?

Hon. B. W. MIER (Minister for Consumer Affairs)—The answer supplied by the Minister for Labour is:

Staff in the agencies in my portfolio are required to observe the guidelines set down in the Premier's circular, a copy of which is attached to the Premier's answer to question 553. These guidelines have operated since 1985 when the circular was sent to Ministers, and to the then Leader of the Opposition and Leader of the National Party.

PROVISION OF INFORMATION BY DEPARTMENT OF PLANNING AND URBAN GROWTH STAFF
(Question No. 544)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Education, for the Minister for Planning and Urban Growth:

What are the details of any protocol, instruction or directives to be observed by staff in the Minister's department when providing information to Opposition members during a formal or informal briefing or visit or in responding in writing?

Hon. B. T. PULLEN (Minister for Education)—The answer supplied by the Minister for Planning and Urban Growth is:

Staff in the agencies in my portfolio are required to observe the guidelines set down in the Premier's circular, a copy of which is attached to the Premier's answer to question 553. These guidelines have operated since 1985 when the circular was sent to Ministers, and to the then Leader of the Opposition and Leader of the National Party.

Further instructions issued to staff in 1988 provided that requests from members of Parliament for general information which is freely available should be treated in the same way as inquiries by members of the public, and staff should cooperate fully in responding to these. Inquiries concerning policy—related matters or seeking information which would not normally be disclosed to the public should be referred to the director concerned or, if appropriate, to the director-general.
Questions on Notice

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PROVISION OF INFORMATION BY ETHNIC AFFAIRS COMMISSION STAFF
(Question No. 547)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Health, for the Minister for Ethnic Affairs:

What are the details of any protocol, instruction or directives to be observed by staff in the Ethnic Affairs Commission when providing information to Opposition members during a formal or informal briefing or visit or in responding in writing?

Hon. C. J. HOGG (Minister for Health)—The answer supplied by the Minister for Ethnic Affairs is:

Staff in the Ethnic Affairs Commission are required to observe the guidelines set down in the Premier’s circular, a copy of which is attached to the Premier’s answer to question No. 533. These guidelines have operated since 1985 when the circular was sent to Ministers, and to the then Leader of the Opposition and Leader of the National Party.

PROVISION OF INFORMATION BY VICTORIAN TOURISM COMMISSION STAFF
(Question No. 551)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Industry and Economic Planning for the Minister for Tourism:

What are the details of any protocol, instruction or directives to be observed by staff in the Victorian Tourism Commission when providing information to Opposition members during a formal or informal briefing or visit or in responding in writing?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The answer supplied by the Minister for Tourism is:

Staff in the Victorian Tourism Commission are required to observe the guidelines as set down in the Premier’s circular, a copy of which is attached to the Premier’s answer to question 553. These guidelines have been in operation within the commission since 1985.

PROVISION OF INFORMATION BY MINISTRY OF EDUCATION STAFF
(Question No. 556)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Education:

What are the details of any protocol, instruction or directives to be observed by staff in his Ministry when providing information to Opposition members during a formal or informal briefing or visit or in responding in writing?

Hon. B. T. PULLEN (Minister for Education)—The answer is:

Staff in the agencies in my portfolio are required to observe the guidelines set down in the Premier’s circular, a copy of which is attached to the Premier’s answer to question 553. These guidelines have operated since 1985 when the circular was sent to Ministers, and to the then Leader of the Opposition and Leader of the National Party.

PROVISION OF INFORMATION BY LOCAL GOVERNMENT DEPARTMENT STAFF
(Question No. 557)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Local Government:

What are the details of any protocol, instruction or directives to be observed by staff in her department when providing information to Opposition members during a formal or informal briefing or visit or in responding in writing?
Hon. M. A. LYSTER (Minister for Local Government)—The answer is:
Staff in the agencies in my portfolio are required to observe the guidelines set down in the Premier’s circular, a copy of which is attached to the Premier’s answer to question 553. These guidelines have operated since 1985 when the circular was sent to Ministers, and to the then Leader of the Opposition and Leader of the National Party.

FEES PAID BY MINISTRY OF EDUCATION
(Question No. 581)
Hon. G. P. CONNARD (Higinbotham) asked the Minister for Education:
Further to the answer to question No. 454 given in this House on 29 August 1990, does Dr Peter Sheehan receive any fee or other income, including consultancies from the Victorian Education Foundation Board, or any other agency of the Ministry of Education for his services and, if so, what income is received from each of the agencies?
Hon. B. T. PULLEN (Minister for Education)—The answer is:
The Victorian Education Foundation has advised that Dr Peter Sheehan has not received any fee or other income including consultancies from the Victorian Education Foundation Board. The Ministry of Education, the State Training Board, the Office of Schools Administration and the Victorian Post-Secondary Education Commission have each advised that no fees or other income of any kind were paid to Dr Peter Sheehan.

PERSONAL ALARM CALL SYSTEMS
(Question No. 588)
Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:
(a) How many personal alarm call systems have been allocated to frail or elderly people in each of the cities of Caulfield, Brighton, Moorabbin, Sandringham and Mordialloc, indicating the criteria for receiving such alarms?
(b) How many people have not been satisfied with their requests?
(c) What plans does the government have to expand the application of these criteria and/or the number of personal alarm call systems?
Hon. C. J. HOGG (Minister for Health)—The answer is:
(a) A total of 146 personal alarm call systems have been allocated in the five local government areas mentioned. Specific details for each city are:
Caulfield 55, Brighton 17, Moorabbin 34, Sandringham 13, Mordialloc 27.
Health Department Victoria’s regional geriatric assessment teams are responsible for assessing applicants for personal alarm call systems. The criteria used by the teams to assess clients are those who:
(i) are very frail aged people (60 years and over), living alone at home or with a very frail partner;
(ii) have demonstrated that they are a physical risk if they remain at home;
(iii) have limited or no support from family or friends, resulting in isolation, particularly for long periods of time such as at weekends;
(iv) are mentally able to cope with the appropriate use of personal alarm equipment; and
(v) may have been assessed for nursing home accommodation and found to be eligible for admission but the aged client wishes to remain in his/her own home alone, even if only for a trial period.
The geriatric assessment team must be satisfied that the client meets criteria (i)–(iv) in order to be eligible for the personal alarm call system but each regional geriatric assessment team has the discretion to approve exceptional cases.
(b) Details of the numbers of people who do not meet the above criteria are not maintained. Assessments of eligibility are made following referral of the client to the teams by doctors, social workers, clients, relatives, etc. No formal applications for the system are lodged and, in many cases, the referral for assessment is received verbally.

(c) At this stage, the personal alarm call program has been funded for a two-year period until 30 June 1991. During this period the effectiveness of the program and the criteria/guidelines will be evaluated. Decisions on the future of the program will be based on a final review towards the end of the 1990/91 financial year.

SALE OF LAND—BENDIGO

(Question No. 593)

Hon. M. A. BIRRELL (East Yarra) asked the Minister for Consumer Affairs, for the Minister for Property and Services:

(a) Has the government sold the land situated at the corner of Lyttleton Terrace and St Andrews Avenue, Bendigo, which was previously specifically purchased for State government office accommodation, to the Commonwealth government for $1.8 million; if not, what was the sale price?

(b) Has the government abandoned its plans to construct State government offices in Bendigo; if not, why was the site sold?

(c) Why was the site not offered for sale by public auction or by tender process to obtain the best price possible?

(d) How was the sale price arrived at and what was the basis of valuation?

(e) Did the government employ a private valuer or valuers to obtain a valuation report; if so, what valuation figures were submitted?

(f) Did the State government or Commonwealth government initiate negotiations for sale?

(g) Was the State government informed of the valuation figure submitted by the Australian Valuation Office to the Commonwealth government?

(h) Was the contract of sale a cash or terms contract and, if the latter, what were the terms of payment?

(i) What is or was the date of settlement?

Hon. B. W. MIER (Minister for Consumer Affairs)—The answer supplied by the Minister for Property and Services is:

(a) Under the asset sales program Crown land at the corner of Lyttleton Terrace and St Andrews Avenue, Bendigo, was sold to the Commonwealth of Australia for $1.8 million.

(b) There are no specific plans to construct new State government offices in Bendigo at this stage, although Bendigo is one of the rural centres under consideration for the relocation of the Department of Agriculture and Rural Affairs. If selected, there are a number of government-owned sites in Bendigo which would be more suitable for large scale office development.

(c) The site was offered to the Commonwealth government as another tier of government and for the public interest.

(d) The site was sold on the basis of a market value determined by the Valuer-General.

(e) No private valuer was employed or private valuation obtained.

(f) The Commonwealth government initiated negotiations for the sale.

(g) The valuation figure submitted by the Australian Valuation Office to the Commonwealth was not known. However, at a Valuers Conference held on 30 March 1990, the valuer representing the Australian Valuation Office advised that their valuation was $1.8 million.

(h) The contract of sale was on a cash basis.

(i) The date of settlement was 1 October 1990.
EXCESS LAND AND PROPERTY—HEALTH DEPARTMENT VICTORIA
(Question No. 612)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

Further to the answer to question No. 461 given in this House on 29 August 1990:

(a) Has a review taken place to determine which excess land or property is proposed to be sold or disposed of and, if so—(i) who were the departmental officers associated with the review; (ii) what recommendations have been made and, if they have not been made, when will they be made; and (iii) what was the review process?

(b) When will the Minister be able to advise what is considered to be excess land or properties?

Hon. C. J. HOGG (Minister for Health)—The answer is:

(a) & (b) Health department review of land utilisation to assist health service delivery planning and to ensure responsible asset management is a continuing process, rather than a specific review.

Any property considered to be surplus to current and future health needs is released by Health Department Victoria to be classified by the Land Classification Review Committee. Land classified as government land becomes the responsibility of the Department of Property and Services, where consideration for disposal may be given.

EXCESS LAND AND PROPERTY
(Question No. 613)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Industry and Economic Planning, for the Minister for Tourism:

Further to the answer to question No. 476 given in this House on 29 August 1990:

(a) Has a review taken place to determine which excess land or property is proposed to be sold or disposed of and, if so—(i) who were the departmental officers associated with the review; (ii) what recommendations have been made and, if they have not been made, when will they be made; and (iii) what was the review process?

(b) When will the Minister be able to advise what is considered to be excess land or properties?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The answer supplied by the Minister for Tourism is:

(a) The Victorian Tourism Commission has not undertaken a review of property owned by the commission to determine whether it be sold or disposed of.

(b) There are no plans at this stage to dispose of the remaining property owned by the Victorian Tourism Commission.

RETIREMENT COUNSELLING SEMINARS
(Question No. 638)

Hon. B. A. E. SKEGGS (Templestowe) asked the Minister for Industry and Economic Planning:

In regard to each department, agency and authority within the Minister's administration:

(a) How many retirement counselling seminars have been government funded or sponsored in 1989–90, indicating—(i) how many employees who have reached 50 years of age have attended; (ii) which person or organisation conducted the seminars, and what numbers could be accommodated at each seminar; and (iii) how many employees were eligible to apply to attend those seminars?

(b) What action is being taken to provide retirement counselling to employees within the Minister's administration?
Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The answer is:

State Electricity Commission (SEC)
1. None, retirement counselling seminars in 1989–90 were funded by the SEC and SEC Superannuation Fund.
2. The SEC's Superannuation Administration Department administers the SEC Superannuation Fund and provides an ongoing retirement counselling service to all SEC members (employees).

Retirement planning advice is provided to all SEC members through group seminars, e.g., during the voluntary departure program in 1989–90, and personal interviews or telephone discussions with the department's counsellors. Both members and their spouses are encouraged to attend at group and/or individual counselling sessions.

In addition to retirement counselling, the department also provides advice to members in relation to pre-retirement or resignation entitlements under the superannuation fund.

Gas and Fuel Corporation (GFC)
1. No retirement counselling seminars were funded or sponsored by the Gas and Fuel Corporation of Victoria in 1989–90.
2. The corporation conducts retirement counselling seminars when sufficient numbers warrant a seminar; otherwise, individual counselling is provided.

Exhibition Trustees
The trustees have never sponsored any retirement counselling seminar.

Coal Corporation of Victoria (CCV)
CCV has not funded or sponsored any formal retirement counselling seminars in 1989–90. However, for superannuation purposes, counselling and financial management advice is available to CCV employees who are members of the SECV Superannuation Scheme or the State Superannuation Scheme.

Overseas Projects Corporation of Victoria (OPCV)
1. The Overseas Projects Corporation of Victoria Ltd did not fund or sponsor any retirement or counselling seminars in 1989–90.
2. No action is currently being taken by the corporation to provide retirement counselling to employees.

Small Business Development Corporation (SBDC)
The SBDC did not fund or sponsor any retirement counselling seminars for its employees in 1989–90.

Department of Industry and Office of Economic Planning (DIEP)
1988—All staff over 45 years of age were invited by personal letter to attend a one day pre-retirement planning session conducted by the Victorian Retirement Advisory Association. Twenty-eight members of staff accepted this invitation.
1990—The Department of Industry became a corporate member of the Australian Retired Persons Association. This entitles any member of staff to attend the monthly pre-retirement planning seminars free of charge.

Seventeen people from the department have attended seminars to date. These seminars are advertised regularly in the staff information bulletin.

Geelong Regional Commission (GRC)
Three staff members of the Geelong Regional Commission attended a government funded/sponsored retirement counselling seminar in 1988. The seminar was conducted at Clifton Springs and included presenters from Retire-Invest and the Local Authorities Superannuation Board.

The commission has currently nine staff members who have attained the age of 50 years and may be eligible to apply to attend such seminars.

Renewable Energy Authority of Victoria (REAV)
The Victorian Solar Energy Council (now the Renewable Energy Authority Victoria) did not fund or sponsor any retirement counselling seminars in 1989–90.

Spring Session 1990—40
Latrobe Regional Commission (LRC)
The Latrobe Regional Commission has not conducted any retirement counselling seminars nor have any staff attended any. Should any staff member wish to receive counselling the commission will endeavour to arrange this with either a public or private company.

PURCHASE AND DISTRIBUTION OF LAMPS
(Question No. 661)

Hon. G. R. CRAIGE (Central Highlands) asked the Minister for Industry and Economic Planning:

With regard to the energy conservation program involving the purchase and distribution of 15 watt BC compact fluorescent lamps by the State Electricity Commission during 1990:

(a) How many units were required to be supplied by tender?
(b) How many units were purchased by tender?
(c) What was the price paid per unit by the commission to the manufacturer?
(d) Who was the successful tenderer?
(e) Were all retailers and wholesalers involved in the distribution and sale of globes given the opportunity to purchase them from the commission?
(f) Why were the lamps only available from McEwans, Mitre 10, K mart, Coles New World and BBC Hardware during the introductory period?
(g) What advertising cost was incurred by the commission during the introductory offer for television, radio and newspapers, respectively?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The answer is:

(a) 30 000.
(b) 30 000.
(c) The unit price was $13.30. The SEC paid $34 617.24 sales tax in addition, i.e., 26 028 lamps at $1.33 each. The other 3972 lamps, which were bought by the SEC and other organisations for internal use, were exempted from sales tax.
(d) Philips Lighting Pty Ltd (incorporated in NSW).
(e) No.
(f) Retailers were selected on the following bases:
   • a limited number of retailers were selected due to the limited supply of lamps;
   • marketing the lamps through a large number of retailers was impractical for a limited promotion;
   • those that had expressed interest in retailing compact fluorescent lamps in conjunction with the SEC were approached first;
   • the retailer had a high public profile;
   • the retailer Statewide distribution networks, which would be used in the promotion; and
   • the retailer was prepared to accept a lower than normal retail margin for the promotion.
(g) SEC expenditure on advertising is as follows:

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Television</td>
<td>Nil</td>
</tr>
<tr>
<td>Newspaper (Sun News Pictorial 7 August)</td>
<td>6 468.00</td>
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<tr>
<td>Advertisement preparation and artwork</td>
<td>3 920.38</td>
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<tr>
<td>Radio</td>
<td>Nil</td>
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<td><strong>Total</strong></td>
<td><strong>10 388.38</strong></td>
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</table>
MEDICAL RESEARCH GRANTS

(Question No. 663)

Hon. M. T. TEHAN (Central Highlands) asked the Minister for Health:

(a) How much money did the Victorian Health Promotion Foundation give in medical research grants during 1989–90?

(b) What medical research projects were funded and how much was each individual project granted?

(c) Which of those projects had previously been rejected by other funding bodies which make grants for medical research?

(d) Which of those project applications were subject to peer review, and which were not?

Hon. C. J. HOGG (Minister for Health)—The answer is:

(a) Payment made for medical research during 1989–90 were $6,353,000.

(b) See attached extract from Annual Report 1990.

(c) If an applicant is making concurrent applications to other funding bodies, the foundation liaises with those bodies when decisions are being made.

(d) All.

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<tr>
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<th>Project title</th>
<th>Summary</th>
<th>Previous Instalments</th>
<th>Paid 89–90 Instalments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Grants</td>
<td>Howard Florey Institute</td>
<td>Professor D. Denton. A study to investigate chemical mechanisms in the brain generating normal ingestive behaviour and the influences on stress on these processes and particularly the appetite for alcohol.</td>
<td>$150,000</td>
<td>$332,235</td>
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<td></td>
<td>Ingestive Behaviour</td>
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<tr>
<td>Mental Health Research Institute</td>
<td>Alzheimer's Disease</td>
<td>Professor C. Masters. A study on Alzheimer's Disease to develop predictive tests for the development of Alzheimer's Disease and to establish new treatment modalities for the disorder.</td>
<td>$320,000</td>
<td>$320,000 $900,000</td>
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<td></td>
<td>Research</td>
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<tr>
<td>Monash University</td>
<td>Arousal from Sleep in Newborn: A Key to Sudden Infant Death?</td>
<td>Dr C. McMillen. A study to determine why some infants fail to arouse from sleep in the first few months of life.</td>
<td>$203,430</td>
<td>$385,023</td>
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<tr>
<td>Royal Children's Hospital Research Foundation</td>
<td>Prevalence of Asthma in Children</td>
<td>Professor C. Robertson. A study to identify the extent of functional disability due to asthma in children and to identify any preventable factors and develop strategies to reduce this disability.</td>
<td>$50,816</td>
<td>$180,000 $58,188</td>
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<tr>
<td>Anti-Cancer Council of Victoria</td>
<td>Melbourne Collaborative Cohort Study</td>
<td>Dr G. Giles. A 20-year follow-up study of 50,000 Southern European migrants and Australians aged 40–69 to determine the relationships between diet and health (particularly cancer, heart disease, stroke and diabetes).</td>
<td>$85,000</td>
<td>$393,000 $896,000</td>
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<tr>
<td>Royal Hospital Research Foundation</td>
<td>Prevention of Burden on Caregivers</td>
<td>Dr G. Szumukler. A study to reduce burden and prevent poor health in the relatives of patients with serious mental illness.</td>
<td>$75,955</td>
<td>$83,338 $89,276</td>
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<tr>
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<tbody>
<tr>
<td>Fairfield Hospital</td>
<td>(Macfarlane Burnet Centre) Study of Viral Sexually Transmitted Diseases</td>
<td>Professor I. Gust. A research program on viral sexually transmissible diseases to improve treatment and stop their spread (Hepatitis B, Herpes, Wart Virus and HIV).</td>
<td>$603 907</td>
<td>$317 076</td>
<td>$1 057 017</td>
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<td>Austin Hospital</td>
<td>Risk Factors in Cerebrovascular Disease</td>
<td>Dr G. Donnan. A study to identify risk factors contributing to heart attack and stroke.</td>
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<td>$200 000</td>
<td>$442 980</td>
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<tr>
<td>University of Melbourne</td>
<td>Photoradiation of Glioma</td>
<td>Dr A. Kaye. A study to improve the effectiveness of photoradiation therapy in the treatment of brain tumors.</td>
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<td>$91 560</td>
<td>$68 481</td>
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<tr>
<td>University of Melbourne</td>
<td>Dietary Interventions and Bone Mass</td>
<td>Dr J. Wark. A study to establish which lifestyle factors in women are important in determining the subsequent risk of osteoporosis and to examine the ability to modify the risk by dietary interventions.</td>
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<td>$132 000</td>
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<tr>
<td>Royal Children's Hospital</td>
<td>Prevention of Dangerous Fire Play</td>
<td>Professor R. Adler. A study to investigate the frequency and origins of firelighting behaviours in a sample of 3–6-year-olds and evaluate a prevention program.</td>
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<td>$50 000</td>
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<td>Fairfield Hospital</td>
<td>(Macfarlane Burnet Centre) Cohort Study of STDs in People who Self-inject Illicit Drugs</td>
<td>Dr N. Crofts. A major cohort study of the epidemiology of blood borne and sexually transmitted diseases in people who self-inject illicit drugs and their sexual partners.</td>
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<td>$135 105</td>
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<tr>
<td>Monash university</td>
<td>The Causes of Preterm Labour</td>
<td>Dr S. Brennecke. A study to prevent and detect human preterm labour by identifying microbiological factors involved in its occurrence.</td>
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<td>$150 000</td>
<td>$332 235</td>
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<tr>
<td>Walter and Eliza Hall Institute of Medical Research</td>
<td>Insulin Dependent Diabetes</td>
<td>Professor L. Harrison. A study to identify individuals destined to develop insulin dependent diabetes to gain insight into the causes and natural history of the disease.</td>
<td>$156 879</td>
<td>$492 598</td>
<td>$359 221</td>
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<tr>
<td>Murdoch Institute</td>
<td>Novel Mutation Detection System</td>
<td>Dr R. Cotton. The application of a new, simple mutation detection system which will be applied to the study of viruses (rotavirus diarrhoea, AIDS and dengue fever) and inherited diseases.</td>
<td>$75 000</td>
<td>$235 500</td>
<td>$171 735</td>
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<td>Alfred Hospital</td>
<td>Novel Risk Factors—Coronary Heart Disease</td>
<td>Dr G. Jennings. A study to identify new risk factors which predict coronary heart disease and to design strategies to reduce risk.</td>
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<td>$371 800</td>
<td>$625 672</td>
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13 November 1990

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<td>Walter and Eliza Hall Institute of Medical Research</td>
<td>Master Genes in Cancer</td>
<td>Dr C. Begley. A study to investigate the role of newly discovered master genes in the development of tumours and how they trigger cancer.</td>
<td>$268,388</td>
<td>$466,904</td>
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<tr>
<td>Monash University</td>
<td>Molecular Genetics of Down Syndrome</td>
<td>Dr I. Kola. A study to investigate the relationship between individual genes and the abnormalities associated with Down Syndrome.</td>
<td>$187,794</td>
<td>$420,165</td>
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<tr>
<td>University of Melbourne: Key Centre of Women's Health</td>
<td>The Menopause and Women's Health</td>
<td>Dr L. Dennerstein. A study to investigate how the majority of Australian women experience the menopausal years and the factors which may help protect or exacerbate menopause-linked disorders.</td>
<td>$294,018</td>
<td>$532,420</td>
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<tr>
<td>Monash University</td>
<td>Children Conceived by IVF</td>
<td>Dr G. Halasz. A case-matched study to compare the differences in physical, psychological and psychosocial growth and development of children conceived by IVF and a control group.</td>
<td>$21,680</td>
<td>$52,463</td>
</tr>
<tr>
<td>Walter and Eliza Hall Institute of Medical Research</td>
<td>Treatment of AIDS and Arthritis Using Synthetic Inhibitors</td>
<td>Dr A. Boyd. A study to continue the development of synthetic peptides which inhibit a molecule which is critically involved in diseases such as rheumatoid arthritis and AIDS.</td>
<td>$218,090</td>
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<tr>
<td>Mercy Maternity Hospital Research Institute</td>
<td>Follow-up of Gestational Diabetes</td>
<td>Professor N. Beischer. A study to calculate the proportion of female diabetics who had gestational diabetes when pregnant to determine what proportion of diabetics may have the disease prevented.</td>
<td>$145,583</td>
<td>$285,750</td>
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<tr>
<td>National Research Institute of Gerontology and Geriatric Medicine</td>
<td>Measurement of Disabilities in the Elderly</td>
<td>Professor R. Helme. A study of the measurement of disabilities in the elderly (particularly pain) to prevent overtreatment.</td>
<td>$50,000</td>
<td>$100,000</td>
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<tr>
<td>University of Melbourne Centre for Adolescent Health</td>
<td></td>
<td>Professor P. Phelan—Royal Children's Hospital. The establishment of a centre for research, advocacy, education and training in the area of adolescent health.</td>
<td>$500,000</td>
<td>$2,000,000</td>
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Public Health Research Projects

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<tr>
<td>Monash University</td>
<td>University Intellectual Outcome Following Adverse Reaction to Triple Antigen</td>
<td>Dr G. Oliver. A study to determine whether adverse reaction to triple antigen immunisation causes minimal brain damage.</td>
<td>$31,254</td>
<td>$25,130</td>
</tr>
<tr>
<td>Organisation</td>
<td>Summary</td>
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<tr>
<td>Royal Children's Hospital Research Foundation</td>
<td>Dr K. Rowe. A study to determine the prevalence of behaviour change in children associated with the ingestion of artificial food colouring.</td>
<td>$37 816</td>
<td>$47 503</td>
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<tr>
<td>Food Colouring and Behaviour Change</td>
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<tr>
<td>Monash University</td>
<td>Ms K. Brown. A study to evaluate the cost effectiveness of dialysis treatments and effect on the quality of life of patients and their families.</td>
<td>$36 867</td>
<td>$70 525</td>
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<tr>
<td>Evaluation of Cost Effectiveness of Dialysis</td>
<td></td>
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<tr>
<td>Monash University</td>
<td>Dr S. Gifford. A study to assess the extent to which early discharge policies are being carried out in Family Birth Centres.</td>
<td>$10 739</td>
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<tr>
<td>Evaluation of Early Discharge Policies of Family Birth Centre</td>
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<tr>
<td>Monash University</td>
<td>Dr S. Gourlay. A study to determine whether a new drug treatment can help people stop smoking and how stopping helps the lungs, heart and arteries.</td>
<td>$10 000</td>
<td>$20 000</td>
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<tr>
<td>Assessment—Pharmacological Therapies for Smoking Cessation</td>
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<tr>
<td>La Trobe University</td>
<td>Dr D. Hay. A survey of families of twins from the time the twins are diagnosed until 6 months after birth to assess their satisfaction with the medical and social services they receive.</td>
<td>$46 164</td>
<td>$82 009</td>
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<tr>
<td>Having Twins—How does the Family Cope?</td>
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<tr>
<td>University of Melbourne</td>
<td>Dr John Hopper. A longitudinal study which tracks 1500 pairs of adolescent twins through to adulthood to determine the factors that influence a child's smoking and drinking behaviour.</td>
<td>$54 660</td>
<td>$103 014</td>
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<tr>
<td>Alcohol and Tobacco Use Through Adolescence</td>
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<tr>
<td>Mercy Maternity Hospital</td>
<td>Dr J. Lumley. A study to discover how effective routine ultrasound is in the early identification of major structural malformations in the foetus.</td>
<td>$21 243</td>
<td>$27 831</td>
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<tr>
<td>Ultrasound as a Screening Device</td>
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<tr>
<td>Monash University</td>
<td>Professor J. McNeil. A pilot study to assess the effectiveness of aspirin as a means of reducing fatal and non-fatal cardiovascular and cerebrovascular events.</td>
<td>$49 172</td>
<td>$52 156</td>
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<tr>
<td>Low-Dose Aspirin Prevention of Heart Attacks and Strokes</td>
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<tr>
<td>Royal Park Hospital</td>
<td>Dr H. Minas. A study to establish the prevalence of psychiatric disorder in the Turkish Community and to investigate the barriers to services and appropriate treatment.</td>
<td>$42 179</td>
<td>$46 352</td>
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<tr>
<td>Prevention of Psychiatric Disorder in Melbourne's Turkish Community</td>
<td></td>
<td></td>
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<tr>
<td>University of Melbourne</td>
<td>Dr Roy Robins-Browne. The preparation of serological reagents that will facilitate the early detection and identification of pathogenic bacteria in food, water and affected patients.</td>
<td>$31 600</td>
<td>$75 486</td>
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<tr>
<td>Methods to Detect and Identify Harmful Bacterial in Food</td>
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<tr>
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<tr>
<td>Deakin University</td>
<td>An Evaluation of Child Abuse Treatment Services</td>
<td>Dr E. Janes Rossiter. A study to produce a comprehensive analysis of the facilities available to physically, sexually and emotionally abused children and their families in the Barwon region.</td>
<td>$44,661</td>
<td>$103,756</td>
</tr>
<tr>
<td>La Trobe University</td>
<td>Grief and the Parents of Intellectually Disabled Children</td>
<td>Dr Cynthia Schultz. A developmental approach to the study of the experience and impact of parental grieving over a congenital defect in a child.</td>
<td>$49,992</td>
<td>$99,473</td>
</tr>
<tr>
<td>St Vincent's Hospital</td>
<td>Brain Damage in Detoxified Alcoholics</td>
<td>Dr G. Whelan. A study to document the presence of brain damage in detoxified alcoholics, the range of places such people are discharged to and the levels of available support.</td>
<td>$33,003</td>
<td>$34,068</td>
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<tr>
<td>University of Melbourne</td>
<td>Changes in the Oral Health of Melbourne Adults</td>
<td>Professor C. Wright. A five-year follow-up survey of the oral health status of adults in Victoria.</td>
<td>$32,084</td>
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<tr>
<td>St Vincent's Hospital</td>
<td>Family Grieving Following a Cancer Death</td>
<td>Dr S. Bloch. A study to identify families at risk of the development of morbid grief after the death of a close family member.</td>
<td>$29,835</td>
<td>$69,452</td>
</tr>
<tr>
<td>Monash University</td>
<td>Origin of Pesticides in Breast Milk of Women</td>
<td>Dr M. Sim. A study to measure the level of organochlorine pesticides in the breast milk of a sample of 800 women.</td>
<td>$44,647</td>
<td>$79,661</td>
</tr>
<tr>
<td>Monash University</td>
<td>Exercise During Pregnancy and Foetal Outcome</td>
<td>Dr R. Bell. A study to determine the effect of vigorous maternal exercise performed throughout pregnancy of foetal outcome.</td>
<td>$20,480</td>
<td>$21,914</td>
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<tr>
<td>Monash University</td>
<td>Causes of Brain Tumour</td>
<td>Dr M. Salzburg. A study to investigate a number of occupational, lifestyle and medical factors thought to cause adult malignant brain tumours.</td>
<td>$21,376</td>
<td>$14,962</td>
</tr>
<tr>
<td>CSIRO</td>
<td>The Victorian Nutrition Survey</td>
<td>Dr K. Baghurst. A five-year follow-up survey of nutritional intake to investigate changes in knowledge, attitudes and dietary habits.</td>
<td>$32,594</td>
<td>$53,500</td>
</tr>
<tr>
<td>University of Melbourne</td>
<td>Physical Activity and Bone Mass</td>
<td>Dr E. Seeman. A study to investigate the importance of physical activity in maintaining bone thickness.</td>
<td>$52,213</td>
<td>$29,072</td>
</tr>
<tr>
<td>La Trobe University</td>
<td>Domestic Violence Crisis</td>
<td>Dr R. Wearing. A longitudinal analysis of how Intervention Orders impact on the incidence of family violence.</td>
<td>$53,766</td>
<td>$55,578</td>
</tr>
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### Questions on Notice

**COUNCIL**  
13 November 1990

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</tr>
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<tbody>
<tr>
<td>Monash University</td>
<td>Hypertension in the Elderly</td>
<td>Dr C. Silagy. A study of isolated systolic hypertension in the elderly to examine effectiveness of various drug treatments.</td>
<td>$55 700</td>
<td>$36 157</td>
<td>$38 550</td>
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<tr>
<td>Austin Hospital</td>
<td>Post-partum Depression and Mother-Infant Interaction</td>
<td>Dr J. Milgrom. A study of relationships which may be at risk—particularly of infants and mothers who have suffered post-partum depression.</td>
<td>$29 620</td>
<td>$28 991</td>
<td></td>
</tr>
<tr>
<td>Melbourne University</td>
<td>An Epidemiologic Analysis of Gonorrhoea</td>
<td>Dr J. Forsyth. The use of available data on gonorrhoea in Victoria to investigate factors underlying incidence of Sexually Transmissible Diseases to aid control plans.</td>
<td></td>
<td>$19 385</td>
<td>$19 881</td>
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<tr>
<td>Scholarships</td>
<td>Scholarship (Ms K. Japp) Masters thesis</td>
<td>A study to evaluate the effectiveness of outdoor education programs funded by the Office of Psychiatric Services as a therapeutic medium for people with psychiatric illnesses.</td>
<td>$19 135</td>
<td>$5 943</td>
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<tr>
<td>Melbourne University</td>
<td>Genetic Epidemiology of Asthma</td>
<td>Scholarship (Mr M. Jenkins) PhD thesis. A study of the genetic, epidemiologic and public health aspects of asthma using existing data and to design and analyse asthma related questions to be included in a proposed twin family study.</td>
<td></td>
<td>$19 135</td>
<td>$40 071</td>
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<td>Monash University</td>
<td>Does Health Promotion Work?</td>
<td>Scholarship (Dr R. Burns) Masters thesis. An evaluation of the Health in Primary Schools Project from the new public health perspective.</td>
<td>$19 135</td>
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<tr>
<td>Monash University</td>
<td>Significance of General Family Violence and Child Abuse</td>
<td>Scholarship (Ms J. Stanley) Masters thesis. A study to investigate the relationship between general family violence and child abuse, and to assess the effectiveness of behaviour modification as a prevention and treatment method.</td>
<td>$15 136</td>
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<tr>
<td>La Trobe University</td>
<td>Health Promotion in Populations with Psychiatric Disability</td>
<td>Scholarship (Ms F. Boelsen-Robinson) Masters thesis. A study to evaluate the impact of healthier living/stress management promotion programs provided to schizophrenics in a community centre.</td>
<td>$19 135</td>
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<tr>
<td>La Trobe University</td>
<td>Fitness and Health Perceptions of Student Nurses</td>
<td>Scholarship (Ms L. Cameron) PhD thesis. A study to describe and assess the fitness and health habits of nurses over their three-year training period.</td>
<td>$19 135</td>
<td>$40 071</td>
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</tbody>
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Questions on Notice

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</tr>
</thead>
<tbody>
<tr>
<td>Melbourne University</td>
<td>Effective Portable Dental Equipment</td>
<td>Scholarship (Dr W. L. Hall) Masters thesis. A study to design a simple,</td>
<td>$13,123</td>
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<td></td>
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<td>portable dental operating unit to provide access to dental care to the</td>
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<td></td>
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<td>domiciled elderly, physically handicapped and prisoners.</td>
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<tr>
<td>Fellowship</td>
<td>Health Department</td>
<td>Fellowship (Dr R. Moodie) Study Component—Master of Public Health,</td>
<td>$36,421</td>
<td>$67,936</td>
</tr>
<tr>
<td></td>
<td>Victoria</td>
<td>Harvard University. Project component—Health Department. To design and</td>
<td></td>
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<tr>
<td></td>
<td>AIDS/STD Health Services Evaluations</td>
<td>carry out new systems of evaluation of AIDS prevention programs.</td>
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PENSIONER PURCHASE SCHEME

(Question No. 668)

Hon. G. H. COX (Nunawading) asked the Minister for Industry and Economic Planning, for the Treasurer:

With regard to the stamp duty benefits available under the Pensioner Purchase Scheme to pensioners holding various pensioner health benefit cards during each of the years 1984–85 to 1989–90?

(a) What was the number of pensioners who received a benefit under that scheme?

(b) How much stamp duty was forgone?

(c) What is the maximum exemption level where stamp duty benefits cut out?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The answer supplied by the Treasurer is:

(a) and (b) Number of pensioners who received a benefit under the scheme and the amount of duty forgone.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of approved applications</th>
<th>Stamp duty forgone ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985–86</td>
<td>212</td>
<td>171,391</td>
</tr>
<tr>
<td>1986–87</td>
<td>1,319</td>
<td>1,139,910</td>
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<tr>
<td>1987–88</td>
<td>1,331</td>
<td>1,199,614</td>
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<td>1988–89</td>
<td>1,013</td>
<td>843,015</td>
</tr>
<tr>
<td>1989–90</td>
<td>488</td>
<td>348,558</td>
</tr>
</tbody>
</table>

Note: The scheme commenced and applied to contracts entered into on or after 24 September 1985.

(c) A full exemption or refund applies to properties (house plus land) having values up to $55,000. Where the price of the property exceeds $55,000 but does not exceed $65,000, a partial exemption or refund is available. No exemption or refund is available where the price of the property exceeds $65,000.

A person who is eligible to apply for a benefit in respect of a transfer/conveyance is also fully exempt from stamp duty in respect of a mortgage over the property provided that the mortgage is signed and dated within six months of the date of the transfer/conveyance.
REPORT ON WATER FLUORIDATION
(Question No. 686)

Hon. G. P. CONNARD (Higinbotham) asked the Minister for Health:

Has the report of the working group of the National Health and Medical Research Council on the effectiveness of water fluoridation been released and, if not, will she inquire as to the progress of the report and table it in Parliament when it becomes available to Health Department Victoria?

Hon. C. J. HOGG (Minister for Health)—The answer is:

As at 1 November 1990, the report of the working group of the National Health and Medical Research Council on the effectiveness of water fluoridation had not been released.

As this is a Commonwealth report, which should be freely available from Commonwealth sources, there is no intention to table it in the Victorian Parliament.
QUESTIONS WITHOUT NOTICE

Wednesday, 14 November 1990

The PRESIDENT (Hon. A. J. Hunt) took the chair at 10.32 a.m. and read the prayer.

CONTRACT LABOUR IN PSYCHIATRIC INSTITUTIONS

Hon. M. A. BIRRELL (East Yarra)—I refer the Minister for Health to a document released to me recently by Health Department Victoria under the Freedom of Information Act which reports that the Hospital Employees Federation, No. 2 branch has formally asked the government to establish "guidelines for limiting the use of contract labour". Will the Minister specifically repudiate this union request and instead commit Health Department Victoria to increasing the amount of work that it contracts out?

Hon. C. J. HOGG (Minister for Health)—I thank the honourable member for his question. I think yesterday I probably said everything that I can say about the issues raised by the document obtained by Mr Birrell under the Freedom of Information Act in which Health Department Victoria identifies a number of work practices the department seeks and intends to change.

In the context of the Budget negotiations and in the discussions that went on with the unions then we made progress on change in work practices and more efficient work practices. A number of positions are being reduced in the health area including an area covered by HEF, No. 2 branch, which is psychiatric services; but at those meetings I was quite clear, as were other Ministers, that we did not believe contract labour was necessarily the way to go. The public sector and the work done within it can be made more effective and must be made more effective and efficient.

JOB CUTS IN EDUCATION SECTOR

Hon. P. R. HALL (Gippsland)—I direct a question to the Minister for Education. The State Budget introduced twelve weeks ago announced job cuts of 3900 in the education sector. Since then there have been many proposals but no definite decisions as to where the cuts will be achieved. Schools are unsure of their staffing numbers for the next year, teachers in school support centres are unsure if they will have jobs next year and parents of children with disabilities do not know if their children will receive any form of future support. I ask the Minister when decisions on these matters will be announced.

Hon. B. T. PULLEN (Minister for Education)—As Mr Hall would be aware, and as I indicated in some detail in response to a matter raised last night on the adjournment debate, I have endeavoured to reduce the impact of job cuts in a variety of ways while still making the necessary savings. That has necessitated a certain amount of negotiation with a number of parties. It is now necessary to inform people of definite decisions and it is a balance between achieving a minimum impact result and getting certainty.

This week I shall announce details of the staffing levels of all post-primary schools as well as precise numbers for regions and school support centres. The normal information in respect of those cases will be sent out by the end of the week by the Ministry of Education. All parties normally involved will be informed, and I shall provide information to all honourable members.
Questions without Notice

EDUCATION FOR DEAF STUDENTS

Hon. LICIA KOKOCINSKI (Melbourne West)—The Minister for Education recently visited a school for deaf children in Furlong Road, Sunshine. It was one of the many schools the Minister has visited seeking detail and information from parents of deaf children on their attitudes and feelings about the recent report on education for the deaf. The Minister will now have had time to accumulate those responses, and I ask him to inform the House about the response to the recently released report on education for students who are deaf.

Hon. B. T. PULLEN (Minister for Education)—I thank the honourable member for her question, her interest in this issue and her assistance in joining me on that particular visit. The review has been important and I know a number of honourable members have taken an interest in it. It has certainly been well discussed within the deaf community and by people who are concerned about the future education of deaf people.

In considering the review I perceived that, although there was general support for its direction, there was some degree of concern, and I attempted to finetune my knowledge of the issues by visiting a number of schools and groups, some of which had expressed criticism. As a result of that and my own inquiries and discussions with the Ministry of Education, last Friday I was able to respond to a meeting of some 50 or 60 representatives of deaf groups and people attempting to assist the deaf about the government's response to the review.

In general terms I have supported the recommendations of the review with some important changes. It is important to maintain a choice for parents. Integrated settings provide an important way forward, particularly for post-primary students, to develop their potential and get the benefits of a full course, such as the Victorian certificate of education. They can then go on to other areas such as apprenticeships or higher education. It is important that integrated settings provide that breadth of curriculum. However, some parents feel it is important in some circumstances that their children are able to develop in a special setting. I believe it is important to provide the opportunity for parents to make that choice. Although we will be providing and planning post-primary facilities in the Western Metropolitan and Eastern Metropolitan regions and primary facilities in the Eastern Metropolitan region and in country regions—and I believe they will be pace-setting establishments—we will maintain settings in special schools where parents choose that. In relation to post-primary facilities, however, there will be a need to ensure that a full curriculum is provided so that any school that continues with post-primary education will be required to establish district provision relationships in addition to the traditional ones so that they are able to provide a full curriculum.

Another important issue which must be addressed, and which in a sense has been a learning exercise for me, is the way educational services are provided. A key issue has been the role of different methods and use of sign languages such as Auslan. There appears to be a division of opinion in the deaf community about the best way for those who are deaf to learn language. People hold sincere views about the best way forward for their children and some favour several methods while others, particularly the deaf community, believe it is important for communication that the deaf, particularly the profoundly deaf, learn a language such as Auslan. That is why I intend to support the introduction of that language in Victorian schools for the deaf community.

The message I have received from the deaf community is that it believes this is an important development which matches worldwide trends. There is a strong movement in the deaf community for the development of a language from which those who are
deaf can move on to gain the ability to handle the written languages of the countries in which they live. It is not a debate that is closed. It is an area in which there needs to be flexibility and for different views to be expressed.

Hon. K. M. Smith—This is a Ministerial statement!

Hon. B. T. PULLEN—It is an issue on which we must obtain a result on behalf of the deaf community. I know a number of honourable members have taken an interest in this matter and they are anxious to see a good result. I believe the matter should be dealt with in a bipartisan way; it is one that requires research and input from the community. I am also examining the development of a deaf services centre which will enable the debate to continue and it will provide an opportunity of obtaining further information from the deaf community.

Hon. K. M. SMITH (South Eastern)—On a point of order, I believe you, Mr President, have previously ruled on the length of time Ministers may take to answer questions without notice and that it should be kept to a reasonable period. The Minister has been speaking for approximately 10 minutes in answer to this particular question. I believe he has gone on too long and I ask that you, Mr President, bring him back to order. The answer could almost be classified as a Ministerial statement.

Hon. B. T. PULLEN (Minister for Education)—A number of honourable members have shown an interest in the issue and I believe it is appropriate that, given the length of time the issue has been around in the community, that I provide an answer to the House that covers the point appropriately.

The PRESIDENT—Order! The answer has been detailed and quite lengthy. It has gone beyond the bounds of an answer to a question without notice. In fact it has been a Ministerial statement and I therefore propose to treat it as such. I shall give the Opposition or indeed any honourable member the opportunity of moving an appropriate motion at the conclusion of the Minister's answer. As it is a subject on which the Minister has elaborated quite substantially I believe it is now in the interest of the House, at this late stage of the Minister's answer, for him to complete his answer and then there will be an opportunity for an appropriate motion to be moved by any honourable member who so desires.

Hon. B. T. PULLEN (Minister for Education)—It is important to provide a setting in which deaf people and others who are interested in the services for the deaf can examine these issues objectively and properly. It is clear with Victoria's population it is not possible to provide an institution such as the Gandelet University for the deaf in the United States of America but we must have a centre that can be seen as one of excellence where those issues can be debated.

Finally, in order to implement the report, I have established an implementation process consisting of a steering committee and four working parties. At the meeting on Friday I indicated my intention to nominate a deaf person to membership of the steering committee. I have invited the deaf community to nominate four others to me so that a deaf person will be serving on each of the working parties to ensure the implementation proceeds with the full knowledge and support so far as possible of the deaf community.

Although it has been a lengthy process it has been very important. I hope those honourable members who have taken an interest in—and particularly those who have links with—organisations or schools in their electorates that are providing services to the deaf will continue to take an interest in the matter, particularly in the findings of the report.
Hon. K. M. SMITH (South Eastern)—I move:
That the Minister's answer be taken into consideration on the next day of meeting.

Motion agreed to.

TEACHER UNION OFFICIALS PAID LEAVE

Hon. HADDON STOREY (East Yarra)—I ask the Minister for Education: is it a fact that the Ministry of Education directed school principals to put Victorian Secondary Teachers Association officials on paid leave so they could leave their schools and attend a stop-work meeting in Melbourne last Friday? If it is a fact, how does the Ministry justify this action?

Hon. B. T. PULLEN (Minister for Education)—As I see it, the basic task is to ensure that schools provide an education in the best way possible for the children of this State. That requires a setting in which there is peace and harmony in the schools.

Honourable members interjecting.

Hon. B. T. PULLEN—I will take whatever action is necessary in the context of any dispute to further the achievement of that task. I believe the actions taken have been clearly shown to have facilitated the resolution of the dispute. We have an historic agreement in respect of schools.

The people who are griping about it only show they are wishing for a situation where there is trouble so they can make something out of it. It is not a position I take. I am pleased the VSTA has overwhelmingly supported the agreement with the government which makes the savings required under the Budget and clearly indicates support for the Victorian certificate of education. All those people who have been hoping for trouble can now hold their peace and see that the situation has been managed.

MUNICIPAL PLANNING POWERS

Hon. W. R. BAXTER (North Eastern)—I have a question for the Leader of the Government in his capacity as Victoria's representative on the Albury-Wodonga Ministerial Council. I understand the council at its last meeting—which was many months ago—made a decision to return full planning powers to what are known as the peripheral municipalities. As I am sure the Minister will appreciate, the municipalities concerned, that is, Tallangatta, Yackandandah and Chiltern, are most anxious to possess planning powers similar to the powers possessed by every other municipality in Victoria. When will the decision of the Ministerial Council be implemented?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—At a meeting of Ministers—including the New South Wales Minister and the Federal Minister—a unanimous decision was reached that there would be a transfer of planning powers back to the municipalities. That has the strong support of the officers in the respective departments in Canberra, New South Wales and Victoria.

The government looks forward to doing that appropriately to bring about a sensible transfer. There have also been significant changes in the personnel of the Albury-Wodonga (Victoria) Corporation and I believe members of the corporation are working towards that transfer while keeping within the spirit and intent of the changes.

Mr Baxter will be aware that other substantial changes are also occurring within the corporation. I have received no representations to say that there is anything
unsatisfactory about the progress that has been made to date. I look forward to that
transfer occurring and hope it will be before the end of the year. I will take steps within
the Department of Industry and Economic Planning to ensure that every attempt is
made to bring that about. No major impediments have been brought to my attention
that might stop that from being achieved.

If after having talked to my department and the New South Wales and Federal
departments I discover any reasons why that may not be possible, I will advise the
honourable member at the appropriate time. But from the Victorian perspective there
is nothing to prevent the transfer from occurring before the end of the year.

**EXPORT INITIATIVES IN FOOD INDUSTRY**

**Hon. D. E. HENSHAW** (Geelong)—Earlier this year the Minister for Industry and
Economic Planning released a major report setting out some of the opportunities for
development in the Victorian manufacturing industry. One of the key sectors
highlighted in the report was the food industry. Will the Minister advise the House of
the latest initiatives in that area?

**Hon. D. R. WHITE** (Minister for Industry and Economic Planning)—As honourable
members will be aware, Victoria has both strengths and potential in the food processing
industry. The food processing sector is a major contributor to the economy, comprising
17 per cent of total value added and 14 per cent of total employment in Victorian
manufacturing in 1987. Processed food accounted for some $1.5 billion of Victorian
exports, representing 14 per cent of total exports.

As I speak, a major event is unfolding which could realise the significant overseas
promotion and sale of Victorian food products. Members of the Japanese Chainstore
Association are in Victoria on a buying mission sponsored by the key Japanese
government organisation, Jetro, which has a brief to boost Japanese imports. The
Japanese Chainstore Association has combined sales of $29.8 billion a year, and
officers of my department joined the Australian Chamber of Manufactures in arranging
and hosting the visit. Representatives from 40 widely diverse Victorian food companies
are meeting the buyers over the next three days to promote their products, which
range from oranges and abalone to pet food and health food bars. Companies involved
include the Riverland-Sunraysia export group in Mildura, Cherry Berry jams in
Bendigo, the fish factory in Yarram, and McCain Foods (Aust.) Pty Ltd of Wendouree.

Today the Japanese buyers made an early start with a 5.30 a.m. visit to the Footscray
fish market. This was to be followed by visits to Don Smallgoods Co. Pty Ltd in
Altona North, Australian Abalone Exports Pty Ltd in Laverton and Otto Wurth Pty
Ltd in Dandenong. This is an excellent opportunity to boost Victorian exports by
successfully matching the Japanese buyers with Victorian food producers. It is the sort
of activity the government believes is necessary for improving export competitiveness
in the State's economy, particularly given Jetro's brief to foster and expand Japanese
imports.

The government looks forward to receiving a report from the people involved in the
Japanese consortium at the end of the three days on the transactions they have entered
into, what they think about the quality and quantity of Victorian foods they are
interested in and what steps the department might take to bring to fruition any
transactions they have entered into during the three days and other transactions that
they are contemplating. It is a major opportunity for the Victorian food processing
and manufacturing export industry. If we are successful in this venture over the next
three days it will be a key indicator of our potential to export processed food not only to Japan but to the rest of the Pacific Basin.

PUBLIC HOSPITAL CAFETERIA SUBSIDIES

Hon. M. T. TEHAN (Central Highlands)—I direct the attention of the Minister for Health to Health Department Victoria circular No. 32 of 1990 to public hospitals and State-funded nursing homes determining that the subsidy on staff cafeterias, currently running at $13 million per annum, will be removed by June 1992. While management and the members of the Institute of Hospital Catering accept the need to remove the subsidy, they anticipate widespread and serious industrial resistance to the directive. Will the Minister give an unconditional and public assurance that she and Health Department Victoria will give the necessary political backing to hospital management in implementing the $13 million savings in the face of predictable union resistance?

Hon. C. J. HOGG (Minister for Health)—I do not really know why union resistance to the removal of the subsidy is deemed to be so predictable. This is a topic that has been raised for some time. The community demands that people who have enjoyed subsidised meals—and that includes us, and has done for some time—should not continue to do so in future.

A great deal of discussion has taken place on the issue and I feel this measure will not meet with a great deal of resistance. The community expects that people should pay for the meals they get and, generally speaking, that includes workers in particular facilities. This is an area in which Health Department Victoria's policy as set out in the circular mentioned by Mrs Tehan has been made clear; and of course it will be backed up.

MISLEADING LABELLING OF IMPORTS

Hon. D. M. EVANS (North Eastern)—In asking my question of the Minister for Consumer Affairs I make the comment that every one of us is pleased that the level of Australian food exports might pick up with increased food exports to Japan. My question concerns the even more important home market: is the Minister aware that a wide variety of imported foods, including orange juice concentrate, apple juice and potato chips, are being sold in our supermarkets, often with labels that give the impression to consumers that they are produced from Australian farms and often containing the words “Made in Australia”? To enable consumers to make informed choices, will the Minister introduce legislation to ensure that the word “Australian” on the labelling of food can be used only for products from Australian farms?

Hon. B. W. MIER (Minister for Consumer Affairs)—I thank Mr Evans for his question, and I am aware of the matter he has raised, having recently been informed of this particular problem. I am currently investigating the matter and I hope to take appropriate action when I have finalised the investigations that are currently under way.

PERSONAL ALARM SYSTEMS FOR THE FRAIL AGED

Hon. B. E. DAVIDSON (Chelsea)—The Minister for Health will be aware that the implementation of the personal alarm call system for the very frail elderly living at home commenced in December 1988.

Hon. M. A. Birrell—You've got to be kidding!
**Questions without Notice**

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**Hon. B. E. DAVIDSON**—My question is not as a result of an FoI snoop from the Opposition, so it is relevant. I should like to know how the personal alarms are allocated to the elderly and how many have been distributed throughout Victoria.

**Hon. C. J. HOGG** (Minister for Health)—The personal alarm systems are available for the frail aged living at home who are deemed to be at risk of premature institutionalisation and for people who believe that they could remain at home independently, given good support. There are two components of the personal alarm system. The first is a technical component that involves a communicator attached to a pendant which is placed around the elderly person's neck and which, when activated, relays a signal to a central monitoring station which is located, in the case of country people, within the Queen Elizabeth Geriatric Hospital and, in the case of metropolitan Melbourne, at the Mount Eliza centre.

Unique to this Victorian system is the requirement that the elderly person must call in once a day, and this provides an additional check. Human contact is involved; neighbours, close friends or members of the family are contacted if contact is needed. If no contact is made an ambulance is called.

The decision to allocate the personal alarms is made by the geriatric assessment teams. There are eighteen teams across the State, and as they make the assessment about the personal alarm they also bring to bear, where necessary, a range of other services for the elderly persons involved. Two thousand alarms were allocated notionally at the start of this government's term of office, and 1500 have been allocated to the present time. Some 600 have been allocated to rural Victoria, and 900 elderly people in metropolitan Melbourne have personal alarms.

**Hon. M. A. Birrell**—There's 4000 to go.

**Hon. C. J. HOGG**—The government is looking very closely at the guidelines and the allocation of personal alarm systems, and it believes the system is unequalled in Australia.

**Hon. M. A. Birrell**—You promised lots more.

**Hon. C. J. HOGG**—In the next Budget the government will be looking to see that it has the right number of alarms in the system, but 1500 are in circulation, and I am advised that that means the system is being run tightly but very well.

**CITY OF RINGWOOD LOCAL LAW**

**Hon. G. H. COX** (Nunawading)—Will the Minister for Local Government tell the House whether she has been approached by the Victorian Council for Civil Liberties and city councillors opposing a City of Ringwood local law using Schedule 8 of the Local Government Act? If so, has the Minister made a decision on the matter, taking into consideration municipal autonomy and the fact that Greg Adkins, a City of Ringwood councillor, is a member of the Minister's personal staff?

**Hon. M. A. LYSTER** (Minister for Local Government)—I have read media comment from the Victorian Council for Civil Liberties about this local law of the City of Ringwood. In the context of a council seeking to address understandable concerns about the behaviour of teenagers and other people in their communities I would commend the action of the City of Croydon and the City of Frankston where they have taken up the notion of the Good Neighbourhood councils. The actions of those two councils are extremely productive and constructive ways of addressing something that I know is of concern to communities.
The City of Ringwood has sought to take action in another area—one that does not quite verge on the draconian direction being taken in South Australia by the City of Port Augusta, I am glad to say, but which is still meeting with mixed reaction in that community. As all honourable members recall, local laws are subordinate legislation. The terms under which a council may make local laws include the statement that it should not take surprising or unexpected action. All honourable members would agree that the intention of Parliament was that local laws made by municipalities would be in accordance with the normal roles and functions of local government.

No, I have not taken any action on that local law. I do not believe I have been approached directly by the Victorian Council for Civil Liberties but I shall check on that and get back to the honourable member if that is not the case.

He finished his question with an aside about my personal staff, which I assure him was quite unnecessary. As part of the conditions of employment of a person on my personal staff who is a councillor there is a written agreement that that person will take no part in any Ministerial action, correspondence or discussions that involve the council of which he is a councillor.

**MUNICIPAL ELECTORAL TRIBUNALS**

Hon. JEAN McLEAN (Boronia)—Will the Minister for Local Government inform the House of the procedure relating to municipal electoral tribunals appointed following the August municipal elections?

Hon. M. A. LYSTER (Minister for Local Government)—The House will recall that the Local Government Act 1989 established a process to hear disputes arising in local government elections, whether they be annual elections or by-elections. Under section 44 of the Act candidates or ten voters can apply to have their disputes or concerns addressed. Nineteen applications were received following the local government general elections in August, and one of those applications was withdrawn.

The tribunal consists of magistrate Mr Kevin Mason, who was appointed by the Attorney-General, and Mr Graeme Pearson, an expert in local government matters appointed by me. I have received final reports from seven concluded tribunal hearings and where appropriate those recommendations have been referred to the Victorian Government Solicitor for advice as to whether prosecutions should be launched. I shall report to the House on this matter at a later date.

The last tribunal is concluding its deliberations today and therefore all outstanding reports should be received within the next couple of weeks. The process has worked extremely well in providing access to an election inquiry by people who feel aggrieved following municipal elections. It is an indication of the success of the process that one of those applications for a hearing was withdrawn before the tribunal actually met. It allows people to calm down after the heat of the election campaign to reconsider the process that has been gone through while still allowing a fair process of hearing for those who believe that an injustice may have been done.

**TEACHER UNION OFFICIALS PAID LEAVE**

Hon. G. B. ASHMAN (Boronia)—I refer the Minister for Industry and Economic Planning to the answer given by the Minister for Education to Mr Storey's question today and ask: is it now government policy to provide paid leave for union officials to attend stop-work meetings?
Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The honourable member’s question has been addressed by the Minister for Education in the context of a settlement of the Victorian Secondary Teachers Association dispute. One should know and understand that industrial relations issues are discussed on the merits of each dispute. They are discussed by the Minister for Education with the Minister for Labour, and are then discussed and agreed to collectively by Cabinet as a whole.

**FUNDING FOR ETHNIC COMMUNITY GROUPS**

Hon. C. J. KENNEDY (Waverley)—Can the Minister for Consumer Affairs inform the House of the progress of funding for ethnic community groups under tenant support programs?

Hon. B. W. MIER (Minister for Consumer Affairs)—I am pleased to inform the House that today I approved funding to the Cambodian Association of Victoria. This funding is specially designed to assist recently settled Cambodian refugees who are often more open than others to exploitation in the private rental market. The Cambodians are one of the most recently arrived communities in Victoria and therefore are more often disadvantaged in dealing with tenancy issues.

Advice from my department indicates that most Cambodians are housed in the private rental market, and yet less than half of the community speak English fluently and many are unaware of their rights as tenants. I hope this grant will make residential tenancy services more accessible to the Cambodian community and ensure that its members have the same rights and opportunities as other tenants.

**ADJOURNMENT OF BILLS**

Hon. D. R. WHITE (Minister for Industry and Economic Planning) (By leave)—I indicate to the House that it is the government’s intention that the House meet during the week commencing Tuesday, 27 November, and that the House should therefore extend its sitting time. Arising from that the government makes a request to the Opposition to change the date of the guillotine for new business.

I should also like to foreshadow that a further extension may be necessary to allow this House to deal with Bills that have been introduced in the Legislative Assembly this week and to ensure there is adequate time for discussion prior to the Bills being debated in the Assembly next week and for debate to occur in the Assembly. In addition, it will allow sufficient time for the matters to be considered properly in the Legislative Council. Therefore, the government requests an extension to the sitting time of the Legislative Council in the week commencing either 4 December or 11 December. It may be that on reflection the House needs additional time to deal with only one or two Bills. The government is unable to be precise until the Opposition has considered the legislation that has been and will be presented to the House this week. If it becomes clear later this week or early next week that there are only one or two Bills which might contravene an extension to the guillotine date, the government might seek an exception around those Bills instead of an additional sitting week commencing either 4 or 11 December.

I take this opportunity to introduce those matters to the House and seek further discussion with the opposition parties but, for the moment, the government would be grateful if, arising from the proposal to extend the sitting time into the week commencing Tuesday, 27 November, the Opposition would consider a change in the guillotine date which currently sits at Friday, 16 November.
Hon. M. A. BIRRELL (East Yarra) (By leave)—In response to the comments of the Leader of the House, I point out that some time ago the Opposition in this place initiated a practice that the House will not consider Bills introduced in the very last week of the sessional period. This was to stop the preponderance of Bills being received by this House in the last week of the sitting when it had received few Bills in the previous five or six weeks.

The Opposition is prepared for and welcomes the extension of the sitting period for another week because it has long been concerned that under this government Parliament is sitting for its shortest ever period. However, it is with concern that the Opposition notes the government is still not sure how long the sitting will be, particularly in the Legislative Assembly. It is extremely difficult to make arrangements outside Parliament when one does not know when Parliament is sitting. Honourable members received from the Parliamentary Secretary of the Cabinet and the Leader of the House in another place a list of the sitting dates. Those sitting dates have not been adhered to and there has been extreme uncertainty as to what will be sitting dates.

The Opposition is happy to sit longer; we believe Parliament should sit longer. We support the proposal to sit an extra week. While the concept of Parliament sitting another week is not of concern in terms of sitting, it is of concern in terms of planning. We believe a more professional approach to Parliament would be to have extended sittings organised well in advance to facilitate an orderly series of debates on Bills. The onus therefore falls on Cabinet to ensure that we get those Bills in advance rather than at the end of the session. To be frank, the Opposition is concerned about the State Bank Bill in that one of the most important Bills ever to be debated in Parliament has been introduced at a time when Parliament is almost up for the summer recess. We are happy to extend the sitting for an extra week but as to the 4 December and 11 December extension, we will consider that matter on its merits if the request is made.

By leave, I move:

That the Order of the Council of 5 September 1990 providing for the adjournment of debate on Bills received after 16 November 1990 until 1991 be amended as follows:

(a) Omit “16 November 1990” and insert “6 p.m. on 22 November 1990”.

(b) Omit “19 November 1990” and insert “23 November 1990”.

In brief, the effect of these amendments is that the cut-off date imposed by the Opposition for receipt of Bills will be now changed to Thursday, 22 November, at 6 p.m., to take account of the one-week extension of sittings requested by the government, with the proviso that Bills in the hands of the Clerk no later than 10 a.m. on Friday, 23 November, may be taken through all stages before the completion of the spring sessional period.

While it is happy to agree to the extension of a week, the Opposition asks the government to ensure that it knows in advance when Parliament is to sit and that there is some more orderly approach to the distribution of Bills in both Houses.

Hon. W. R. BAXTER (North Eastern) (By leave)—I concur entirely with the remarks made by the Leader of the Opposition. Members of the National Party have no objection to an extension of the sittings of Parliament; it is what we need. The duties of members of Parliament are many and varied and go beyond attending sittings in the House. Many honourable members have made arrangements as a consequence of the advice given in writing earlier in the sessional period by the Leader of the Government in another place and by the Parliamentary Secretary of the Cabinet as to what the sitting program would be. The fact that many honourable members will now be required to postpone or change those arrangements conveys the impression to the electorate at large that we in this place are a mob of incompetents who cannot arrange our program properly.
The reality is that the incompetence rests with the government; it is unable to arrange its legislative program so that Bills are introduced early in the session. Despite recent improvements—which I am sure are due to no other reason that the guillotine motions moved as a matter of course in the last few sessional periods by the Leader of the Opposition—we are still getting into a log jam situation. It is simply not good enough! I ask the Leader of the House to convey to his colleagues in another place that this Chamber is becoming increasingly resentful of the fact that the Legislative Assembly and the government seem unable to organise their business in a competent manner.

The National Party is not opposed to sitting an additional week as proposed and will support the motion moved by the Leader of the Opposition. However on this occasion, and for the future, we ask for absolute certainty at a much earlier time in the sessional period as to actual sitting dates.

Motion agreed to.

PETITION

Water catchments

Hon. R. A. MACKENZIE (Geelong) presented a petition from certain citizens of Victoria praying that an inquiry be instituted into the management of Victorian water catchment forests.

Laid on table.

ACCIDENT COMPENSATION ACT

WorkCare reports

Hon. B. W. MIER (Minister for Consumer Affairs)—By leave, I move:

That there be laid before this House a copy of the report and financial statements for the quarter ending 30 September 1990 of the—

(a) Accident Compensation Commission, given to Mr President pursuant to section 37C of the Accident Compensation Act 1985;
(b) Accident Compensation Tribunal, given to Mr President pursuant to section 69B of the Accident Compensation Act 1985;
(c) Accident Rehabilitation Council, given to Mr President pursuant to section 176B of the Accident Compensation Act 1985;
(d) Convenor of the Medical Panels, given to Mr President pursuant to section 72LB of the Accident Compensation Act 1985; and
(e) WorkCare Appeals Board, given to Mr President pursuant to section 71PB of the Accident Compensation Act 1985.

Motion agreed to.

Laid on table.

Ordered to be taken into consideration next day on motion of Hon. HADDON STOREY (East Yarra).
PAPERS

Laid on table by Clerk:

Accident Compensation Act 1985—Minister’s advice of 14 November 1990 of failure of the Accident Compensation Commission, Accident Compensation Tribunal, WorkCare Appeals Board, Convenor of the Medical Panels and Victorian Accident Rehabilitation Council to submit September quarterly reports to him and the reasons therefor.


Ordered that papers tabled by Clerk be taken into consideration next day on motion of Hon. HADDON STOREY (East Yarra).

METROPOLITAN RESIDENTIAL LAND

Hon. B. A. CHAMBERLAIN (Western)—I move:

That this House condemns the government for its abysmal handling of the release of metropolitan residential land and the failure to provide for its servicing.

When the Victorian Labor government took office in 1982 it inherited an established policy for metropolitan development, urban systems and services with capacities to service further development and it also inherited authorities with substantial resources to provide for future needs.

Wise management of resources requires that they be nurtured and replenished as required but Labor has failed to heed this need. Labor’s mismanagement has resulted, firstly, in a reduction of the broad-hectare land stocks and lots for housing to levels below the desirable minima; secondly, resultant inflation of land and lot prices to the particular disadvantage of first home buyers and, thirdly, the erosion of the capacity of public bodies to maintain and expand major networks and services to meet demands. Their coffers have been emptied and their borrowings have been contained.

Labor’s mismanagement has also resulted in a failure to provide alternative outlets for urban development either through urban renewal or development beyond Melbourne. Urban development bodies and the Opposition have repeatedly pressed for review and action on these matters over recent years. Government’s response has been defensive and tardy. It has closed the stable doors but only after the horse has bolted.

My presentation today will outline the failure of the Labor government to address urban issues with particular reference to the urban development program and the Plenty Valley planning scheme amendment. I shall also spell out actions which will be taken on these issues by a coalition government on obtaining office. Incompetence and inaction by the Cain-Kirner government is now costing young home buyers $150 million each year; $10 000 has been added to the cost of each residential block in the metropolitan area as a result of government generated land speculation and failure to provide basic infrastructure needs. This is in addition to the costs laid upon every Victorian family by what is now recognised as being the most recklessly incompetent government ever seen in Australia.

These problems were avoidable. However, the zeal with which the Treasurer has plundered the funds of the Board of Works of $114 million this year and the incompetence of then planning Minister Kennan with his 1987 announcement on
residential development have combined to guarantee the huge mess we are in today in the provision of land for housing in Melbourne.

On 23 August I had a briefing from Mr John Mellors, the head of the Department of Planning and Urban Growth, on activities within the department on residential land supply. I was provided with a table that showed, among other things, a 10.2 year supply of undeveloped residually zoned land. I told Mr Mellors that the figures he provided me with were suspect, that the Opposition did not accept them and that they were based on a misconception. I made those comments because we had been getting vibes for some time that the departmental figures were overstating the extent of undeveloped land through inclusion of land already developed at low density. More importantly, the Labor government has been misrepresenting what the figures show.

On 6 September 1988, Tom Roper, the then planning Minister, said that more than nine years supply of land was available for development. Mr Roper said:

"This means there is sufficient land available for new housing in the short term."

The Labor government does not understand the difference between land zoned for development and land available for development. Experience over the past 30 years has been that when undeveloped land stocks reduce to a level representing about ten years demand, land availability at affordable prices dries up.

Action could be taken to force land on the market. However, up until now this has not been considered necessary. The position where some action was necessary was reached in 1959 and 1971 and corrective action was then taken to increase stocks of residually zoned land. I believe we have again reached, if not passed, that dangerous low in land stock, but Labor will not listen to industry or to our advice on these matters. Labor knows as little about land development as it knows about banking!

I have heard some suggestions that the land market may have bottomed and it is therefore vital that prompt action is taken to ensure that adequate stocks of zoned land are available for development and are capable of being readily serviced. However, we must not lose sight of our longer term objectives and policies. In this area we owe much to our forebears. It was their vision and action which gave us our major parks and boulevards, our water supplies and sewerage systems, our rail and road networks and the substantial preservation of green wedges amid the Yarra Valley, the Dandenong Ranges and the Mornington Peninsula. Of course, more things can be mentioned.

In the planning scene metropolitan planning evolved from the late 1940s, and by 1971 a 30-year strategy had been evolved in which outward development was to be contained within seven corridors and at Sunbury. But this did not mean that the corridors were fully committed to development. This was made very clear by former planning Minister, Alan Hunt, in his Ministerial statement in July 1975. A review of public submissions resulted in only three corridors, which have since been reflected in Labor policy. With hindsight, perhaps the Board of Works, when it suggested seven, was right.

In the longer term, the Melbourne and Metropolitan Board of Works considered that the development of Melbourne should be towards the Latrobe Valley and possibly through Geelong. In contrast with the enlightened actions of our forebears, we now have no long-term policies for Melbourne and Victoria and limited long-term service capabilities to guide development. The Labor government's metropolitan policy in its 1987 report entitled *Shaping Melbourne's Future* is now recognised as being "a refinement and extension of the policies detailed in the document *Metropolitan Strategy Implementation* released by the Melbourne and Metropolitan Board of Works in 1981". That is a quote from the eastern arterial panel's report of December 1989.
In the 1987 report entitled *Shaping Melbourne's Future* the Labor Party identified six basic measures for implementation of its policies. The first of those—and I shall look at those policy commitments and what has happened to them—was that Labor would develop an active partnership with local government, business, community groups and unions. No such partnership has been established. Secondly, it said it would establish a standing consultative group called Melbourne Forum to advise the government on implementation. Had the group been established, the land supply and funding crisis might well have been avoided.

The government now belatedly proposes a Ministerial task force which is to work out how business can replace government in funding of public works and share the risks and responsibilities for their development. The intended government contribution to infrastructure of $12 million this year is paltry by contrast with the total requirement, which we and others have identified as being some $1000 million each year over the next fifteen years.

The next promise by Labor was to establish regional groups of councils. No new initiatives have occurred in this area. It then promised it would use a cooperative approach to working with local government. The Labor government has done no more than consult local government after it has made the decisions, and we know that has been the strategy of this government ever since it took office.

The government also promised that it would adopt a corporate approach when putting policies into effect, but that has yet to be seen. It also promised to establish a metropolitan services coordination system. In my view that has been one of the great failures of this government. This has turned out to be an exercise in number crunching without prior consideration of servicing feasibility or cost. The role previously exercised by the Board of Works in this regard has been lost and has not been replaced.

On the issue of services, we have now reached the parlous state where many of our public networks and services are in desperate need of refurbishment and have little capacity to service further development. Reserves of public sector bodies have been used up, and a massive debt has to be serviced and ultimately reduced.

In this disastrous scenario, which rapidly evolved under Labor, alternative sources of funding for public works and services have to be considered. After being ignored for eight years, business is now expected to pick up the tab. I understand that in the Werribee area the total cost of all public services and networks is estimated to be $40,000 a lot. For lands now held by developers, lot prices would have to increase by some $30,000 if costs in this order are to be incurred.

A totally different position should apply to land not yet zoned for development, provided that intended servicing charges are clearly spelt out before any rezoning occurs. In saying that, I must contrast it with what has happened in relation to the Plenty Valley, where the Minister has done quite the opposite.

I turn now to two specific aspects of Labor's mismanagement: the urban development program and planning scheme amendment No. RL111—for the Plenty Valley. The urban development program should ensure the timely availability of serviceable lands for urban development throughout the metropolitan area, taking into account the increasing need to deflect development away from the Yarra Valley and the Mornington Peninsula. It has been envisaged that the Plenty Valley should at least in part form an alternative outlet to development in the Yarra Valley. However, any development there must be of an order and character which will not destroy the unique qualities of the valley.

I refer now to the urban development program which was launched by the Minister, Mr McCutcheon, on 13 September. The Minister's presentation on that day focused
primarily on funding of works and services and related matters. The major issue was that although various areas are capable of being serviced over the next five years, new funding sources need to be explored. Increased private sector contributions and other issues, including a review of infrastructure standards, are to be considered.

The seven subregions discussed in the Minister’s report are shown in the map, which I have prepared. I have checked with Hansard on whether the map and other attachments are suitable for inclusion. I seek leave to incorporate the map in Hansard.

Leave granted; map as follows:

ADOPTED MELBOURNE STATISTICAL DIVISION (MSD) SUBREGIONS
Hon. B. A. CHAMBERLAIN—The seven subregions were discussed in that report. Since the publication of *Shaping Melbourne's Future* in August 1987, four different groupings of municipalities into subregions have been used by government agencies in reports on land supply and demand. It must be recognised that if the map keeps changing that makes discussion on the issues very difficult. Certainly the one that I have provided is the one used by the Minister on 13 September.

I also seek leave to incorporate in *Hansard* the attached graph, which shows projected occupied private dwellings in outer subregions between the years 1986 and 2011 based on Treasury data. The graph has also been circulated, and I now seek leave to have it incorporated.

*Leave granted; graph as follows:*

*GRAPH 1*

**OCCUPIED PRIVATE DWELLINGS**

**OUTER SUBREGIONS**

1986—2011

Data in Department of the Treasury July 1990

Source: Demographic Information Paper No. 4 Table C 6.
Hon. B. A. CHAMBERLAIN—This forms the basis for the information on lot demand contained in the urban development program. However, it is stressed that the data do not necessarily reflect demand, as claimed throughout the report. The model used in the production of the forecasts has been programmed to redirect growth away from growth areas as they approach capacity. This is because price rises occur with shrinkage of supply and this forces people to look elsewhere. As a result growth in the eastern subregion shown on the map is forecast to diminish progressively after 1981. At that time there is a projected dwelling level of about 226,000. The capacity of the subregion is about 250,000 dwellings, but this level is not projected to be reached before the year 2011. Thus it is expected that when the subregion reaches about 90 per cent of its capacity demand will be redirected elsewhere. A similar situation exists for the Peninsula subregion. The projections provide for a redirection of demand to other locations after 1996, when the subregion will also be nearing capacity.

This issue was addressed by the Board of Works in 1959 in its report entitled The Problem of Urban Expansion in the Melbourne Metropolitan Area, which states:

When a state is reached in the development of a municipality where the population approximates to 85 per cent of its full development, a state of stabilisation occurs and thereafter the municipality will absorb only a negligible proportion of the population increase of the metropolitan area.

In view of this, a substantial increase in residential zones was made at that time so that adequate opportunities were provided for forecast demands. The situation in the eastern subregion has been grossly misrepresented in the Minister's urban development program.

At page 29 of that report it states:

There is enough zoned land to meet demand in the five-year period with a buffer remaining of less than one year of the eastern subregion estimated demand.

That is patently false and is best illustrated by pointing out that the Treasury projections provide for sharply reducing increases in occupied private dwellings after 1991 as shown in the next table that I have distributed, headed "Increase in occupied private dwellings, eastern subregion", as drawn from the government's own papers. I seek leave to incorporate that table.

Leave granted; table as follows:

<table>
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<tr>
<td>Increase in occupied private dwellings</td>
<td>23,500</td>
<td>13,300</td>
<td>4,600</td>
<td>2,500</td>
<td>2,400</td>
</tr>
<tr>
<td>% of increase in 1986-91</td>
<td>100%</td>
<td>57%</td>
<td>20%</td>
<td>11%</td>
<td>10%</td>
</tr>
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Source: Data in Table C6, Demographic Information Papers 1989-90 No. 4.

Hon. B. A. CHAMBERLAIN—Rather than there being enough land to meet demand as claimed, a shortage of land will force demand away from the eastern subregion, which has been attracting 25 per cent or more of the metropolitan development, so the development there approximately halves every five years.
The answer for this subregion is not to increase land supply substantially as bipartisan support exists for the substantial conservation of the Yarra Valley and the Dandenong Ranges, and only limited opportunities exist elsewhere in the subregion. Therefore it is imperative that alternative outlets for eastern subregion demand, and also the Peninsula subregion, be available by 1991 at the latest.

However, the government has yet to finalise let alone establish the key networks required to service proposed development in the Plenty and Berwick–Pakenham corridors. There also may be environmental issues yet to be resolved.

Earlier I outlined past government views on land stocks. Since then there appears to have been a major shift in the outlook at government level. This is illustrated by several points in the Minister's recent report. I refer to page 6 of that report, and to the Minister's foreword:

- Government policy is to establish at least ten years supply of zoned land, of which approximately five years supply should be immediately serviceable.
- It is government policy to maintain at least a five-year buffer of land which is residentially zoned and immediately serviceable, either as vacant allotments or quickly convertible broad-hectares.
- In addition, at least a further five years supply of land which is zoned for residential use but serviceable over a longer period will be established.

At page 11 the Minister's report states:

- At current forecast levels of demand, there is sufficient land zoned for residential use for about the next ten years.

As the stock of zoned land is already at the minimum acceptable level, representing ten years demand, clearly that stock is not sufficient for about the next ten years, as claimed. Further areas should now be zoned, as has been sought by both the development industry and the Opposition over a number of years. The development industry and the Opposition argue that there should be at least a ten-year margin in broad-hectare residential land. The 1989 stock of that land represented only 7.9 years demand. As stated at page 11 of the Minister's report, the areas within corridors and other zones are programmed for development over the next five years.

The Minister's report states:

- ... these have been assessed as serviceable from the existing infrastructure systems ... are located in areas where a shortage of land supply is forecast.

These areas should be considered for immediate rezoning. In undertaking rezoning, as previously outlined, they must be carried out in such a way that there is no provision for a second bite of the cherry. The rezoning process must be comprehensive so that no subsequent permit is required for development. However, detailed plans should be to the satisfaction of the relevant council.

I now turn to the Plenty Valley as a recent example of how a government should not embark on this process. A coalition government will inherit a Pandora's box full of unresolved issues now that the government's planning scheme for the Plenty Valley has been approved. Following the 1989 proposals, major concerns were raised by local groups and individuals. Despite this, a panel appointed to advise the Minister for Planning and Urban Growth basically supported the government's proposals; and the scheme as finally approved contained only minor departures from its original content.

The situation was such that the Minister prepared an amendment, put it before a panel and that panel went into the process of consultation; it made very few changes, and the Minister was very happy then to rubber-stamp the final result.

I seek leave to incorporate a plan of the Plenty corridor, extracted from the Whittlesea Post of 23 October 1990, which I have distributed to honourable members.
Leave granted; plan as follows:

THE Plenty Corridor strategic plan released this week by the Ministry for Planning and Urban Growth.
Hon. B. A. CHAMBERLAIN—Key issues that arise from this are firstly, matters of conservation significance. With the continuing outward development of Melbourne, the Plenty Valley and key features have increasingly been seen by local groups and individuals as having conservation significance. Conservation concerns form one of the major issues raised in submissions to the panel. While urban consolidation within Melbourne and focused decentralisation beyond Melbourne should be of increasing importance, provision for outward development will need to continue in the foreseeable future.

The Plenty corridor has been recognised as one of three potential outlets for outward metropolitan growth since the 1970s. However, for the former Liberal government this did not commit the whole or any part of the corridor to urban development. As I have said, this was made very clear by the former Minister for Planning, Mr Alan Hunt, in a statement on government policy on 22 July 1975.

Even though land use controls and reservations have been introduced in amendment No. RL111 to conserve and enhance individual features within the Plenty Valley, such as Plenty Gorge and red gum areas, the natural resources of the valley will be increasingly threatened by nearby or upstream urban areas, because of increased pollution, flooding, and misuse and overuse, unless remedial action can be and is applied. Consideration of various matters which will be outlined later indicates that further development north of Melbourne could be established at least in part in additional growth outlets. This may be with reduced environmental impacts, reduced costs and reduced lag time in development.

Let us examine the second key issue, namely, the environmental impacts of the Minister's approved amendment. Measures to limit potential adverse environmental impacts of government proposals for urban development in the valley have yet to be defined. Amendment No. RL111 provides housing areas for an additional 70,000 people. These areas, together with existing undeveloped areas, provide for a total increase of about 100,000 people. However, only a minor part of that population increase at South Morang can be serviced from existing drainage and sewerage networks. Here Melbourne has a grand plan for 100,000 people and, as the House will note later, potentially more, yet only a very small part—perhaps 20,000—can be serviced at South Morang.

In a concluding statement to the RL111 panel, the Department of Planning and Urban Growth stated:

From early growth projections potential development areas have been substantially reduced to recognise areas of State, regional and local environmental significance.

In fact, the urban areas in RL111 in the Plenty Valley are similar to those in concept No. 2 in the Plenty Valley brochure issued by the then Minister for Planning and Environment in 1988. The potential urban areas in that concept have been modified. An area adjoining the Yan Yean Road has been omitted and an additional area of Mernda has been included. However, there is one vital difference between concept No. 2 of 1988 and the Plenty Valley strategy plan as finally approved, namely, that in concept No. 2 no further urban development is envisaged in the northern part of the valley whereas in the strategic plan substantial parts of this area are designated as "corridor", and therefore are potentially available for future residential development.

Government projections provide for a population increase of approximately 187,000 in the Plenty Valley after 1986 and urban extensions into the Plenty corridor beyond areas now proposed in RL111 will be required to house this growth.
I seek leave of the House to incorporate a further table headed “Actual and Projected Population” which covers the Diamond Valley–Whittlesea area and, in fact, the total Plenty corridor.

Hon. B. T. Pullen—Has that table been produced from the work already cited or have new data been used to produce it?

Hon. B. A. CHAMBERLAIN—It has been prepared by the Opposition and extracted from the sources indicated on the table.

Hon. B. T. Pullen—Is it a translation of data in a different way or are the data different?

Hon. B. A. CHAMBERLAIN—It is basically data produced from Treasury Demographic Information Paper No. 4, July 1990. The information purports to come from that document. The projections were quoted in a submission by the Department of Planning and Urban Growth to the RL111 panel in June 1990 entitled “Relative Advantages of Growth Corridors”.

Leave granted; table as follows:

Table 1

| ACTUAL AND PROJECTED POPULATION |
| 1000s |
|-----------------|-------|-------|-------|-------|-------|-------|
| Diamond Valley  | 57.0  | 63.8  | 68.5  | 71.4  | 73.8  | 76.1  |
| Whittlesea      | 81.6  | 98.4  | 119.8 | 149.1 | 179.6 | 208.4 |
| Total (Plenty corridor) | 138.6 | 162.2 | 188.3 | 220.5 | 253.4 | 284.5 |
| Increase from 1986 | 23.6  | 49.7  | 81.9  | 114.8 | 145.9 | 186.8 |

Source: Demographic Information Paper No. 4 July 1990, Table C1 Department of Treasury—Victoria, except data for 2031—Department of Treasury. Projections (1990) quoted in submission by Department of Planning and Urban Growth to RL111 panel in June 1990, entitled “Relative Advantages of Growth Corridors”.

Hon. B. A. CHAMBERLAIN (Western)—Mr President, these figures are of vital importance because they indicate that the projected population of the Plenty corridor in 2031 is 325 400. The government actually intends much more development in the Plenty Valley in the longer term than it has formerly disclosed. The information has come to light only due to the vigilance of objectors because the projected population figures available to the public of the Plenty Valley cover only the period to 2011 and little or no publicity has been given to the published forecasts beyond that. This major projected population growth will have significant implications for people living in the lower Plenty Valley, particularly flooding of housing areas in Greensborough unless major works are undertaken to reduce flooding.

A consultant study for the Board of Works examined this issue in 1976. The study was entitled “A Conceptual Plan for Urban Drainage and Flood Control—Plenty River”, and was produced by Sheaffer and Roland Company/Wright-McLaughlin Engineers in December 1976. The consultants recommended that a large retarding basin be established in the Plenty Gorge in the vicinity of the Maroondah aqueduct, together with on-site detention of run-off in newly developed areas to reduce storm run-off to present rates.

During the recent RL111 panel hearing a Board of Works representative maintained that the idea of a retarding basin was “just not on” but the plan was to have “small retarding basins in the Plenty Valley as areas develop”. I gleaned that information from the June 1990 issue of Diamond Valley News.
In one instance at Mernda, south of Bridge Inn Road and west of the Plenty River, development in accordance with government proposals would involve the drainage of a natural retarding basin and apparently its replacement with another basin of larger capacity to retard stormwater run-off from housing. It is not clear whether such a basin would be in or beyond the Plenty Gorge Park.

According to the government, a drainage strategy for the valley will not be released until 1992. In the meantime it is not clear what action will be taken by the Board of Works to reduce flooding in the lower Plenty Valley; what works will be required and what environmental implications would be entailed.

One of the remarkable things coming from the report of the panel is that it came to the conclusion that it would be cheaper to develop the Plenty corridor than to develop the other corridors, and yet it did not have available to it the basic information as to sewerage and drainage because those studies will not be completed until 1992. How the panel could come to the conclusion that it would be cheaper to develop the Plenty corridor rather than elsewhere is beyond my comprehension.

Continuing development as envisaged by government could also entail unacceptable pollution in the Plenty River during the summer months. According to the government, development areas at Mernda will require an interim treatment sewer pending connection to the metropolitan sewerage system via the board's north-western sewer. This matter will remain unresolved until a sewer strategy is prepared by the Board of Works and that will not be available until 1992. That fact is recognised in the Ministry's own brochures and information as issued in 1989. In the meantime it remains uncertain whether interim treatment of sewage will occur without undue pollution of the river.

The big risk that is being taken with this whole strategy adopted by the Ministry is that there is no appreciation of the potential environmental damage that may be caused by this huge run-off, firstly, with the development of Mernda on what is a flood plain and, secondly, the impact on the Plenty River and the Yarra River. However, the government has decided to develop this area and people have bought land because they believe this is where development will take place. How the government can make that decision without having the vital ingredients of information is beyond my comprehension and demonstrates the government's lack of responsibility.

If it should transpire that interim treatment of sewage at Mernda is unacceptable, development of the Mernda area would need to await the construction of the north-western sewer at a cost of some $300 million. According to government, this will not be available for at least ten to fifteen years. This information was reported in the Plenty Valley strategic plan brochure issued by the then Ministry for Planning and Environment in 1989.

I now examine the land capability for urban development—in other words, the capacity of the land to take the sort of development being talked about. In the selection of development areas of Mernda, the government has failed to take due account of land resource data. Land capability assessments indicate the land's ability to support various forms of development and potential hazards. A consultant position paper of December 1989 on the Plenty corridor included a map on land capability. This was derived from a land resource data atlas jointly prepared by the Board of Works and the Department of Conservation, Forests and Lands, as it then was, in June 1985. The data for a part of the Mernda area contained in the atlas did not accord with that from other sources. This was brought to the attention of a co-author of the atlas on behalf of objectors, and it was acknowledged that an adjustment to the atlas was warranted, which is taken into account in what I shall say later.

Only a small part of the area rezoned for housing and urban development at Mernda is ranked as having good capability for this purpose. This part is basically confined
within the area south of Bridge Inn Road and east of the Plenty River. Areas between
the Plenty River and Plenty Road are ranked as having poor capability for urban
development. Areas west of Plenty Road are primarily ranked as having a poor to
to very poor capability for urban development, primarily because of flatness, relatively
impervious soils, and flooding south of Bridge Inn Road. By contrast with the above,
areas of superior capability for urban development exist elsewhere in the locality,
particularly to the west.

If one examines existing service deficiencies one finds major deficiencies in human
services, transport and development in the Plenty Valley. Submissions to the
Ministerial panel indicate the government has not been able to ensure adequacy of
existing facilities, let alone facilities for a greatly expanded population as I have
sketched to the House. Concerns about this matter were covered in the review of local
atitudes on the approval of RL111 published in the Whittlesea Post of 23 October.

We looked also at the potential implications for this area of the Very Fast Train.
Should the VFT project be implemented along an inland route between Melbourne,
Canberra and Sydney this may have implications for the Plenty Valley. The provision
of stations at Melbourne Airport and Seymour rather than in Melbourne's south east
should present enhanced opportunities for development in the general area, particularly
in the Merri corridor in proximity to the Hume Freeway. The issue of whether any
such development should proceed in the Plenty Valley warrants early consideration.

Development services is an issue which is occupying everyone's mind at the moment.
On 27 October in the Age government proposals for increased levies were published
in an article by Robyn Dixon. In the past major public works were financed initially
through loans and ultimately reimbursed by the public through rates, taxes and
authority charges. In effect, individuals obtained services on a time payment basis
with payments to the public sector. Changed circumstances—which were mainly self-
inflicted—now dictate that this State government must look to alternative funding
sources for the establishment of works. In effect, private land developers' funds are
intended to replace public funds, at least in part, as the initial source of funding for
works. The Age article of 27 October states:

The State government is considering a new levy to make residential land developers contribute to the
cost of providing services for new blocks of land.

The aim would be to crack down on land speculation and recover a proportion of land developers' profits.

The proposal is being developed by the Ministry for Planning and Urban Growth, and is designed to
raise money for government services in rapidly growing areas without forcing up home prices.

That is a laugh. Everything this government has done has forced up land prices and
made it more difficult for first home buyers to buy land at reasonable cost, and I will
give some examples of that later on. The report states:

It costs the government sector $20,000 to $25,000 to provide the services for each block of land. A
study by the Ministry of Planning and Urban Growth indicates that the levy could be set at up to $6000
a block in some areas without affecting the price to consumers.

That will be very interesting. If there is an extra levy on property developers and it is
agreed that the property developers will have to pay some amount towards those
charges—and they do at the moment—then to say that you can add a $6000 levy on
the developers and not affect land prices is fairyland stuff!

It has two implications: one is that the price paid by the developer to the farmer for
the land in the first place is so much less and the developer's margin is squeezed—
some figures I have seen show that the actual per block margin of a broad-scale
developer is relatively small—and the other is that most likely the end cost of the
product will rise substantially, and that has been happening because the government has been talking up the prices. The article continues:

Another option being looked at is to introduce a “betterment tax”... and according to the work by the Urban Land Authority speculation has dramatically increased the price of land without adding any services.

Why is that so? Because of the incompetent manner in which the government has handled those issues. The 1987 statement by Mr Kennan has dramatically forced up the price of undeveloped land in the Plenty Valley. The government has failed to use mechanisms that would be available to it under the Development Areas Act, and all it has done is whip up speculation. The article points out:

The rise in Endeavour Hills was 213 per cent during that period. In Cranbourne the rise was 186 per cent and in Werribee and Sydenham land prices rose by 150 per cent.

Most of those are due to the absolute incompetence of the government. Ultimately the public will pay for these works as it has in the past. However, payment will be limited to the lot or house purchaser rather than, for example, being shared by all ratepayers in the case of Board of Works services.

In this regard land buyers will lose the advantage of subsidies, where applicable, by the community at large, and move nearer to paying for the services they actually receive. Most of us have benefited from the previous system which spreads the burden of those facilities over the much broader community and over a longer period because loan funds were available through Liberal governments to enable works—whether they were water projects, sewerage or road projects—to be spread over 20 or 30 years. We know that through the absolute incompetence of the government the funds of this State have been frittered away to such an extent that the contribution the public purse is able to make is almost nil.

The resultant cost of services to such buyers is therefore likely to be higher than it would otherwise be. The two outcomes may be that the new development may become more expensive and less affordable for new home buyers, and as a consequence more stimulus is given to urban renewal rather than outward development, and that is not necessarily a bad thing because one of our criticisms is that in urban renewal, apart from something like the Lynch's Bridge project, the government has done nothing. There may be a couple of discussion papers, but that is it. Where is the action? To try to stimulate medium density housing the development industry and the Liberal Party have argued in recent years that stocks of serviceable broad-hectare land and subdivided lots have reached unacceptably low levels. In this circumstance, a shortage of supply and rising land prices, as applied until there was an increase in interest rates, attracted speculators into the market. Speculation was thus seen as a consequence of short land supply, rather than a cause of the shortage—it is important that the Minister understand that distinction—although intervention by speculators was seen as worsening the situation. In the present economic climate, in a period of reducing or stable prices the introduction of increased development levels is likely to delay development activity until such time as development again becomes profitable.

The action which will most directly contribute to the provision of affordable housing is to increase the supply of serviceable land. The relevance of these matters to the Plenty corridor is that government action in 1987 and 1988 in publicising expected major growth in the corridor in the absence of protection from speculation through use of the Development Areas Act or other measures talked up the price of land in the corridor.

I shall give some examples of land for sale in the Whittlesea area: the first is 5.85 hectares of land at the corner of Plenty Road and McDonalds Road, South Morang,
sold in August 1988 for $2.8 million, representing $478 000 a hectare. The municipal valuation at that time was only $74 000. The sale price was 37.63 times the valuation.

The second example is land in Kentucky Park on Masons and Plenty roads and it is 125 hectares sold in June 1988 for $1.7 million, representing $13 600 a hectare. The municipal valuation was only $327 000. The sale price was 5.2 times the valuation.

The third property is in Northumberland Avenue, Epping, and it is a school site of 2.7 hectares. The land was auctioned in August 1988 for $1.075 million, representing $398 000 a hectare. In that case there was no municipal valuation.

The last example is in McDonalds Road, Epping, and it is 9.09 hectares auctioned in August 1988 for $1.325 million, representing $145 000 a hectare. The municipal valuation was $79 000, and the sale price was 16.7 times the council's valuation.

They are the sorts of situations that have occurred and which have added to the cost of undeveloped land. They are the things that will be reflected in the prices new home buyers will be forced to pay.

I hope it is apparent to the government—although I have my doubts—that the rezoning of land at Mernda Valley in amendment No. RL111 was premature on a number of grounds. The land formed part of a unique environment not well suited to urban development, as I have spelt out before.

On current indications drainage and sewerage strategies with potential major implications for both funding and the environment will not be available until 1992, and any development may need to be delayed until much later, particularly if development should await the extension of the north-west sewer to the valley, which, as I said previously, could be ten or twelve years away.

Areas suitable for immediate development are limited to South Morang. However, that is only a fraction of the increase in population of 100 000 projected by the Minister. In those circumstances it is important that other options for early development are explored. It is vital that speculation which arose following announcement of intentions in the Plenty Valley is not regenerated in adjoining areas. Thus it is of importance to focus on a process that will be followed in identification of additional areas for short and medium-term development.

Essentially, that will entail a review of land capabilities and conservation significance together with ease and cost of servicing, among other matters, in areas in the vicinity of the valley. The Development Areas Act or other appropriate means should be used prior to the commencement of any action so that protection is provided against speculation.

Having said that, it is incumbent on me to spell out what the Opposition believes should happen. During my remarks I referred to some elements of the policy the Opposition believes should be put into operation. It is apparent the coalition government will inherit a disastrous muck-up from this government. It will not be easy to redress the massive problems that have surfaced through the Labor Party's ineptitude. The Opposition is well aware of the matters that must be addressed and it will act on them with vigour and determination and in liaison with all interested bodies.

The first thing the coalition government should do is establish an effective consultative committee to advise it. It should have a small, diverse membership of people imbued with a sense of urgency and orientated to solving problems rather than generating studies. One thing this government is great at is generating studies!
The committee should be encouraged to look at issues in a comprehensive way rather than in isolation. Again, the need for integration of infrastructure with development requirements is an issue the government has neglected. Victoria needs a long-term strategy established in consultation with the committee to which I referred and it should cover at least the next 30 years.

The strategy should take into account the needs of all Victorians and not just those who reside in Melbourne. One of the big issues is what element of the growth of Melbourne—the projection for the year 2011 is an additional 600 000 people—can be retained in country Victoria or diverted to non-metropolitan Melbourne. The long-term strategy should take into account the prospects for major networks, including transport, water supply and sewerage, factors which affect the environmental capacities of the area and the human and employment resources and prospects for established communities.

**Hon. B. T. Pullen**—Would developers be on the committee?

**Hon. B. A. Chamberlain**—There would have to be representatives from the people providing the nuts and bolts, but it certainly would not be dominated by them. It is likely the committee will have more community representatives than developers, but the Opposition has not yet mapped that out.

The outcome of the process of developing a long-term 30-year strategy will be a form of focused decentralisation rather than dispersal of effort. For example, the concentration of high rainfall areas in the Central Highlands may dictate that full major urban development be in proximity to that area. Further, before entering into any major commitments in that area one would need to look carefully at the environmental consequences of development north of the Great Dividing Range within river basins discharging into the River Murray.

On the face of it, it appears in the longer term the Latrobe Valley and Geelong areas are likely to be of major importance for development beyond Melbourne. However, that does not mean urban development should be continuous along the Geelong-Melbourne-Latrobe Valley axis. In fact, I would be most concerned about any further significant development within the Western Port catchment unless I could be assured that environmental degradation would not occur.

The metropolitan strategy needs to be reviewed and updated in association with a Statewide review. The metropolitan urban zoning and implementation measures need to be updated to represent some fifteen years of development. Part of that task will entail provision for urban consolidation and renewal. However, the major component is likely to be urban extensions beyond key conservation areas.

For urban consolidation a coalition government will support measures undertaken in concert with local government and the development industry. It will not enforce changed requirements on local communities because they will ultimately fail. Rather, it will look to achieve consensus through measured discussion. It will introduce incentives to effectively utilise the capacity of existing resources.

The Opposition sees the need to commence action on renewal of worn out public services and, in the process, provide increased capacities where appropriate. When talking about capacities of inner urban infrastructure, one needs to recognise that much of the infrastructure is old and needs to be refurbished. The Opposition also sees the need for demonstration projects of medium density housing to enable people to see the benefits of that form of housing in both new development areas and built-up areas.
In undertaking that task the coalition government will need to consider options for outward development on their merits. However, I stress I would only advocate a departure from current policies that have bipartisan support after careful review of all issues involved and I would need to be convinced there was a compelling case for a change in policy.

As I said earlier, Victoria has had a consistent planning strategy since the 1970s. In theory, that strategy has been adopted by this government, but its implementation has been woefully inadequate. I am not suggesting a dramatic change in policy, but the Opposition wants to get the strategy back on track.

There needs to be immediate zoning adjustments, and those issues should be speedily addressed by the coalition government. In the meantime, however, immediate action is required to expand opportunities for affordable housing. That will entail two related actions: the first is expanding the stock of zoned residential land and applying measures directed to ensure that serviceable zoned land is available at affordable prices.

I outlined my views on those matters at a recent meeting of the Metropolitan Municipal Association. Among the things I said on that occasion was that urban zoning should be extended around the metropolitan area as a matter of urgency in consultation with councils. Selected lands should reflect housing demand, be capable of being serviced and should have regard to established conservation strategies. In accordance with that, action should be taken to ensure undeveloped, serviceable land in residential zones is made available for housing at affordable prices. Measures such as a holding charge may have to be considered.

I also said the Urban Land Authority should act as a wholesaler of land to the housing industry in areas where it is not possible to provide residential zones to meet expected demands. The Development Areas Act may need to be invoked to aid that process. In approaching those issues, I stress that a Liberal-National coalition government will build on established policies and will not embark on a "start again" approach. At the same time the coalition will not rigidly adhere to established policies if a change is clearly warranted.

I have noted the Premier’s announcement concerning review of the boundaries of the three growth corridors—Plenty, south-eastern and Werribee. Such government proposals are merely fiddling at the edge of a problem. As I have outlined, a more expansive review of opportunities is now required.

The major issue is the funding of services. A coalition government will work closely with industry in finding viable solutions to the current impasse. In addition, there should be a substantial input from the Federal government. Funding issues need to be addressed in parallel with urban location policies and reassessment of the role of the Urban Land Authority. The government’s proposed infrastructure task force will work only if the government commences to listen to and work with industry groups. A coalition government will certainly do this.

The sorry saga that I have related to the House amply illustrates that the Victorian Labor government has foundered in its performance on urban development, in addition to its abysmal performance elsewhere. It has failed to comprehend the importance of land form and structure in the development and implementation of urban policies, and of therefore maintaining a close link between the bodies responsible for land-based services and planning.

The government has failed to ensure prudent economic management of public bodies. It has failed to ensure that its policies for urban development are developed in close liaison with the development industry. I commend the motion to the House.
Hon. G. R. CRAIGE (Central Highlands)—With a great deal of enthusiasm I support my colleague Mr Chamberlain and I congratulate him on his most timely motion in the light of the recent events on the panel deciding on planning in the Plenty corridor. It is a welcome change to hear a member of the Opposition put up a constructive and well thought out way in which these matters can be clearly addressed because often the government says that it is going to do something but it is only running a bandaid campaign.

I shall concentrate on those areas that affect the Plenty corridor and the problems that I foresee because of the government's lack of will and its inability to examine the matter in a proper fashion. Mr Chamberlain has already indicated that the government's policy is a proper one, but it fails in its implementation. You, Mr President, will be aware of the work that is necessary to develop a sound policy. The introduction of such a policy requires much thought. I am amazed that when a proposal receives many objections from a large group in our community it is necessary for a report to be prepared by a panel. In this case amendment No. RL111 to City of Whittlesea planning scheme was objected to. A member of the panel that prepared the report is a failed Labor politician. He is an adviser to the Minister; he has no background in planning matters at all, yet he was a member of the panel. If the government were serious about examining the situation one would have thought that it would have put someone on the panel who knew a little about planning.

Development corridors have been identified since the 1970s. In fact in 1973 seven corridors were identified, and the Plenty corridor is one of these. A great deal of investigation was undertaken and the Plenty corridor was seen as an area that should be part of that investigation. The Plenty Valley has unique flora and fauna, but it has inherent problems with its development such as flooding, drainage and soil type. Why has the government proceeded in such a fashion? Numerous objections have been made about the proposal.

The City of Whittlesea has on many occasions objected to one fundamental point and that is if it is proposed to move 70,000 people into the area the infrastructure that is required should be put in place as the development proceeds. This infrastructure planning has not been formulated. Local government must provide more of the necessary community services as the government gets further into debt. It is crazy to suggest that people can move into this area without adequate services.

The City of Whittlesea has done a great deal of work on the effect the project will have on the people in the area. Community Services Victoria recently completed a study which identified the fact that the area lacks basic community facilities such as kindergartens, community health services, public hospitals, public transport, and roads. In fact, the honourable member for Thomastown has on many occasions said that something must be done to rectify the inefficiencies that currently exist because of the growth that has occurred around Mill Park and South Morang. It begs the question: if there is such a lack how will the government fund the services required for such a population growth?

In August 1989 approximately 400 people attended a meeting to vent their spleen about the lack of consultation and the way in which the matter was being approached. It was not a matter of what was planned but the way in which it was being tackled. This is a continual complaint about the government no matter what it is involved in. The government speaks about the involvement of the community and interest groups in projects but in reality every time it fails to take account of that involvement.

Some of the other objections to the development of the Plenty corridor have come from the Environment Protection Authority. Issues were raised about what will happen if the development goes ahead. It has been argued, and I support the argument, that
any development to the area, particularly around Mernda, would have a significant effect on the Plenty River. In fact, the area is subject to sheet flooding because of a soil type that does not soak up water but allows a high degree of run-off. With additional houses and people in the area, it seems only logical that the Plenty River and later the Yarra River will receive the pollution from the run-off. In the short term it is proposed that people in the area be serviced with sewerage facilities by introducing a provision of holding effluent for some seven months and then, in the dry months, allowing it to run into paddocks, parks and other land so it can freely flow and be absorbed into the soil. The Environment Protection Authority has reservations—as I do—about such a plan.

Objections from the Shire of Diamond Valley and the City of Whittlesea are based on infrastructure. Clearly they are matters the government needs to address realistically and not just pay lip-service to. Since 1988 the community of Whittlesea and surrounding areas have been promised a 100-bed hospital. Today the government has not even purchased the land. If such a development is to go ahead, it is vital that moves are made quickly to establish the much-needed facility now.

These are just some examples of instances in which the government makes election promise after election promise and does not deliver on them. Yet the government wants to go ahead and develop the growth corridor. Members of the government say, “Let us get the panel to agree to exactly what we are on about; let us develop it quickly; let us move now”. But there is no infrastructure and the government does not meet its commitments, which is little wonder, as it has spent all the money. The piggy bank is empty. I ask: who will pay for it? The answer is: the developers. If they pay, the community pays; nobody else will be paying.

I refer to an article in the Whittlesea Post of 21 November 1989, describing an objection to the development from the National Trust of Australia (Victoria). One could conceive of objections coming from residents and environmental groups in the area, but it is interesting that the National Trust raises objections. The article contains the following comments:

Areas around Mernda which had been earmarked for urban development had been identified in the land capability atlas for non-urban areas as poor to very poor for development...

Here are people indicating the area is poor to very poor for development; yet the government is bent on proceeding down that line at all costs. The implications of such a development without a properly considered strategy will be disastrous. It will be disastrous for the environment and for the people who purchase land and build out there in the hope that the infrastructure will be provided. I should not want to take this government’s word at all; its word is worth nothing! I should want to see the infrastructure well on the way to being developed before I purchased land in the area or began building there.

The City of Whittlesea sought advice on transport and traffic matters from Nelson English Loxton and Andrews Pty Ltd. In 1988 that firm of consultants was engaged to consider the overall impact of the development, whether the current roads would be able to handle the projected traffic in the area and whether the current public transport was adequate. The consultants found public transport was inadequate—as it is now—and contended the estimated population suggested by the State government would result in the existing metropolitan road network not being able to cope with the anticipated volume of traffic. They said Plenty Road would be able to take only approximately 30 per cent of the anticipated traffic and Dalton Road would be able to cope with only approximately 50 per cent of the projected traffic volume. The consultants estimated also if R5 were constructed it would be under capacity if the development went through in the area.
Even in light of all the evidence provided, and given the objections and the problems associated with the development, the panel considering planning scheme amendment No. RL111 has recommended it be proceeded with. The government will proceed down the line proposed. The panel decision has raised as many questions as it has answered and that has happened all along the line in respect of the entire proposal since the Plenty Valley strategy plan was released in 1989. More and more questions are raised. A huge problem exists in terms of sewerage disposal. Quite clearly, if any decision is to be made it is a nonsense if it is made before 1992, when the decision of the Melbourne and Metropolitan Board of Works and the Environment Protection Authority will be available for consideration. It is ludicrous to say the development in the Plenty corridor will be no more expensive than a development anywhere else without reference to the estimate that is being done. I cannot follow that logic and I am sure members of the government have difficulty following it. I cannot understand how such a statement could be made without knowledge of an important factor such as the estimates that are being undertaken at present. I urge the government to address the situation realistically.

The Plenty Valley is unique. There is no doubt some areas can quite easily be adapted for residential development; there is no doubt also that some just cannot. It would be a sad day if development were allowed to proceed in some areas such as those subject to sheet flooding so that people in this State who had built in the area found themselves flooded out in a short time. I urge the government to consider the matter and take on board the suggestions and the ideas put forward by Mr Chamberlain. I support his motion with much pleasure.

Hon. K. M. SMITH (South Eastern)—I contribute to the debate with some concern. I represent the fastest growing area in Victoria with the most rapidly expanding population in the State. It is probably the most deprived area in terms of facilities provided by the government. I refer to the people in South Eastern Province and particularly those in the south-eastern growth corridor, which takes in the City of Berwick, the Shire of Cranbourne and the Shire of Pakenham.

It is certainly a large area that I represent. The Shire of Cranbourne is about 743 square kilometres and, if placed on a map of the metropolitan area, would cover the municipalities of Sunshine, Altona, Footscray, Williamstown, Essendon, Port Melbourne, Keilor, Coburg, Brunswick, South Melbourne, Melbourne, Fitzroy, Richmond, Prahran, St Kilda, Caulfield, Brighton, Hawthorn, Kew, Malvern, Camberwell, Box Hill, Nunawading, Ringwood, Waverley, Oakleigh, Moorabbin and Dandenong. That enormous area must be serviced by the Shire of Cranbourne and the municipality does not have a huge number of people to pay for the necessary services.

The Shire of Cranbourne is the most rapidly growing area in Victoria and experienced a 9.4 per cent population increase from 1987-88 to 1988-89. The next most rapidly growing area was the City of Berwick, which had a population increase of 8.7 per cent. They are the two fastest growing areas in Victoria and rate at three and four in Australia. The only municipalities ahead of them are Alberton in Queensland and Palmerston in the Northern Territory. So this important growth area should be given special care and consideration by the government.

I know the government has given some thought to supporting the City of Berwick. Recently it allowed the city to raise its borrowing limit by $1.25 million above the $1 million it had originally set. However, it does not alter the fact that many people in the area are being deprived of necessary services that should be provided to them. I refer to the infrastructure required, such as roads; sewerage; stormwater drainage; community services, including child-care services, preschools and infant welfare.
centres; and primary, secondary and post-secondary schools, including TAFE colleges, colleges of advanced education and campuses of universities.

There is no post-secondary school in the Berwick area. The Honourable Evan Walker, when he was Minister responsible for Post-Secondary Education, promised that a school would be built in the Berwick area to cater for some 2500 students at the commencement of classes in 1994. I have raised the matter in the House previously, but the government has not even purchased the land. I am sure the current Minister for Education is trying to find the money, but no commitment has been made for the purchase of the land.

The municipality also has a need for sporting and cultural facilities, community houses and public transport. The City of Berwick has an electric train service running through the municipality. I understand the Labor government has difficulty in relating to anything outside the tram tracks but there are no tram tracks in my province so my constituents rely on train and bus services. The Shire of Cranbourne does not have an electric train service, which is a disgrace. Before the last State election the government promised it would electrify the line to Cranbourne but it has not done so. The government has made no moves towards the electrification of that line. I express concern on behalf of the people of Cranbourne because of the rate at which the area is growing—it is important that the people have proper public transport.

I point out to the House that on average people living in the south-eastern corridor have to travel 32 kilometres by road to Melbourne. In the Plenty corridor the average distance is 16 kilometres. People living in the Werribee corridor on average have to travel 13 kilometres. But still the government continues to insist on pushing people out into the south-eastern corridor without considering the provision of appropriate and necessary infrastructure such as the electrification of the railway line in the area. I also point out that there are no electric train services in the Western Port area covered by the Shire of Hastings, although the government has considered the issue.

Mr President, I seek leave to have incorporated in Hansard a graph that illustrates the estimated population growth for the City of Berwick for the years 1991-2011. The graph has been provided to me by the City of Berwick and I understand it received the figures from the Department of the Treasury, so the figures have been verified. I have shown the graph to the Minister for Education.

The PRESIDENT—Order! Is leave granted?

Hon. B. T. PULLEN (Minister for Education)—Mr President, I should like the source of the figures clarified. From what I have been shown it appears the City of Berwick has provided the graph illustrating estimates of the population over a twenty-year period. The source of those figures is not made clear. I am happy to have the graph included as being provided by the City of Berwick but I have seen nothing to confirm that the graph was based on figures supplied by the Treasury.

Hon. K. M. SMITH (South Eastern)—The graph is based on figures provided by the Department of the Treasury. The graph was given to me by the City of Berwick on the understanding that the source of the figures was the Treasury. I do not think the City of Berwick in its professional capacity would try to mislead me or the House.

The PRESIDENT—Order! The copy given to me indicated that the figures were provided by the Department of the Treasury in July 1990. I believe that is the same document referred to by Mr Chamberlain earlier in the debate and is the demographic forecast published in 1990 by the Victorian Treasury and subsequently used at a local panel hearing.
Leave granted; graph as follows:

**PROJECTED POPULATION**

**FOR THE CITY OF BERWICK**

1991–2011

Source: Graph prepared by the City of Berwick
Hon. K. M. SMITH—The graph clearly depicts that over the next twenty years the population of the City of Berwick will increase from 77,000 to an anticipated 185,000. It is a huge increase, which must be planned for now. Not only must the Minister and the government plan for the future, but they must also address present problems, which have been neglected by the government despite its encouraging more and more people to move into the area.

I shall speak about the problems caused by the lack of public transport in the Shire of Cranbourne because, as I said, it is important not only to deal with the present but to plan for the future. The public transport system in the Shire of Cranbourne, which is some 754 square kilometres in area, is used by only 6.1 per cent of the population of the shire, which indicates to me that there are insufficient public transport services in the area and that residents are not encouraged to use the services that are there. One of the effects of the low patronage of public transport is that more people are forced to use the roads throughout the South Eastern Province.

Pakenham has an electric train service that is used by only 5.4 per cent of the residents of the area. Berwick, which is on the outskirts of my province and which is very much on my mind because of the government's continued failure to provide necessary services to the area, has public transport facilities that are used by only 6 per cent of its residents. Figures published by the Ministry of Transport for its metropolitan statistical division show that 17.9 per cent of metropolitan residents use the public transport network. Such figures graphically highlight the inadequate public transport facilities for people in my province, and those figures do not take into account the rates of growth projected for the next 20 years.

There are grave problems in shires in my province that the government must urgently address. For example, in planning for the next few years officers of the Shire of Cranbourne say that, based on current home building rates—and although the building industry is in decline in the current economic climate the building of houses will not stop completely—the population of the shire will increase by 36,500 in the next five years to approximately twice the present size of Cranbourne; and it is projected that the shire's population will grow to 107,000. It is also projected that the population of such places as Hampton Park and Pearcedale will stretch existing facilities to full capacity. Despite that the government has not established the proper and necessary infrastructure to cater for that growth.

The shire predicts that eighteen new preschool centres will need to be built over the next five years at the rate of one every eight months. At current prices the building of a preschool centre costs $200,000, but in the past year the Shire of Cranbourne has received only one grant of $30,000 from the government—and that is one of only two grants allocated to the south-eastern corridor. How does the government expect the necessary preschool centres to be provided? No promises of funding have been made by the government to enable the shire to keep up with the demands imposed by the projected population growth. This matter must be addressed urgently by the government. The other day we witnessed a protest meeting on the steps of Parliament House by kindergarten teachers protesting against government cutbacks in preschool education. The people will not put up with such cutbacks, and the government must ensure that necessary facilities are provided.

Apart from the eighteen new preschool centres, the shire believes it will be necessary to build nine infant welfare centres and three or four community houses. Of course these facilities cost money. The government cannot expect the municipality to draw from its rates the money needed to cover the building of the facilities. It is up to the government to provide them if for no other reason than that the people of Victoria pay enough in taxes and charges to expect such necessary services and facilities are
provided. I hope that both Mr Van Buren and Mr Ives, who also represent areas in the region, will agree with me about the need for the government to urgently provide the money for these facilities.

Road funding is important because the government has failed to return to municipalities the money needed to maintain their road systems let alone extend and update them. One road I have talked about often is the Dandenong–Hastings Road. The Shire of Cranbourne considers the road to be an arterial road because it continues from the end of the freeway and is a main feeder road through to the Mornington Peninsula. Traffic density on the road has increased by as much as 40 per cent since 1985, and the number of vehicles using the road is expected to grow by 5000 a day in the near future.

The government has established standards for classifying roads as arterial roads, one of the most important of which is the number of vehicles using a road. In 1985, 13 000 vehicles a day used the Dandenong–Hastings Road, and the current figure is 18 000—a huge number. Of course I am talking about not only cars but trucks carrying petroleum products, liquefied petroleum gas and heavy loads of steel. Those vehicles use the same road as cars driven by mothers ferrying their children backwards and forwards to school. Seventeen people have been killed on the road in the last four years. Too many people and too many families have been tragically affected because of the government’s refusal to address the problem.

The previous Minister for Transport, Mr Kennan, made promises about upgrading the road not only to councillors but also to officers of the Shire of Cranbourne. Mr John King, a former Director-General of Transport, was at a meeting where the then Minister made promises to upgrade the road in a program to be implemented over five years. Some $9 million was promised to enable the road to be upgraded to the standard of an arterial road to relieve the pressure caused by the volume of traffic. At this stage the government has not been prepared to put the promise in writing, despite constant requests from the Shire of Cranbourne and me. Indeed the current Minister for Transport, Mr Spyker, has not put anything in writing, and at our last meeting he said that he did not have any record of any promises made by his Ministry at the meeting I referred to.

That is a very poor show, and I am having discussions with the people who were present at that meeting who are prepared to supply statutory declarations as to the promises that were made. It is a poor show when people in a rapidly expanding area like this have promises made to them and it has to come to the stage of people being prepared to make statutory declarations to make Ministers honour promises that have been made.

Sitting suspended 1.1. p.m. until 2.3 p.m.

Hon. K. M. SMITH—During the suspension of the sitting I reflected upon infrastructure. I should like to speak a little more concerning the problems that will be created because of the lack of facilities. One of the difficulties in the south-eastern corridor is the lack of hospital facilities. One has only to look and see that there is only one very small regional hospital in Koo-wee-rup to service the people from the Cranbourne area. There is a hospital at Frankston, but that is not in the growth area and it is under a great deal of pressure at the moment, even though it has been recently expanded.

There are also problems regarding the provision of sewerage works in the areas, certainly beyond Pakenham. The south-eastern purification plant of the Board of Works would have to be looking at reaching the stage of nearly doubling its capacity. The Mornington Peninsula and District Water Board is also in the position where it
has to plan for the future. It has had difficulties receiving finance from the government for expansion programs. In some of the areas I have been associated with in the Shire of Hastings it is very difficult to get sewerage facilities connected. These areas are expanding rapidly and people are not able to expand settlement into new areas because sewerage facilities are not available to them.

The government continues to push people down into the south-eastern area and onto the Mornington Peninsula and it is suffering a lack of vision and an ability to plan for the future. Over the past number of years the people in the south-eastern area have looked to planning for the future. The former Minister for Planning and Environment, Mr Roper, consulted with a number of the municipalities within my electorate to try to plan for the future. Those people continue to wait until some sort of proper plan can be brought about to allow for proper development. I know the municipalities in the area are keen to see where the development will be.

During the debate honourable members have heard about the lack of foresight by the government in the Melbourne metropolitan area and the expansion into the Plenty corridor. Honourable members heard magnificent contributions from Mr Chamberlain and Mr Craige on the problems faced in that area. One of the biggest problems was sewerage. There cannot be proper expansion into the Plenty corridor until there are proper sewerage main lines running out into that area.

Although the government is taking money out of public bodies in the form of a levy it is not allowing the Board of Works to spend the $360 million necessary to put sewerage facilities into that area. It certainly puts a damper on the expansion plans of people who may wish to move to the northern suburbs and on people who may wish to move to the western suburbs, into the Werribee area and beyond. That is not able to be done because of the lack of planning by the government.

Mr President, you would be aware of the problems people in those areas face because my electorate is also your electorate and you, as a planning Minister in a former government, had the foresight to plan for the future. You did a marvellous job of it, and the people of Victoria, especially those in the South Eastern Province, are indebted to you because you had the foresight to plan. Unfortunately, your plans have not been followed up by the government and have not been expanded upon. The government had the direction and the opportunity to follow in the great line you were taking, but it has not been prepared to do so. It has been prepared to use the land that you saw as needing to be set aside for the planning of the future, but the government has reached the stage where, through lack of application, planning, foresight and ability, it has a problem.

When the Opposition is in government after the next election it will have to take up the challenge that this government and the bureaucrats have left for it. It will have to pick up all the problems this government has left because of its lack of ability. Mr President, in rounding off I say that I am going to continue to push in the South Eastern Province and the south-eastern corridor for the facilities that my constituents are paying for in taxes. I will have some input—as I am sure you and other honourable members will have—to see that the south-eastern corridor does have the facilities that should be provided.
defined in a dictionary: impossible to measure, bottomless. He said the government's performance in the field of implementation has been so lacking that he finds it difficult to measure.

Mr Chamberlain concentrated on the Plenty growth corridor development as the main example of his theme. He also commented that there were serious concerns about the funding of infrastructure and development and that both the government and the Opposition recognised the national role of the Federal government in this area. Finally Mr Chamberlain stated that if and when the Opposition achieves government it will establish a wide-ranging review of current planning and development procedures. This will include the review—

**Hon. B. A. Chamberlain**—Of zones.

**Hon. R. S. Ives**—Thank you. This will include the review of growth corridor zones and boundaries, not just fiddling at the edges.

In respect of his comments about abysmal performance, I refer Mr Chamberlain to the residential land report for 1990 of the Indicative Planning Council for the Housing Industry. The council comprises at a national level Federal bureaucrats, economists from the banking sector, providers, developers and consumers. They have no difficulty in measuring Victoria's performance in this area, particularly in comparison with other States, and certainly have found it to be far from lacking. The three major conclusions of the report state:

The current residential land release plans and population projections indicate a sufficient supply of residentially zoned and serviced allotments to meet projected demand in Melbourne through to 1996.

That was the limit of the time that the council was considering.

However the supply of residential land is unevenly distributed... In the priority growth corridors (Werribee, Plenty and Berwick-Pakenham) supply is expected to be adequate until 2011.

It should be noted that a large proportion of the designated residential land is not yet completely serviced and that timely development needs to occur if future requirements are to be met.

The present government has put in train the timely development necessary to meet those requirements.

The report suggested ways in which the accuracy and monitoring of Victorian figures could be improved and recommended procedures that would increase the likelihood of Victoria achieving its targets. Essentially, the report indicates that in comparison with other States Victoria possesses a sophisticated, complex, coordinated and effective system of urban development.

**Hon. B. A. Chamberlain**—Whose words are they?

**Hon. R. S. Ives**—They are my words. When the Minister makes an announcement next week on the nature of the Berwick growth corridor he will indicate that we have twelve years supply of zoned land, five years supply of serviced zoned land and two and a half years supply of vacant lots. I realise that Mr Chamberlain disputes those figures and believes they cannot be relied upon but I make the point that he is selective in his use of government data. He evidently considers he can rely on Treasury data. We would question whether the boundaries and zones could be changed significantly without destroying the essential integrity of the scheme.

The government also has considerable difficulty accepting Mr Chamberlain's criticism of the Plenty growth corridor. Under the Planning and Environment Act an independent panel was set up which drew up the plans for the Plenty growth corridor development. The panel listened to more than 300 objections before deciding upon the ultimate form of the plan. It is worthwhile mentioning that two-thirds of the land
is still not available and will not be available for development. Is Mr Chamberlain questioning that process or questioning the competence of that panel? Is he questioning the procedures and processes laid down under the Planning and Environment Act? Is he simply saying what he would have done had he been in a position to decide the directions of the development? What sort of directions would he give his committee of review if and when the Opposition is elected to government?

For those reasons we have considerable difficulty with his revisiting of the Plenty corridor solutions without a detailed examination of the parameters of the problems and reasons why those particular solutions were obtained.

Stripped to its bare essentials, Mr Chamberlain's main quarrel with the government is on implementation. We argue that independent sources such as the Indicative Planning Council do not support that contention. We claim that government documents such as the recently released *The Urban Development Program, Metropolitan Melbourne 1990-94* do not support that contention.

I have in front of me a whole series of briefing notes from government departments listing the government's achievements in this field. I do not intend to read them out but I simply mention that the government's track record on urban consolidation, managing growth, funding of services in new growth areas, the concept of developers contributing to the price of development, corridor planning and the activities of the Urban Land Authority indicate that a great deal has been achieved. Therefore I do not agree that the government's performance has been abysmal or so bad that it is impossible to measure.

**Hon. B. A. E. Skeggs (Templestowe)**—The motion moved by Mr Chamberlain is of prime concern to the Opposition because it sees the whole concept of growth corridors as crucial to the future of metropolitan Melbourne and Victoria as a whole. The Opposition has genuine and strong reservations about the plans the government has enunciated and the way those plans have been developed. There is no doubt that a strong ground swell of public opinion has been detected against accelerated outward growth. I shall detail some of those expressions of opinion, particularly as they relate to the Plenty corridor.

There is no doubt that the former Liberal government believed we should be pursuing selective decentralisation policies for provincial areas and looking towards provincial centres rather than concentrating on some of the growth areas as suggested by the present government. I personally believe much more can be gained for Victoria by encouraging growth in selective decentralised areas of Victorian provincial centres rather than by crowding people into the Melbourne metropolis and having people living on top of each other under the dual occupancy policy in the metropolitan area. That policy places enormous pressures on services and infrastructure in suburban areas.

We should be doing more, as did the Bolte government originally and to some extent the Hamer government, to encourage the development of growth centres in provincial areas. Both the current government and the former Liberal government regarded the Plenty corridor as an area that could accommodate some development away from the eastern subregion.

As I recall the Liberal government made no commitment for further development, but after a series of hearings the present government has come up with a plan and a lot of people are very unhappy with what it will mean to them, particularly those neighbouring metropolitan areas which will be severely pressured by the development of a Plenty corridor suburb as such.
The Plenty Valley strategic plan and planning scheme amendment were released in August 1989 and Ministerial amendment RL111 has since been approved, but with Yan Yean Road omitted. That and the strategy plan leave the whole concept wide open because there is no commitment, as we see it, from either the Federal government or the State government to provide the massive amount of money for the infrastructure of services which will be necessary to sustain this new suburb which could eventually contain a possible 200 000 people.

In the short term, if the plan were proceeded with, the additional population which would go to that area in this century would require an enormous commitment of funding not later but right now from both the Federal government and the State government to ensure that services were in place to handle that sort of growth. There is no doubt that in the statement made by you, Mr President, in your former capacity as Minister for Planning, no commitment was given by the former Liberal government to proceed with development of that nature. Not within that time frame was it ever envisaged that such a massive undertaking would be proceeded with, particularly without the funds being available.

All honourable members know that at this time Federal and State funding of the massive proportions necessary to make this a realistic proposition is not available. There is no doubt that natural resources would be under enormous pressure to cope with the situation and such pressure would pose a real threat to neighbouring suburbs. After 1996 there would be 100 000 people. At least 20 000 people might be sustained in the South Morang area, but to expect that existing services and some short-term services could be relied upon to cater for 100 000 even in this century is not realistic.

The whole matter of dual occupancy deserves consideration because this is another strategy of the government in bringing in legislation which encourages dual occupancy. However, local councils have registered concern about the effect of dual occupancy on their suburbs. There is a need to encourage policies that will enable people to resettle in country areas. I believe decentralisation policies should be encouraged by the government and would be encouraged by a successive coalition government.

In September 1989 the Municipal Association of Victoria put forward to the government a submission on dual occupancy which indicated the current councils' approach on this issue. They have accepted dual occupancy as a proposition in their suburbs requiring minimum standards. Many wish to have the right to determine how dual occupancy should proceed in certain areas and many believe they should not be subject to government policy or legislation but that councils should have the right to determine which areas of their suburbs could be appropriate for dual occupancy. There is no doubt that there are many residential areas where it should not apply and councils should be able to protect the character and residential amenities of their own areas. This is something that should be taken on notice, because while we should examine the effect of growth corridors and alternative decentralisation policies for provincial growth centres, we must not forget that the pressures imposed on suburban life through dual occupancy policies have caused enormous problems in many suburbs and generated many heated debates between councils. Many representations have been made to the Planning Appeals Tribunal.

I wish to refer to a number of submissions which have been made by certain councils and organisations which concern the Plenty corridor region and the submission by the growth corridor councils to the Minister for Planning and Environment and the State Government Infrastructure Committee. On 31 May the Shire of Diamond Valley advised me of its objections to amendment RL111 on the Plenty Valley strategic plan. The letter states:

The above amendment prepared by the Ministry for Planning and Environment was exhibited from 22 August until 23 October 1989 and an independent panel appointed by the Minister commenced hearing submissions on 12 February 1990.
Part of the amendment involved setting aside an area as proposed public open space along the banks of the Plenty River. This area was intended to be part of a metropolitan park proposed by the Melbourne and Metropolitan Board of Works.

During the course of the hearings the board has proposed substantial changes to the proposed public open space boundaries and this has caused considerable concern to residents in the area.

A letter concerning the matter was received from the Minister and the council said it had considered the amended plan and advised that it reaffirmed the views put forward in its submissions to the panel that there was concern that the revised proposals could considerably affect properties other than those proposed in the new reservation, and that much wider notice should be given to the amended proposals to give such persons the right to make submissions. In due course those submissions were heard but in nearly all cases people were strongly objecting to the proposals put forward. On 4 April 1990 the City of Werribee advised that six municipalities involved in the accelerated growth corridor strategies currently being considered by the Ministry for Planning and Environment had been meeting for the past nine months to ensure uniformity of action concerning these predicted growth patterns. They had been waiting for more than four months for a deputation to the then Minister for Planning and Environment and their advice indicated a great deal of frustration by the six municipalities concerned in getting their message across to the government, which did not appear to be very sympathetic towards their point of view. They were very worried about the pressures being created in the community and the financial ability of the councils to meet the sorts of demands for services which would result from implementation of the Plenty Valley strategic plan and other strategic plans for growth centres in Victoria.

Looking at the Plenty Valley strategic plan in particular, in the report, which was widely circulated, it was noted that the plan provided for new residential developments to accommodate about 70 000 people, defined strategic land use boundaries, identified urban and non-urban areas, and provided the basis for rezoning almost 7000 hectares of previously zoned corridor land in a number of ways which included new residential use, activity centres, employment, a proposed metropolitan park, a conservation buffer to the park, environmental living, red gum protection and landscape interest.

One of the things referred to in the report concerned transport funding and the report noted that the requirements and opportunities for private funding of transport infrastructure and services would be investigated and identified. On this point I do not believe they have been clearly identified, and funding of them has not been clarified. In fact, very little is held out as a positive indication of a funding flow to make it logical to proceed with the proposal.

The report says that a strategy for urban drainage will be developed in conjunction with the sewerage strategy and will be completed by 1992. On the timetable for the plan put forward by the government, 1992 would be far too late. Those are the sorts of things that should have been in hand long before this.

I believe the Melbourne and Metropolitan Board of Works, which has done a lot of work on this proposal over the past ten years, to some extent has been bypassed. I hope some of the old Board of Works evaluations can be updated and reconsidered in this respect.

The submission to the then Minister for Planning and Environment and the State Government Infrastructure Committee—which came from the growth corridor councils comprising the municipalities of Berwick, Cranbourne, Diamond Valley,
Pakenham, Werribee and Whittlesea—expressed concern on the road funding aspect. At paragraph 3.1 the submission says:

Government authorities, particularly the Roads Corporation, must be requested to take into account the growth forecast within the specific areas and to make appropriate allocations of road funding to these localities.

On infrastructure generally, paragraph 3.2 of the submission says:

The provision of infrastructure generally which embraces roads, traffication, water, sewerage and drainage must be quantified at an early stage in the planning process and methods of resourcing these facilities resolved through intergovernmental cooperation and negotiation.

As was noted in the actual report circulated on the Plenty Valley strategic plan, there was an indication that some of the information needed would not be completed until 1992.

Paragraph 4.2 of the submission of the growth corridor councils talks about a lack of forward planning, and says:

There is a lack of forward planning by the State government departments responsible for the provision of funding of community services.

This cannot be overlooked because there is no doubt that community services will be vital to community cohesion and the living standards of people who would settle the area. One could anticipate that neighbouring municipalities would have to absorb a number of the service demands and needs because some people would go to neighbouring municipalities for some of those services. There does not seem to be sufficient indication of planning for the funding of additional community services resources which would be necessary to make it at all feasible.

Paragraph 4.3, on the subject of the overall planning and coordination, says:

The need for an overall plan and coordination of community services is of high priority with a guarantee from CSV to resource the funding of essential services.

Issues such as:

(a) Problems of isolation.
(b) The need to overcome the idea of having to pioneer new subdivisions and await the catch-up of facilities needs to be overcome.
(c) Community services backup is essential in new areas.
(d) Kindergartens and children's services, etc. are of high priority in new areas due to the type of persons generally locating in these localities.

Those are just some of the features; there are many more items and points effectively made in the submission to the then Minister for Planning and Environment by the growth corridor councils. I believe they are all matters which indicate there has been a general lack of planning to make the Plenty corridor project in particular, and probably other growth corridor plans, ineffective at this stage. We must look for a much better planning process before these plans can be considered seriously in future.

I turn to further indications of genuine concern from municipal areas, not only by the municipalities but also by resident groups in those areas that have registered their concern at the Plenty corridor plan. I refer firstly to the Shire of Diamond Valley and advice I received on 14 March from the shire following a council meeting on 12 February which considered a report of the Plenty corridor subcommittee giving recommendations on development of the Plenty corridor. I seek leave to have it incorporated in Hansard.

Leave granted; report as follows:

1. The report be received.
2. Council prepare a revised local structure plan as per the following:

(a) Plenty residential area—generally in accordance with the Plenty corridor subcommittee's recommendation with the following amendment:
   the minimum lot size 1000 m\(^2\) ¼ acre due to its regional B significance and visual sensitive landscape Plan 6.2 and 6.7 Henshall, Hansen report;

(b) Plenty special resident area—generally in accordance with the Plenty corridor subcommittee recommendation.

(c) Plenty commercial area—generally in accordance with the Plenty corridor subcommittee's recommendation with the following amendment:
   the inclusion of agreements where necessary prior to rezoning;

(d) Diamond Creek Road commercial area:
   Council adopt a policy to encourage uses other than residential where such uses are permitted within a residential zone;

(e) Yarrambat residential area—generally in accordance with the Plenty corridor subcommittee's recommendation with the following amendment:
   Council adopt a policy whereby it would support subdivisions until sewerage becomes available subject to—
   A. it being satisfied sufficient land can be set aside for waste disposal;
   B. overall public open space plan being adopted;
   C. road layout;
   D. no objection from public authorities;
   E. satisfactory agreements;
   F. before and after subdivision plans;

(f) Diamond Valley rural residential area—generally in accordance with the Plenty corridor subcommittee's recommendation;

(g) Yarrambat commercial area—generally in accordance with the Plenty corridor subcommittee's recommendation with the following amendment:
   the inclusion of agreement where necessary prior to rezoning;

(h) Diamond Valley special conservation area—generally in accordance with the Plenty corridor subcommittee's recommendation with the following amendments:
   (i) boundary line to generally follow existing conservation zone (however, to support study of boundary to follow permanent boundaries);
   (ii) lot sizes to be a minimum of 1 ha;
   (iii) Council's policy be not to allow subdivisions less than 3 ha west of Oatlands Road and south of Memorial Drive;
   (iv) special conservation covenants to apply as per the Plenty gorge environmental living area;

(i) Plenty Gorge environmental living area—generally in accordance with the Plenty corridor subcommittee's recommendation with the following amendment:
   to include all new land shown as proposed park;

3. The appropriate officer take the necessary action to have the revised local structure plan incorporated into the Diamond Valley planning scheme.

4. In relation to the Plenty Gorge Metropolitan Park:

(a) Council objects to the proposed park as shown in amendment RL111 for the following reasons:
   A. much of the land is steep and inaccessible to the general public;
   B. adequate measures exist within the planning scheme as per 2. (i) above to protect the environment in the long term;
   C. the proposed park boundary, although arbitrary, would create subdivisions against the spirit of the conservation zone;
   D. the zone boundary appears to have been adopted on a cost saving basis only;
Metropolitan Residential Land

(b) Whilst council supports the concept of a Statewide Metropolitan Park it believes if additional public land is required within Diamond Valley, no rezoning should take place until such land is acquired by private treaty at full market value;

5. The subcommittee’s recommendations as amended be used as the basis for council’s submission to the panel appointed by the Minister for Planning and Environment to hear submissions on the proposed amendment RL111 to the Diamond Valley planning scheme;

6. With regard to the hearing on amendment RL111, the panel be requested to defer its hearings on land within the Shire of Diamond Valley and the issues be considered in conjunction with any submission received after exhibition of council’s proposed amendment to incorporate the revised local structure plan into its planning scheme;

7. Council further investigate—
   (a) the appropriateness of increasing the public open space contribution above the present 5 per cent limit for subdivision in the study area;
   (b) the introduction of controls restricting ownership of cats and dogs in the strategy area.

Hon. B. A. E. SKEGGS—The report makes a number of serious observations which identify that a local structure plan should be prepared and put on exhibition. That has been done by the Shire of Diamond Valley, and I must say it was a great credit to the people of the area who came forward; not only the subcommittee set up by the shire but also the amount of work the residents groups did in the area to bring forward the necessary information on the potential effect on residents of those areas. Some very interesting submissions were put forward by the Plenty-Yarrambat Corridor Residents Group and the Plenty Gorge Residents Association, both of which supported the decision of the Shire of Diamond Valley regarding development of the Plenty corridor.

The Plenty-Yarrambat Corridor Residents Group in its letter of 29 April to the Shire of Diamond Valley says:

As has been communicated to you already, our residents group supports the resolution taken by the Diamond Valley council on 12 February 1990 with respect to the proposed local structure plan and the submission to the RL111 panel hearing.

The Plenty Gorge Residents Association says in a letter of 30 April:

The Plenty Gorge Residents Association Inc. wishes to confirm it supports, in principle, the Diamond Valley shire’s resolution and subsequent submission to the panel hearing with respect to amendment RL111.

That is an indication of two very strong local community groups that completely back the Shire of Diamond Valley’s very interesting set of proposals which have now been incorporated in Hansard.

I refer to the City of Heidelberg, of which I have the honour of currently serving as mayor, and to some of the information which it has received and evaluated on this issue. Although Heidelberg is not directly a part of the Plenty corridor proposals, it is seen as a neighbouring municipality and one which would inevitably have to take some of the pressure of traffic flowing from the Plenty area and would have to provide some services and probably work opportunities for people who would live in that area.

At its meeting on 16 October 1989 the Heidelberg council resolved:

(a) Council, having been made aware of the existing data concerning the proposed development of the Plenty Valley corridor, is of the opinion that insufficient data is available to assess the implications of the development on Heidelberg.

(b) Council is of the opinion that any consideration of rezoning strategies for the Plenty Valley should be considered only after all relevant advice has been made available and, therefore, would not be in favour of any rezoning due to its effect on our municipality.
Heidelberg Council is one of the neighbouring councils of the region of the proposed Plenty corridor development which was expressing concern on a number of issues that could affect that municipality. We must consider the impact of this sort of development on those neighbouring municipalities and on people who, in many cases, have lived for many years in those well-established suburbs. They must be considered before we get too deeply into a concept like this without adequate funding to provide support services for the people of that area.

Obviously the pressure would come back on to the neighbouring suburbs. For instance, the provision of schools would be a major requirement for the Plenty Valley development. Planning evidence would be needed that these schools would be ready in time for this development on the present timetable. If not, neighbouring municipalities would have to take a lot of the school population from the Plenty area.

Increased services would be needed in some of the neighbouring suburbs that will be affected by such things as water supply. The existing water storage would be under increasing pressure. On the one hand that would probably reduce the local supply costs but on the other hand it might require a new source of water supply to supplement the water storage of the area. That could perhaps result in water of a diminished quality.

Another factor is gas reticulation along the high pressure lines in that area which pass through Heidelberg. The existing trunk mains would need to be adequate to take the new delivery of gas services to the Plenty corridor.

The next issue is sewerage. The natural fall of the land dictates that gravity sewers will generally flow southwards. That will cause additional problems because the neighbouring suburbs such as Heidelberg would have to cope with these problems of new sewerage pressures. Heidelberg already has problems from time to time with serious sewerage overflows and flooding in the area. These are all matters that would have to be given consideration not only by Heidelberg but also by other municipalities in that region.

Telecom communication links requiring space, area and correct siting for such links are other things which must be considered as well as stormwater drainage and the outflow of the Plenty River which will form the backbone of the proposed area to be developed. Significant development upstream will increase run-off and steps will need to be taken to reduce the effects of downstream flooding.

Honourable members would probably recall some years ago the Maribyrnong River flooded. A lot of significant development that had taken place in neighbouring areas such as Sunshine, Essendon and Keilor could well have contributed to the flooding effect of the Maribyrnong River at that time. Very likely the Yarra River and certainly the Plenty River could be affected in a similar way by this sort of development. Those are all factors that cannot be denied. The Plenty corridor development would have an impact on Heidelberg and other neighbouring suburbs due to the spill over effect of the Plenty River.

Adequate roadway systems would need to be developed to accommodate access to the workplace, access for goods and services and social and recreational purposes. Those factors cannot be bypassed lightly but need effective and dynamic planning well ahead of time with a guarantee of a full flow of funding.
The fact that road systems currently in use in the region, especially in the Heidelberg area, will have an accelerated volume impact due to the Plenty corridor development is of primary concern to a region already facing enormous problems of traffic flow. With the Plenty development that southbound pressure of traffic would be accelerated.

Key intersections at Greensborough Road, Lower Plenty Road, Rosanna Road, Bell Street and Waterdale Road, Banksia Street and Lower Heidelberg Road all reflect the increased traffic flow to that region that would be accentuated with the implementation of this plan.

Actions to provide for southerly road access are of prime consideration and need to be determined and finalised before the Plenty corridor strategy is given any credence. We must solve the traffic problems of the existing municipalities before we can consider the movement of an extra 70 000 people and their cars through those areas. For one thing the duplication of Fitzsimons Lane bridge into the region has not yet been finalised although the government has agreed on the need for it. Again Victoria cannot proceed with such huge planning developments unless the action necessary for that to take place is implemented, and that has not been done.

On the basis of the evidence we have at this stage there is not much to support the backup necessary to put this plan any further into the pipeline. An article in the Heidelberger of 18 October 1989 has the headline “Plenty corridor plan to pressure services here”. That article shows the local concern about the way those pressures would occur on that region and it states:

The proposed Plenty corridor development could put extra pressure on Heidelberg roads, sewerage and drainage, the city engineer, Mr Norm McDonnell, has said.

The growth would generate more traffic, the movement of which had not been properly planned.

“You don’t know where the traffic will go,” he said.

“There is a lot of traffic wanting to cross the Yarra.”

In voicing other concerns he said:

“Sewerage and drainage are also a concern,” he said.

“If they are going to put in separate sewerage package plants (to treat sewage) it has to be discharged somewhere—the flow-out will have to be the Plenty River.”

“In times of flooding, there could be additional problems downstream in Heidelberg.”

Mr McDonnell said stormwater run-off was another problem.

That just encapsulates the concerns that I expressed earlier, and similar concerns were also expressed in the newspaper article.

I refer to a submission on the Plenty Valley strategic plan dated 20 October 1989 made by the Friends of the Plenty Gorge to the then Minister for Planning and Environment. The opening paragraph of the submission states:

The Friends of the Plenty Gorge Inc. (FOPG) maintain their position that the development of large urban areas in the Plenty Valley is inappropriate on environmental and economic grounds.

The Friends of the Plenty Gorge made a fairly detailed submission in support of that statement but its views can best be summarised by quoting the conclusion contained in the submission:

The Plenty Valley strategic plan has at least attempted to merge urban development and environmental protection together. Contained within it are some far-sighted and important advances such as the river red gum zone, the conservation/park buffer zone, stormwater treatment and the need to maintain wildlife migration corridors. However, it does have some severe deficiencies, the most significant being the lack of a buffer area along the western side of the gorge (which unfortunately cannot be remedied) and the inadequate and illogical park boundaries along the eastern side of the gorge (a problem that can be remedied).
That indicates the sorts of concerns that are being expressed by well-known organisations in the Plenty Valley area. Many more submissions have been made by individual residents. Individual residents of the area have written dozens of letters to me on the subject. I am sure many members who represent the region also have extensive files containing letters from people who are particularly concerned about the effects on their properties.

They are people who may have been on their properties in the Plenty Valley area for many years and who have been reasonably content with the conservation zone requirements, but who regard some of the proposals that have been put forward here as adversely affecting their way of life and overturning many of the things they have cherished with the prospect of a huge influx of population completely changing the residential amenity of the area.

There is no doubt that some development will be necessary in those outer areas, but it must not proceed without adequate planning. I have endeavoured to demonstrate today, as other members have done in this debate, that adequate planning has not taken place to provide for the infrastructure that is necessary to sustain a huge development of the type that has been proposed by the government. Certainly there have been some hearings and there has been a Ministerial panel, but I do not think anything concrete has resulted from those hearings which would suggest that the whole project is feasible; certainly, as we know, there has been no indication of the sources of funding that would be necessary to make this a goer. We have not heard the Federal government giving any commitment. This proposal would have to be expressed in many hundreds of millions of dollars to be considered at all and, as we know, Victoria is in a very serious position in terms of the lack of available funds needed for such a far-reaching plan of such huge proportions.

I can only say that the proposal needs to be put on hold until such time as further consultation with the community occurs, further panels are established to assess the situation adequately, and guarantees of funding are given by both the Federal and State governments to ensure that before any real plan is put in place, the money is available for the provision of essential services and the improvement of roads so necessary to make it feasible.

Hon. R. S. de FEGELY (Ballarat)—I support the remarks of my colleague Mr Chamberlain on his motion:

That this House condemns the government for its abysmal handling of the release of metropolitan residential land and the failure to provide for its servicing.

For a long period I have had concerns about the way in which the metropolitan growth in Melbourne appears to have been totally and utterly out of control. For the past twenty years or so we have been swallowing up what I suggest has been good, highly productive agricultural land and putting houses on it. It is land of a type of which Australia has very little.

Hon. E. H. Walker—We've done that for a hundred years, Dick.

Hon. R. S. de FEGELY—The development seems to have grown very quickly in only a few years. It certainly has not been the fault of this government alone, but it seems to have burgeoned recently. Certainly throughout the 1980s we have seen Melbourne expanding out to agricultural areas, particularly to the east. It is fair to say that that land is virtually gone forever. Such expansion will continue unless we revise our system of rating and unless we sit down and really examine the pressures that have been put on farmland by development and perhaps adopt some other system whereby we can remove some of the pressure that currently tends to force or encourage owners of agricultural land to move towards development rather than farming. There
is no doubt that when development moves in close to agricultural land the pressures on farmers are quite often too great for them to resist or survive in a viable farming operation, and consequently that land is swallowed up by development.

We are reaching a stage where—and this point has already been touched on—the cost of the provision of services for the ever-widening development is becoming absolutely prohibitive. I refer to the cost of sewerage and water and the cost of the infrastructure that is necessary when our communities spread to the extent that they have been spreading. If one travels 40 miles, or 70 kilometres, east of the central district of Melbourne one will still be in the metropolitan area. I do not know where else in the world one can go, except in cities with huge populations, where one can travel so far and still be in the metropolitan area of a city with the population of Melbourne.

It is a great shame that this has been allowed to happen. It is high time that we examined very carefully where we are going and what our future planning should be. I understand that the government has set up a task force to examine planning and regional development. I commend it for that because there is no doubt that some of our provincial cities would be excellent areas for development, provided that that occurs in a sensible and careful manner in the areas in which we allow that development to take place.

If the government is considering, as I believe it is, increasing the size of the City of Ballarat by some 70 000 or 80 000 people, it must be extremely careful that wherever that development takes place it does not envelop the highly productive farming land in that district. Some very good lands have already been swallowed up in areas like Buninyong and Mount Egerton and around Bungaree. Municipal councils tend to err on the side of development because they can see more rate revenue coming into their coffers, and so on. Therefore, it is an issue that must be taken on board by the government and examined in an overall context.

We need to utilise to the full the available land already within the boundaries of the metropolitan area. As yet that has not been done. The infrastructure is available in the metropolitan area without further having to increase expenditure in that regard. That area must be further developed.

The Plenty Valley has already been mentioned and I briefly refer to that because obviously its development was a dream of the former Minister for Planning and Environment in the other place, Mr Roper, who dropped it on the public before the necessary research and planning had been done. My concern is about development in the Plenty Valley using areas of high rainfall and good agricultural land that we should not be using for this purpose. Although it may be a beautiful area in which to live, it must be examined in the context of land that the State can afford or spare.

The environment in the Plenty Valley should not be ruined by building houses all over the place; in particular, when one looks at the problems and costs of infrastructure and services that are involved, it is obvious that when the former Minister made his statement that the government would develop the Plenty Valley and have 100 000 people living there, he had not done his homework. He had not taken into account the cost of developing water and sewerage facilities and road systems. That was evident because prior to the Greensborough by-election he revised his estimate about how many would be housed in that valley; only a few months after his initial announcement he altered the figure to 70 000.

The motion deals with the lack of planning; much of the State's planning has been on an ad hoc basis. It has been politically motivated and has been aimed to attract the acclaim of the people rather than ensuring proper planning for the future. One should examine what would be needed in the Plenty Valley to make it a feasible proposition.
The light rail would have to be extended to South Morang, for extension to the north; the heavy rail would need to be extended from Epping to South Morang; a transport interchange would be required at the main activity centre at South Morang; the heavy rail extensions would have a large commuter car park at South Mernda. Where would the money come from?

There is no doubt that the difficulty of sewering that area and bringing the waste to Werribee was virtually insurmountable; such a facility would have been built at an astronomical cost. I know what would have happened had it been suggested to the people in the area that a sewage treatment works should be built there—the government would have run into enormous flak. That type of ad hoc planning has been undertaken by the government largely because the planning has been designed for political gain and advantage.

Hon. E. H. Walker—What about talking about some solutions?

Hon. G. R. Craige (to Hon. E. H. Walker)—You should have been here this morning, you would have heard them.

Hon. R. S. de FEGELY—It has long been my concern that we should be looking at the areas available for housing development, and at areas that can be developed without too much expense.

Hon. E. H. Walker—Where?

Hon. R. S. de FEGELY—I suggest, Mr Walker, for your information, that we should go west.

Hon. Licia Kokocinski—we are.

Hon. R. S. de FEGELY—I drive to the north and see houses all over the beautiful agricultural land. I see houses all over the eastern areas—all good agricultural land. I see a government still pushing a plan to go into the Plenty Valley—on good agricultural land. If development goes to the west it will not swallow good agricultural land.

Hon. E. H. Walker—You can reclaim the bay!

Hon. R. S. de FEGELY—It would utilise land in a rain shadow area, where it has now become virtually non viable for agriculture; yet the government fails to recognise that situation.

Hon. E. H. Walker—you don’t believe that.

Hon. R. S. de FEGELY—Mr Walker, I shall read from a letter from the former Minister for Planning and Environment in the other place, Mr Roper—

Hon. G. R. Craige—who?

Hon. R. S. de FEGELY—as he was on 2 February 1989. I wrote to him about implementing changes to zone B farming in the Shire of Melton. Part of his reply states:

The issue of retaining a "green belt" is not the objective of the general farming B zone. This zone is designed to conserve a non-renewable resource and encourage broad-scale pastoral and agricultural activities. The 80 ha minimum subdivision area is designed to sustain technically efficient farming or efficient farming units where the land has potential for broad-scale farming.

There are no broad-scale farmers in that area who are in any way viable. There is no way that a farmer with 80 hectares in that country can be classed as viable. In 1982 the Department of Agriculture and Rural Affairs told the government exactly that.

Hon. E. H. Walker—you want 5000 acres, do you?
Hon. R. S. de FEGELY—They are still telling us the same old story. Obviously the bureaucracy is not prepared to take on board the fact that times have changed dramatically. This year the Minister for Planning and Urban Growth wrote to me and told me the same thing—–

Hon. E. H. Walker—That is farmland you are saying we should not build on farmland. He has changed his mind.

Hon. R. S. de FEGELY—I am talking about high productive agricultural land that has been swallowed up with housing and that is not the case at Sunbury. Under no circumstances can that land be called high productive agricultural land.

Hon. E. H. Walker—You are giving it up, are you?

Hon. R. S. de FEGELY—I shall refer to a letter from the Victorian Farmers Federation and local VFF members, sent to the former Minister for Planning and Environment in 1985. Part of that letter states:

The Department of Agriculture by letter dated 9/12/82 to the Shire of Melton states “commercial agriculture could be phased out of the shire without affecting the Victorian economy. In fact we see it remaining only so long as the present operators can make a living or receive some incentives to remain. On the other hand, we believe the rural atmosphere can be retained on smaller units with farm enterprises without the operators being dependent on farm income for survival”.

For survival on that land people need an outside income. It may be that a vineyard could be established, although one would be courageous to create a vineyard on that land at the moment with the present oversupply of grapes. Anyway, everyone cannot go into vineyards so there lies the point—we should be using this type of land rather than swallowing up the good areas that we have to the east and the north of Melbourne. The area has excellent access: the Western Highway, the Tullamarine Freeway and rail in both directions. The area should be considered for development, yet the Shire of Melton has failed to obtain assistance from the Department of Planning and Urban Growth to further investigate the possibility of increasing development in the Derrimut wedge. The shire’s planning and management committee states in a document dated October 1989:

Notwithstanding three follow-up letters to the Ministry on 6 March 1989, 10 July 1989 and 31 August 1989, a reply from the Ministry regarding the proposed reference group was only received on 2 October 1989.

Almost six months later the Department of Planning and Urban Growth deigns to reply to the shire when it seeks to increase development in that area.

The area has a considerable expanse of land. I refer to a presentation on “Shaping Melbourne’s future” presented to a public seminar on 9 September 1987 by Mr A. G. Dennis, the Victorian President of the Urban Development Institute of Australia, who submitted the paper on behalf of the institute and the Housing Industry Association. I seek permission to incorporate in Hansard a table of short-term residential land supply in metropolitan Melbourne, showing estimated area of land zoned as reserve living under the Metropolitan Planning Scheme in broadacres in the developing municipalities of Melbourne as at June 1986.

The PRESIDENT—Order! Is leave granted?

Hon. B. T. Pullen—Yes.
Leave granted; table as follows:

Figure 5
Short-term residential land supply in metropolitan Melbourne (MMPS area only)—showing estimated area of land zoned as "reserve living" under MMPS in broadacre in the developing municipalities of Melbourne, June 1986.

<table>
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<th>Municipality</th>
<th>Hectare of Land (Ha) (1)</th>
<th>Estimate Year of Supply (2)</th>
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<td>150.5</td>
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<tr>
<td>Berwick</td>
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<tr>
<td>Broadmeadows</td>
<td>408.0</td>
<td>10.6</td>
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<td>Bulla</td>
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</tr>
<tr>
<td>Cranbourne</td>
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<td>Croydon</td>
<td>114.6</td>
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</tr>
<tr>
<td>Diamond Valley</td>
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<td><strong>6.8</strong></td>
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**Hon. R. S. de FEGELY**—I have been told that people do not want to live to the west of Melbourne. I do not know whether that is right but I suggest that few people here would remember what Melton was like 30 or 40 years ago. I can understand people saying that they did not wish to live in Melton 30 or 40 years ago, but now it is an attractive area and when built on one finds that everyone plants a tree and creates an urban forest. It has easy access to the city and one can get to the city in 20 or 25 minutes. Land in the eastern corridor is becoming increasingly beyond the reach of most people, as is land in the northern corridor.

The whole planning system should be thoroughly revised, as should the rating system on agricultural land. When I visited the United Kingdom recently I learnt that the authorities there do not rate genuine agricultural land but rate the house area only. The authorities there have managed to a large degree to stem the tide of sprawl and urban growth.

**Hon. E. H. Walker**—Have a word with the shires about that.

**Hon. R. S. de FEGELY**—I know the problem with the shires. I understand that and someone will need to take a stand.

**Hon. E. H. Walker**—You take it and go public on it.

**Hon. R. S. de FEGELY**—I have already gone public on it and I am happy to go public on it again because it is about time someone did.

**Hon. E. H. Walker**—I'll go to a public meeting with you if you do that.

**Hon. R. S. de FEGELY**—Someone should take a stand to ensure that the sprawl of Melbourne does not continue unchecked, but unless these changes are made it will continue.

**Hon. J. G. MILES** (Templestowe)—I support my colleagues, particularly Mr Chamberlain. The efforts of the government and the reaction of government members to speeches by the Opposition on this motion indicate several things: a government in total disarray, totally disorganised, and one that has no idea of what it is doing; yet in desperation and with the smug complacency that it has another two years in which to wreck the economy of the State as it continues with its policies.
An honourable member, by interjection, referred to people going west. The government has gone west and is sending the State west—right down the drain. The number of people who are unemployed and the number of businesses going broke as a result of government policies during the past eight years are increasing alarmingly. It is no good looking back to a previous government when this government has spent eight years in office and has proceeded to wreck the economy, with the help of its Federal counterpart in Canberra.

The government's reaction to the motion moved by Mr Chamberlain illustrates how hopeless it is, and it is unfortunate that it cannot be removed from office earlier than the date proposed for the next election.

I pay tribute to Mr Skeggs for covering in great detail the Plenty Valley corridor on which he is expert and the broader issues of the corridor, so I shall concentrate on a particular aspect, the Plenty Gorge Metropolitan Park, which is covered in the panel report and the recent decision of the Minister for Planning and Urban Growth. The RL111 panel report released in September 1990, which the Minister unfortunately rubber-stamped, much to the annoyance and desperation of many Labor Party supporters and the Diamond Valley Shire Council, has been discussed earlier. I attended a meeting of the Diamond Valley Shire Council, together with the Minister for Local Government and two government members, and the Minister and the two government members were left in no doubt at that meeting that a former stronghold of the Labor government had deserted it. The shire was most upset at the government's handling of various issues, especially the panel report.

The motion refers to the haphazard system of releasing metropolitan land with inadequate services and infrastructure and the enormous cost involved. That is typical of the government. It releases a report which is rubber-stamped by the Minister and which talks about providing services for 70,000 people who will move into the area, but the government is broke and cannot provide services and infrastructure for those people. Many of those people are also broke, having lost their jobs because businesses have collapsed as a result of government policies. The report is a pie-in-the-sky proposal that will get nowhere but is meant only to divert people from the real issues of the $46 billion that the government has wasted and the $36.2 billion of debt that we have to pay off.

In relation to the Plenty Gorge Metropolitan Park, early in the year residents from the Shire of Diamond Valley and from associations such as the Plenty Gorge Residents Association came to their local members and lobbied us to support them in their proposals to this panel—the Plenty Valley strategic framework plan panel—to put the point of view that there should be no need for a park in that particular area along the Plenty River.

It is a beautiful area covering parts of the electorates of Greensborough and Whittlesea, and the government proposed to build a park along the Plenty River known as the Plenty Gorge Metropolitan Park. One of the complaints at the time was that there was no need for this park because this beautiful area had been well protected and well preserved by residents from the environmental and conservation points of view for many generations. The land was zoned conservation 1 and therefore the residents living along the proposed park site knew that the land was preserved almost in the pristine state it had been in for many years, and many generations of families had lived there. Therefore their first argument was: why was it necessary to build an expensive park there? Why try to provide facilities for residents that the government does not have the money to provide for? Certainly the government does not have the money to build a park.
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Why put a park there for environmental and conservation reasons when the area is beautifully preserved for conservation and environment purposes anyway? That is the first point. The second point is: why do it without proper consultation with the residents and the Diamond Valley shire? Thirdly, in a time of economic downturn when the government cannot even afford to pay its own bills, why on earth should it go off on an enterprise like this that it cannot afford?

Earlier this year public meetings were held, and one was reported in the *Diamond Valley News* on 30 January 1990 under the heading "Gorge protesters condemn Ministry". The article states:

The Plenty Gorge Residents Association spelt out its message to startled Saturday morning shoppers in Main Road, Greensborough.

About 60 association members and their families paraded up and down the street carrying placards and chanting slogans.

The march was to protest against the State government's plans to have land along the Plenty River rezoned proposed public open space and create a huge metropolitan park along the environmentally sensitive Plenty Gorge.

A photograph accompanies the article and it shows marchers from the Plenty Gorge Residents Association protesting about the proposed park.

Then also from the *Diamond Valley News* of 20 February is an article headed "Council backs local blueprint for park". On 23 January in another article in the *Diamond Valley News* the Diamond Valley shire complained about the proposed park, and local members of Parliament, including me as the local member for Greensborough, were quoted. I was quoted as being opposed to the park on the grounds that the residents had not been consulted and the Diamond Valley shire and residents were opposed to the park.

In May of this year a deputation went to see several shadow Ministers of the Opposition in anticipation of this situation, complaining about the government's proposal to build the park. They were concerned about what the government would do, and sure enough on 20 September 1990 the government, with this panel of review, announced its conclusion that the park would be built—the Plenty Gorge Metropolitan Park—and ever since there has been considerable reaction against the park.

Naturally there has been support for the park, but mainly there has been considerable reaction against it. An article in the *Whittlesea Post* of 23 October 1990 by Scott Whiffin stated under the heading "Plenty corridor plan receives a mixed response", that Mr McDonald, the member for Whittlesea, supported the plan. He had to support his own government, I suppose, although some government members do not always support their own government. I am quoted there as saying:

In February, Mr Miles led a delegation of Plenty Gorge residents to see the then Opposition planning spokesman, Mr Mark Birrell.

Mr Miles supported the Diamond Valley council proposal—since rejected by the planning department—to allow a much higher density of residential development along the eastern boundary of the Plenty Gorge Metropolitan Park.

"In view of the dissatisfaction of many of the residents in the gorge area with what has been proposed I plan to raise the matter in Parliament and personally urge the planning Minister Mr McCutcheon to reconsider" Mr Miles said.

I am doing that right now. I am asking the Minister to reconsider this unpopular, futile, expensive, untimely and unnecessary proposal to build the park. It is unnecessary, as I have already mentioned.

At a meeting on 29 October, the Diamond Valley Shire Council passed a resolution suggesting to the Plenty corridor subcommittee set up some months ago that it look
into the plans for this particular park. On this subcommittee were four councillors from the four ridings of the Diamond Valley Shire Council plus three community representatives of three local associations not representing any particular political party, but the Plenty Gorge Residents Association—the one that organised the march—was the leading group and it was also the one that organised the deputation to Mr Birrell some time ago.

The subcommittee insisted on having on the committee one member from the then Department of Planning and Environment. I do not know which way he or she voted, but I note that the three community representatives plus the departmental representative made a strong recommendation opposing the government’s proposal for the park, and when Mr McCutcheon announced in the panel report to which I have referred that the park would be built, the group submitted its opposition to the council as a result of which the Diamond Valley Shire Council passed a six-part resolution. I will not read it all, but the effect of the resolution was to criticise the government and the Minister strongly for bringing down the decision to build this expensive, unnecessary and unpopular Plenty Gorge Metropolitan Park. Among other things the motion stated that the council:

(a) wishes to express its extreme disappointment that no further consultation took place with council and residents prior to the final decision in respect of amendment RL111; and

(b) considers that the Diamond Valley conservation 1 zone, although it endeavours to address the environmental issues of the area, council believes no practical change will take place as existing use rights still exist and there is no incentive for land owners to change the status quo;

In other words it is environmentally and conservationally sound anyway. The third paragraph of the motion states that it:

(c) still believes its proposal as submitted to the Minister addresses all of the concerns that the department has raised.

The other paragraphs of the motion criticise the Minister’s decision, giving its logical reason as expressed for many months beforehand, and I emphasise that it is not just the Diamond Valley shire saying this but a significant number of other people and local groups. The government has taken no notice of an important shire council in my electorate, which in the past has produced a Federal and a State Labor member of Parliament and which has been considered to be a council supportive of Labor governments.

That is no longer the case, but then it is hard to find any group in the community which supports the government. I have not found a single group anywhere to support it. No matter what I read or see around me, it appears that no-one will support the government. Even the Premier, in a private poll conducted in her electorate of Williamstown, had a popularity rating of only 23 per cent, and that figure is probably flattering.

At a recent meeting on 12 November the Diamond Valley shire moved further resolutions going into more technical detail—more than is necessary to give here—to point out again that not only was the government wrong to decide to build the park but also the decision was unpopular, unnecessary, expensive and against the best interests of the majority of residents of the area. The council also pointed out a few inconsistencies and technical problems with what the government had done. In other words, according to the strategic framework plan of the Diamond Valley shire, the government’s proposal has an extraordinary amount of holes, problems, mistakes and inconsistencies. The shire used the word “hypocrisy” but that is perhaps too strong a word and I shall use the word “inconsistencies”. The shire believes if the government carries out the proposals, many more problems will be created than solutions found. I shall not go into the details of the technical difficulties the shire has exposed.
The residents of the area, members of community associations, the Diamond Valley shire—a former supporter of Labor Party members of Parliament and Labor governments—have strongly criticised aspects of the building of the proposed Plenty Gorge Metropolitan Park. They have also come out strongly against the whole concept of development in the Plenty corridor. As Mr Skeggs so adequately summarised—and as Mr Chamberlain summarised in a broader way covering all of Victoria—these ideas are idealistic and border on being crackpot. They will never be implemented in our lifetime; they should not be implemented; they are impossible to implement. The saving grace is that these unpopular and unnecessary programs such as the Plenty Gorge Metropolitan Park will not be implemented simply because the government has run out of money.

I repeat the words of my colleagues in saying the government, as usual, has mismanaged the release of residential metropolitan land, just as it had mishandled every issue with which it has dealt over the past eight years. In setting up proposals for a metropolitan park and other developments in the Plenty corridor, the government has failed to provide any plans for the infrastructure and servicing of the areas for the imaginary 70,000 people who will drift into the area by helicopter or some other mysterious means. The proposals will be expensive and impossible to implement, and I join with my colleagues in condemning the government for these proposals, particularly the building of the Plenty Gorge Metropolitan Park.

Debate adjourned on motion of Hon. B. T. PULLEN (Minister for Education).

Debate adjourned until next day.

CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL

Hon. B. W. MIER (Minister for Consumer Affairs)—I move:

That this Bill be now read a second time.

The purpose of the Bill is to provide for elections to the Legislative Council to be on the basis of proportional representation and to reduce by twelve the number of members of Parliament.

The reform of the Legislative Council, including the introduction of proportional representation, was a clearly stated government position during the 1985 general election. As a consequence, in 1988, the government introduced a Bill that was intended to implement its stated position. However, the Bill was defeated by the Opposition in the Legislative Council just prior to the 1988 election.

The government's commitment to proportional representation was reiterated during the 1988 general election. In March 1990, the Minister for Industry and Economic Planning proposed a motion in the Legislative Council to appoint a joint Select Committee to inquire into and report upon the proposals contained in the 1988 Bill. This motion, too, was defeated by the Opposition in the Upper House, which has continued its strategy of obstructing the wishes of a democratically elected government.

This Bill is yet another attempt to implement the government's stated policies. Like the 1988 Bill, this Bill provides for proportional representation and will attract the support of all who are committed to a more democratic electoral system for Victorians. The Bill will enhance the ability of the Upper House to properly perform its functions by ensuring that the level of representation of members of the Council is consistent with the wishes of the electorate expressed at the ballot-box. The Bill does not affect
the powers of the Upper House. It is concerned only with ensuring a more equitable representation for Victorians in the Upper House.

The new electoral system will encourage the representation of a wider range of community views. The Bill provides that the quota for election will be 12.5 per cent of the total vote for a province; any significant interest group that can obtain that proportion of the vote will achieve representation. Supporters of smaller political parties and perhaps independent candidates will have the opportunity to be represented in the Upper House.

Unlike the 1988 Bill, however, this Bill also provides for reducing by twelve the number of members of Parliament. This measure is expected to save the Victorian taxpayer at least $2 million per annum. In these times of economic stringency, it is an important demonstration of the government's commitment not to exempt the Parliament from the tough decisions it has had to take in the rest of the public sector.

The detail of the Bill comprises the following measures:

- the number of members of the Legislative Assembly will be reduced from 88 to 85 members;
- the number of members of the Legislative Council will be reduced from 44 to 35 members;
- members of the Legislative Council will be elected for four years concurrently and simultaneously with the Legislative Assembly;
- elections for the Legislative Council will mirror the Commonwealth Senate system of multi-member electorates, proportional representation and quota preferential voting;
- there will be five Legislative Council provinces, three with a metropolitan focus and two with a non-metropolitan focus;
- each province will return seven members;
- each province will comprise seventeen Legislative Assembly districts;
- casual vacancies will be filled consistent with the intention of the voters; and
- the method of calculation of quotas will be identical to that of the Commonwealth Senate.

The Bill also deals with the grouping of candidates and enables voters to have the option of group voting or voting for individual candidates—in the same manner as voting in the Senate elections. It will guarantee a representative and responsive Upper House. The people of Victoria have endorsed this reform on several occasions—it is up to this Parliament to ensure that the wishes of the people are carried out.

I commend the Bill to the House.

Hon. HADDON STOREY (East Yarra)—The Bill is an outrageous political stunt. It has been introduced by a tired and desperate government in an obvious attempt to divert attention from the government's woes and problems. It is the same tired proposition that it has introduced time and again in this House and that has been dealt with time and again in this House. However, the Bill is worse than is normally the case because it has been introduced to disrupt the redistribution that is currently under way.

The Bill is an attempt by the government to curry favour with the Australian Democrats who must surely now begin to see through the government's fake proposals, which are
designated to help the government and nobody else. The government is not serious about the matter.

When the House last debated proportional representation, the Minister for Industry and Economic Planning told the House that he was a devout believer in proportional representation and that he always had been. I accept the Minister may have that view, but I do not accept that the government believes in proportional representation; it is something that suits its political convenience and nothing else. It is obvious that the government is treating this Bill as a political exercise because instead of the Leader of the House having carriage of the Bill, as occurred on the previous occasion, today a junior Minister has moved the second reading of the Bill. Instead of the Leader of the House introducing the Bill the Minister for Consumer Affairs has done so. Obviously the Minister for Industry and Economic Planning does not want to be associated with and therefore embarrassed by his support of the Bill.

The government is tottering on the brink of doom but unfortunately it is taking the State of Victoria with it. The Premier has no idea how to overcome the State’s problems. She is throwing up all sorts of things as a smokescreen so that the community does not realise what is happening.

When one examines the moves made by the government on proportional representation one finds its timing is impeccable—the moves have been timed to achieve the maximum political advantage for the Labor Party. It had nothing to do with the validity of the proposition when the 1988 Bill was introduced immediately preceding the State election. It was a stunt to capture the Australian Democrats’ preferences in that election.

The Minister for Industry and Economic Planning unexpectedly moved a motion on proportional representation earlier this year, but when one notes the time he moved the motion one finds that it was just before the Federal election and it was made in an effort to curry favour with Australian Democrats. This Bill has been introduced when the Electoral Commissioner is about to bring in his draft report on the redistribution for the next State election. It is absurd that the government has waited until the electoral redistribution has been under way for approximately eight months and when thousands of dollars of the State’s money and party money has been spent in putting propositions to the Electoral Commissioner to introduce a Bill to provide for proportional representation.

The villainy of the government is revealed in that it was not content just to deal with proportional representation for the Upper House but the Bill also contains a provision that reduces the number of members in the Legislative Assembly from 88 to 85. What nonsense to suggest a reduction to 85 members; why not 87 members so that the redistribution would have to be thrown out the window and done again? In the last redistribution the number of members in the Legislative Assembly was increased from 81 to 88, but the Bill does not even propose reducing the numbers to 81.

Hon. W. A. Landeryou—It was agreed to by all party Leaders, of which you were one.

Hon. HADDON STOREY—Mr Landeryou has a faulty memory because if he remembers correctly what happened with the last redistribution he will know that the Liberal Party voted against an increase in the number of Legislative Assembly members. We believe in a smaller, leaner, more effective government and that is not obtained by reducing by three the number of Legislative Assembly members.

The only reason why the government has included that provision is in an endeavour to disrupt the redistribution so that it will have to be done again. The government is rigid with fear about what will happen with the redistribution. The Sunday newspapers
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reported that the Labor Party was worried about its factional differences because of the seats that will disappear in a redistribution. The Labor Party is aware that several Ministers' seats will disappear in the redistribution. It is contemptible of the Labor Party to take this approach in an effort to undermine the fair-minded Electoral Commissioner. By introducing the Bill it is treating the commissioner with contempt.

The government says that the Bill will provide for minority voices to be heard in Parliament. If one examines the Bill one will find that it provides a lesser chance to the minority parties of being elected to this House. Under the provisions of the last Bill which dealt with proportional representation the State was divided into five provinces: three metropolitan and two country provinces. It was proposed that there be nine members for each province, which would mean a lower quota would be required for persons to be elected. Obviously the Labor Party realised that under that proposal there was actually a chance that some minority parties could have representatives elected and so it reduced the number of members of each province to increase the quota necessary for a person to be elected to ensure that no minority party representatives would be successful.

The Bill is a sham and a fraud. The Labor Party is not serious about electoral justice but it is serious about its endeavours to win a few seats because it is scared about what will happen at the next election. The provision is weighted in favour of the Labor Party. If one divides Victoria into five provinces with three metropolitan provinces there is only one way that those three metropolitan provinces can be drawn up and that is by starting at one side of the river and working through the areas dividing them into three provinces. One of those provinces will consist of all those seats in the western and northern parts of Melbourne where the Labor Party historically—but not at the next election—has always obtained a greater majority than in any other part of Victoria.

The Labor Party believes under the proposed redistribution its members will have a permanent majority in the newly created North Western Province and the vote in the other provinces will be split fairly evenly, so the Labor Party will always hold the majority of seats in the Legislative Council. This is another illustration of the fraud involved in the proposition introduced by the Labor Party. Its proposal is weighted in its favour. Members of the Labor Party even have the gall to say that the Constitution (Proportional Representation) Bill is intended to give effect to the wishes of the majority of Victorians.

Hon. Rosemary Varty—What a load of rubbish!

Hon. HADDON STOREY—I do not know where they got that proposition from; the majority of Victorians did not vote for the Labor Party at the last election. The way the electoral system worked during the last election, the Labor Party got a majority of seats for a minority of votes.

Hon. G. A. Sgro—That's what you did for 30 years!

Hon. W. A. Landeryou—which system are we fixing up, the last one or the most current one?

Hon. C. F. Van Buren interjected.

Hon. B. W. Mier interjected.

Hon. HADDON STOREY—I hope Hansard has recorded that at least four members of the Labor Party have admitted what happened the last time around was that they got a majority of seats with a minority of votes!

Hon. Robert Lawson—Shame!
Honourable members interjecting.

Hon. HADDON STOREY—Hansard should record that now the other members of the Labor Party who did not interject previously have interjected, saying they also agree they got a majority of seats with a minority of votes!

At last the truth has come out: the Labor Party is enjoying having been elected by fewer than 50 per cent of the voters of this State. I hope the people of Victoria realise the government is elected by a minority of voters and, far from there being a majority of voters in favour of this proposition, the government has no mandate at all.

Hon. W. A. Landeryou—Let’s test it!

Hon. R. I. Knowles—That’s a good idea!

Hon. HADDON STOREY—The government has no mandate for anything and that will be quite obvious come the next election, when the people of Victoria vent their disappointment, their anger, and their distrust about what the government has done, starting from the 1988 election when the government was elected through fraud. The government deceived the people of Victoria and now they realise that. The people of Victoria will never forgive or forget what has happened and they will show that at the next election.

That is what the Bill is all about: it is a desperate reeling about by the government, with its limbs fluttering in the air. The government is throwing up Bills of this nature to try to divert attention away from what it is doing. The Bill represents another example of the government attempting to divert attention from its actions.

If the government were serious about proportional representation it would sit down and try to approach the matter in a logical and sensible manner. Instead it keeps on producing Bills of this nature at a time that suits its own political agenda. The Bill should be thrown out for that reason. It should be thrown out as soon as possible. What a pity we cannot throw out the government with the Bill!

Hon. W. R. BAXTER (North Eastern)—Mr President—

Hon. W. A. Landeryou—Sir Echo! The coalition speaks with two voices!

Hon. C. F. Van Buren—What about the Queensland system? Tell us about that!

Hon. W. R. BAXTER—The government is treating the House and Parliament with contempt in rolling up this Bill despite the fact that these sorts of provisions have been considered by the House on a number of occasions in recent years and rejected. The government is not even serious in its attempt. Honourable members have heard a cursory second-reading speech from the Minister for Consumer Affairs. He read two and a half pages of double-spaced typing—

Hon. B. W. Mier—Double-spaced?

Hon. W. R. BAXTER—The government could not even go to the trouble of rewriting the second-reading speech to make it appropriate to deliver in the Legislative Council. It is the same speech as was delivered in another place, couched in terminology appropriate for the other place. It is entirely an indication of the insincerity of the government on the issue. It is simply doing this for the exercise. It is simply making a play yet again for Australian Democrats’ preferences at the next election.

I agree with what Mr Storey has said: surely the minority parties will now wake up to the fact that they are being played for suckers by this government. The previous proposal might have provided some scope for the election of representatives of minor parties to the House but certainly this proposal provides no such opportunity.
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quota necessary for election is to be 12.5 per cent of the vote. There is no way in a multimember electorate that the Australian Democrats, for example, would poll anything like 12.5 per cent of the vote. Even at the last election in Victoria that party polled only 1.5 per cent of the vote. It is simply an absurdity to believe the proposal would facilitate the entry of the Australian Democrats to this House. It is high time the facts were drawn to the attention of members of the Australian Democrats.

The government has gone to great lengths to indicate it has a mandate to make the proposed change. I dispute that claim, not only for the reason advanced by Mr Storey. At the last election the government was elected by a minority of voters, which is one aspect that puts paid to the claim and shows the government has no mandate. I dispute it also for the other reason that the proposal should be examined; that is, if the electors were giving the Australian Labor Party a mandate to change the voting system for the election of members to the Legislative Council, Victorian electors would have elected more ALP members to the Chamber to facilitate such a change. In fact they did the opposite: some thousands of voters made decisions to vote for ALP representatives in Legislative Assembly electorates but voted for conservative candidates—Liberal and National party candidates—in Legislative Council electorates. Clearly those electors were not wanting a change in the method of election of members of the Legislative Council or they would not have taken the action I have described. The claim that the government has some mandate for the change simply does not hold water on these two grounds.

Currently the Electoral Commissioner is undertaking an electoral redistribution for the State of Victoria, in accordance with the Electoral Boundaries Commission Act. I ask: why has the government left it so late to introduce the legislation? If the government were serious and really intended to proceed with this form of change, why did it not act before the Electoral Boundaries Commission commenced its inquiry? Plenty of notice was given that the commission was to act on a redistribution during the life of this Parliament. It was the subject of much speculation for months, both in this House and in the public arena. From time to time the Chairman of the Electoral Boundaries Commission answered public inquiries as to whether the criteria for a redistribution had been met. In due course the decision was made that the criteria had been met and an inquiry was instituted. It is well on the way to completion, yet the government has attempted to undermine the inquiry by introducing the Bill.

One might ask: why? Why does the government want to change the rules when the game is halfway through? As one who has attended hearings of the Electoral Boundaries Commission, I can speculate on the reasons with a good deal of evidence at hand. The redistribution proposal put to the commission by the ALP has been shown to be farcical. It failed to adhere to the criteria set down in the Electoral Boundaries Commission Act as to the nature of submissions; it failed to take account of the criteria set out in the various sections as to the points the Electoral Boundaries Commission is to keep in mind when formulating the boundaries; for example, community interest.

I give one brief example. The proposal by the ALP for the seat of Mildura has the Shire of Warracknabeal, located in the Wimmera, in the same area as the Shire of Mildura, which is in the north of the Mallee. There is absolutely no community interest at all. It is a typical example of the inadequacies and shortcomings of the ALP submission. Those shortcomings were clearly shown up in evidence to the Electoral Boundaries Commission by other parties to the hearing. That is one reason the government has introduced the proposed legislation. It is an attempt to divert attention from the pathetic attempt it made when putting a submission to the inquiry.

In his second-reading speech the Minister for Consumer Affairs referred to “a more democratic electoral system for Victorians”. Victoria already has one vote, one value.
I have not heard any public pressure from my electors or any other electors to the extent that somehow or other the Victorian system is undemocratic. We have one vote, one value, single-member constituencies for the Legislative Assembly and two-member constituencies in this House. We also have preferential voting, which is clear, concise and simple. People understand it. Does anyone understand the Australian Senate voting system? Even honourable members, despite their occupations, have difficulty in understanding that!

Hon. B. E. Davidson—Just put a tick in the box.

Hon. W. R. Baxter—Can Mr Davidson explain to his electors how the Senate voting system works so that they understand it? I am sure he cannot.

I am opposed to the introduction of a voting system that electors cannot understand. Similarly I am not enamoured of voting systems that provide for multimember constituencies such as we have in the Senate. How many electors can name the twelve Victorian senators? Very few, because senators do not need to be responsive to their electors. They spend most of their time ensuring that they maintain their proper ranking on the party list, which will guarantee their re-election. That is not being accountable.

I am strongly in favour of an electoral system that makes members of Parliament directly accountable to their electors. I firmly believe multimember constituencies—particularly as proposed in this Bill which provides for seven members in each of five provinces—certainly does not lead to accountability.

I agree with what Mr Storey said about the Bill providing the potential for a gerrymander. There is no doubt about that. It would be much fairer if we were moving to proportional representation and multimember constituencies based on the whole State rather than drawing boundaries in a manner such as to permanently advantage one party or another.

The Bill is a sham. It is another attempt by the government to curry favour with minor political parties in time for the next State election. I am sure the government's attempt will fail because those parties will recognise they are being played for suckers. The government is not serious because it has set the quota too high. If the government were serious, it would have attempted to sell the proposal by providing more detail, but it has failed to do so.

The Bill is long and complicated. It proposes a complex voting system, but there has been no attempt by the Minister for Consumer Affairs to explain how it will work. The Bill does not explain what the position will be for members of Parliament who are not due to retire at the next election. No provision seems to be made for them. We do not know whether they will just go out of existence. We have no idea of the position of those members. The Bill makes no reference to honourable members in that position. It is simply a half-baked idea rolled up to take attention away from some of the government's other problems and it should be treated as such. The Bill should be treated with the contempt it deserves.

Hon. C. F. Van Buren (Eumemmerring)—I am delighted to contribute to this important debate, but first I shall make one point clear. Mr Storey referred some comments to the Minister for Consumer Affairs who read the second-reading speech, but he well knows that the Minister is the representative in this House of the Minister for Property and Services.

The government takes this Bill seriously and I am saddened to learn that the Opposition treats it with scant respect. All sorts of red herrings have been thrown up in the debate. The opposition parties talked about Labor Party preselections. I have read several
reports in the newspapers about what Mr Kroger wants to do in an attempt to get rid of some sitting Liberals. No wonder they are worried!

Hon. R. J. Long—You look at your own party.

Hon. C. F. VAN BUREN—The Bill introduces democracy into this House. Honourable members will be aware that the government has made numerous attempts to make this a democratic House. The government has proposed a multimember electoral system but the Opposition has not taken that seriously. It has continued to reject such a proposal because it does not want small parties to be represented. The opposition parties have opposed proportional representation for one reason: the National Party does not want any other small parties represented in the House because it wants to keep its monopoly as the third party. It does not want the Australian Democrats or anybody else to be represented.

In 1981 the then Premier, Dick Hamer, spoke about proportional representation and took a proposal to his Cabinet. That is how far back this debate goes. The Liberal candidate for Pascoe Vale at the last State election, Mr Geoff Lutz, in his handout provided reasons for standing for election in Pascoe Vale. Under the heading “No Liberal member” he referred to:

... the lack of representation this side of the Yarra for the 150,000 people who usually vote Liberal. It is an injustice for so many people not to have at least one member of Parliament.

Pascoe Vale is a Labor Party stronghold and the Liberal Party’s candidate was defeated. But a significant number of people who vote Liberal on the north side of the Yarra do not have a voice in Parliament. The only people representing them here are Labor Party members. Mr Lutz recognises that and also recognises the need for proportional representation. He believes the system balances out.

Mr Storey made the point about the current system and the position in the western suburbs. Yes, all members of Parliament representing the western suburbs are Labor Party members. The Liberal Party does not have one member representing that area. In other areas of the State Labor Party members poll 30 or 40 per cent of the vote but they are National Party strongholds. We do not have people elected to represent our interests. These people are ignored.

Hon. W. R. Baxter—I represent all my constituents.

Hon. C. F. VAN BUREN—That is not democratic. It is not fair.

Hon. R. J. Long—Have an election now!

Hon. C. F. VAN BUREN—We will have an election when the time is right. The government was elected for four years. I am suggesting that to have a proper democracy we should introduce proportional representation.

Honourable members also know that the former Leader of the Opposition, Jeff Kennett, supported proportional representation. He openly spoke about it and took a proposal to the shadow Cabinet. The National Party put on the pressure and the former Leader buckled at the knees. The people of Victoria recognise that the Liberals will always buckle at the knees when pressure is applied by the little National Party. That is the real position. Although many Liberals in this House and in the other place support proportional representation for the Upper House, they are told to shut up because of the coalition. Despite what you say the government went to the 1985 election supporting the introduction of proportional representation to elect members to the Upper House. We were returned to government and won again in 1988. The introduction of proportional representation has been part of our platform for a long time.

Opposition speakers spoke around the Bill and ignored its two main provisions. Firstly, the Bill makes provision for the introduction of proportional representation
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to elect members to the Council; and secondly, the number of members of Parliament will be reduced by twelve—by three in the Legislative Assembly, and by nine in the Legislative Council.

Hon. G. H. Cox—You won't have a seat.

Hon. C. F. VAN BUREN—The people will decide whether I have a seat. That's democracy and that's what I support.

The introduction of proportional representation will allow for more democracy because it will enable a wide range of community views to be expressed in this place. Under the Bill any group that gains 12.5 per cent of the total vote for a province will have the opportunity of a member putting its views in this House. Because of the introduction of multimember electorates members of the Liberal Party could represent the western suburbs and members of the Labor Party could represent areas that are now considered Liberal and National Party strongholds.

This is not a matter of pandering to the Australian Democrats, because that party already receives 17 per cent of the votes. Why shouldn't the Democrats have a voice? After all, they have a voice in the Senate. If the people decide that the Australian Democrats or any other group or party should be represented in Parliament they will have a better chance because of the changes proposed in the Bill than they have under the present system: the main speakers of important groups are more likely to be able to put their views in Parliament, which is where the voice of the people should be heard. That is how democracy works best.

At present people have only the mainstream political parties to vote for; and if they do not want to vote Labor, Liberal or National they have no other choice and their votes are likely to be wasted. Under a proportional representation system their votes are less likely to be wasted because the system gives the majority of people a wider choice.

If the Bill is passed Victoria will be brought into line with every other State and the Commonwealth, because proportional representation is used to elect members to all Australian Upper Houses except the Victorian Upper House, something conveniently not mentioned by speakers opposite. The recent special Premiers Conference was held to try to establish uniform standards and laws throughout the country in an attempt to make Australia one nation instead of a collection of States. The introduction of proportional representation would help that process because Victoria would fall into line with every other State.

Because of their bloodymindedness the opposition parties oppose anything progressive. At least Mr Greiner, the New South Wales Premier, is encouraging his political party to look at new ideas and policies so that all Australians can move in the same direction. Mr Greiner is one Liberal smart enough to know what is wrong with the Victorian Liberal Party. He called the Opposition a parochial mob who bury their heads in the sand. Victoria cannot afford to be different from other States in the way it elects members of Parliament.

Mr Baxter complained that members of the Legislative Council would be elected for only four years, the same term as their Assembly colleagues. But it is a good thing to have the will of the people expressed in this House every four years. It always amazes me that even though people may want to throw out the government of the day they can change only half the members of this House at any election because the other half remain for a further four years. If the people want to make a change that have the right to have their decision affect all the members of the House. That is what happens in every other State and it should happen here.
The Bill will reduce the number of members of Parliament by twelve. We all know that the community thinks there are too many members of Parliament and that the State and the country are overgoverned. It is only fair that the number of members of Parliament is reduced. The savings to be made, something like $2 million, could be used to fund government programs. It is important that members of the government and the Opposition set an example to the community. For years we have heard members of the Liberal and National parties talk about the need for the government to take tough decisions—how we should get rid of public servants and sack these and abolish that. Now we have the opportunity of setting an example from the top. If you want to tell the people what to do you should be prepared to take the same medicine. In the name of democracy it is important that the Bill is passed.

Mr Baxter, who seemed to be the main speaker for the National Party, threw red herrings about redistributions and other things and did not reach the crux of the matter. With the support of the community the government has tried to bring the House into line with Upper Houses throughout the country, which is why it is only reasonable that the Bill should be allowed to pass.

**Hon. B. E. Davidson** (Chelsea)—In 1985 the Labor government went to a general election seeking a mandate for the introduction of proportional representation to elect members to the Upper House. After the government was returned with that mandate, it tried to introduce proportional representation in 1988. Due to an obstructive and unlearned Opposition the legislation was defeated. Later that year we again went to the people seeking a mandate to introduce a Bill such as the Constitution (Proportional Representation) Bill. There can be no doubt that proportional representation has been an open topic of discussion through two election campaigns.

We were again returned to government. The electors want a voting system which reflects accurately their voting intentions. The one that is in place now does not do that. We have in Victoria the only bicameral system in Australia that does not include a component of proportional representation in the Upper House. Victoria is the only soldier out of step in the regiment.

In essence, the Bill before the House relates mainly to the Legislative Council. It proposes five provinces: three metropolitan and two country, each with seven members. Accordingly the quota is 12.5 per cent. The Bill further proposes a reduction of three Lower House members to 85, which produces a total reduction of twelve State members of Parliament with an estimated saving of $2 million annually. For those people in Victoria who believe we are overgoverned and there are too many politicians it is probably fairly welcome news that the government is proposing this type of legislation.

The proposal to introduce proportional representation elections in the Upper House has twice been taken to the electorate, once in 1985 and again in 1988, so let there be no doubt, there is a mandate for this legislation.

**Hon. K. M. Smith**—If there was a mandate you would have been elected in your own right in both Houses. You weren’t.

**Hon. B. E. Davidson**—The injection of a different mix or makeup of members of the Legislative Council that may occur under proportional representation may actually see it acting for the first time as a genuine House of review. The Opposition might not find itself snooping around the bureaucratic corridors for freedom of information titbits, but instead it might like to beef up the committee system and maybe even bring closer scrutiny to the legislation that is being brought into the House.

Maybe we could also have more all-party Parliamentary committees of inquiry into matters that are of importance to the public. That is the sort of thing that a House of
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review ought to be doing. Under the current system the Legislative Council merely reflects the results in the Lower House; the only difference is that in this Chamber at least half of its membership is out of date with the current voting trends. That means it is four years out of date, and that is hardly a perfect system.

Hon. B. A. Chamberlain—Are you one of those?

Hon. B. E. Davidson—Not yet. I question the morality and motives of the Opposition for dismissing the legislation out of hand. The Opposition cannot argue that it does not understand the concepts of proportional representation or that even in its heart of hearts it does not really agree that it is a fairer system, because it does. Let us have a look at the record of the Opposition. In 1981, the Australian of 23 April stated:

Proportional representation may be used to elect the Victorian Legislative Council. It is one of the options being examined by the State Cabinet.

The article then goes on to talk about the then government's new strategy for the 1980s.

Hon. W. R. Baxter—Democrats preferences were pretty crucial then, too.

Hon. B. E. Davidson—Your guys wanted them, I suppose. Mr Hamer in positive terms stated:

PR would involve other changes to the method of electing the Council including larger constituencies.

He was on the same track we are now.

Hon. W. R. Baxter—He is no longer Premier.

Hon. B. E. Davidson—You got rid of him because he had a thought of his own—that would be right. All this was discussed in the context of lengthening Legislative Assembly terms from three years to four years. At least they nearly got that right; it was left to us to introduce it in 1988.

Hon. B. A. Chamberlain—You've got that wrong, too. That was introduced as a private member's Bill in this House by Mr Hunt.

Hon. B. E. Davidson—Then, Mr President, I dip my lid to you. In 1988 the then Opposition Leader took up the cudgels in favour of proportional representation. I have to confess, I believe his motives in doing so were based more on political expediency than on any genuine desire for a democratic voting system.

The Melbourne Sun of 3 August 1988 had an article by Ian Munro entitled "Kennett floored by party rebuff".

Hon. W. R. Baxter—Who does he work for now?

Hon. B. E. Davidson—Kennett? He works for you guys. The article states:

State Liberal Leader Jeff Kennett was handed a stinging rebuff yesterday when his party rejected moves to support a Senate-style voting system for the Upper House.

The decision virtually guarantees the Australian Democrats will direct their preferences to the ALP at the next State election.

Thereby giving a little bit of a hint of perhaps what Jeff Kennett was more interested in than this system:

Mr Kennett wanted his party to re-examine blanket opposition to the Bill and proposed an option to the government's plans . . .

But despite a long party-room debate yesterday, the Liberals refused to budge on their stand against proportional representation . . . the Premier, Mr Cain, said . . . "Liberals are living in the past," he said. "It's about time Victoria caught up with the rest of Australia on proportional representation."
I can only agree with the former Premier on that.

Hon. W. R. Baxter—You can’t agree with him on much, but that one perhaps.

Hon. B. E. DAVIDSON—Perhaps a reason for the rejection of the reforms can be gleaned from an article of 18 November 1987 by Claude Forell in the *Age* entitled “Electoral reform always too hard.” It is an interesting article and there are two or three passages I should like to read to the House. It states:

Neither of Australia’s main political parties is very good at performing one of their most important functions in a Parliamentary democracy: that of choosing the best possible candidates for election to Federal and State Parliaments...

The Liberals’ dynamic new Victorian president, Mr Michael Kroger, had only limited success last weekend in his drive to exercise greater central control over the process so as to prune some of the dead wood in the Parliamentary parties and introduce some carefully selected new blood.

Ironically, although the youthful Mr Kroger is himself a conservative associated with the New Right, his proposals to revitalise the party’s preselection procedures by executive intervention proved too radical for the necessary two-thirds majority of State Council delegates.

State councils it seems do not change from party to party. The article continues:

Reinforced by a bloc of apprehensive Federal and State MPs, the council rejected the Kroger plan, which would in effect have given party headquarters power to replace a number of retiring or disposable MPs with top-quality, high-profile outsiders who would not normally throw their hats into the chaney and quirky preselection process.

It seems that preselection processes in the Liberal Party are just as chaney and quirky as ours. The article continues:

But there are even greater handicaps for the Liberals in a system that perpetuates parochial mediocrity both in their Federal and State Parliamentary teams, neither of which can match Labor in their present front-bench talent.

Hon. B. A. Chamberlain—Is this the Labor Star?

Hon. B. E. DAVIDSON—The article continues:

Party structure is not the only obstacle in the path of a better class of politician. The electoral system, devised by politicians to suit their own interests rather than those of the people who elect them, also hinders improvement, and is very much harder to reform.

The predominant system of single-member electorates in which voters merely have a choice of one preselected candidate from each major party is the least democratic of all possible models, and the least conducive to an improvement in the calibre of contestants.

It suits the main parties, because it virtually excludes broadly-based minority parties, single-issue zealots and independent candidates, and it suits successful Parliamentarians, because it limits the competition to preselection contests.

I think that says much about why this enlightened legislation is being opposed today. The government is trying to fix that up. This is an article that was written in 1987 and the government is trying to do something about it. It reflects poorly on the Opposition that it is opposing the measure. The article concludes:

What are the alternatives? In the United States, the system of primaries gives a broader range of voters the opportunities to participate in the preselection process. In West Germany, half of the Bundestag is elected from state party lists, which gives each party the chance to nominate the likes of Bob Hawke or John Elliott...

Where is he now? The article continues:

... without worrying about local constituency difficulties.

In Australia, Tasmania provides a thoroughly tested and popularly accepted model of multimember electorates, each of the island State’s five Federal constituencies returning seven members to the House.
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of Assembly. Not only are all Tasmanian electors represented by one or more members of their preferred party, but they even have a choice of candidates within the same party.

The Cain government has just tried to introduce a similar system of multimember proportional representation for Victoria's Legislative Council. The Liberal and National parties combined to block it. Political partisanship, rivalry and self-interest prevail, as usual.

The Opposition still has not learnt anything. In April this year the government tried to appoint a joint select committee to inquire into and report upon proposals in the Constitution (Proportional Representation) Bill considered by Parliament in 1988. The Opposition rejected that inquiry out of hand. An article by Leonie Lamont in the Age of 14 March 1990 headed "Move to remove Upper House" states:

The Opposition Leader in the Upper House, Mr Birrell, said the Liberal Party had no policy on proportional representation.

No policy! That is right. In the two years since last being rejected by the electors, the Opposition has done no work and has learnt nothing.

Hon. B. W. Mier—Its only policy is on casinos.

Hon. B. E. DAVIDSON—That is absolutely right. The Opposition's only policy in two years is to have a casino but not to have poker machines. When it comes to electoral reform the Opposition says, "No way" and will reject the Bill, despite a double mandate, with the government's policy having gone to the people twice. The Opposition does not want to know about it. It has admitted that it has no policy and has even rejected the proposal to have a joint Select Committee inquiry.

Let us examine some of the major criticisms by the Opposition of the 1988 Bill. It claimed that the balance of power could rest with minority groups. It does now; it rests now with the National Party.

Hon. W. R. Baxter—The largest political party in Australia, on membership!

Hon. B. E. DAVIDSON—A minority group in this House, Mr Baxter, you have to admit!

Another Opposition argument in 1988 was that Parliament works better with a strong party system. I do not argue with that but I do not understand how the proposal would change the party system. Will it weaken the all powerful National Party? I do not think it would. It will not weaken my party and I cannot see it weakening the Liberal Party to any more than its already weakened state.

The Opposition also said in 1988 that the rural voters would be under-represented. They have only one choice now. They vote for the National Party and I understand that the National Party has been blockading the Liberals from campaigning on behalf of its candidates. Rural voters have only one choice now and I suggest that if proportional representation were introduced rural voters would be better served by having a wider spread of members in the House to look after their interests. After all, not everyone who lives in a rural electorate is a farmer. I have nothing against the farmers being represented by Mr Baxter's party.

Hon. Haddon Storey—Some of your best friends are farmers!

Hon. B. E. DAVIDSON—I knew one once!

Hon. R. J. Long—Look at the National Party and tell me how many are your friends now!

Hon. B. E. DAVIDSON—I do not want to look at the National Party; it is a horrible thing to look at!
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In 1988 Opposition members also said that proportional representation would result in a gerrymander. They said the ALP would have the support of three metropolitan provinces. I point out that a gerrymander is not the ALP’s style. We appointed an independent commissioner to examine electoral redistribution and the last two redistributions brought down by that independent commissioner did not serve our party very well. No, a gerrymander is more in the style of the National Party and its Queensland colleagues. I do not know what they would do in Victoria—God forbid if they ever had the chance to have a go at it! But the National Party in Queensland certainly knows about gerrymanders.

They also said that proportional representation would ruin the one vote, one value notion. I have to admit that I smiled when I heard Mr Baxter talking about one vote, one value because I have heard him and others in the National Party in this House talking about the tyranny of distance in their electorates and how that factor must be taken into account, arguing that we do not need one vote, one value. It is a convenient cloak for the National Party to put on at odd times.

They also said that such an important change should be put to a referendum and opened to further discussion. The government has been to two elections and sought a mandate, and we tried to set up an inquiry to allow further discussion but it was all to no avail because the opposition parties do not want more discussion. They want to close the books off.

Finally, it was said, and even said today, that the proposal is a cynical attempt to abolish the Legislative Council. I do not know how the Opposition can say that. We love the Legislative Council! I can say that with at least a little of the cynicism evident in some of the arguments I have heard mounted on the other side.

I refer to views expressed in the popular press on the Legislative Council electoral reform. The Opposition may have noticed that we in the Labor government have not been getting what one would call a dream run out of the press.

Hon. B. A. Chamberlain—You get the run you deserve!

Hon. B. E. Davidson—It is all in the eye of the beholder. However, in this case there appears to be little opposition to the proposal, except from Her Majesty’s Loyal Opposition.

Hon. B. A. Chamberlain—What about the Herald-Sun?

Hon. B. E. Davidson—What about the Herald-Sun? An article by Terry Lane in the Sunday Age News of 28 October 1990 entitled “Voting undies and a good spankie” states:

Cripes! Last week some singer of popular songs, going by the singularly inappropriate name of Madonna, sang that on American TV. At least that is what it says here in ‘The Age’—they wouldn’t pull our collective leg would they?

It seems that this person was “in a red bra”. How did they know? Is this not an undergarment?

Anyway, you may be saying: “Good on her. Any word spoken in favor of democracy is worth a cheer.”

The ditty sung by the person in the red bra goes on: “Don’t give up your freedom of speech, power to the people is in our reach.”

Then she pouts and says: “If you don’t vote, you’re going to get a spankie.” Well, it wouldn’t do much for the voter turn out in England, but perhaps it works in America.

The article continues in the same vein, talking about Madonna and so forth:

However, as the good Lord said, it’s just as well to get the slab out of our own eye before looking for the speck in another’s. Democracy does seem to have degenerated everywhere into a contest between
the unscrupulous for the vote of the selfish. Take the case of Her Majesty's Loyal Obstruction in this State.

The government is putting to Parliament next week a reform Bill which would reduce the number of politicians by 12—from 132 to 120. Even 120 sounds more than enough.

**Hon. R. J. Long**—The Liberal Party put that matter long before you even thought of it.

**Hon. B. E. DAVIDSON**—The article goes on to say:

But 132 politicians for a State this size is plainly ridiculous and wasteful.

The government also proposes reforming the electoral process for the Upper House to make it more democratic and to remove the last vestiges of the veto of the squattocracy.

The deputy leader of HMLO says that this is "nothing more than an attempt to politically advantage the Labor Party and to run a stunt flag up a pole".

Labor is proposing five provinces for the Legislative Council with seven members in each elected by proportional representation—which is about as close to true democracy as you can get. It means that small parties, like the Australian Democrats, would stand a good chance of getting members elected.

Mr Stockdale says this will promote "instability". How much more unstable could it possibly be than the present system which unfairly favours the Nationals and virtually guarantees that Labor can never have a majority in both houses—meaning that Labor will always have uncertain power?

In fact there is something to be said for an unpredictable Upper House, if such an aristocratic anachronism must exist at all.

These are Terry Lane's words; they are not mine. We love this place, remember! The article continues:

The only possible justification for the Council is that it be a true House of review, restraining the executive. But if it is controlled by the Opposition then it is inevitably a House of obstruction. If it is controlled by the government then it is a rubber stamp.

So go for it, Joan. It's worth a try.

Perhaps HMLO could enlist this singer person with the red undies to lead a campaign against the reforms. She seems to have a way with self-interest and opportunism.

By way of an aside I point out that I was rather upset that the *Age* featured that article about Madonna on the front page while on the "In brief" column on page 3 there were three lines about the road toll having been reduced by one-third this year. Perhaps the press is more preoccupied with freedom of information and the so-called right of people to know and drumming up a good story than with something important.

In the *Age* of 25 October 1990 there is an editorial headed "A bold new bid for electoral reform".

**Hon. R. J. Long**—It is all the *Age*!

**Hon. B. E. DAVIDSON**—I have just had a go at the *Age* for its treatment of trivia. At least I am prepared to give credit where it is due and have a go when it is not. The article states:

Under a Bill to be introduced into State Parliament next week, the number of State MPs would be reduced by twelve. In addition, proportional representation would be introduced for the Legislative Council. This is not the first time the government has sought to reform voting for the Upper House. It tried in 1988 in fulfilment of a promise to the Australian Democrats to give them representation in proportion to their community support. However, the proposals were torpedoed by the Liberals for reasons of self-interest.

Further the article states:

The new reform Bill seems destined to meet the same fate, which is a great pity. The Deputy Opposition Leader, Mr Stockdale, has branded it "an electoral stunt".
I shall finish with the last paragraph. It states:

However, none of this should obscure the fact that the voting system for the Upper House is unfairly weighted in favor of the Nationals while giving no representation to the Democrats.

Honourable members interjecting.

Hon. B. E. DAVIDSON—I am not saying this; it is the independent press. It goes on to say:

Under Labor's plan for five seven-member provinces—three metropolitan and two rural—there would be some chance of a Democrat and even a green or high-profile independent candidate being elected, which is not possible under the present voting system. However, the main beneficiaries would not be those parties or individuals, but the people of Victoria. They would get a fairer and more meaningful system of electing legislative councillors. In the end, this is a more important consideration than reducing by twelve the number of State MPs, thereby saving the taxpayer $2 million a year. We would like to think the opposition parties would reconsider their attitude to voting reform. But from Mr Stockdale's comments, this seems unlikely.

The reform measures in the Bill have nothing whatsoever to do with gaining support or preferences from the Democrats despite the paranoia of Mr Storey and others in the Opposition. The Democrats will continue, as they always have done in the past, to hand out neutral, double-sided how-to-vote cards. That is what they have always done and what they will always do regardless of the Bill and whichever way it goes.

Hon. W. R. Baxter—You're able to speak for them, are you?

Hon. B. E. DAVIDSON—It stands to reason that if the Democrats ever once give their support to one party or the other they have lost whatever bargaining position they have. Even Mr Baxter and the National Party must understand that. That is the way of the Democrats. However, they do want representation. Any system of voting which precludes a significant group of voters from having any Parliamentary representation at all (and this system does just that) is undemocratic. It is fundamentally flawed and must be changed. We all know it; the press knows it; the Opposition knows it and the voters know it. For that reason I commend the Bill to the House.

The PRESIDENT—Order! This Bill clearly requires an absolute majority. The constitution of the Upper House makes that certain. As I understand it a division is certain to be called in any event, so I do not think it is necessary to adopt the usual course of ringing the bells and asking members to rise in their places because a division would determine the matter conclusively. I now put the question.

House divided on motion:

Ayes, 16

Mrs Coxsedge
Mr Henshaw
Mrs Hogg
Mr Ives
Mr Kennedy
Ms Kokocinski

Mrs Lyster
Mrs McLean
Mr Mier
Mr Pullen
Mr Theophanous
Mr Van Buren

Mr Walker
Mr White
Mr Davidson
Mr Landeryou

Tellers
Hon. D. R. WHITE (Minister for Industry and Economic Planning)—I move:
That this Bill be now read a second time.

The Commonwealth has legislation entitled the Petroleum (Submerged Lands) Act 1967. Victoria, along with the other States of Australia, has a longstanding agreement to mirror the Commonwealth legislation.

At the end of last year the Commonwealth made certain amendments to its Act. As a consequence we, too, need to amend our Act, and that is the purpose of the Bill in front of us now.

Amendments in the Bill will enable the determination of the level of application and rental fees, minimum registration fees and securities required under the legislation, by regulation rather than by continually amending the principal Act. This will enable the timely adjustment of these fees and securities so that they more closely reflect actual administrative costs. Fees collected will be retained by Victoria and will go towards the costs incurred in administering the day-to-day petroleum activities as a result of the Victorian legislation and the Commonwealth legislation.

An amendment will abolish the provision for refunds of application fees to unsuccessful applicants for titles under the legislation. Experience with administering the legislation has shown that costs of assessing applications are the major costs involved in the application process, and the abolition of refunds will enable application fees to reflect actual administrative costs incurred.

Another amendment will enable a fee to be charged for an application for a special prospecting authority. Again this change will more closely align fees with administrative costs.

Under the existing legislation, renewals of titles can be granted only to the applicant for the renewal. In such cases, it has been necessary to postpone approval and registration of a transfer until after the renewal has been granted. An amendment will enable the timely approval and registration of transfers which otherwise would be held up until a renewal of a title was granted.
Seismic surveys and other types of surveys undertaken by holders of special prospecting authorities over vacant acreage are an important factor in stimulating interest in offshore petroleum exploration and competition in bidding for exploration acreage. An amendment will facilitate such activities by enabling holders of special prospecting authorities to apply for an access authority to adjoining title areas in order to link new surveys with existing surveys or wells.

Holders of special prospecting authorities will be expected to comply with any special conditions applying to the area covered by the access authority and not to interfere with the activities of titleholders. At present holders of special prospecting authorities must rely on an existing titleholder to apply on their behalf for approval to undertake the survey in the title area.

Another amendment will facilitate the provision of access authorities to enable access to adjoining acreage which is administered by a different State. The amendment will enable a titleholder or a holder of a special prospecting authority to apply for an access authority in an adjoining adjacent area, thus ensuring that a titleholder only has to seek approval from one designated authority.

However, the amendment will ensure that the consent of the designated authority for the adjoining area is gained prior to the granting of the access authority. The holders of such authorities will be expected to comply with any special conditions applying to the area covered by the access authority.

The repeal of section 57 will remove the requirement to undertake a minimum amount of work or produce an equivalent value of petroleum in production licence areas. This will enable production licence holders to determine their own investment priorities. However, the government still has powers under the Petroleum (Submerged Lands) Act to require a discovery to be developed at specific production rates.

The amendments will increase revenue collected from fees and will assist in recovering costs incurred on behalf of the Commonwealth in the administration of offshore petroleum activities.

The amendments which were made to the Commonwealth Petroleum (Submerged Lands) Act were the subject of consultation with the States, the Northern Territory and the industry and received general support. The proposed amendments to the Victorian legislation are essential to maintain consistency and for the effective and efficient administration of Victoria's offshore petroleum legislation.

I commend the Bill to the House.

Debate adjourned on motion of Hon. B. A. CHAMBERLAIN (Western).

Debate adjourned until next day.
Freedom of Information (Amendment) Bill

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minor, but urgent, amendments are necessary to resolve immediate problems which have arisen in connection with its administration.

The purpose of this Bill is to make these housekeeping amendments to the Dentists Act. Most are technical and are explained in detail in the explanatory notes which accompany the Bill. Nevertheless, there are two matters to which I would invite the attention of the House.

The first is the proposal to extend the findings available to the Dental Board as a result of a disciplinary inquiry under the Act. Under section 25 of the Act the board can determine, inter alia, that a dentist is guilty of "dishonest, fraudulent or immoral conduct". This finding has proved inadequate. For example, it precludes the board acting if, say, a dentist makes sexual advances to a patient short of immoral conduct, nor does it enable the board to find that a dentist is drug-dependent or an alcoholic.

The Bill will substitute two new findings for the finding I have mentioned. These are that a dentist is guilty of professional misconduct, or that a dentist is dependent upon a drug of dependence or is repeatedly intoxicated.

The board will also have power to impose conditions, limitations or restrictions on a dentist’s practice. These findings follow those currently in the Medical Practitioners Act and will give the board a greater capacity both to protect the public and to maintain ethical standards in the profession.

I note in passing that, while these amendments will bring the findings in the Dentists Act into line with those available to the Medical Board, they should not be construed as pre-empting any of the recommendations which may be put forward by the working party currently reviewing the Medical Practitioners Act, nor the future review of the Dentists Act.

The second matter is the proposed insertion into the Act of a mechanism for ensuring that the Dental Board recovers any fines imposed on a dentist for a disciplinary infraction. The mechanism adopted in the Bill follows the model established in section 59 of the Credit (Administration) Act 1984 and will constitute a precedent for future amendments to other health registration Acts where boards can impose fines.

This Bill does not set out to make changes of fundamental principle to the Dentists Act but, rather, is designed to improve the effectiveness of the existing legislation.

I commend the Bill to the House.

Debate adjourned on motion of Hon. M. T. TEHAN (Central Highlands).

Debate adjourned until next day.

FREEDOM OF INFORMATION (AMENDMENT) BILL
Second reading

Hon. M. A. LYSTER (Minister for Local Government)—I move:

That this Bill be now read a second time.

This Bill amends section 27 (2) (b) of the Freedom of Information Act 1982 to address a difficulty which arises as a result of a recent decision of the Administrative Appeals Tribunal.

Section 27 (2) (b) enables an agency to reply to an applicant without the need to confirm or deny the existence of a document which is exempt under section 28 (cabinet documents) or section 31 (law enforcement documents). It was used recently
in responding to an applicant who sought from the Victoria Police access to any warrant authorising the use of a listening device on his telephone.

Such a document would be exempt from disclosure under section 31 (1) (a) of the Act because its disclosure would be reasonably likely to prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance.

In the case in question the document sought by the applicant did not exist. However, documents relating to police investigations which formed the subject of a separate request by the applicant did exist.

The Administrative Appeals Tribunal was called on to consider whether the decision to invoke section 27 (2) (b) in relation to the request was appropriate. It held that it was appropriate to do so in the case of documents in existence. However, it held that where there was no document in existence and no investigations which would be prejudiced under section 31 (1) (a), the response of neither confirming nor denying is not appropriate. The applicant should be told that the document does not exist.

To require an agency to give different responses—depending on whether the document exists or not—makes a nonsense of section 27 (2) (b) because any applicant will be able to infer the existence of documents which otherwise would not have to be disclosed.

The government has therefore resolved to fill a gap through which applicants, by a process of elimination, can obtain information which the Act fully intends should be exempt from disclosure. The Bill makes it clear that an agency can refuse to confirm or deny the existence of a document, whether that document exists or not, provided that the document or disclosure of the existence of the document falls within the various categories of exemption set out in sections 28 and 31 of the Act.

I commend the Bill to the House.

Debate adjourned for Hon. HADDON STOREY (East Yarra) on motion of Hon. R. I. Knowles.

Debate adjourned until Tuesday, 20 November.

ADJOURNMENT

Masters Games—Housing Guarantee Fund Ltd—F6 freeway reservation—Merbein Primary School—SEC's liability for house fire—Beaufort Secondary College—Visiting teacher service—Role of Local Government Department—Staff cuts to school support centres

Hon. C. J. HOGG (Minister for Health)—I move:

That the House do now adjourn.

Hon. K. M. SMITH (South Eastern)—I address my remarks to the Minister responsible for the aged, who would be aware that the Victorian Health Promotion Foundation is sponsoring the Masters Games on the Mornington Peninsula this month. In fact I believe the games commence this coming weekend. The Minister would most certainly be taking an interest in this occasion because it encourages mature-aged sports people to compete—the events involve competitors aged from about 25 years up to possibly 70 or 80 years of age.

Hon. M. A. Lyster—One competitor is aged 84.
Hon. K. M. SMITH—It is marvellous to encourage people of that age to participate in sporting events. I should like the Minister to explain to the House the involvement of her Ministry and herself in the Masters Games proposed for the Mornington Peninsula over the coming week and a half.

Hon. W. R. BAXTER (North Eastern)—I raise with the Minister for Consumer Affairs the Housing Guarantee Fund Ltd in which the Minister and I both have a great interest. I note the Minister is to address the Victims of Builders Support Group this Sunday and I commend the Minister for accepting that invitation.

I understand that in recent days the chief executive of the fund has acknowledged on radio, if not in writing, the desirability of more consumers being appointed to the board of the fund. That seems to me to be a welcome admission by the chief executive and I ask the Minister if he can inform the House, now that an agreement is obviously forthcoming from the fund, what steps he proposes to take to meet that longstanding desire by consumer organisations that the membership of the board be revised.

Hon. G. P. CONNARD (Higinbotham)—I direct to the attention of the Minister for Education as the representative of the Minister for Planning and Urban Growth the many concerns expressed about the former F6 freeway reservation in Cheltenham.

In August 1988 the Moorabbin City Council made representations to the then Minister for Planning and Environment in respect of the former F6 freeway reservation in Cheltenham. The panel report dated 5 September 1989 recommended, inter alia, that the land be reserved as open space. On 16 March, and again on 11 May this year, the Moorabbin council wrote to the Ministry requesting details of progress on the matter and asking what the Ministry was doing about the amendment to the status of that reservation.

It appears that the then Ministry for Planning and Environment had been communicating with the owners of the land—that is, the Melbourne and Metropolitan Board of Works—but after a lengthy period no decision has been reached and the council’s correspondence remains unanswered. I therefore ask the Minister for Education to take up the matter with his colleague in another place to ensure that he answers the correspondence from the council. I also request that a copy of the answers be forwarded to me.

Hon. K. I. M. WRIGHT (North Western)—The matter I raise for the attention of the Minister for Education concerns the Merbein Primary School. Back in the 1970s I was one local Parliamentary representative who made representations to the then Minister for a new school to be erected. In 1981–82 the school was erected, but by that time the category of the school was altered to that of a core-plus school with ten classrooms which were virtually incorporated into the main school buildings. Regrettably, because of the rural crisis and other factors, the school population has dropped slightly.

Hon. B. T. Pullen—How many?

Hon. K. I. M. WRIGHT—One hundred and ninety. Carrying out the instructions from the Ministry of Education, the regional office has advised the school that it will remove one of the two-classroom units. I direct this matter to the Minister’s attention because there are features of this transaction that he should know about, one of which is the fact that the school did not end up being the sort of school it was supposed to be in the first place; if it had been established as originally intended it would not have been possible for two of its classrooms to be removed in this fashion.

The reason that I oppose the alteration—and the school council opposes it very strongly—is that the two classrooms are virtually part of the school plan and a
considerable amount of money will be required to make good anything that has to be done to cover the site after the two classrooms are removed. I therefore bring the matter to the Minister's notice and ask that he intercede personally in all the circumstances and ensure that the school retains its two classrooms.

Hon. R. A. MACKENZIE (Geelong)—I raise a matter for the attention of the Leader of the House in his capacity as the Minister for Industry and Economic Planning. I refer him to a house fire that occurred in Airey's Inlet in November 1988 at the home of a Mr and Mrs Cook. Mr and Mrs Cook had the unfortunate experience of being burnt out in the Ash Wednesday bushfires at Airey's Inlet, but they rebuilt their home.

In November 1988 the State Electricity Commission cut off the power to carry out some repairs in the area. The power was supposed to be restored at 4 p.m. but there were some delays and it was switched back on at 4.20 p.m. At 4.45 p.m. the Cook house started to blaze, and by the time the fire brigade arrived the fire was completely out of control and the Cooks lost their second house. One could imagine the trauma of losing two houses by fire as well as all one's possessions.

A strange thing occurred in that straight after the fire the SEC came down and removed the fuses from the pile of rubble outside the house. Several other residents indicated that a power surge had occurred in a few other houses where electrical equipment had been blown. The common statement from residents in the area that I have talked to is that these surges are common when the power is restored. A story is told around Airey's Inlet that you want to be home when the SEC turns the power back on because there are problems with power surges.

The Cooks asked for an investigation to be carried out by the SEC and for it to accept some liability for what occurred. The investigation continued up until a couple of months ago, when the SEC finally denied any liability whatsoever. However, in my view and in the view of the Cooks and many other people in Airey's Inlet there are many unanswered questions.

Hon. D. R. White—Was it investigated by the SEC?

Hon. R. A. MACKENZIE—Yes. I shall give the Minister a copy of the papers I have.

Hon. D. R. White—What did the SEC say?

Hon. R. A. MACKENZIE—It denied liability. There are some unanswered questions that need to be answered about this matter. I therefore ask the Minister to reopen the case, so to speak, and seek an explanation of why the SEC removed the fuses—which I understand would have provided evidence on whether the fire was caused by a power surge—where the fuses are, and what condition they were in when they were removed.

Hon. R. S. de FEGELY (Ballarat)—The matter I raise for the attention of the Minister for Education relates to correspondence he would have received from the Beaufort Secondary College council, in which the council informs the Minister that at its October meeting it passed a motion in the following terms:

That the Beaufort Secondary College council reaffirms its judgment that its district provision review should be done through the mid-western complex. This decision to be forwarded to the General Manager, Central Highlands-Wimmera Region, and to the Minister for Education.

It seems that the motion confirms the position that the college has consistently put since the policy of district provision reviews was announced. It also follows the completion of a mid-western complex reorganisation procedure that involves colleges at Hawkesdale, Derinallum, Lake Bolac, Mortlake and Beaufort which have all got
together on the reorganisation procedures and made a submission for formal recognition as a cluster. It seems that the colleges applied in the second half of 1989 to have this position recognised, but at this stage that has not been done. The colleges believe they will be at a disadvantage if they are not recognised in that form, because their ability to work in cluster form under that district provision would be of great advantage.

I also ask that assistance be given to ensure that the establishment of an 0.3 time allowance for the mid-western complex secretary, who is currently at a school at Beaufort, be able to be transferred to the relevant school, if necessary, during 1991. I ask the Minister to investigate the matter and endeavour to facilitate the adoption of this procedure as soon as possible.

Hon. P. R. HALL (Gippsland)—The issue I raise for the attention of the Minister for Education concerns the visiting teacher service. I am sure the Minister recognises that the visiting teacher service has been invaluable in assisting students who are hearing impaired, visually impaired or physically disabled to integrate into the mainstream school system. I refer the Minister to his answer to my question without notice on this subject on 18 September this year, when he said:

I guarantee that children with disabilities will continue to have the same services in schools they have now...

Since the Minister made that statement I have been advised that the visiting teacher service is to be replaced by so-called integration consultants who, I understand, will work less on a one-to-one basis with students, and more through having contact with the teachers of the students; they will give advice as to how the students with disabilities can best cope with the curriculum.

This will certainly lead to a poorer service to the students with disabilities. Also, I believe the number of integration consultants will be fewer than the present number of visiting teachers. For example, I am told that the number of positions in the Latrobe Valley will be cut from the former level of 5.6 visiting teachers to 3 integration consultants—a reduction of nearly 50 per cent. Because of the reductions I fail to understand how the Minister can guarantee that the level of service provided to students with disabilities can be maintained.

Also I add two other related disturbing features of this topic on which I seek information from the Minister. The first relates to students with hearing impairments. I understand such students do not fit into the category to be given services by integration consultants. I ask the Minister: will students with hearing impairments still receive the same level of service through the integration consultants or will their needs be neglected?

I have been informed that the number of visiting teacher positions in country areas is to be reduced by 7 per cent more than the figure for the metropolitan regions. That seems to be discriminatory against the needs of country students. I return to the guarantee given to the House by the Minister on 18 September, and I ask the Minister whether he still abides by that guarantee; in so doing, can he put to rest the related concerns that I have raised with him?

Hon. B. A. CHAMBERLAIN (Western)—I direct a matter to the attention of the Minister for Local Government. The Minister will be aware of recent moves in South Australia which either led to or are to lead to the dismantling of the local government department in that State, and the absorption of some of its activities into the Premier’s department.

Does the Minister propose to close down the Victorian Local Government Department? If not, what activities of her department does she believe are worth pursuing?
Hon. B. A. E. SKEGGS (Templestowe)—I direct a matter to the attention of the Minister for Education. It concerns a request made to me by the Heidelberg area principals group concerning staff cuts in school support centres.

Great concern has been expressed by this group following the receipt of a memorandum dated 16 October 1990 from Mr Peter Hill, chief general manager, regarding work force management plans in the Office of Schools Administration. The group is concerned at the proposal for specific staff cuts and the effect upon the Heidelberg schools support centre.

In recent years there has been satisfaction with the way that particular operation has worked. It has been considered that the school support centre concept has provided participation in decision-making. It has facilitated the principle of user group consultation. It is considered that the staff cuts are made because of economic considerations rather than educational considerations. The feeling has been that the coordinators who work in those positions at the school support centres have been able to assist in matters of student welfare, staff welfare, integration, curriculum coordination and support, professional development, and facilitation in the process of hearing complaints from parents, examining the selection of principals and vice-principals, assessment panels, social justice coordination within the school system, and developing the school improvement plans. The system has been most useful in the past two or three years in many other ways.

The Heidelberg area principals group considers it essential that the positions be retained. I appeal to the Minister to give very careful consideration to taking steps to ensure that those cuts do not impact on the present system.

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The matter raised by Mr Mackenzie is certainly a tragic event. I am disturbed to hear about the consequences that have occurred since the events surrounding the family. I understand some investigation has been made by the State Electricity Commission. Quite clearly, if the family and Mr Mackenzie wish to pursue the cause of the fire, I am more than happy to take up the matter again with the SEC for very careful investigation of the issue. I look forward to doing that on his behalf.

Hon. B. T. PULLEN (Minister for Education)—Mr Connard seeks some information about correspondence; I will take that matter up with the Minister for Planning and Urban Growth in the other place, and seek to have a response supplied.

Mr Wright raised a matter about Merbein Primary School which is suffering some decline in school numbers, and there will be ten classrooms for only 190 students. Apparently there has been a judgment not to have that number of classrooms. I need to look at the demand in that area and I will undertake to follow up his concerns about that school to see what can be done. I cannot make any promise without investigating the matter.

Mr de Fegely raised the matter about Beaufort Secondary College. The people there feel they are not being treated properly in their attempt to gain recognition in a cluster of surrounding schools, and about transferability of the time allowance. I will examine that matter and supply a response to him.

Mr Hall raised a matter about the visiting teacher service. Last night I responded in general terms on that subject when replying to Mr Mackenzie. I stand by the statement that the changes made will ensure that services provided to children with disabilities will be maintained. That is one of the criteria that I have adopted. There is a capacity to do that within the numbers. There will be a reduction from 210 to 180 but the way that is occurring, and looking at the way the 210 are now dispersed, I believe an examination of the different needs has been carefully undertaken.
In relation to the general methods, I reiterate that I have asked the Ministry to look on a needs basis at all areas of the State regarding needs and populations of the schools. So far as possible, the reductions in the school support centres have been related to that on a fair and equitable basis.

As to his particular point about numbers, many numbers have been bandied around. The final numbers have not been sent out but that will be done this week. I do not believe the numbers quoted are correct; for instance, last night Mr Mackenzie quoted the figure of 67 per cent but, upon checking, I find the actual figure is less than half that.

I know that many rumours are floating around and that honourable members have to respond to matters put to them by their constituents, but they should clarify the matters being put to them which are often put, and understandably so, to protect the position of the organisation that the person represents. I have attempted to deal with this matter in a rational way and I believe the process is as fair and equitable as it can be.

Mr Skeggs asked me a similar question in relation to school support centres. I give Mr Skeggs the same answer that I have given to other honourable members: that each area is being treated on its merits on a needs basis and that no centre that I am aware of is being treated unfairly. However, there are reductions because of the savings in the Budget and I have attempted, as I have indicated on several occasions, to minimise the impact on schools. In some cases some reorganisation of schools over time will provide an enhanced service.

Hon. M. A. LYSTEr (Minister for Local Government)—Mr Smith asked me, in my capacity as the Minister responsible for the aged, about my involvement in the Masters Games.

Hon. B. A. Chamberlain—Are you running the first 100 metres?

Hon. M. A. LYSTEr—I regret to say that I have not received a specific invitation to be involved in the games in a particular capacity. I was given a message yesterday, I believe from the publicity manager of the games, informing me that I could participate in the games, but I am attending other functions on that weekend. However, I shall try to get to Mornington at some time so that I can see some of the events.

Hon. K. M. Smith—Did the Ministry have an input?

Hon. M. A. LYSTEr—the Older Persons Planning Office has an ongoing involvement and close relationship with VicHealth mainly because of the good work it did on the Active at any Age project. Honourable members may have seen the wonderful posters and outdoor advertising sited around Melbourne suggesting that older people should take advantage of the many opportunities for exercising in all its forms. We have all been most impressed with the success of that advertising campaign. This event, in a way, is an extension of that interest in encouraging older people to do things that they would not otherwise have done. The Older Persons Planning Office often acts as a coordinating office for VicHealth in respect of health activities that exist and identifying groups that are active in this area, but I am not aware of any particularly close involvement by the office in arrangements for the Masters Games. However, as the matter has been raised I pass on every best wish for the success of the games, as I am sure would other honourable members.

Mr Chamberlain raised the issue of action taken by the South Australian government which he describes as dismantling the local government department in that State. He suggested that some of the functions of the department would be transferred to the Premier’s department. I recollect from the memorandum of understanding that I
sought from the Minister for Local Government in that State that over about eighteen months the majority of the functions previously carried out by the South Australian local government department will be devolved to its local government association with virtually only the function of legislation remaining with the State government.

I have already said in this Chamber that I have no difficulty with the philosophy behind the move because it is in keeping with the direction of the Local Government Act, which is to strengthen the autonomy of local government. This process did not happen in South Australia overnight, although it has happened quickly. A review was established in July or August by the Minister for Local Government.

Hon. B. A. Chamberlain—That is pretty quick.

Hon. M. A. Lyster—Yes, it is, which means there must have been fertile ground for the move because the local government association in South Australia has been supportive of it. The association has signed the memorandum of understanding and there is a clear acknowledgment of the processes that will be worked through over the next eighteen months to devolve those functions to the association.

Mr Chamberlain also asked if I intended to close down my department. As of today my answer is “Certainly not”, but I should say that at the State Local Government Consultative Council meeting held last Thursday the Premier foreshadowed that she would be pleased to discuss that move with both the Municipal Association of Victoria and the Metropolitan Municipal Association to hear their views on that process. As I said, it is in keeping with the philosophy of strengthening the autonomy of local government. That is the extent to which it has been considered by government.

Mr Chamberlain also asked what functions of the department are worth pursuing. At the moment everything in the department is worth pursuing, but I can see potential in time and with the agreement of the local government associations for those associations to assume responsibility for a number of functions—conceding, of course, that legislative matters would have to remain the function of government in one form or another.

I am sure Mr Chamberlain is not seeking a rundown on all the work being done by the department. He has already had briefings from my director-general and is more than welcome to have further briefings from officers of the department about the valuable work being done through the Ministerial Finances Unit, the labour market program, the Harrowfield committee and so on. The devolution of functions of the Local Government Department would not be contemplated without the full support, knowledge and understanding of not just the two local government associations, but also the professional associations and the unions involved in local government. As always the government takes the view it would have to be an agreed and consultative process.

Hon. B. W. Mier (Minister for Consumer Affairs)—Mr Baxter asked about the composition of the board of the Housing Guarantee Fund Ltd and the statement by its chief executive officer supporting change and a broader representation on the board.

As has been previously reported to the House, a number of matters are currently under review, one of which is the composition of the board, and I hope that matter will be resolved shortly. Some options are being examined, one of which is whether the board should be expanded. When the issue is resolved I shall introduce amending legislation at the earliest opportunity, because it is intended that consumers have much greater representation.
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The other matters under review, as previously indicated, are the house construction contract, which has been referred to the Law Reform Commission for its considered opinion so that greater protection can be given to consumers, and the dispute settlement procedure. That issue, in particular, has been of great concern to consumers over recent years, mainly because of the cost that can be incurred when disputes are referred to the Housing Guarantee Fund.

Once again I emphasise that I am pleased that the executive director has stated his support for change in the composition of the board.

Motion agreed to.

House adjourned 5.40 p.m.
Thursday, 15 November 1990

The PRESIDENT (Hon. A. J. Hunt) took the chair at 11.3 a.m. and read the prayer.

ENVIRONMENT PROTECTION (FEES AND PENALTIES) BILL
Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. B. T. PULLEN (Minister for Education).

QUESTIONS WITHOUT NOTICE

PROPOSED SALE OF LOY YANG B POWER STATION

Hon. M. A. BIRRELL (East Yarra)—I refer to the Minister for Industry and Economic Planning reports of the proposal that the government intends to sell the Loy Yang B power station. Does the Minister rule out the sale of the Loy Yang B power station before the next State election?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—During the course of the preparation of the Budget for 1990–91, as honourable members would be aware from media comment, the issue arose that in view of the dimension of the Tricontinental debt it would be necessary to have a sale of business enterprises component in the Budget. It was quite clear that we foreshadowed the issue of the Gas and Fuel Corporation at that time, and I indicated that if it had not been possible to secure a sale of the State Bank it would be necessary to look at other business enterprises.

In that context the government made a decision for the first time that in addition to asset sales it would have to make a decision in respect of business enterprises. The decision in respect of business enterprises was that we would make a commitment to sell the State Insurance Office, and legislation to that effect is being introduced into the House this week. Legislation is also being introduced in respect of the State Bank and in respect of pine plantations.

I have also indicated publicly today in response to media reports that because the government is the shareholder of the State Electricity Commission on behalf of the people of Victoria no decision can be made to sell any part of the SEC without a decision by the government as a whole.

Hon. M. A. Birrell—Are you ruling it out?

Hon. D. R. WHITE—Let me finish the answer. It is not possible for the SEC to act unilaterally and it is not possible for any individual Minister to act unilaterally in respect of Loy Yang B or any other major business enterprise.

It is also true—and this is part of the cycle that needs to be placed on record—that in securing a no-debt policy as part of its capital works program, the SEC is looking at some of its non-core activities such as transport and workshops, and sales are being considered in relation to those. No decision has been made by the government to sell Loy Yang B.

Hon. M. A. Birrell—Are you ruling it out, though?
Hon. D. R. WHITE—It is not a matter that has been considered in the preparation of the 1990-91 Budget.

Hon. K. M. Smith—Are you ruling it out or not? That's the question.

Hon. D. R. WHITE—As all honourable members are aware, as a government we have not yet considered or done any preparation in respect of the Budget for 1991-92, but quite clearly not only is there no policy decision at this stage to sell Loy Yang B—

Hon. M. A. Birrell—At this stage!

Hon. K. M. Smith—You're going to sell it off.

Hon. D. R. WHITE—Let me finish. It is not being contemplated.

Hon. R. J. Long—At this stage.

Hon. D. R. WHITE—It is not being contemplated.

Hon. R. J. Long—At this stage.

Hon. D. R. WHITE—I didn’t say that.

STATE BANK VICTORIA

Hon. R. M. HALLAM (Western)—My question is also directed to the Minister for Industry and Economic Planning. Given the enormous confusion and hurt which the announcement of the sale of State Bank Victoria has caused throughout the Victorian community, will the Minister give his assessment of the financial pluses and minuses for the proposed sale?

Hon. E. H. WALKER (Melbourne)—On a point of order, Mr President, the form of questions allowed in this House does not allow for a question asking for the Minister's assessment of an issue. I take exception to that.

The PRESIDENT—Order! There is no point of order. The question is asking for the Minister's view. The Minister may give his personal view if he so chooses, or he can give the view of the government.

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The legislation for the sale of State Bank Victoria—as the Leader of the Opposition indicated recently, if not in the House yesterday when discussing the legislative program—is clearly a very important and historic piece of legislation. It is clear that that will be debated in another place within the next few days and subsequently will be debated here.

It is more fitting and appropriate that the answer to Mr Hallam's question be given in the context of the substantive debate when that occurs here. There have been, and I can provide the honourable member with written material, if he would like, reasons for the sale of the bank at this time. If he wants any further briefing about the reasons for the sale I am happy to provide substantive information.

Also, particularly given your ruling yesterday, Mr President, about answers to questions without notice, it would not be possible to do justice to the arguments in relation to the sale by spending 30 seconds or 60 seconds or 2 minutes on such a substantive issue this morning in response to a question without notice.

Quite clearly, there is a substantive case for the sale having regard to the magnitude of the Tricontinental debt; and there are other reasons why that transaction and legislation
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has to be attended to during the course of the spring sessional period. If the honourable
member would like a briefing about that from officers, and subsequent to that—

Hon. R. M. Hallam—I have had the briefing, I do not have the answer; that is the
problem.

Hon. D. R. WHITE—Subsequent to that, a further discussion about the matter, in
a meeting with the Treasurer or myself, I shall be happy to have a further meeting
with him in relation to that question. If he would like to pursue that further when the
legislation is before the House I shall be happy to debate it more fully during the
course of the second reading.

If the honourable member would like to have a discussion about that issue by way of
a briefing from the Treasurer or me in relation to the issues he has raised, which would
take more time than is appropriate during questions without notice, we will be more
than happy to discuss it with him.

WESTPAC BANKING CORPORATION

Hon. JEAN McLEAN (Boronia)—Following the recent media speculation regarding
the breaches of the Credit Act by Westpac Banking Corporation, will the Minister for
Consumer Affairs inform the House of the current situation in relation to Westpac?

Hon. B. W. MIER (Minister for Consumer Affairs)—In answering Mrs McLean’s
question, I have to report to the House with some concern that there has been a
significant rise in the number of contracts issued by Westpac which have failed to
disclose that the bank received a commission on insurance taken out on loans.

I am advised that it is estimated that at present about 35,000 contracts in Victoria and
a further 80,000 in other States fall into this category. Most members are aware of the
effects under the Act for this type of non-disclosure, namely, the automatic forfeiture
of the financial institution’s right to credit charges on loans. Westpac has recently
applied to the Credit Tribunal seeking to have the credit charges restored on a large
number of personal loans.

What is of the most concern is that more than 50 per cent of the contracts entered into
by Westpac now appear to be in breach of or do not comply with the provisions of the
Credit Act. I am concerned not only for the consumers involved in this case but also
about the potential for the same errors to have occurred in other banking organisations.
Because of my concerns I am writing to Mr Alan Cullen of the Australian Bankers
Association seeking urgent discussions about the extent to which these problems exist
within other banks. It is my intention to ensure that Victorian consumers have not
signed loan contracts with other banks which do not comply with the Credit Act.

PROPOSED SALE OF LOY YANG B POWER STATION

Hon. B. A. CHAMBERLAIN (Western)—I refer to the answer of the Leader of the
House to a previous question from the Leader of the Opposition. Can the Minister for
Industry and Economic Planning explain why State Electricity Commission documents
concerning the sale of the Loy Yang B power station indicate that the government has
already approved the sale?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—There is no
evidence in any document to suggest that the government has approved any sale of
Loy Yang B and if Mr Chamberlain has any document that he alleges contains this
information I would like him to provide the evidence to that effect. I suggest to him
quite clearly and unequivocally that he has no evidence to that effect and cannot produce evidence to that effect because no such evidence exists.

Hon. M. A. Birrell—The Age has got it wrong! Why did the SEC say that?

Hon. D. R. WHITE—As I have indicated, there has been no government decision and no authority given to the State Electricity Commission in respect of Loy Yang B. I make that clear. Moreover, in response to the interjection by the Leader of the Opposition, who is a master of taking the short cut, the SEC refutes the allegation.

I know Mr Birrell has decided to take it easy by taking on a junior shadow portfolio and not a full-time job because he could not take the pressure of health and was not prepared to go on with it. Quite clearly, in respect of the SEC, it knows and understands that it is impossible for it to contemplate selling Loy Yang B or any other asset without the prior approval and authority of the government and it does not have that.

AMBULANCE OFFICERS TRAINING CENTRE

Hon. W. R. BAXTER (North Eastern)—The Minister for Health would be aware that the Ambulance Officers Training Centre is desirous of lifting its status and profile. One of the elements of that program is to change its name to Victoria ambulance college. I understand agreement to the name change was reached twelve months ago and I ask the Minister why the necessary arrangements to effect the name change have not been made.

Hon. C. J. HOGG (Minister for Health)—I am not aware that the Ambulance Officers Training Centre or the board or the department has brought the matter to my attention, so I shall follow it up.

While on this subject I mention that last Monday a graduation ceremony for ambulance officers took place and a number of officers gained their primary qualifications and some gained very advanced qualifications; but for the first time three women ambulance officers graduated, making it an historic occasion for Victoria.

MATHEMATICS IN SCHOOLS

Hon. T. C. THEOPHANOUS (Jika Jika)—The question I direct to the Minister for Education relates to the critical need for effective teaching of mathematics in schools. Some people have to learn to count. In view of the increasing demands of the information society for technology and the dependence of the society on technology which requires a sound knowledge of mathematics, could the Minister advise the House what steps his Ministry has taken to ensure that all children are receiving a good grounding in mathematics?

Hon. B. T. PULLEN (Minister for Education)—I thank Mr Theophanous for his question and his obvious interest in this matter and the interest of other honourable members. It is important that mathematics is taught well and that students develop well in this area. For that reason the government has launched a five-year Maths Matters numeracy strategy under which $7 million will be made available over the next five years. The program provides principally an in-service course for parents and teachers which reinforces the successful Family Maths program.

The strategy provides for a Numeracy Plans in Schools program to research how children best learn mathematics, as well as providing for in-service programs for teachers so they can attend a ten-week out-of-hours in-service program. At this stage some 30 per cent of primary teachers have done this in-service training.
At the post-primary level, under the mathematics 7-10 framework, a similar in-service program called the Continuing Maths program is now available for all teachers throughout the State and course material is available for this framework program. All students taking the VCE must do four units in the mathematics, science and technology area. Many more students will now complete a rigorous mathematics course in years 11 and 12.

The need for a special effort to increase the participation rate of girls in mathematics, science and technology courses has been recognised with the establishment of the Maths, Science and Technology Education Centre for Girls. Four project officers are attached to the centre and funding of approximately $900,000 is being provided for the post-primary professional development pilot project, part of which will focus on maths, science and technology for girls. Finally, as many members are aware VCE maths courses oblige students to use computers and calculators to become familiar with the developments of the age in learning maths expertise.

**GAS AND FUEL CORPORATION**

Hon. R. I. KNOWLES (Ballarat)—On 19 September this year in answer to a question by me the Minister for Industry and Economic Planning said he was unaware of whether the Gas and Fuel Corporation was seeking merchant bank advice on the full or partial sale of the corporation. Is the Minister now able to advise the House whether the corporation is seeking merchant bank advice on a full or partial sale?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The honourable member will recall that in about May this year the government asked the Chairman of the Gas and Fuel Corporation to seek expressions of interest in the sale of whole or part of the Gas and Fuel Corporation and, as honourable members will appreciate, there was much publicity to that effect. Subsequent to that, the government produced a Budget which made it quite clear that it would not pursue the proposed sale. One of the reasons for that decision was that during the investigations it became increasingly clear that because of the revenue the State government receives from the corporation by way of various dividends—in the magnitude of between $270 million and $300 million a year—the price we would need in current terms to make it reasonable to forgo that revenue base would have to be much more substantial than what is currently available in the marketplace.

The decision also took into account the fact that in a renewed negotiation with Esso-BHP for additional gas over and beyond the existing contracts which will last some time into the first decade of the next century, it would not be possible to get an appropriate price if we pursued our case of being a willing and able seller. After the question was asked in September I made further inquiries of the Gas and Fuel Corporation and was advised that it had discontinued its discussions with the merchant bank, consistent with the Budget decision.

**STATE BANK VICTORIA**

Hon. R. M. HALLAM (Western)—I have a further question for the Minister for Industry and Economic Planning. Given his response to my question about State Bank Victoria and his claim that he could not do justice to such an important issue in responding to a question without notice, I now ask: will he make a Ministerial statement on this issue as a matter of urgency?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—Consistent with the responsibilities I have as the Minister acting for the Treasurer in this House,
I will take up the matter the honourable member has raised. It is clear that from time to time we have conjoint debates about various issues. The most important issue to be discussed at the moment is the legislation relating to the State Bank, and I believe that notwithstanding the question the most appropriate course for the business of this House is to deal with the issue raised by the honourable member in the second-reading speech.

Hon. W. R. Baxter—You said there wasn’t enough time.

Hon. D. R. WHITE—Having regard to the honourable member’s question, I shall make it clear that in the interests of the conduct of the business of this House the most appropriate course to take consistent with the traditions and practices of this House is to include a statement in the forthcoming second-reading speech.

Hon. R. M. Hallam—It will not be yours; it will be the Treasurer’s.

Hon. D. R. WHITE—Having regard to the issue the honourable member raised and any other issues he may wish to raise by way of question prior to the second reading occurring, Mr Hallam would be or should be aware, as he is the shadow Minister for finance, that the second-reading speeches made here are not the same as the second-reading speeches made in another place.

Hon. M. A. Birrell—Since when?

Hon. D. R. WHITE—Moreover, as the President knows, it is within the province of any Minister here to shape any second-reading speech as he or she sees fit.

Hon. M. A. Birrell—But they don’t.

Hon. D. R. WHITE—It occurs frequently in the preparation of second-reading speeches in relation to legislation that I handle on behalf of Ministers in another place.

Hon. W. R. Baxter—Sometimes you leave out a paragraph!

Hon. D. R. WHITE—I make it clear that if the honourable member is pursuing that issue and wants consideration given to major matters the government is prepared to take into account the general point he is making and any other issues he wants to raise. The most appropriate place for that to occur is in a second-reading speech attached to the legislation and agreement when it comes to the House.

INTEREST ON UNPAID RATES

Hon. C. J. KENNEDY (Waverley)—I ask the Minister for Local Government whether she can advise the House of the validity of two notices published on 10 June 1987 and 13 September 1989 which set the rate of interest on unpaid rates under section 386 of the Local Government Act 1958.

Hon. HADDON STOREY (East Yarra)—On a point of order, Mr President, the question clearly asks for a legal opinion from the Minister and is therefore out of order.

The PRESIDENT—Order! I uphold the point of order.

OVERSEAS STUDENTS

Hon. HADDON STOREY (East Yarra)—I ask the Minister for Education why the Ministry of Education has been recruiting fee-paying overseas students when, as the government admitted yesterday, it has no legal authority to enrol such students in government schools.
Hon. B. T. PULLEN (Minister for Education)—As the honourable member should be aware, in order to have students in the ensuing year it is necessary to make preparations. Those preparations are being made and on that basis the government will continue.

CREMATORIUM FACILITIES IN BENDIGO

Hon. JOAN COXSEDGE (Melbourne West)—This bizarre question is directed to the Minister for Health, although it may refer to honourable members who feel like death warmed up after over-indulging at last night’s very pleasant dinner! I ask the Minister to advise the House of the progress of crematorium facilities in Bendigo.

Hon. C. J. HOGG (Minister for Health)—I think this matter will directly interest several members of this House. Last Sunday week I had the pleasure of going to Bendigo and Eaglehawk to officially open the Bendigo Crematorium. Plans and arrangements for the crematorium began in 1960—30 years ago.

Hon. D. M. Evans—Was it a barbecue?

Hon. C. J. HOGG—No. Preliminary plans were made in 1960 and the question was the subject of an inquiry by the Mortuary Industry and Cemeteries Administration Committee of Parliament—of which we heard something at the excellent dinner last night—which recommended the Eaglehawk site.

I wanted to bring this matter to the attention of honourable members because it has taken 30 years but has been a remarkable exercise in cooperation in the past few years. The Bendigo Cemeteries Trust and five municipalities have cooperated—the City of Bendigo, the Borough of Eaglehawk and the shires of Strathfieldsaye, Huntly and Marong. It is unusual for that degree of cooperation to prevail for so long.

Health Department Victoria helped to finance the program to the tune of $130 000 as capital and secured for the trust a government guaranteed loan from the Treasury of $400 000. A little more than twelve months ago the foundation stone was laid. I know jokes can be made about crematoriums, but 46 per cent of Australians now opt for cremation. A crematorium facility previously was not available in the Loddon Campaspe/Mallee region and it is now there.

The formal opening was attended by representatives of the Ministers Fraternal who commented that already 40 cremations had been held there; they expect 300 to be held each year. While plans may have begun 30 years ago I am personally delighted that the crematorium, with its single unit and great acceptance, is now open.

The PRESIDENT—Did the Minister say that 40 bodies had been cremated before the crematorium had been opened?

Hon. C. J. HOGG—Before it was formally opened.

MEAL SUBSIDIES IN PSYCHIATRIC HOSPITALS

Hon. M. T. TEHAN (Central Highlands)—I referred yesterday to the Health Department Victoria directive that staff meal subsidies would be phased out in public hospitals and State-run nursing homes at an estimated saving of $13 million per annum. Can the Minister for Health inform the House how much it is estimated could be saved if the same directive relating to the phasing out of staff meal subsidies were given to State-run psychiatric hospitals?

Hon. C. J. HOGG (Minister for Health)—I do not have that figure. I will certainly ask the Office of Psychiatric Services to supply it and will reply in writing to the
honourable member. I do not believe the $13 million figure includes workers in psychiatric hospitals; presumably a separate figure is available from the department and I will supply it as soon as I can.

**LATROBE REGIONAL COMMISSION**

_Hon. R. S. IVES_ (Eumemmerring)—In announcing an appointment to the Latrobe Regional Commission earlier this year the Minister for Industry and Economic Planning foreshadowed a review of that body's structure and direction. Will the Minister advise the House of the terms of reference for the review?

_Hon. D. R. WHITE_ (Minister for Industry and Economic Planning)—As all honourable members will be aware, the Latrobe Regional Commission is extremely important to economic growth in the Latrobe Valley region. In terms of its effectiveness and performance, quite clearly the best measure of success is in its recently competing nationally and securing the decision of the Australian Securities Commission to locate all its major information services relating to submissions from corporations nationwide in a centre located in the Latrobe Valley. It is a reflection on both the Chairman and the Chief Executive of the Latrobe Regional Commission that they were successful in securing that job, a project that will produce at least 300 jobs, if not 400 jobs, in the Latrobe Valley.

However, consistent with local expectation it is appropriate that all public authorities should be reviewed from time to time in the interests of ensuring that performance measures up to the expectations of both the government and the community. This is why I have foreshadowed the review of the Latrobe Regional Commission in March as part of my announcement on the make-up of the new commission.

The review should in no way be seen as government dissatisfaction with the service delivered by the Latrobe Regional Commission. As I have said, we are pleased with its work so far and look forward to that continuing even more effectively in the future in securing new initiatives.

The draft terms of reference for the review focused on the objectives and functions of the LRC, namely, the most appropriate boundaries for the Latrobe region and the composition of the LRC in the number of commissioners, its constituency, its method of appointment, its objectives, its powers and functions and its funding, having particular regard to the level of municipal funding.

The draft terms of reference are to be open to public comment and anyone wishing to comment should do so no later than Friday, 21 December. Comments should be directed to the department at 228 Victoria Parade, East Melbourne. A review will be conducted by a three-member panel. I expect the membership of the panel to be announced in February next year after the final terms of reference have been decided.

_Hon. B. A. Chamberlain_—Why not give it to the Public Bodies Review Committee?

_Hon. D. R. WHITE_—We could give consideration to that. I am not sure of the nature and extent of the work of the Public Bodies Review Committee at present. Clearly when the Latrobe Regional Commission came into existence there were features of its constitution, its make-up, from where it draws its membership and the number of nominated members and where they come from that may no longer be appropriate for the commission in its activities going into the 1990s. We shall take on board the suggestion made by Mr Chamberlain.

_Hon. P. R. Hall_—When will the review commence?

_Hon. D. R. WHITE_—It will commence in February next year.
PETITION

School bus travel

Hon. R. A. BEST (North Western) presented a petition from certain citizens of Victoria praying that the guidelines used for general bus and tourist travel be applied to school bus travel.

Hon. R. A. BEST (North Western)—I move:
That the petition do lie on the table.

I shall briefly outline the reasons for the presentation of the petition. Earlier this year I had the pleasure of attending Castlemaine High School with Senator Jim Short and Mr Neil O'Keefe, the Federal member for Burke, to discuss politics with the politics classes of years 11 and 12. As a result of our addresses to and discussions with the classes two students approached me afterwards expressing their concern at the standard of school bus safety. The petition has been presented as a result of our taking those two girls through the processes of writing to the Ministers for education and transport, making a submission for a review that is being undertaken into school bus safety, as well as approaching government departments and regional heads.

The petition was an exercise that has been the culmination of their Australian history studies for the year and has now been made into a documentary that will be made available to all secondary schools next year. I congratulate the students Lana McMennemin and Beckie Davey on their worthwhile project. All honourable members of the House would appreciate the enthusiasm and integrity of those girls and the way they have approached it.

Hon. P. R. Hall—They come from a great school.

Hon. R. A. BEST—I am reminded by my colleague Mr Hall that he was the school captain at Castlemaine High School.

Hon. M. A. Birrell—When?

Hon. P. R. Hall—In 1969.

Hon. M. A. Birrell—Was it built then?

Hon. R. A. BEST—I should like to say that the standard of students has not diminished.

Motion agreed to.
Laid on table.

PAPERS

Laid on table by Clerk:
Martial Arts Board—Report for the year 1989-90.
Premier and Cabinet Department—Report and financial statements for the year 1989-90.
Statutory Rules under the following Acts of Parliament:
  Country Fire Authority Act 1958—No. 309.
  Dental Technicians Act 1972—No. 308.
HEALTH REGISTRATION ACTS (AMENDMENT) BILL

Second reading

Hon. C. J. HOGG (Minister for Health)—I move:

That this Bill be now read a second time.

About 90,000 health care providers are currently registered by professional registration boards in Victoria. The oldest registration Act is the Medical Practitioners Act. It has origins in legislation enacted in 1876. In the intervening century eleven more health professions have been required by the Parliament to register as a condition of practice in this State.

Each of our registration Acts has had its own history and reflects the needs and perceptions of the community at the time it was enacted. As a result no two are the same. Worse, corresponding provisions sometimes impose differing obligations on the various registration boards where there is no real justification for doing so. Over the last decade, at least two Bills—what is now the Health (Reporting to Parliament) Act 1980, and the Health (Privileges) Act 1982—have had to be introduced to resolve problems created by this lack of uniformity.

The purpose of this Bill is to take this process one step further. It seeks to establish in our health registration Acts common provisions relating to members' fees, fees for registration, publication of registers and the audit of accounts.

MEMBERS' FEES

All health registration Acts provide for the payment of fees and allowances to members of registration boards. However, fees and allowances are fixed in different ways. In some instances fees and allowances are determined by the Governor in Council. In others they must be prescribed by regulation. Prescribing fees and allowances by regulation is unnecessarily bureaucratic, expensive and time consuming, and out of step with the approach taken in modern legislation.

The amendments in this Bill are designed to enable fees and allowances for the members of all boards to be fixed by the Governor in Council. This means in practice that fees and allowances for each board can be adjusted from time to time in the same omnibus order as applies to other statutory office-holders, thus avoiding the need for some fee increasing to be translated into amending regulations.

FEES FOR REGISTRATION

Health registration boards are expected to be self-funding. Their primary, if not sole, source of revenue is the income derived from fees charged for registration and renewal of registration under the relevant Act. Such fees are either prescribed by the board or by the Executive Council but in some instances the enabling Act imposes ceilings on the fees which can be struck by such regulations. Once this limit is reached the board concerned has no further capacity to adjust its revenue to match increases in costs.
Several boards now run budget deficits and are being forced to draw on their limited reserves. This Bill aims to alleviate the financial problems created by the inability of such boards to increase their fees by removing the statutory ceilings on registration fees fixed in health registration Acts.

REGISTERS
Each board maintains a register of persons who are registered under the relevant Act. Under some Acts the register must be published each year. Others only require that the board keep a register. Publication is expensive and of limited value, bearing in mind that published registers are out of date almost as soon as they are printed.

This Bill aims to improve public accessibility to health profession registers. It will amend the health registration Acts as necessary, firstly to require that registers must be available for inspection without charge during normal office hours and, secondly, to enable boards to sell copies of the registers or extracts.

AUDIT
As in the case of the other provisions I have mentioned, there are also significant differences in the reporting and audit requirements of the various health registration Acts. The need for standard provisions is important so that boards account and report in the same way for the moneys which they raise.

The Bill inserts in each registration Act, where one does not already exist, a modern accounting and reporting provision which requires the financial statements of the board concerned to be audited by the Auditor-General. These amendments will ensure, not only that boards conduct their financial affairs in accordance with accepted principles for public agencies, but also that the Parliament is better informed about the activities of the various boards it has established by statute.

SUMMARY
As I indicated earlier, the aim of the Bill is to insert a number of common provisions in health registration Acts. The proposed changes are designed to achieve greater consistency in our registration laws and the way in which health registration boards are expected to carry out the functions vested in them by the Parliament. Nevertheless, it is important to emphasise that the Bill should not be construed as being critical of any board, nor should it be construed as implying in any way that our boards are acting other than honestly and with integrity. I commend the Bill to the House.

Debate adjourned on motion of Hon. M. T. TEHAN (Central Highlands).

Debate adjourned until next day.

LAND TAX (AMENDMENT) BILL (No. 2)

Second reading

Debate resumed from 13 November; motion of Hon. D. R. WHITE (Minister for Industry and Economic Planning).

Hon. REG MACEY (Monash)—The Bill purports to provide land tax relief to the citizens of Victoria. According to the government relief is defined as providing a lower incidence of land tax than would apply if the Bill had not been introduced. That is hardly a reasonably definition of what the word "relief" means.

Relief means to reduce the burden and lighten the load, but the Bill does not do that except in one specific area. By increasing the threshold of the incidence of land tax from $105 000 to $150 000 of assessed site value the Bill exempts those payers of land
tax whose site values fall within that range according to a figure amended as a result of an equalisation factor supplied by the Valuer-General.

Within the equalisation factor lies a major problem that many payers of land tax are not aware will strike them next year. They have been comforted by the Treasurer's announcement that significant relief has been granted in the land tax area and, as a consequence, they do not know what is just around the corner.

As a result of an undertaking given by the Treasurer to the honourable member for Brighton in another place I have been able to obtain the land tax equalisation factors for three municipalities that have been identified by the Valuer-General as having the maximum equalisation factor of 1.27 applied to them as a result of the Bill. The three municipalities to which I refer are extremely important and special because they are in my electorate. Melbourne City Council currently has an equalisation factor of 1.44; Port Melbourne has an equalisation factor of 1.33; and South Melbourne has an equalisation factor of 1.31. As a result of the Bill those equalisation factors will all decrease to 1.27. What is the effect of that?

I have made calculations comparing land tax bills in Melbourne, Port Melbourne and South Melbourne for 1990 with the accounts rendered by this rapacious government in 1991. Any payers of land tax in the municipalities of South Melbourne, Port Melbourne and Melbourne who last year paid less than $56.22 this year will receive total relief and will not have to pay any land tax. That is a measure of relief, but the people affected have not had to suffer large land tax bills this year.

Anyone in the municipalities I named who received land tax bills last year of $56.22 or more will have to pay an increase this year on a base rate that is already outrageous. That base rate has led retail and employer organisations to plead to the government to give genuine relief from the land tax burden. It is having an effect on their ability to continue to operate and retain the same labour force they had prior to the outrageous increases rendered this year.

I shall examine the levels of land tax. On the bottom level, in the three municipalities I represent those who received an account for $56.22 last year will pay $60 in 1991, an increase of 6.9 per cent. The government may well say that the increase in land tax is the result of the increase in the inflation rate and that it is not unreasonable, but we argue that it is unreasonable because the base rate last year was unreasonable. I accept that the issue of a person paying $60 is hardly earth-shattering. According to my calculations, in the municipalities of South Melbourne, Port Melbourne and Melbourne land tax accounts rendered for properties at $100 this year will be $115.16 next year, an increase of 15.6 per cent. That is more than double the rate of inflation.

The government has spoken about land tax relief. Who is trying to kid whom? The government is again endeavouring to hoodwink the public. How long does it expect to get away with it? Does the government expect that the majority of the accounts will be rendered after the next State election? I believe that is unlikely. Is this an example of the incompetence of the government and the officers who made the calculation, or is it another example of a hoodwinking exercise undertaken by the government to impose this tax upon the citizens of Victoria?

A person who paid $1000 in land tax in 1990, in 1991 will pay $1152, an increase of 15.2 per cent. A person who has paid $2000 in 1990 will next year pay $2649.72. If my calculations are correct—they were done in haste because I did not receive the assessment until late yesterday—that is an increase of 32.49 per cent. A person who received an account for $3000 this year will receive an account rendered for $3741.29 in 1991, an increase of 24.7 per cent.
I shall give two more figures to indicate the extent of the land tax burden and the fact that those figures are not consistent because of the structuring of the land tax scale over the range of property valuations. A person who paid land tax of $4000 for 1990 on property in one or more of those three municipalities would receive an account rendered for 1991 for $4884.29, a 22.11 per cent increase. A similar payer of land tax who receives an account for $5000 this year will receive an account in 1991 for $6027.29, an increase of 20.55 per cent.

That is what the government and the Treasurer mean when they talk about land tax relief. We know the measure of relief that the government has given the taxpayers of the State since it has been in office. The burden is a millstone around the neck of taxpayers and generations of future taxpayers. This is yet another example of the incompetent financial management of the government and its lack of appreciation and understanding of the effect of its tax regime on the citizens of this State. Not only has the government misrepresented the effect of the land tax scale included in the Bill, but also it has been successful in hoodwinking the media about the incidence of land tax.

This year the Treasurer trumpeted about land tax relief in his second-reading speech in which he estimated the number of remaining payers of land tax as a result of the amendments to the principal Act. He said the number will be 71,000 which he said was well below the 1982 level of 180,000. However, the government does not know how many payers of land tax will be caught in the land tax net. No figures are available to show how many citizens of this State will be required to pay land tax. The figures available from the land tax office are the number of land tax accounts that have been rendered to individual land tax payers registered on the office computer. The computer list takes no account and makes no provision for the tenants who are in many thousands of buildings throughout the State and who as a result of their tenancy agreements must pay the land tax bill. There are many examples of property in Melbourne where more than 40 or 50 individual payers of land tax are tenants.

The land tax office is not able to provide the figures to identify the numbers and, indeed, I do not believe it gives a damn as to how many there are so long as the office can produce the revenue that the government wants. They have taken the simple and easy way of identifying those whom they assess to be the richest citizens of this State; they do not care. The government and the land tax office has no compassion for the individuals upon whom land tax is being imposed.

If the government were even half-serious in its attempts to consider the imposition of land tax on its citizens, it would undertake an immediate investigation of the numbers. One of the reasons for the political decline of this outrageous government is the pragmatic and callous way it has targeted those taxpayers whom it deems are able to pay and whom it senses are likely to pay because they are the achievers of the State. They are the people who get out and work and they are likely to be Liberal Party voters because they support private enterprise. The government in its callous determination has overlooked the battling small business people who are the backbone of the State and who are now bleeding because of the government’s miscalculations and financial mismanagement.

It is too late to tell the payers of land tax in this State that an inquiry is in hand, that it will report on 30 June next year, and hope they will have some relief after that; they will certainly not get any relief in 1991! No doubt exists that the figures I have outlined will sound the death knell for many small businesses in the municipalities of the electorate I represent.

I shall not vote on the Bill. I am sure there will be no division on it because my party is allowing it to pass. However, I want to place on record that I do not support the
Land Tax (Amendment) Bill (No. 2). I do not support such an outrageous imposition of land tax on the citizens of my electorate and I have no faith that the government's inquiry will lead to the provision of any effective relief.

When the government came to office in 1982, the land tax that had been imposed by the previous Liberal government for the financial year 1981-82 resulted in revenue of $115.9 million. This financial year—which I hope will be the last financial year of this despicable government—the estimated revenue from land tax is $404 million; over the period of this despicable government the increase in land tax has been 248.5 per cent! The corresponding consumer price index increase over the period has been of the order of only 100 per cent. I ask: what better indication can there be of the priorities of this government than its attitude to the people from whom it seeks to extract their hard-earned investment income?

I invite honourable members to consider the increases over just the past two years. In 1989-90 the increase in revenue obtained by the government—ripped off payers of land tax is how it should be described, rather than "obtained"—is 30 per cent higher than that received the year before. The Bill deals with an increase over the 1990-91 financial year of 32 per cent. It is an outrageous imposition on the citizens of this State!

I ask: is it any wonder the economy of our State is in decline? How can the government imagine even for a moment such huge increases can be borne by the commercial, industrial and investment community of this State?

The Bill will pass through this House today, but without my support.

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—I understand the importance of this measure and seek to have a quorum present for the vote.

Quorum formed.

Motion agreed to.

Read second time.

Passed remaining stages.

FARM PRODUCE WHOLESALE BILL

Second reading

Debate resumed from 4 September; motion of Hon. M. A. LYSTET (Minister for Local Government).

Hon. R. S. de FEGELY (Ballarat)—The Farm Produce Wholesale Bill is important. It sets out to repeal the Farm Produce Merchants and Commission Agents Act, to amend the Melbourne Wholesale Fruit and Vegetable Market Trust Act, and to undertake a number of other functions.

Those functions include establishing a single licensing scheme for wholesalers of produce. The Bill sets out to specify the requirements relating to the methods by which wholesalers can trade in produce. According to the second-reading speech the object is to protect producers against the financial failure of a wholesaler. Some important provisions of the Bill seek to improve the current situation in that area.
The Bill sets out also to require that adequate records and accounts be kept by wholesalers of transactions at the Melbourne Wholesale Fruit and Vegetable Market. It sets out to provide for a market reporting service.

In her second-reading speech the Minister states that the existing Act is complex and not well understood by many producers. Having been involved in agriculture for many years, I know it is difficult for many farmers, who become very much embroiled in their own activities in producing goods, to become involved in the marketing processes as well. Although I agree in part with what the Minister stated in the second-reading speech about the complexity of the Farm Produce Merchants and Commission Agents Act and the fact that producers do not understand it, I suggest that statement probably applies to a minority rather than a majority of producers. Quite often these days we tend to make provisions in legislation to rectify situations for the benefit of the minority. In doing that we have to be very careful that we do not impinge on the activities of people who are perhaps better able to understand the marketing processes.

However, this Bill is required by the industry. The fruit and vegetable growers are keen to see the amendments contained in the Bill passed. The Victorian Farmers Federation is also keen to see the Bill passed. There have been some objections from wholesalers in the Melbourne Wholesale Fruit and Vegetable Market who believe the provisions may make it more difficult for them to operate. The Bill sets out to change the system of selling from a straight-out wholesale or commission system to one that offers several options. The relevant provisions have been based largely on the provisions of similar legislation which has been operating in New South Wales for a number of years and appears to be working well.

One area of concern to the wholesalers has been the inclusion of a 24-hour period within which wholesalers and producers should negotiate the selling arrangements for products held over. Merchants point out that there may be problems with regard to certain products that come onto the market. For example, if fruit has not ripened in time to be sold on that particular day, it has to be held over. The merchants claim there is difficulty in contacting the producer to negotiate with him either to purchase the product and sell it on a wholesale basis or to convert to selling it on a commission basis. They have sought some amendments to the Bill which would alter the situation of trading and revert to a system similar to the existing one. The vegetable producers and the Victorian Farmers Federation have been opposed to extending the period of time, and we have received correspondence from both groups stressing that they wish to see the 24-hour provision proposed in the Bill retained.

The purpose of the provision for indemnity, which is associated with the licensing of a wholesaler, is to establish a fund to protect producers in the event of a wholesaler going bankrupt without paying for the goods he had obtained. Apparently at present three wholesalers at the market have gone into bankruptcy and the producers have not been paid. The fund that exists at present has been whittled down to somewhere in the order of $50,000, which is quite inadequate to cover claims that may be made. The purpose of this Bill is to lift that figure to $150,000 and, should it be necessary, to allow for an increase in that figure. This will, or should, provide adequate protection for producers who may find themselves in a position where the wholesale operator has gone broke. The legislation provides for insurance fidelity bonds to be taken out for this purpose.

It was suggested by the Minister that we could extend this legislation to apply to the grains industry. At one stage it was proposed that grains provisions be included in the Bill. In fact we were presented with proposed amendments that the Minister wished to make. However, the Opposition was not happy with those amendments simply because the Clerk of the Parliament and Parliamentary Counsel had agreed that this
would have changed the whole title of the Bill, which would have created a huge precedent.

After consulting with the Victorian Farmers Federation on the proposal to introduce provisions relating to the grains industry we received correspondence from the federation saying that it believed more research needed to be undertaken in that regard before such provisions were included in the Bill. The federation was concerned that if the grains provisions were included the legislation would have been held up further, which would have been unfair, particularly to the vegetable growers and producers who sell their produce through the Melbourne Wholesale Fruit and Vegetable Market and who were anxious to have the Bill passed.

This morning I received a copy of a letter—which arrived via the Opposition spokesman on agriculture and rural affairs in another place, Mr Bill McGrath—from Mr Peter Cook, Director of the Grains Group of the Victorian Farmers Federation, in which he indicated that the issue of indemnity insurance for grain trading should be placed on the agenda of the grains industry task force. Mr Cook went on to say that the matter requires further research before grains provisions are brought into legislation. The Opposition told the Minister it was happy to consider such provisions provided that a new, clean Bill was brought before the House. However, the Minister has opted to go back to the original farm produce Bill dealing solely with the fruit and vegetable market. We are happy to go along with that and support it.

I have one small amendment to move in the Committee stage, which is purely a provision to enable either House of Parliament to disallow a regulation. The Opposition is happy to support the Bill in its present form.

Hon. W. R. BAXTER (North Eastern)—I thank Mr de Fegely for the contribution he made in support of the Bill. He has outlined its provisions very adequately. I also agree with his criticism of the Minister for Agriculture and Rural Affairs for his attempt to tack on at the last minute, so to speak, some entirely extraneous material dealing with a very difficult subject. As Mr de Fegely explained, that attempt ran foul of the procedures of this House and the Minister has been forced to let it go.

More particularly, I wish to be critical of the Minister for Agriculture and Rural Affairs in the other place for his blatant political attempts around country Victoria to characterise the Opposition as in some way failing to support the grain growers of Victoria; I draw attention to the fact that the Minister was attempting to legislate by means counter to the proper procedures of Parliament.

It is a rather poor show when a Minister of the Crown is prepared by way of media release to condemn members of other parties who are doing nothing more than upholding the proper procedures of Parliament. The Minister has had his comeuppance because he has been forced to give way by his own Cabinet, whose members have drawn his attention to the fact that he was attempting to legislate by what may be called improper means. I do not think the Minister has done himself any good around the countryside by his attempts to denigrate the Opposition, and particularly the honourable member for Lowan in the other place, the shadow Minister for agriculture.

The Bill is important. Recently the Public Bodies Review Committee reported to the House on its investigation into the fruit and vegetable market. In due course the House will have the opportunity of debating the recommendations of that report and I look forward to that. I look forward to some input on the recommendations of the report from the various branches of the industry.

It goes without saying that primary industry in Victoria and Australia is in a parlous condition at the moment. Only a fortnight ago the House carried a motion which went to those issues. There is diabolical difficulty at present, particularly in the fruit
industry—canned fruit, fresh fruit and citrus—brought about by a number of factors but in particular by the influx into Australia of fruit juice concentrate from allegedly developing countries such as Brazil. It is imported at dumping prices with which efficient producers in Australia simply cannot compete.

Yesterday in answer to a question from Mr Evans, the Minister for Consumer Affairs—and I commend him for his positive answer to the question—alluded to the fact that it is high time foodstuff regulations were examined with a view to ensuring that products are correctly labelled and that products that contain imported ingredients are not permitted to be sold with labels that purport, by their wording, to indicate that it is an entirely locally produced foodstuff. Clearly large numbers of consumers in Victoria are interested in supporting local industry and would buy the local product in preference to the imported product.

Hon. M. A. Lyster—And would even pay a little more for it.

Hon. W. R. BAXTER—Indeed, Minister, I think there are some who would pay a premium for the local product not only because they want to support Australian producers but also because generally it is of a higher quality anyway. However, to some extent the consumers are being misled by inaccurate labelling. I encourage the Minister for Consumer Affairs as much as I am able to act on his positive advice yesterday to the House, and hope we will see either regulations or legislation to tighten this matter as a matter of urgency.

Hon. B. W. Mier—Federal legislation as well.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 45 agreed to.

Clause 46

Hon. R. S. de FEGELY (Ballarat)—I move:

Clause 46, after line 12 insert—

"(3) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the Subordinate Legislation Act 1962.

(4) Disallowance under sub-section (3) is deemed to be disallowance by Parliament for the purposes of the Subordinate Legislation Act 1962."

The amendment relates to the normal disallowance of regulations clause under the Subordinate Legislation Act which, I think, all honourable members understand.

Amendment agreed to; amended clause agreed to; clauses 47 to 50 agreed to.

Reported to House with amendment.

Report adopted.

Resubmission of question

The PRESIDENT—Order! I have just been informed that when the Bill was before the Legislative Assembly, absolute majorities were required and obtained. I propose to restate the second reading question after the ringing of the bells. I ask the Clerk to ring the bells.
President's Ruling

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Required number of members having assembled in Chamber:

The President—Order! When I initially put the question for the second reading of this Bill I had not noticed clause 20, which provides for an appeal to the Administrative Appeals Tribunal. Parliamentary Counsel has advised that this clause could well be regarded as affecting the jurisdiction of the Supreme Court and that the obtaining of an absolute majority would be prudent; that course was adopted in the Legislative Assembly. I therefore resubmit the question:

That this Bill be now read a second time.

To enable me to ascertain whether the statutory majority exists I invite those honourable members supporting the second reading to rise in their places.

Motion agreed to by absolute majority.

Read second time.

The President—Order! I now put the next question. The question is:

That this Bill, as amended on the report of the Committee, be now read a third time.

In order to enable me to ascertain whether an absolute majority exists for the third reading I invite those honourable members supporting the third reading to rise in their places.

Motion agreed to by absolute majority.

Read third time.

PRESIDENT'S RULING

The President—Order! While honourable members are present, I desire to advert to an objection taken by Mr Walker during question time today which I ruled out of order. I was clearly wrong in doing so. The very same rule that Ministers may not be asked for legal opinions also states that Ministers may not be asked for personal opinions, and in asking for a personal assessment the question this morning was asking for a personal opinion. The question should have been ruled out of order and the objection taken by Mr Walker should have been upheld.

COURTS (AMENDMENT) BILL

Committed.

Committee

Clauses 1 to 15 agreed to.

Clause 16

Hon. M. A. Lyster (Minister for Local Government)—I move:

1. Clause 16, lines 10 to 19, omit all words and expressions on these lines and insert—

'(a) in clause 15 (8)(b), after sub-paragraph (ii) insert—

"; or

(iii) after the period referred to in paragraph (a) or any longer period previously fixed by the Court (whether under sub-paragraph) if an order has not been made under sub-clause (9) and the Court is satisfied that in the interests of justice a longer period should be fixed because of the existence of exceptional circumstances or another good and sufficient reason.";
The two amendments deal with time limits applicable to the commencement of committal proceedings. Clause 15 of Schedule 5 of the Magistrates' Court Act 1989 requires committal proceedings in respect of certain specified sexual offences to commence within three months of the commencement of proceedings; that is, within three months of the laying of the charge. Clause 16 of Schedule 5 requires that committal proceedings in respect of all other indictable offences commence within the prescribed period after the commencement of proceedings. The period of prescription is six months. The effect of the provision is to give priority to certain sexual offence proceedings and to minimise delay in bringing cases on for committal. If a committal proceeding is not commenced within the time specified the defendant must be brought to the court, which must order that the defendant not stand trial. Once the three-month time limit has expired the court has no power to extend the period and no option but to order that the defendant not stand trial.

In the course of debate in another place on the Magistrates' Court (Consequential Amendment) Bill criticism was made of the arbitrary nature of the time limit, which could have caused the prosecution of a serious offence to fail because of a relatively minor lapse on the part of a prosecuting authority. It was agreed, in response to this criticism, to amend the provision in the Courts (Amendment) Bill to provide that in exceptional circumstances the court could fix a longer period than that prescribed, and do so even when the time limit or any longer period previously fixed had expired.

During the course of debate on the amendments a further concern was raised as to what would constitute exceptional circumstances. It could be argued that a relatively minor incident such as the loss of a file and other similar sorts of administrative errors, which happen fairly frequently and are therefore not exceptional circumstances, could occur. Although this argument may not have a great deal of substance and may be deemed to be specious, if it were accepted by a judge or magistrate and, as a result, a serious prosecution failed, the consequences would be unacceptable.

The government believes these amendments will address the need to make sure there is a balance between two situations: to ensure that prosecutions are not lost without there being a fear of undue delay in the hearing of cases, and to ensure that proper case flow management can occur. The amendment will preserve that balance between the two situations in the interests of justice.

Hon. HADDON STOREY (East Yarra)—I thank the Minister for Local Government for her clear and lucid explanation of the amendments. One must reflect on the fairly sudden, sad and sorry state of affairs that has led us to the situation of having to be so careful and precise in the wording of the amendments. Members of the Committee will remember that, in the usual way of this government, the legislation...
introduced was full of good intentions but the government did not pay any attention to its implementation. The result was that because of the expiration of time people who were charged with serious offences could not be tried. I do not need to go on at length about the matter because it seems the position has been rectified by the amendments moved by the Minister. The Opposition supports the amendments.

Amendments agreed to; amended clause agreed to; clauses 17 to 20 and schedule agreed to.

Reported to House with amendments.

Report adopted.

Third reading

Hon. M. A. LYSTER (Minister for Local Government)—I move:

That this Bill be now read a third time.

I thank Mr Storey for his support of the legislation.

The PRESIDENT—Order! I am of the opinion that the third reading of this Bill is required to be passed by an absolute majority. As there is not an absolute majority of the members of the House present, I ask the Clerk to ring the bells.

Required number of members having assembled in Chamber:

Motion agreed to by absolute majority.

Read third time.

VICTORIAN PUBLIC OFFICES CORPORATION (REPEAL) BILL

Committed.

Clause 1 agreed to.

Clause 2

Hon. R. I. KNOWLES (Ballarat)—I move:

1. Clause 2, lines 8 and 9, omit all words and expressions on these lines.
2. Clause 2, line 10, omit "(2) The rest of".

The amendments will assist the will of the Committee. As Mr Hallam said on behalf of the Opposition during the second-reading debate, the Opposition will oppose clause 6. Therefore it is necessary to amend this clause.

Hon. B. W. MIER (Minister for Consumer Affairs)—I support the amendments. They are designed specifically to comply with the request of the Auditor-General. The corporation's funds have been transferred to the Victorian Public Authorities Finance Agency. It no longer has borrowing powers and has no money on hand. It is a housekeeping matter and I see no reason why the Auditor-General's request should not be complied with.

Amendments agreed to; amended clause agreed to; clauses 3 to 5 agreed to.

Clause 6

Hon. R. I. KNOWLES (Ballarat)—I urge the Committee to oppose this clause, again for the reasons outlined by Mr Hallam in the second-reading debate, when he
made it clear the Opposition sees the clause as superfluous. If there is any question about the legality of the action that has already taken place that ought not be dealt with by the Parliament trying to cover the mistakes the government made previously. Therefore the Opposition is determined to reject the clause.

Hon. B. W. MIER (Minister for Consumer Affairs)—Once again I support the clause, and I emphasise that it was inserted in response to the Auditor-General's report. In actual fact there has been no indication by the government, the Minister or the Auditor-General that mistakes have been made in the past. Therefore, the clause should remain as part of the Bill.

Clause negatived.

Reported to House with amendments.

Passed remaining stages.

House adjourned 1.2 p.m. until Tuesday, 20 November.
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QUESTIONS ON NOTICE

FRANKSTON RAILWAY LINE

(Question No. 53)

Hon. G. P. CONNARD (Higinbotham Province) asked the Minister for Housing and Construction, for the Minister for Transport:

In respect of the Frankston railway line during the period 1 March 1988 to 1 January 1989:

(a) How many trains have run more than 5 minutes late?
(b) What percentage of trains were late?
(c) How many trains were cancelled?
(d) What percentage of trains were cancelled?

Hon. B. T. PULLEN (Minister for Housing and Construction)—The answer supplied by the Minister for Transport is:

Of approximately 39,710 scheduled train services to run on the Frankston line during the period 1 March 1988 to 1 January 1989:

(a) 6010 scheduled train services ran more than 5 minutes late.
(b) 15.13 per cent of scheduled train services were more than 5 minutes late.
(c) 1382 scheduled train services were cancelled.
(d) 3.48 per cent of scheduled train services were cancelled.

Several factors affected service delivery on the Frankston line during the period 10 April 1988 to 20 October 1988, details of which are as follows:

Three/four year cyclic track maintenance was carried out on the entire Frankston line during the period which affected train performance (both on-time running and service delivery) due to speed restrictions, track occupation, etcetera;

A shortage of guards existed particularly during the first eight months of 1988;

Industrial disputes occurred during the period and resulted in 4-hour stop work meetings on 20 June and 23 June 1988. A total of 492 and 522 services were cancelled on those days.

In addition to the above, a dispute at the metropolitan train maintenance depot resulted in a reduced service being operated during the period of 29 March–31 March 1988 inclusive and 827 services were cancelled.

BARWON BRIDGE

(Question No. 238)

Hon. ROBERT LAWSON (Higinbotham Province) asked the Minister for Education, for the Minister for Transport:

Were payouts made to employees who were stood down when work on the new Barwon bridge ceased for seven months; if so—(i) what was the basis for the payouts; and (ii) what is the estimated additional cost of completing the bridge and meeting the revised completion date?

Hon. B. T. PULLEN (Minister for Education)—The answer supplied by the Minister for Transport is:

(a) The industrial dispute on site was one between Lewis Construction Company and the union involved on the project. While officers of the Roads Corporation, the Department of Labour and the Ministry of Transport were involved in attempted settlements during the course of the dispute, the terms negotiated for recommencement of work are the confidential commercial affairs of Lewis Construction Company and the unions.
(b) As a result of the agreement reached, the Roads Corporation is likely to incur additional costs of up to $1m under the contract. As the honourable member will be aware, the Barwon bridge has been opened.

(Question No. 301)

Hon. G. B. ASHMAN (Boronia Province) asked the Minister for Education, for the Minister for Transport:

(a) What payouts were made to employees who were stood down when work in the new Barwon bridge ceased for seven months?
(b) What was the basis for the payouts and what is the estimated additional cost of completing the bridge and meeting the revised completion date?

Hon. B. T. PULLEN (Minister for Education)—The answer supplied by the Minister for Transport is:

(a) The industrial dispute on site was one between Lewis Construction Company and the union involved on the project. While officers of the Roads Corporation, the Department of Labour and the Ministry of Transport were involved in attempted settlements during the course of the dispute, the terms negotiated for recommencement of work are the confidential commercial affairs of Lewis Construction Company and the unions.
(b) As a result of the agreements reached the Roads Corporation is likely to incur additional costs of up to $1m under the contract. As the honourable member will be aware, the Barwon bridge has been opened.

PROVISION OF INFORMATION BY MINISTRY OF TRANSPORT STAFF

(Question No. 543)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Education, for the Minister for Transport:

What are the details of any protocol, instruction or directives to be observed by staff in the Minister’s Ministry when providing information to Opposition members during a formal or informal briefing or visit or in responding in writing.

Hon. B. T. PULLEN (Minister for Education)—The answer supplied by the Minister for Transport is:

Ministry staff are required to observe the guidelines set down in the Premier’s circular of 30 April 1985, a copy of which has been provided in answer to the honourable member’s question on notice No. 553 on this subject.

In respect of visits or informal inquiries by Opposition members, while the Minister has not made any specific directions, Ministry staff are expected to be courteous and helpful. Where inquiries involve government policy, the matter would be referred to the Director-General of Transport or the Minister for advice in accordance with the abovementioned circular. The Minister personally responds to written inquiries from members of Parliament.

SPONSORSHIP FUNDS—DEPARTMENT OF INDUSTRY AND ECONOMIC PLANNING

(Question No. 653)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Industry and Economic Planning:

In respect of each department, authority or agency under his administration:

(a) What funds have been given to sporting bodies, organisations or clubs in the form of sponsorship, indicating, in each case—(i) the name of the sporting group and the government agency; (ii) the
amount of sponsorship; (iii) the period of sponsorship; (iv) the basic terms upon which the sponsorship was given; (v) the activity being promoted by the sponsorship; and (vi) whether the sporting group is privately owned or has limited membership.

(b) In each of the above cases what sponsorship funds directly benefited—(i) less than 20 active participants; (ii) more than 20 but less than 50 active participants; (iii) more than 50 but less than 100 active participants; and (iv) more than 100 active participants.

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—The answer is:

Exhibition Trustees
The Exhibition Trustees have never directed funds to sporting bodies, organisations or clubs in the form of sponsorship.

Gas and Fuel Corporation
(a) Surf Lifesaving Association of Australia, Victoria State Centre.
(b) $6500.
(c) Financial year ended 30 June 1990.
(d) Sponsorship for the Under 18 Development Squad.
(e) Surf Lifesaving.
(f) The sporting group is an association, not privately owned, nor with limited membership.
(g) More than 100 active participants.

Overseas Projects Corporation of Victoria
The Overseas Projects Corporation of Victoria Ltd has not given any funds to any sporting bodies, organisations or clubs in the form of sponsorship.

Small Business Development Corporation
The corporation has not provided any funds to sporting bodies, organisations or clubs in the form of sponsorship.

Department of Industry and Office of Economic Planning
Since 1 January 1988, the department has given no funds to sporting bodies, organisations or clubs in the form of sponsorship.
Records before 1 January 1988 were not checked as this would have required an extensive manual search through archived records.

Renewable Energy Authority of Victoria
The authority has not provided any funds or sponsorship to any sporting organisations or clubs.

Latrobe Regional Commission
The Latrobe Regional Commission did not directly fund any sporting bodies in the previous financial year but they did donate sports bags, to the value of $1430, to the Australian Waterski Championships held at Lake Narracan in April this year. The bags were to be used as gifts for the 120–130 competitors. The commission was mentioned as a sponsor in all advertising.

Geelong Regional Commission
The commission has on three occasions provided funds for special sporting events as part of its regional promotion program. These funds have not been given unconditionally to the organisations but have been directly allocated to specific costs in the staging of events as included in the supplied information below.

1. Bicentennial Run
(a) Bicentennial run around Port Phillip Bay
(b) $500
(c) 30 and 31 January 1988
(d) Purchase of equipment
(e) Community "Fun Run"
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(f) Government sponsored project

(g) (iv)

2. Body Building Competition
   (a) Geelong Regional Commission
   (b) $300
   (c) 13 March 1990
   (d) Provision of Trophies
   (e) Body building competition at Surf Coast Plaza
   (f) Run by Geelong Regional Commission

(g) (ii)

3. Bells Beach Surf Carnival
   (a) Australian Surf Riders’ Association
   (b) $1500
   (c) 16 April 1990
   (d) Advertising material
   (e) International Surfing competition (Australia vs. USA Challenge)
   (f) Sporting group is private club arrangement with limited membership.

Coal Corporation of Victoria

1. Funds provided by the coal corporation are generally allocated to “junior” organisations who are based in the Latrobe region and who are involved in activities relating to youth, charitable, sporting, arts and other worthwhile activities in the local community. The funds are generally provided to the controlling body for the particular activity rather than to an individual club. In addition, funds are provided, on occasions, to organisation conducting seminars, conferences, etcetera, on energy related matters.

2. A list of organisations who received sponsorship funds from the coal corporation in 1989–90 is attached.

State Electricity Commission

A list of organisations who received sponsorship funds from the SECV is attached.

The attached list referred to is as follows:

COAL CORPORATION OF VICTORIA
Sponsorship Funds Provided in 1989–90

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Amount</th>
<th>Activity</th>
<th>Private Membership</th>
<th>Number Involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latrobe Valley Eisteddfod</td>
<td>$ 500</td>
<td>Arts and culture for Youth</td>
<td>No</td>
<td>&gt; 100</td>
</tr>
<tr>
<td>Central Gippsland Hospital—Craft Expo and Fair</td>
<td>300</td>
<td>Arts and crafts</td>
<td>No</td>
<td>&gt; 100</td>
</tr>
<tr>
<td>Australian Institute of Energy 1990 Conference in Latrobe Valley</td>
<td>500</td>
<td>Conference on energy issues</td>
<td>No</td>
<td>&gt; 100</td>
</tr>
<tr>
<td>Gippsland Science Talent Search Committee</td>
<td>250</td>
<td>Youth achievement in science</td>
<td>No</td>
<td>&gt; 100</td>
</tr>
<tr>
<td>Commercial Road Primary School, Morwell</td>
<td>400</td>
<td>Cultural exchange with Japan tour group</td>
<td>No</td>
<td>20–50</td>
</tr>
<tr>
<td>Apex Zone 12 Youth Leadership Project in Latrobe Valley</td>
<td>200</td>
<td>Youth leadership</td>
<td>No</td>
<td>20–50</td>
</tr>
<tr>
<td>Latrobe Valley Inter-town Basketball League</td>
<td>2000</td>
<td>Youth basketball</td>
<td>No</td>
<td>&gt; 100</td>
</tr>
</tbody>
</table>
### Questions on Notice

#### 15 November 1990

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Amount</th>
<th>Activity</th>
<th>Private Membership</th>
<th>Number Involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australasian Institute of Mining and Metallurgy, Latrobe Valley Branch</td>
<td>$200</td>
<td>Seminar/dinner on energy issues</td>
<td>No</td>
<td>&gt; 50</td>
</tr>
<tr>
<td>Gippsland Cricket League—Junior Country Week</td>
<td>1000</td>
<td>Youth cricket</td>
<td>No</td>
<td>&gt; 100</td>
</tr>
<tr>
<td>Latrobe Valley Junior Football League</td>
<td>2000</td>
<td>Youth football</td>
<td>No</td>
<td>&gt; 100</td>
</tr>
<tr>
<td>Monash University College Gippsland Women’s Essay Competition</td>
<td>200</td>
<td>Youth academic development</td>
<td>No</td>
<td>&gt; 100</td>
</tr>
<tr>
<td>CCV/Monash University College Gippsland Scholarships</td>
<td>3000</td>
<td>Youth academic development—three scholarships of $1000 each</td>
<td>No</td>
<td>&gt; 100</td>
</tr>
</tbody>
</table>

#### STATE ELECTRICITY COMMISSION

<table>
<thead>
<tr>
<th>Name of Body</th>
<th>Value</th>
<th>Period</th>
<th>Comments</th>
<th>Activity</th>
<th>Membership</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latrobe Valley Shift Basketball Team</td>
<td>72</td>
<td>1990-91</td>
<td>For the purchase of singlets.</td>
<td>Basketball</td>
<td>SEC employees (ie work-based club)</td>
<td>Less than 20</td>
</tr>
<tr>
<td>Kyneton Cricket Club</td>
<td>50</td>
<td>1989-90</td>
<td>Annual trophies Promotional exercise.</td>
<td>Cricket</td>
<td>Open to public</td>
<td>21-50</td>
</tr>
<tr>
<td>Australian Bujutsu-Kwai Club</td>
<td>200</td>
<td>1989-90</td>
<td>Promotional SEC logo on uniforms.</td>
<td>Karate</td>
<td>Open to public</td>
<td>51-100</td>
</tr>
<tr>
<td>Bairnsdale and District Dog Obedience Club</td>
<td>100</td>
<td>1989-90</td>
<td>Promotional SEC logo on uniforms.</td>
<td>Dog obedience</td>
<td>Open to public</td>
<td>51-100</td>
</tr>
<tr>
<td>Bairnsdale Indoor Soccer Association</td>
<td>150</td>
<td>1989-90</td>
<td>Promotional SEC logo on uniforms.</td>
<td>Soccer</td>
<td>Open to public</td>
<td>51-100</td>
</tr>
<tr>
<td>Horsham Squash Club</td>
<td>120</td>
<td>1989-90</td>
<td>Promotional SEC hot water displays, local press coverage.</td>
<td>Squash</td>
<td>Open to public</td>
<td>51-100</td>
</tr>
<tr>
<td>Longford Primary School</td>
<td>200</td>
<td>1989-90</td>
<td>Promotional sponsorship.</td>
<td>Fun run</td>
<td>Open to public</td>
<td>51-100</td>
</tr>
<tr>
<td>Portland Croquet Club</td>
<td>50</td>
<td>Annual</td>
<td>Club trophies.</td>
<td>Croquet</td>
<td>Open to public</td>
<td>51-100</td>
</tr>
<tr>
<td>Lakes Entrance Golf Club</td>
<td>80</td>
<td>1990-91</td>
<td>Promotional donation of low energy light bulbs as tournament prize.</td>
<td>Golf</td>
<td>Private Club</td>
<td>More than 100</td>
</tr>
<tr>
<td>Portland Golf Club</td>
<td>300</td>
<td>Annual</td>
<td>Promotional Hot Water and Storage Heating displayed in Club House,</td>
<td>Golf</td>
<td>Private Club (with public access)</td>
<td>More than 100</td>
</tr>
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</table>
### Questions on Notice

15 November 1990 COUNCIL 1365

<table>
<thead>
<tr>
<th>Name of Body</th>
<th>Value</th>
<th>Period</th>
<th>Comments</th>
<th>Activity</th>
<th>Membership</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dartmoor Golf Club</td>
<td>100</td>
<td>Annual</td>
<td>As for Portland Golf Club.</td>
<td>Golf Club</td>
<td>As for Portland Golf Club</td>
<td>More than 100</td>
</tr>
<tr>
<td>Portland North Junior Football Club</td>
<td>35</td>
<td>Annual</td>
<td>Club trophies Promotional exposure</td>
<td>Football</td>
<td>Open to public</td>
<td>More than 100</td>
</tr>
<tr>
<td>Brunswick/Broadmeadows Football Club</td>
<td>1250</td>
<td>Annual</td>
<td>Promotional sponsorship (Electric Hot water)</td>
<td>Football (VFA)</td>
<td>Open to public</td>
<td>More than 100</td>
</tr>
<tr>
<td>Victorian Junior Athletic Sporting Championship</td>
<td>45</td>
<td>1990-91</td>
<td>One of many sponsors, co-ordinated by the Ringwood Chamber of Commerce, Promotional—SEC featured in published program.</td>
<td>Junior athletics</td>
<td>Open to public</td>
<td>More than 100</td>
</tr>
<tr>
<td>Computer Services Social Club</td>
<td>180</td>
<td>1989-90</td>
<td>To promote a healthy lifestyle.</td>
<td>Sporting and social activities</td>
<td>SEC Information Systems Department employees (ie work-based club).</td>
<td>More than 100</td>
</tr>
</tbody>
</table>

The following contributions have been made by the SEC Social League Incorporated, which is funded by the SEC.

<table>
<thead>
<tr>
<th>Name of Body</th>
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<th>Comments</th>
<th>Activity</th>
<th>Membership</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Churchill Social Club</td>
<td>300</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Squash</td>
<td>SEC employees</td>
<td>51–100</td>
</tr>
<tr>
<td>Chadstone Training Centre Social Club</td>
<td>600</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Gymnastics</td>
<td>SEC employees</td>
<td>51–100</td>
</tr>
<tr>
<td>Power Grid Development Department Social Club</td>
<td>100</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Volleyball</td>
<td>SEC employees</td>
<td>51–100</td>
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<tr>
<td>Traralgon District Business Centre Social Club</td>
<td>500</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Aerobics</td>
<td>SEC employees</td>
<td>51–100</td>
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<tr>
<td>Bairnsdale Social Club</td>
<td>400</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Snooker</td>
<td>SEC employees</td>
<td>51–100</td>
</tr>
<tr>
<td>Castlemaine Social Club</td>
<td>200</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Table tennis</td>
<td>SEC employees</td>
<td>51–100</td>
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<tr>
<td>Rubicon/Eildon Social Club</td>
<td>750</td>
<td>1989-90</td>
<td>Donation towards the repair of the swimming pool.</td>
<td>See &quot;comments&quot;</td>
<td>SEC employees</td>
<td>51–100</td>
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<tr>
<td>Shepparton Social Club</td>
<td>95</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Golf</td>
<td>SEC employees</td>
<td>51–100</td>
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<tr>
<td>Hamilton Social Club</td>
<td>200</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Golf</td>
<td>SEC employees</td>
<td>51–100</td>
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<tr>
<td>Herman Research Lab Social Club</td>
<td>1200</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Gymnastics</td>
<td>SEC employees</td>
<td>More than 100</td>
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<tr>
<td>Newport Power Station Social Club</td>
<td>400</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Gymnastics</td>
<td>SEC employees</td>
<td>More than 100</td>
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<tr>
<td>Loy Yang Social Club</td>
<td>4000</td>
<td>1989-90</td>
<td>Donation towards building and furnishing of gymnasium.</td>
<td>Gymnastics</td>
<td>SEC employees</td>
<td>More than 100</td>
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<tr>
<td>Eastern Zone Association of Clubs</td>
<td>200</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Golf</td>
<td>SEC employees</td>
<td>More than 100</td>
</tr>
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Questions on Notice

1366 COUNCIL 15 November 1990

<table>
<thead>
<tr>
<th>Name of Body</th>
<th>Value</th>
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<th>Comments</th>
<th>Activity</th>
<th>Membership</th>
<th>Participants</th>
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<tr>
<td>Mid Western Social</td>
<td>250</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Basketball</td>
<td>SEC employees</td>
<td>More than 100</td>
</tr>
<tr>
<td>Social Club</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Mildura Social Club</td>
<td>370</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Cricket</td>
<td>SEC employees</td>
<td>More than 100</td>
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<tr>
<td>Colac Social Club</td>
<td>200</td>
<td>1989-90</td>
<td>Sporting activities</td>
<td>Carpet bowls</td>
<td>SEC employees</td>
<td>More than 100</td>
</tr>
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GRANTS TO TENANTS UNION OF VICTORIA
(Question No. 673)

Hon. G. B. ASHMAN (Boronia) asked the Minister for Consumer Affairs:

What annual grants were allocated to the Tenants Union of Victoria by the Ministry of Consumer Affairs or any of its agencies for each of the years 1979-80 to 1989-90?

Hon. B. W. MIER (Minister for Consumer Affairs)—The answer is:

I refer the honourable member to my answer to question on notice No. 720 in the Legislative Assembly, as attached:

The answer referred to is as follows:

In the year 1979-80 the Tenants Union of Victoria did not receive funding from the Ministry of Consumer Affairs which was then part of the Department of Labour and Industry.

In 1980-81 the tenants union received $61 000. In 1981-82 they received $60 000. In 1982-83, $76 000, in 1983-84, $108 534, and in 1984-85, $115 000. For the last six months of 1985 the Tenants Union received interim funding of $57 750 to bring it into line with the calendar year funding applied to other Ministry funded groups.

In 1986, the group received $186 840, in 1987, $178 613, and in 1988 the group received $247 570. This last figure is in excess of the amount quoted in the 1988 annual report, as an additional $7570 was granted to produce a total of 42 000 tenancy advice and information leaflets in fourteen ethnic languages.

In 1989 the Tenants Union was granted $312 908. For the first six months of 1990 the group received $179 605 as an interim grant since all the grant schemes have now moved to a financial year basis for 1990-91. This figure is in excess of the $163 253 recorded in the current annual report as the Tenants Union received an additional $12 496 to fund a community development worker position, and a further $3856 for superannuation under the award as required by the former Department of Management and Budget.
QUESTIONS WITHOUT NOTICE

TUESDAY, 20 NOVEMBER 1990

The PRESIDENT (Hon. A. J. Hunt) took the chair at 3.3 p.m. and read the prayer.

1. **QUESTIONS WITHOUT NOTICE**

**GRESSWELL DRUG AND ALCOHOL REHABILITATION CENTRE**

Hon. M. T. Tehan (Central Highlands)—During the past two years more than $180,000 has been spent on upgrading facilities at the Gresswell Drug and Alcohol Rehabilitation Centre at Mont Park, which it now seems will close by the end of this year. Will the Minister for Health explain how the spending of large sums of money, some of it still being spent, on an institution that is facing immediate closure can be justified?

Hon. C. J. Hogg (Minister for Health)—This question has been raised in the House on at least one occasion, I think by Mr Skeggs, and several other honourable members have raised the question of the fire status and the poor report that the Gresswell centre attracted last year. One of the problems with such institutions is that even when one is trying to wind them down or trying to deliver services differently one must make alterations from time to time just to make the standard passable, to make conditions more or less okay.

I do not think there is any Minister in this government or in previous governments who has been in charge of institutions who would say that he or she would not prefer to deliver services differently. Many Ministers have been in charge of winding down institutions but while doing so have sometimes had to make payments for capital improvements within institutions for the interim.

Hon. M. T. Tehan—Painting and lino this year, still going on.

Hon. C. J. Hogg—That concerns issues such as water supply, heating and even lino and floor coverings, and I would not resile from decisions like that.

**SALE AND LEASE-BACK OF ROLLING STOCK**

Hon. R. M. Hallam (Western)—I direct the attention of the Minister for Industry and Economic Planning to the sale and lease-back contracts executed by the government in respect of old rolling stock, and in particular the latest disclosure that these have netted the government $100 million in the current financial year in addition to the $250 million received on the last day of the last financial year. I again ask the Minister whether he will now release details of these arrangements showing in respect of each contract the program of lease payments and the dimension of future liabilities for residual payments and deferred rent, and the dates on which they will fall due, so that Victorians will at last learn of the huge commitments they now face.

Hon. D. R. White (Minister for Industry and Economic Planning)—The issues Mr Hallam raises in respect of lease payments were addressed to the Treasurer, and there has been some correspondence sent to Mr Hallam regarding lease payments and lease arrangements. Mr Hallam has been informed in two separate letters about some aspects of the program to date, about which he has made further requests, not just about the aggregate details of the lease arrangements but about the details of each lease.
I shall be happy to take up this matter with the Treasurer and also to get from him and his officers some indication about the time that will be involved in answering the requests with a view to trying to provide Mr Hallam with some answers during the course of this session in case he wants to pursue the matter further before the end of the session. In so far as it is possible to get some responses before the end of this week and, further, next week, I shall be happy to assist. I am unable to say what the nature of the workload will be——

Hon. R. M. Hallam—It should be very simple, Minister; it should all be on the record, in detail.

Hon. D. R. WHITE—I am not able to say, here, how many specific lease arrangements have been entered into and what amount of work is required——

Hon. R. M. Hallam—I am telling you, Minister, there are four.

Hon. D. R. WHITE—You want to know about four specific transactions?

Hon. R. M. Hallam—Four specific contracts executed on the one day.

Hon. D. R. WHITE—We will endeavour to see whether it is possible to get a response in respect of those four transactions before the end of this week.

NEGOTIATIONS WITH TEACHER UNIONS

Hon. R. S. IVES (Eumemmerring)—Will the Minister for Education inform the House of the progress of negotiations with teacher unions over the education budget?

Hon. B. T. PULLEN (Minister for Education)—I am pleased to inform the House of the progress that has been made with both teacher unions. The House will be aware that the agreement with the Victorian Secondary Teachers Association was overwhelmingly endorsed by a meeting of members. That means they have agreed to all matters; that is, the staffing of schools next year and staffing of regions and school support centres.

In relation to the other union, the Federated Teachers Union of Victoria, the government has reached agreement on the specialist services such as the visiting teacher service, special education units and special assistance units. In that sense it is agreed the primary agreement is being maintained by the government. Additional primary schoolteachers will go into schools next year, and over the next three years 455 additional primary teachers will go into primary schools, and an additional 161 primary schoolteachers will go in in the next year.

In relation to school support centres, the changes are now being sent out and all members are being mailed details of their areas, both numbers in the school support centres and the staffing of the post-primary schools. Honourable members should receive that information either today or tomorrow, depending on the rate of mailing. These changes will ensure that in the school support centres government priorities such as the Victorian certificate of education, district provision, integration, literacy and numeracy, equal opportunity, multicultural education, computer education, professional development, school councils and school industry liaison will be supported.

The visiting teacher service, special education unit and special assistance units have been transferred to the school support teaching service with the agreement of the relevant unions. Some 180 visiting teachers will continue to provide direct teaching support to students who are hearing impaired, visually impaired or physically disabled. The changes made in the number of visiting teachers in each school support centre more directly reflect the needs of students with disabilities and serviced by that centre.
Questions without Notice

20 November 1990 COUNCIL 1369

Special education units will be restructured with 59 special education units and 90 literacy and numeracy consultants.

The only outstanding area involving teachers in negotiation with the FTUV is over staffing of secondary colleges, in particular, those colleges that were formerly technical schools. These negotiations are continuing. Negotiations with the Victorian Public Service Association and the Federated Miscellaneous Workers Union, are also continuing. This removes any doubt about the government's commitment to the primary agreement that will see 161 additional teachers placed in primary schools in the coming year.

SABOTAGE OF SEC EQUIPMENT

Hon. B. A. CHAMBERLAIN (Western)—I refer the Minister for Industry and Economic Planning to the sabotage of State Electricity Commission coal loading equipment at the weekend and the subsequent threat to Victoria's power supply and ask: what action has the SEC or the Minister taken to protect Victoria from similar acts of sabotage that have the potential to damage the Victorian economy?

Hon. D.R. WHITE (Minister for Industry and Economic Planning)—There has been an assertion that equipment was tampered with and that matter is being investigated by the SEC to establish what the cause in the reduction of access to plant over the weekend and on Monday night might have been. The action the government and the SEC might take will depend on the outcome of those investigations.

There is a responsibility on the part of all the work force in the SEC to ensure the assets are protected and used in the best interests of the community generally. The power and industrial situations are that the Industrial Relations Commission is currently addressing the outstanding matters of difference between the Electrical Trades Union and the SEC as part of the award restructuring. There is sufficient power to meet Victoria's requirements today and I hope that will continue for the rest of this week.

I want to put the current dispute in the following context: since October last year, as part of award restructuring, there has been a reduction of 3000 in the work force of the State Electricity Commission from 21 500 to 18 500. This has been mostly as a result of voluntary redundancy and a willingness on the part of those who remain in the work force, as part of multiskilling and broadbanding, to undertake more significant responsibilities.

The SEC has increased its sales revenue by 3 to 4 per cent per annum and it will continue to do so. It is a very efficient and effective organisation, and it is a tribute to the management and to the work force that that significant industrial change and the change in work activity have been achieved with a minimum of industrial dislocation, and we hope that will continue.

It is by far the most outstanding example of what can be achieved by award restructuring in this State in both the public and private sectors, and we look forward to this model of change being used in both sectors in the future.

INDUSTRIAL DISPUTES IN SCHOOLS

Hon. D. M. EVANS (North Eastern)—I ask the Minister for Education whether it is a fact that under a recent agreement with teacher unions the responsibility of teachers who intend to strike to notify the principal of the school has been abandoned, and instead only those teachers who do not intend to strike must notify the principal. Under this system teachers will retain the option of whether they turn up on a strike
day. Will this not create uncertainty as to the number of teachers available on these
days and therefore the number of students that should be advised to stay home, thus
creating the situation where either students are at the school with inadequate staff
supervision and the attendant dangers that creates or, alternatively, staff in excess of
the number of students and their needs are at the school?

Hon. B. T. PULLEN (Minister for Education)—Principals are well able to plan for
days when there is industrial disruption, however regrettable that might be. I have
received no information or advice that any problem will be created by the new
arrangement.

SHIRE OF MELTON

Hon. W. A. LANDERYOU (Doutta Galla)—I ask the Minister for Local
Government whether she is aware of the position with what passes for local government
in the Shire of Melton at present, and what she proposes to do about the current
situation.

Hon. M. A. LYSTER (Minister for Local Government)—As I reported to the
House earlier in this sessional period, this ongoing problem has concerned me and I
am afraid a couple of recent events have heightened my feelings about the municipality
to the extent that yesterday I met with the shire president and the shire manager to
discuss the future of the shire.

I fear there is potential for quite a serious cash flow crisis within the Shire of Melton.
I was given an undertaking that tonight the council would be striking its municipal
rate, and I believe by tomorrow it will be submitting to the Department of Conservation
and Environment its business plan in respect of its water and sewerage rates. The
problem faced by the municipality is that it is possible that by the middle of February,
unless the council is able to adhere to the time lines outlined for me at the meeting
yesterday, the municipality will be in serious trouble.

The other event which concerns me is that at my request the shire appointed a
facilitator to address communication problems between the councillors and council
officers. Unfortunately after only a few weeks in that position the facilitator resigned.
It was agreed that the Local Government Department would provide suggestions for
a replacement facilitator and that person would be engaged by the council to take up
the work that has not yet been completed. The purpose of the facilitator will be to
pursue the original terms of reference in building a professional working relationship
between councillors and officers and to assist in the conduct and review of the
organisation and management of the shire.

Yesterday I agreed with the shire president and the shire secretary on some strict time
lines, and I have asked those people to meet me again in three weeks. In the event that
there is any slippage in adhering to any of the matters on the time line, it will be
appropriate for me to appoint an inspector to examine the records of the municipality
so that I may be fully advised of the future of the council.

The Shire of Melton is a rapidly growing outer urban area and it is crucial for that
community to have a properly functioning council. I sincerely hope the councillors
and council officers will be able to adhere to the time line to avoid my having to take
further action.
Questions without Notice

20 November 1990 COUNCIL 1371

TRADING HOURS IN CITY OF MELBOURNE

Hon. B. A. E. SKEGGS (Templestowe)—I ask the Minister for Consumer Affairs whether the government supports the City of Melbourne being granted tourist precinct status so that seven-days-a-week trading can be implemented permanently in our capital city.

Hon. B. W. MIER (Minister for Consumer Affairs)—As I have previously reported to the House, the government is currently undertaking a survey on public attitudes to the extension of trading hours. The question will be responded to some time in the new year after the outcome of the survey and after consideration by Cabinet and the party.

BORROWING LIMITS FOR LOCAL GOVERNMENT

Hon. P. R. HALL (Gippsland)—I refer the Minister for Local Government to her government’s policy decision to slash local government borrowing limits from $2 million to $1 million. How does the Minister justify both that policy and the principle of applying the same limit to all municipalities when they vary dramatically in both size and financial requirements?

Hon. M. A. LYSTER (Minister for Local Government)—Firstly, I point out to the honourable member that that is a decision and responsibility of the Treasurer. However, I shall answer the question, albeit briefly, because obviously I have communicated with both the Treasurer and councils about it.

It is appropriate this action be taken; it is consistent with the view on containing debt held by the national government as well as the State government. It is appropriate that local councils be reminded they are part of the national economy and must carefully examine their borrowings for capital works.

I have reported to the House on the City of Berwick and a number of other municipalities that were able to make substantial cases based on a couple of factors, one of which was the need for them to increase their borrowings above the $1 million limit to put in place important community infrastructure. Another reason was those municipalities had appropriate revenue bases to support increased borrowings. However, it is a matter for the Treasurer and I shall pass the concern on to him.

TRADING HOURS FOR RED MEAT

Hon. R. S. de FEGELY (Ballarat)—In yesterday’s daily media the Minister for Consumer Affairs was reported as urging consumers to buy “No Name” brand goods which could save them up to $35 on a basket of groceries. How does the Minister reconcile that statement with the deal he has done with the meat industry unions over extended meat trading hours, a deal that will inevitably force up the price of meat?

Hon. B. W. MIER (Minister for Consumer Affairs)—That is a strange comment in view of the fact that Mr de Fegely has consistently pursued in this House extended trading hours for red meat.

Mr de Fegely asked whether there has been a deal done with the union. There have not been any deals done with the union. Any arrangement that has been made with respect to the extension of trading for red meat has been done between the union and
the employers, not the government. They have reached agreement. To have this hypocrite get up here and make statements like that after hearing week after week—

Hon. F. S. de FEGELY (Ballarat)—On a point of order, I ask the Minister to withdraw that comment. The Minister called me a hypocrite and I ask him to withdraw that comment.

The PRESIDENT—Order! I ask the Minister to withdraw that comment which has been ruled as unparliamentary on many previous occasions. I also ask the Minister to desist from debating the question.

Hon. B. W. MIER (Minister for Consumer Affairs)—I withdraw the comment. There has been no deal done between any union and the government on the issue. I am pleased to say that shortly I shall have the opportunity of introducing a Bill that will enable the extension of red meat trading hours in the State of Victoria.

The PRESIDENT—Order! I apologise to Mr Davidson as I missed his call a moment ago.

ENERGY EFFICIENCY

Hon. B. E. DAVIDSON (Chelsea)—I wonder whether I will have another opportunity of asking a question in compensation for having missed my turn! Earlier this year the government and the State Electricity Commission announced their commitment to a three-year demand management action plan. Will the Minister for Industry and Economic Planning advise the House of the latest initiatives in this important area?

Hon. D. R. WHITE (Minister for Industry and Economic Planning)—It is clear that the community, as I have often indicated, uses the existing power we produce inefficiently. If we are to get anywhere near achieving the Toronto target to reduce carbon dioxide emissions by the year 2005, we must use power more efficiently.

The SEC has embarked on a major project which will cost $3 million over the next three years which will be paid by way of inducements to those companies which are prepared to submit proposals and enter into programs to reduce energy consumption in existing factories and commercial workplaces. It is intended that those companies tender and bid for the use of those funds and programs and by way of better insulation, lighting and a better use of engines and motors, by way of cogeneration, reduce the demand for electricity and the cost of energy to industry. The program to reduce carbon dioxide emissions is a major program designed to reduce cost to industry, and that will enable us to work significantly towards achieving the target set for the year 2005.

On the occasions that I have spoken publicly on this issue to industry the proposals have been well received. I look forward to industry responding to the initiatives that have been taken by the SEC and I hope as a result of those we can begin to set better standards for more efficient energy and electricity use than we currently have.

QUEEN ELIZABETH GERIATRIC CENTRE

Hon. G. A. SGRO (Melbourne North)—Will the Minister for Health inform the House of the progress of the development of the Queen Elizabeth Geriatric Centre at Ballarat Base Hospital?

Hon. C. J. HOGG (Minister for Health)—I spent Friday morning in Ballarat where I had a quick look at the progress that has been made on the renovation of the Queen
Elizabeth Geriatric Centre. I was absolutely amazed because the $1.8 million that has been spent on the centre has absolutely transformed its first floor and has done away altogether with the chilly and institutional-like appearance it once had. I make no comment on the standard of care apart from saying that it is always excellent. In fact, the institutional setting has been transformed into something that is homelike, warm and accessible for the 46 male residents who now occupy two-bed or four-bed wards with en suite showers and toilets and common living and dining areas. As I said, I was absolutely amazed at the creativity employed on the development. I seriously suggest to honourable members interested in seeing the sorts of changes that can be wrought in institutional-style buildings that they have a look at what has been done there, because it is absolutely fantastic.

I also spent an hour or so at the Ballarat Base Hospital where the $38.1 million development and refurbishment work is well under way. When the work is finished there will be a new six-level block providing 178 beds, six theatres, a day surgery, an obstetrics ward, and a birthing suite. Suitably garbed, I got onto the second storey of the building, which is proceeding well, very much in accordance with the schedule. It is another excellent and exciting development. When it is taken into consideration with the Queen Elizabeth Geriatric Centre it is an exciting story for that area.

SPECIAL HOLIDAY FOR BANK EMPLOYEES

Hon. R. I. KNOWLES (Ballarat)—Will the Minister for Consumer Affairs explain to the House why the government has designated Monday, 31 December of this year a special holiday for bank employees without consultation with the banks, thus cutting retail hours for banks, when the government has decided to allow retail shops to open on the four Sundays before Christmas?

Hon. B. W. MIER (Minister for Consumer Affairs)—I have difficulty in answering the question because it is a matter that should be directed to the Minister for Labour. I shall take Mr Knowles’s question on notice, raise it with the Minister for Labour, and respond to Mr Knowles accordingly.

EXTENDED SHOP TRADING HOURS

Hon. JOAN COXSEDGE (Melbourne West)—I direct a question to the Minister for Consumer Affairs. In a way I suppose it is an extension of the question asked previously.

Following the government’s announcement last week on the extension of shop trading hours to the four Sundays before Christmas in the Melbourne and Geelong areas, will the Minister advise the House whether he has received any applications from provincial centres to extend shop trading hours on the Saturday afternoons before Christmas?

Hon. B. W. MIER (Minister for Consumer Affairs)—The government’s decision announced last week to extend shop trading to the four Sundays before Christmas once again puts Victoria in the forefront of flexibility in shop trading in the lead-up to Christmas. I am not aware of any other State that has been able to secure the opening of shops on the four Sundays before Christmas.

Hon. M. T. Tehan—No other State has our bank trading hours!

Hon. B. W. MIER—Let us look at New South Wales—two Sundays! The extension of trading hours will no doubt prove to be popular with many people because they will be able to do their Christmas shopping in a more leisurely way.
In relation to trading on Saturday afternoons and Sundays in the rest of the State, local councils will need to apply to me under the Shop Trading Act for exemptions to open shops. I am pleased to be able to inform the House, in response to Mrs Coxedge’s question, that already I have received applications from the City of Ballarat and the City of Bendigo to allow trading on the four Saturday afternoons prior to Christmas, and, in line with the need for flexibility, I have approved their applications. This decision is an excellent example of the way this government will continue to work in the best interests of Victorians, through cooperation between employers and unions.

PERSONAL EXPLANATION

Hon. REG MACEY (Monash) (By leave)—I wish to make a personal explanation in relation to my speech on the Land Tax (Amendment) Bill (No. 2) on 15 November. While reading out a series of figures relating to land tax increases in the municipalities within my electorate I inadvertently transposed a number of figures. Five of the six examples given were exact calculations, but I have been advised that the appropriate way to correct the one variation is to make a personal explanation.

It is as follows: a person liable for land tax owning property within one or more of the three municipalities of Melbourne, South Melbourne and Port Melbourne, within the electorate of Monash Province, who received an account for $2000 in 1990 will, according to the Land Tax (Amendment) Bill (No. 2), pay land tax of $2598.29, an increase of 29.9 per cent, still an outrageous increase.

SHOP TRADING (BUTCHER’S SHOPS) BILL

Introduction and first reading

Hon. B. W. MIER (Minister for Consumer Affairs), by leave, introduced a Bill to amend the Shop Trading Act 1987 with respect to the closing hours of butcher’s shops and for other purposes.

Read first time.

ROAD SAFETY (CERTIFICATES) BILL

Introduction and first reading

Hon. B. T. PULLEN (Minister for Education), by leave, introduced a Bill to amend the Road Safety Act 1986 with respect to certificate evidence and for other purposes.

Read first time.

ROAD SAFETY (DRIVERS) BILL

Introduction and first reading

Hon. B. T. PULLEN (Minister for Education), by leave, introduced a Bill to amend the Road Safety Act 1986 and the Road Safety (Amendment) Act 1990 and for other purposes.

Read first time.
LIQUOR CONTROL (PACKAGED LIQUOR LICENCES) BILL

Introduction and first reading

Hon. B. W. MIER (Minister for Consumer Affairs), by leave, introduced a Bill to amend the Liquor Control Act 1987 with respect to the closing hours for packaged liquor licences and for other purposes.

Read first time.

ECONOMIC AND BUDGET REVIEW COMMITTEE

Auditor-General's 1988–89 report on Ministerial portfolios

Hon. T. C. THEOPHANOUS (Jika Jika) presented report of Economic and Budget Review Committee on matters arising from the Auditor-General's 1988–89 report on Ministerial portfolios, together with appendices, extracts from the proceedings, minority reports and minutes of evidence.

Hon. T. C. THEOPHANOUS (Jika Jika)—I move:

That these papers do lie on the table and that the report, appendices, extracts from the proceedings and minority reports be printed.

This important report examines selected matters from the Auditor-General's May 1990 report on Ministerial portfolios. While the report is critical of both the Auditor-General and some government departments or agencies it also makes positive suggestions for improvements in the performance of departments and constructive suggestions in the areas of financial management, improved monitoring procedures and better performance indicators by departments are an important part of the report.

The report is also balanced in its criticisms, which illustrates the critical importance of having Parliamentary scrutiny of the often conflicting claims on the departments and of the Auditor-General. It is the result of many hours of deliberations and public hearings. Both the Auditor-General and departments were given the opportunity of having their say, with the committee often acting as the umpire and mediating in disputes.

In tabling the report I indicate to the House that the Auditor-General has identified areas of legitimate concern in his report, and it is the role of the committee to follow up those matters, and it has done so in the report. However the committee also found that many of the Auditor-General's claims were overstated, inaccurate and methodologically flawed.

Hon. HADDON STOREY (East Yarra)—On a point of order, Mr Theophanous has moved away from giving reasons for tabling the report and is starting to canvass its contents. He has already done that to a certain extent, I think. It is my understanding that that is not something one can do on a motion to table the report. If the honourable member wants to canvass the contents of the report he requires leave or should give notice of a motion. I ask you, Mr President, to rule out of order any comments the honourable member is making in canvassing the report.

Hon. T. C. THEOPHANOUS (Jika Jika)—On the point of order, Mr President, I believe I have been very careful to talk only in general terms about the balance of the report rather than going to the matters in the report. In any event it is my intention now to round off my comments.

The PRESIDENT—Order! That covers the point of order.

Motion agreed to.
Laid on table.

Ordered that report, appendices, extracts from the proceedings and minority reports be printed.

Ordered to be taken into consideration next day on motion of Hon. HADDON STOREY (East Yarra).

PAPERS

Laid on table by Clerk.

Auditor-General’s Office—Report and financial statements for the year 1989-90.

Boort District Hospital—Report and financial statements for the year 1989-90.

Bundoora Extended Care Centre—Report and financial statements for the year 1989-90 (two papers).

Colac District Hospital—Report and financial statements for the year 1989-90.

Creswick District Hospital—Report and financial statements for the year 1989-90.

Dandenong and District Hospital—Report and financial statements for the year 1989-90.

Dunmunkle Health Services—Report and financial statements for the year 1989-90.

Elmore District Hospital—Report and financial statements for the year 1989-90.

Heathcote District Hospital—Report and financial statements for the year 1989-90.

Kerang and District Hospital—Report and financial statements for the year 1989-90.

Kingston Centre—Report and financial statements for the year 1989-90 (two papers).

Kyneton District Hospital—Report and financial statements for the year 1989-90 (two papers).

Latrobe Valley Hospital—Report and financial statements for the year 1989-90 (three papers).

Local Government Department—Report and financial statements for the year 1989-90.

Lyndoch Home and Hospital for the Aged—Report and financial statements for the year 1989-90.

Maldon Hospital—Report and financial statements for the year 1989-90.

Maryborough and District Hospital—Report and financial statements for the year 1989-90.

Monash Medical Centre—Report and financial statements for the year 1989-90 (two papers).

Mount Alexander Hospital—Report and financial statements for the year 1989-90.


Omeo District Hospital—Report and financial statements for the year 1989-90.

Orbost and District Hospital—Report and financial statements for the year 1989-90.

Peter MacCallum Cancer Institute—Report and financial statements for the year 1989-90.

Planning and Environment Act 1987—Notices of Approval of the following amendments to planning schemes.

Broadmeadows Planning Scheme—Amendment L21.

Brunswick Planning Scheme—Amendment L8.

Coburg Planning Scheme—Amendment L12.

Deakin Planning Scheme—Amendment L5 Part 3.

Heidelberg Planning Scheme—Amendment L20.


Pakenham Planning Scheme—Amendment L18.

Preston Planning Scheme—Amendment L20.

Whittlesea Planning Scheme—Amendment L33.
Crimes (Sexual Offences) Bill

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Planning and Urban Growth Department—Report and financial statements for the year 1989–90.
Police and Emergency Services Ministry—Report and financial statements for the year 1989–90.
St Arnaud District Hospital—Report and financial statements for the year 1989–90.
Sandringham and District Memorial Hospital—Report and financial statements for the year 1989–90 (two papers).
South Gippsland Hospital—Report and financial statements for the year 1989–90.
Southern Peninsula Hospital—Report and financial statements for the year 1989–90.
State Electoral Office—Report and financial statements for the year 1989–90.
State Insurance Office Act 1984—Treasurer’s report of failure of the State Insurance Office to submit an annual report to him by 30 September and the reasons therefor.
Statutory Rules under the following Acts of Parliament:
   Drugs, Poisons and Controlled Substances Act 1981—No. 314.
   Fisheries Act 1968—No. 313.
   Health Act 1958—Nos 317 and 318.
   Transport Act 1983—Nos 322 and 325.
Timboon and District Hospital—Report and financial statements for the year 1989–90.
Victoria Parade Geriatric Centre—Report and financial statements for the year 1989–90.
Warrnambool and District Base Hospital—Report and financial statements for the year 1989–90.
Wonthaggi and District Hospital—Report and financial statements for the year 1989–90 (two papers).
Wycheproof District Hospital—Report and financial statement for the year 1989–90.
Yarram and District Hospital—Report and financial statements for the year 1989–90.

Ordered that reports tabled by Clerk be taken into consideration next day on motion of Hon. HADDON STOREY (East Yarra).

CRIMES (SEXUAL OFFENCES) BILL

Second reading

Debate resumed from 10 October; motion of Hon. M. A. LYSTER (Minister for Local Government).

Hon. HADDON STOREY (East Yarra)—This is an important Bill. Sexual offences arouse revulsion and disgust within the community and are always the subject of much debate. People are quite rightly alarmed at the incidence of rape and sexual assault within the community and concerned that we do not have a society where people are free from these attacks. Sexual offences can be much wider than just straight assaults; they can occur through individuals taking advantage of people’s youth or disability or of particular situations that present themselves.

For many years in Victoria the law relating to sexual offences was much the same as it had been in the last century and did not really take account of changing standards and attitudes and, in particular, the realisation that much of the law was written from a male viewpoint. Some years ago when I was Attorney-General I was pleased to introduce a Bill which made profound changes to the laws relating to sexual offences...
in Victoria. For the first time it brought them into the twentieth century and made them much more relevant to the community as it then existed.

I recall that the debate on that Bill was one of the best debates that have taken place in this House—at least in my history! It was a good debate which was approached with a great deal of integrity and objectivity in an attempt to have as good a set of laws as was possible. It went on for many hours and eventually the law was changed. At that time it was recognised that the law would have to be reviewed from time to time to ensure it met the future needs of the community. There have been other reviews but this is a major review of the law.

The Bill before the House follows reports of the Victorian Law Reform Commission over a number of years which drew upon lengthy consultation with the community, very carefully analysed many of the statements, views and opinions held in this State about the law relating to sexual offences and provided the basis for a proper review of the Crimes Act. When the Bill was introduced it was again the subject of a great deal of community comment. The Opposition received many representations, and that led to a full review of the Bill by the Liberal Party, as I am sure it had been reviewed previously by the government.

It should be recognised that, while the Bill rewrites a great deal of the relevant part of the Crimes Act and makes a number of changes to the law, it really leaves untouched the basic framework put into the Crimes Act at the time I referred to earlier. It rewrites the provisions and adopts the plain English approach that the government has introduced into legislation. As I will point out later, one of the problems with plain English is that—

Hon. M. A. Lyster—You cannot always understand it.

Hon. HADDON STOREY—One can always understand it but different people have different understandings of it. When one is dealing with a fairly sophisticated or complex situation and tries to encapsulate it in a few plain words, inevitably it is going to leave a lot of room for argument when applied to particular sets of circumstances. That is really the other side of the coin with plain English: the community can read a plain English statute and understand what it means and that is fine, but when a complex question arises and is taken to court there can be very different views as to what it means.

Sometimes there can be problems in interpretation arising out of plain English. Something can cause a radical alteration to the law by chance because it was not picked up in the plain English or the point has been allowed to fall between the words of the plain English. I shall later give an illustration of that in relation to the Bill.

Firstly, the Bill creates offences where sexual acts have taken place with persons of impaired mental function. This is a very sensitive and difficult area of human behaviour and human relationships, and the Bill seeks to deal with that. Secondly, it extends the offence of incest to include sexual relationships between a child and a de facto partner of the child's parent. This raises interesting questions to which I shall refer later in my speech. The Bill specifies sixteen years as the age of consent, in line with the provisions in New South Wales and the Australian Capital Territory. I shall say more about that later.

The Bill also deals with the question of corroboration and the ability of children and people with impaired mental functions to testify. This is always a vexed question which depends upon whether people understand the duty to speak the truth. The Bill also allows recordings of a witness who is a child or has impaired mental functions to be used in court so that, instead of the child or person having to give evidence in court, it can be given through a recording. It means that the child or person with
impaired mental functions is not subject to the alienating and alarming atmosphere
of a court. I think many people who are not children and who have all their mental
faculties often would like to be in that position.

The Bill deals with so many different aspects that I need to deal with them almost
seriatim. I shall then speak generally about a number of aspects of the Bill and reserve
more detailed concerns to the Committee stage. Clause 3 of the Bill deals with the way
in which penetration may take place and extends the existing law by providing that
penetration by part of the body other than the penis may constitute rape or sexual
penetration.

This flows from a recommendation of the Law Reform Commission of Victoria which
took the view that it is just as much an intrusion upon a person's body to introduce
any part of the body into one of the apertures of the other person's body and that there
was no reason why the introduction of another part of the body should not constitute
the act of penetration.

A subsidiary aspect of this is the position where somebody engaged in an act of
penetration with consent continues to do so after consent is withdrawn. This is a real
possibility and the issue arises as to whether the continuance of that act of penetration
after the consent of the other party is withdrawn constitutes an offence or whether the
fact that there was consent at the commencement of the act means that no offence is
committed.

In the second-reading speech the Minister said:

It is rape for a person to sexually penetrate another person knowing that the other person does not
consent. However, if consent is withdrawn after initial penetration, but the person continues the act of
penetration, the offence is only indecent assault.

The Minister says there is no good basis for this distinction and the Bill will define
this conduct as rape.

There is a question about whether what the Minister said is correct as a matter of law.
I refer the Minister to report No. 7 of the Law Reform Commission, paragraph 62,
footnote 27, where it is suggested that it is already the law in Victoria that the
continuance of an act of penetration after consent is withdrawn does constitute an
offence. That view has been reinforced by a letter received by Mrs Jan Wade, the
honourable member for Kew and the shadow Attorney-General, from Mr Richard
Read, Prosecutor for the Queen. Mr Read wrote to Mrs Wade in his capacity as
consultant to the Law Reform Commission of Victoria on the reference, “Rape and
allied offences”. I might add that he says in his letter that he has outlined these matters
to the Honourable Jim Kennan, the Attorney-General.

It is important that we recognise what Mr Read says. Without going into details, in
referring to this question of withdrawal of consent during an act of sexual penetration,
he said:

It has always been my opinion that this amounts to the common-law crime of rape and that the
amendment introduced by clause 36 (d) of the Bill does no more than declare the common law.

I point out that not with a view to saying that that provision should not be included
in the Bill, because, after all, there is no reason why it should not clarify the law or
reinstate it in the statutes so that it is accepted and recognised by everybody, but
because of the comments I read in the second-reading speech by the Minister—who,
if Mr Read is correct, has actually misstated the current situation of the law in
Victoria.

Proposed new section 38 (1) (b) mentions aggravating circumstances and refers to
things happening immediately after the commission of the offence or act or in the
vicinity of the place where the offence was committed. The question of time is clearly of relevance to whether an offence is aggravated but it seems that the question of place, if it is not related to the time the offence is committed, is hardly relevant to the question of aggravation. I simply point that out as something the Minister may care to consider.

Proposed new section 42 sets out the offence of indecent assault. It states:

A person must not indecently assault another person.

I compare that with proposed new section 40 which deals with the offence of rape and states:

A person who commits rape is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years.

I include in this analysis proposed new section 44 which deals with the offence of incest and provides:

A person must not take part in an act of sexual penetration with a person whom he or she knows to be his or her child or other lineal descendant or his or her step-child.

I have read these three proposed new sections because I wanted to point out the distinction between them. Proposed new section 40 refers to a person who commits rape being guilty of an indictable offence. By way of comparison, proposed new section 42 deals with indecent assault and proposed new section 44 deals with incest. I might say that many other provisions in the Bill similarly say that a person must not do something. Neither proposed new sections 42 or 44 says that doing a thing that should not be done is an offence and neither of them refers to indictable offences.

In the letter I referred to earlier Mr Read expressed the view that the government may have inadvertently created only three indictable offences in the whole of this Bill, namely, rape, rape with aggravating circumstances and indecent assault with aggravating circumstances, and that every other offence in the Bill can be tried only in the Magistrates Court and cannot be tried before a jury in the Supreme Court or County Court because, he says, they are not described as indictable offences and are not even described as offences.

If that is so, we have the extraordinary situation of having offences such as incest for which the maximum penalty is twenty years imprisonment and many other offences with substantial penalties—for example, five years for indecent assault—which can be dealt with only in a Magistrates Court. I cannot believe that is the intention of the government, and it is a matter the Minister should direct to the Attorney-General, who will already have heard about these comments from Mr Read and who probably has considered whether the Bill needs to be amended to clarify or correct this problem.

To make it clear how Mr Read arrived at this view, he said that the traditional form of making an offence an indictable offence is to use the phrase “guilty of an indictable offence”; it is used in the three offences referred to: rape, rape with aggravating circumstances and indecent assault with aggravating circumstances, and that every other offence in the Bill can be tried only in the Magistrates Court and cannot be tried before a jury in the Supreme Court or County Court because, he says, they are not described as indictable offences and are not even described as offences.

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To make it clear how Mr Read arrived at this view, he said that the traditional form of making an offence an indictable offence is to use the phrase “guilty of an indictable offence”; it is used in the three offences referred to: rape, rape with aggravating circumstances and indecent assault with aggravating circumstances, and it is not used in relation to any of the other clauses in the Bill.

In fact, the other clauses use a novel expression, that a person must not do something. That is perfectly plain English. Honourable members know what “somebody must not do something” means. It means that they must not do it! But what Mr Read says in effect is that this Bill sets out to create offences. Further, he suggests it covers not just ordinary offences but offences which, by tradition, history and severity, should be tried before a judge and jury. But the Bill does not say that.

Mr Read then analyses various sections of the Crimes Act and the Magistrates' Court Act, as amended from time to time. I will not take up the time of the House by going
through those details, but the net result of his analysis is that this Bill expresses an intention contrary to section 2B of the Crimes Act 1958: that all offences in the Crimes (Sexual Offences) Bill other than the three I referred to previously are summary offences which may be tried in the Magistrates Court and cannot be tried before a jury in the Supreme Court or the County Court.

Mr Read's reasoning is convincing. If he is correct, I suggest the government should analyse the Bill to ascertain what amendments are necessary to ensure that these offences, which always have been indictable offences, remain indictable offences. I imagine the last thing the government wants to do is to downgrade some sexual offences. I should have thought the government was intent on establishing how serious these offences are and how seriously they should be treated in the community.

If the drafting of the Bill should have the consequences referred to by Mr Read the offences would suffer a substantial downgrading, and the maximum penalties in the principal Act would be nonsense because the Magistrates Court does not empower magistrates to impose imprisonment for substantial periods.

I refer to the provision dealing with incest for another reason. New section 44 applies the offence to adults with no blood relationship. For example, it would be incest if the act of sexual intercourse were between a stepfather and a stepdaughter. Perhaps the community believes that should be an offence—I am sure most honourable members would agree with it—but if one reflects on the background to the offence of incest one recognises the assumption is that it is the community's desire not to have blood relations being involved in sexual relationships. The view is that, if there is continual mating between people of the same blood relationship, the genes of any progeny will be affected. I am not able to express a view on the medical aspects but I make the point that the extension of the definition of incest to step-relationships does take it away from the traditional view of what incest is. I am not saying that it would not be an offence.

Hon. M. T. Tehan—It might be a separate offence.

Hon. HADDON STOREY—As Mrs Tehan suggests, perhaps it could be a separate offence.

The PRESIDENT—Affinity rather than consanguinity!

Hon. HADDON STOREY—I am not sure about the spelling but, as Mr President said, it would be affinity rather than consanguinity.

Hon. W. R. Baxter—That is all very well for the lawyers, but what about the laymen? We need an explanation.

Hon. HADDON STOREY—I am sure Mr President would be keen to give the House an explanation.

Hon. M. A. Lyster—I was formerly a teacher but I can explain it for Mr Baxter.

Hon. HADDON STOREY—I am looking forward to the Minister responding to the points I have made. I am sure she will be able to take up Mr President's comment and explain that, too. This concept of the extension of incest goes even further in new section 44 (2) and extends incest to a relationship between "the child or other lineal descendant or the stepchild of his or her de facto spouse". So again there is no longer the concept of blood relationship—blood relationship being what Mr President referred to as consanguinity.

I shall not go through all the detailed comments I have on the clauses because that is not appropriate in the second-reading debate. However, I will direct some of them to the attention of the Minister. I refer the House to new section 48 which deals with the
sexual penetration of a sixteen-year-old child. The current law is that a sexual relationship involving a child between the ages of sixteen and eighteen years and another person more than five years older is an offence. The government has taken the view that that does not accord with reality or today's understanding of human relationships and, therefore, it seeks to remove that provision. But the Bill includes the provision that:

A person must not take part in an act of sexual penetration with a sixteen-year-old child to whom he or she is not married and who is under his or her care, supervision or authority.

In other words, if a sixteen-year-old is under the care, supervision or authority of a person, because of the young person's lack of life experience and the influence that a person in that relationship has, it should be an offence for that person to sexually penetrate the sixteen-year-old child. The coalition has expressed concern that the provision is too limited and that it should also apply to seventeen-year-old children because the concept of the provision is one with which it agrees. A person who has that power of influence or persuasion over a younger person should not be able to take advantage of that situation. The provision should apply equally to sixteen or seventeen-year-old children and I ask the government to consider that matter.

New section 57 deals with a case where sexual penetration was achieved by fraud as in the case of Mobilio where, under cover of an ultrasound examination of the vagina, someone took advantage of the patient. Although it was claimed a sexual offence occurred, ultimately the conviction for rape was quashed because the court held that the patient had consented to the examination: even though the patient's consent had been obtained fraudulently it was held that it was not fraud. I understand the case is being appealed against to the High Court, so a different decision may result. In the meantime the section makes it an offence to procure a person to take part in an act of sexual penetration by any fraudulent means—and we can appreciate the point of that.

Another feature of the Bill is the inclusion of provisions relating to the offence of bestiality. Arguments have been put to the Opposition that because this part of the Crimes Act deals with sexual offences against people it is a strange place to find offences dealing with committing acts with beasts. Although traditionally bestiality has been referred to in this part of the Crimes Act, it is an interesting point whether the offence should be a part of this Act or some other Act. I ask the Minister to refer to that at the end of the debate.

Other provisions of the Bill concern the way judges should direct juries and the extent to which corroboration is necessary in cases involving young people. I shall not address each provision in detail, but it is worth raising concerns about the nature of specific directives given in the Act to judges. For all of its faults the common law has always had the virtue of being adaptable and flexible. Once specific directives to judges are written into legislation they cannot be changed or improved unless the relevant Act is amended. I certainly have some questions about the extent and specifics of the directions given to judges in this Bill.

As I have said before, the Bill refers to the ability of young children and those with impaired mental functions to give evidence. Clause 8 says:

In section 23 of the Evidence Act 1958—
(a) for sub-sections (1) and (2) substitute—

"(1) If a person with impaired mental functioning or under the age of 14 is called as a witness in any legal proceeding and that person does not in the opinion of the court understand the nature of an oath, his or her evidence may be received, though not given on oath, if, in the opinion of the court, he or she—

(a) understands the duty of speaking the truth; and
(b) is capable of responding rationally to questions about the facts in issue."
It is a very important issue, and the Bill attempts to ensure that what such people say can be received by courts provided they fit within the criteria referred to. It is important that where they are able to express what happened children and people with impaired mental functioning should be allowed to give evidence, given that everyone makes allowance for their age or the level of their impairment.

The Leader of the Opposition has received a letter from the New South Wales Attorney-General, Mr Dowd, who has expressed some interesting views about the issue. After becoming aware of the introduction of the Crimes (Sexual Offences) Bill he wrote to the Leader of the Opposition to inform him that the test of the circumstances in which children can give evidence in New South Wales was being reviewed in that State. In the letter he also points out that his view of the appropriate tests differs from those set out in the Bill. In Mr Dowd's view the test for the admission of the unsworn evidence of children should be such as to enable a court to consider all of the evidence that might be reliable.

He says that a child's not understanding the duty of telling the truth does not mean that his or her evidence will be inherently unreliable. Mr Dowd claims there appears to be no correlation between the understanding of the duty to tell the truth and the reliability of evidence. As he says there are plenty of examples of people who understand the duty but who lie their heads off in court every day. Merely understanding the duty to be truthful does not mean that evidence given will be honest. The New South Wales Attorney-General prefers to take the view that a child's ability to distinguish between fact and fantasy is the critical thing. He believes children should be presumed to be competent and that their evidence should be excluded only where the contrary can be shown.

I put those views to the government. They are held by a man who is a respected and well-credentialled Attorney-General and who has an interest in the making of appropriate laws. Mr Dowd believes that the test proposed in the Bill is too restrictive and will prevent children from being able to give perfectly reliable evidence. I point out that Mr Dowd has written to the Victorian Attorney-General asking whether he would be prepared to consider delaying the further passage of the Bill until the New South Wales proposal has been finalised. I hope the Minister for Local Government will be able to give the House an indication of our Attorney-General's response to that request.

The Bill also deals with the recording of evidence obviating the need for some witnesses to appear in court. The Law Institute of Victoria believes that the inclusion of a transcript of recorded evidence in hand-up briefs should be mandatory—this may be a way of having evidence put before a court without having to have it recorded by tape or video—and I commend that proposition to the government.

The Bill does not deal with the problems that have arisen in Australia and perhaps in Victoria where someone is charged with sexual offences against a child that have occurred over a number of years so that it is not possible for the child to identify a specific date or dates on which the offence or offences occurred. That is traditionally the sort of thing that will happen. In an incest case or the case of a parent and a child where there has been sexual abuse during the child's young years the child is often too afraid to complain at the time or perhaps does not understand that what has been happening is contrary not just to the law but to human nature and should be dealt with.

Then years later the child has an understanding of what has happened, or escapes from the undue influence of the parent, and lays a complaint, but it is just not possible to identify a particular date on which a certain incident happened. There is a concern
that the courts have found in those circumstances it is not possible to proceed with the charge of rape or other specific offences because no date is available.

The Opposition is disappointed the government has not chosen to deal with the information in this Bill, and in the Committee stage the Opposition will move an amendment to include a new offence in the Crimes Act that amounts to maintaining a sexual relationship with a child. This will be based on Queensland legislation that was passed last year.

I am sorry I have taken up so much time of the House but it is a Bill with a lot of different aspects to it and it deserves extensive and mature consideration by the House. Honourable members must try to get this right; they owe it to all the victims or likely victims of sexual attacks and assaults in the community. There must be a working law that will stand as a disincentive to people who engage in these acts.

Ultimately, passing laws is not going to fix the problem; changing human nature will be needed to achieve an end to sexual offences, and perhaps that is going to take a little longer. Parliament must make sure the laws that are in place are as effective and efficient as possible.

I ask the Minister to consider the matters I have raised and to have discussions with the Attorney-General about them, particularly the nature of the offences created by the Bill. If the view of Mr Read is correct—and he is a very experienced prosecutor, evidenced by the fact he has been a consultant to the Law Reform Commission on rape and allied offences—clearly the structure of the Bill will have to be changed in some way to take account of that.

With those comments I indicate the Opposition will not oppose the Bill but will move the amendment I foreshadowed and would like to see other matters dealt with by the government in the Committee stage.

**Hon. JOAN COXSEDGE** (Melbourne West)—I listened with a great deal of interest to the speech by Haddon Storey because I know it is an issue that he has been involved with for many years. He mentioned that there was a lengthy debate in this House on this matter back in 1980. That was an honest and constructive debate. I cannot help wondering how much community attitudes have changed since that time. This is a very important Bill. I understand that the concerns raised by Mr Storey regarding technical deficiencies in the Bill have already been investigated by Parliamentary Counsel and they take a contrary view.

Firstly, there is a clear indication in proposed section 60 that this is a summary offence showing that other offences are indictable. Secondly, clause 14 of the Bill amends the Magistrates' Court Act to specify which indictable offences can be heard summarily. In any case, this provision will be unnecessary if the offences are summary. Thirdly, the explanatory memorandum makes it clear that the new offences are indictable as were the old ones by using expressions such as "the same as" in section 45 and "equivalent of" in section 53.

I join with women in particular throughout Victoria in welcoming reforms to laws dealing with sexual offences in this State. All women and children are especially vulnerable to rape. Rape is a crime that cuts across socioeconomic lines and can occur anywhere at any time; in the home, at work, as well as in public places. In many cases the perpetrator is known and trusted by the victim. It is partly because of this that many rapes are never reported and the perpetrator remains undetected and at large while the victim has no access to redress or support.

This Bill takes substantial steps towards improving the situation by clarifying the definition of rape and alleviating some of the stress on victims who report the offence.
It must never be forgotten that rape has little, if anything, to do with sexual gratification; it is an act of violence associated with conquest, war and the exercise of power. In our society it is also a sad reflection of negative attitudes towards women. Rape is one way in which a man—and it usually is a man—who feels impotent in every other aspect of his life can assert his will over another human being in the most brutal and degrading fashion. In the case of children it represents the most extreme form of exploitation, especially as the perpetrator is often someone in whose care the child is placed.

Neither is rape simply a case of genital sex. Any act of sexual penetration without consent is a gross infringement on the body and psyche of the victim and the scars usually remain for life. When legal remedies are pursued by those brave enough to do so it is often the victim of rape who feels on trial. The trauma of medical examinations, police interviews, ongoing harassment by the perpetrator, recounting the experience in the cold, impersonal atmosphere of a courtroom and having one's integrity thrown into question under quite often hostile and aggressive cross-examination work against the victim coming forward to report the crime. The saddest aspect of all is the prevailing social stigma attached to rape victims that they are somehow shamed by the crime that has been perpetrated against them; that they may have even invited it.

For this reason I welcome the clauses of the Bill that aim to ease the stress associated with giving evidence, particularly in the case of child victims or persons with impaired mental capacities.

I agree with Mr Storey that we enter into some sensitive areas indeed in this debate but I emphasise the importance of further reform in the area mentioned by the Attorney-General in his comments during the second-reading debate in the other place, and that is the area of consent.

As the law now stands it is not enough that the victim proves that he or she did not consent to penetration to ensure a conviction. It must also be proved that there was no belief of consent on the part of the accused. If the accused convinces the jury that he really believed the plaintiff was consenting, no matter how ludicrous that seems, then no rape has occurred—only a so-called mistake—and it is left up to the victim and his or her representatives to prove that no such belief existed.

In this sense the victim is still very much on trial and the reform of the terms of reference governing consent must be a cornerstone for future reforms of our laws regarding sexual assault. Therefore, I welcome the Attorney-General's assurance that the Bill will not be the final word on reform and that the Law Reform Commission is undertaking a detailed study of rape prosecutions as a basis for further legislative change. Some of the suggestions made by Mr Storey also need to be examined. I am also pleased to note that workers at the sexual assault centres will be consulted in this process. I know from my own work on this issue, which goes back many years, that these people have considerable knowledge of such offences and ensuing legal processes for the viewpoint of the victims, and are well placed to comment on any anomalies in our justice system.

Research must take into account the policies and processes governing this issue interstate and overseas as well as the vast number of case histories in our own State which offer insight into the workings and failings of the legal process. Therefore, in commending the Bill I urge the Attorney-General to continue with his valuable line of public consultation in the interests of a fairer system which will serve not only the immediate victims of sexual assault but our society as a whole.

Hon. M. T. TEHAN (Central Highlands)—As Mr Storey has indicated, the coalition will be supporting the Bill and introducing an amendment which adds to its stature.
I should like to indicate in fairly broad terms that it is a terrible indictment of our modern society that there is such a prevalence of rape, sexual assault and violent attacks, particularly on women and children, that are now covered by amendments to the Crimes Act, and this Bill is another such amendment. As Mrs Coxsedge said, sexual assault is a particularly abhorrent offence to all members of the community but especially to those most vulnerable—women and children. It has now reached the stage where rape is a common occurrence, and all members of society should be concerned about it and be prepared to do something about it. To some extent the provisions of the Bill are an attempt at least to address some of the problems.

But the Bill will not in any way cut back, inhibit or limit the number of rapes or sexual offences currently taking place in our community. That will need a change in the whole mentality of society and it will certainly need a proper recognition of women's place in society because, as Mrs Coxsedge said and as all reports show, it is really an offence against women at their most vulnerable. It strips them of their dignity, their rights and their standing in society, and reduces them to nothing more than objects—either sexual objects or, more often, objects of men's power.

Rape is becoming more prevalent. Admittedly rape is being reported more frequently, and I hope one of the effects of the Bill will be to make it easier for people to bring charges. However, the incidence will continue to rise nonetheless.

Society needs to look at the causes of rape and sexual assault against women and children. Until we do that we are really just playing at the edges with a Bill such as this one. I adhere to the proposition that depictions of violence in film, books, comics and especially videos are having an impact on the increased incidence of rape and sexual assault, and this has to be addressed. Parliament should be examining the issues because X-rated videos abhorrent to ordinary people are readily obtainable in our society. They come predominantly from the Australian Capital Territory where the laws in this area are much more liberal than in Victoria and where through mail order there is an opportunity for these books and videos to be viewed in people's homes. I have no hesitation in saying that they have a degrading effect on people. They lower accepted standards of behaviour and make what should be treated as freakish behaviour—outside the normal bounds of acceptance—seem part of the norm. Until we are willing to examine those causes of rape and assault we are not really addressing the problem.

Women have become more vocal and will take advantage of the changed consent provisions of the Bill to bring prosecutions against the perpetrators of sexual offences, to speak up as witnesses and to be able to have their evidence considered in court. However, it is the responsibility of society—including men—to see rape, sexual assault and sexual penetration as absolutely abhorrent and as something society cannot, should not and will not tolerate. Until we get that change of attitude we are only tinkering at the edges.

Again, I endorse a statement by Mrs Coxsedge about the psychological scars of women and children which they bear for many years and probably all of their lives. The women's movement should be forceful about this type of offence, but everybody should agree that it cannot be tolerated in society.

The Honourable Haddon Storey referred to the changes made by the Bill. One of them which interests me and which has been the subject of some debate is the extension of the offence of incest to include offences with persons other than lineal descendants, or involving what the President suggested was consanguinity.

My understanding was that the offence of incest was traditionally based on those circumstances in which there was blood relationship. The Old Testament of the Bible,
in Leviticus, chapter 18, verses 15 to 18 refers to Moses setting out those relationships in which it was not suitable to allow sexual penetration. It was done a lot more sensitively in Moses' terms than the very explicit terminology used in the Bill. The Lord spoke to Moses saying:

15. Thou shalt not uncover the nakedness of thy daughter in law: she is thy son's wife; thou shalt not uncover her nakedness.

16. Thou shalt not uncover the nakedness of thy brother's wife: it is thy brother's nakedness.

17. Thou shalt not uncover the nakedness of a woman and her daughter, neither shalt thou take her son's daughter, or her daughter's daughter, to uncover her nakedness; for they are her near kinswomen: it is wickedness.

It sets out the degrees of consanguinity and affinity. Consanguinity is a close blood relationship, but affinity is a relationship through marriage, and Moses clearly says that is wickedness.

Although it is still considered to be wickedness, the legislation enlarges that category of relationships outside consanguinity and affinity by including the stepchild of a de facto spouse. I certainly am not saying that should not be an offence, and it comes with the offence of trust and duty built up in those relationships. They should be offences and it is pedantic that they cannot be accommodated under proposed new subdivision (8B), which relates to incest. As the President and I have discussed, it is only in recent times that de facto relationships have been accepted, and that is one of the effects of modern living.

As Mr Storey said, proposed new section 46 refers to offences against children between the ages of ten and sixteen years and includes special provisions dealing with offences against children of sixteen years. The sexual penetration of a child under the age of ten years carries a penalty of twenty years imprisonment, and consent is not a defence. In view of the abhorrence with which society regards and should regard any sexual offences against children, that sentence is none too heavy.

Proposed new section 46 deals with the sexual penetration of children aged between ten and sixteen years with the proviso that they are not married. In the event of an offence being committed by someone who has the care and supervision of or authority over a child between the ages of ten and sixteen years, the penalty is fifteen years imprisonment. If the person who commits the offence does not have authority over the child, the sentence is ten years imprisonment.

It is difficult to make categories and cut-off points, but when sexual penetration of a child under the age of ten years is punishable by twenty years imprisonment, it is hard to understand why the penalty is halved to only ten years if the child is eleven years of age. I am glad there is special provision for persons who abrogate their duties in terms of the care and supervision of or authority over children—such offences are punishable by fifteen years imprisonment.

The Bill reduces the age of consent currently in the Crimes Act from eighteen years to sixteen years. That reflects the maturity of people of this modern age and indicates young people of sixteen years are able to make decisions for themselves with regard to consenting to sexual penetration. However, the Opposition has some concerns about whether a child of sixteen years needs the protection of the Crimes Act.

Proposed new section 48 (1) refers to sexual penetration of a child of sixteen years by a person who is in charge of or has supervision or authority over that child; the penalty for that offence is three years imprisonment. That creates some concern because while still at school, in institutions or vulnerable to authority, sixteen-year-old girls are unable to speak for themselves or, if necessary, defend themselves. That penalty is relatively low in those circumstances.
The provisions relating to evidence are improvements in that proposed new subdivision (8D) provides that young children or people with impaired mental functioning, while not able to take oaths, are able to give evidence provided they have an understanding of what truth is and are able to understand the facts put before them. That gives magistrates, judges and juries an opportunity of hearing their evidence and taking account of it.

In previous circumstances offenders were able to thumb their noses at the law because the persons who had been offended against—in many instances they were the only witnesses—were not able to take oaths. Their evidence was either not heard or was not given the due consideration it will be given under the provisions. A person giving evidence must understand the purpose of truth and must be able to respond rationally to questions about the facts. Children under the age of fourteen years and persons with impaired mental functioning will now be able to bring and substantiate prosecutions for these hideous offences.

As has been pointed out, there appears to be a gap in the legislation in that it does not cover the problem where convictions have not been able to be brought because a child or mentally impaired person has not been able to give specific dates about occasions when offences have taken place. Mr Storey referred to instances where sexual offences have now taken place over a long time and because the child or person with a mental impairment was not able to specifically indicate the dates on which the offences took place, the charges could not be substantiated. That gave protection to the accused because he did not need to provide an alibi for specific dates. Some hundreds of cases on police records cannot be brought before the courts because of the restrictions on children or people with mental impairments.

An amendment has been foreshadowed which will be moved in the Committee stage. It is similar to a provision in Queensland legislation that was passed in January last year which will make it an offence to maintain a sexual relationship with a child. That amendment will improve the legislation.

Proposed new section 51 concerns sexual offences against people with impaired mental functioning and proposed new section 52 deals with sexual offences against residents of residential facilities. The definitions in proposed new section 50 provide that "residential facility" means a psychiatric in-patient service as defined in section 3 of the Mental Health Act 1986 or premises operated by any person or body, government or non-government, wholly or substantially providing services to intellectually disabled people.

Persons in a residential service because of intellectual disability or because they are receiving treatment or care under the Mental Health Act are protected from sexual offences committed by workers at those facilities. Proposed new section 52 (1) states that a worker at a residential facility must not take part in an act of sexual penetration with a resident of the facility who is not his or her spouse or de facto spouse. A worker is defined as a person who provides services to residents at residential facilities whether as an employee or as a voluntary worker, but does not include a person who also receives services for impaired mental functioning. This is an improvement because it makes it implicit that a worker in those residential facilities cannot take advantage of the mental limitations of a person by an act of sexual penetration.

Unfortunately over the past few years a number of instances have occurred where workers or people employed in residential facilities have taken advantage of the limitations of the residents. Proposed new section 52 will make that an offence. Consent is not a defence to charges made under the proposed new section unless at the time of the alleged offence the accused believed on reasonable grounds that he or she was the spouse or de facto spouse of the resident.
Workers at residential facilities or persons providing medical or therapeutic services to a person with impaired mental functioning cannot take advantage of the situation in which they find themselves and then take further advantage by saying that the person was not in a position to give evidence or to bring charges. The Bill goes some way towards addressing some of the problems in this area of the law and for that reason the Opposition will support the legislation.

We have a large societal problem in that crimes of violence, assault, rape and especially crimes against women and children are not abating but are increasing. When I first became shadow health spokesman I met a group that a psychiatric hospital was getting together that was called Towards a Gentler Society (TAGS). I like the word "gentler". The name Towards a Gentler Society is something that we should aspire to. We have lost the concept of sensitivity, gentleness and consideration for one another. The sexual act is based on intimacy, trust and faith. It can be the epitome of closeness, gentleness and trust between two people and it should not be abused. I commend the work of the group TAGS. I believe every member of the House should speak about the need for the public to change its attitude so that society becomes more gentle.

The Bill takes a bandaid approach by patching the pieces together after people have been broken. I commend it, subject to the amendment that will be moved in the Committee stage.

The PRESIDENT—Order! As there is not a quorum present I ask the Clerk to ring the bells.

Quorum formed.

Motion agreed to.

Read second time.

Ordered to be committed next day.

TEACHING SERVICE (AMENDMENT) BILL

Second reading

Debate resumed from 31 October; motion of Hon. B. T. PULLEN (Minister for Education).

Hon. HADDON STOREY (East Yarra)—The Teaching Service (Amendment) Bill is a short Bill, but it is an important Bill because it makes substantial changes in the way in which the Teaching Service operates in this State. It arises from a protracted dispute between the government and the teacher unions which cost the State money and the time of teachers and it cost students teaching time before the government eventually reached a compromise, which was typical of the government in that it sold out to the teacher unions because that was the only way to achieve industrial peace.

The concepts contained in the Bill are ones with which the Opposition finds sympathy. The Bill deals with principals and with advanced skills teachers. When examining the Bill it is necessary to consider how our schools operate. There is no doubt that education in Victoria has declined because of a lack of morale and because of the many changes the government has made. The government has failed to manage the serious issues in the nature of our system.

Every Labor Minister for Education has made changes to the system. The current Minister has not changed the situation only because he has not been Minister for long, but it is fascinating to note the changes that each of his predecessors have made.

The changes started when Mr Fordham—the honourable member for Footscray in another place—became education Minister. He made drastic changes to the school
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system. Then Mr Cathie became Minister for Education. He decided all of Mr Fordham's changes were wrong or inappropriate so he changed everything again. For a short time Mrs Hogg had responsibility for the portfolio; she was not there long enough to effect any substantial changes. Then Ms Kirner came in and she decided all the changes Mr Cathie had made were inappropriate or wrong and proceeded to change everything again. As I said, I am sure Mr Pullen, given time, will decide it is all wrong and change everything again.

Hon. B. T. Pullen—We are talking about steady improvement.

Hon. HADDON STOREY—The Minister says it reflects "steady improvement". It is extraordinary improvement when people in charge of the portfolio change the structure of the whole department time after time.

For instance, when Mr Cathie came to the office of education Minister he decided it should not be a department. He did away with the department and introduced a sort of corporate image, a Ministry. When Ms Kirner came along she got rid of the Ministry and introduced the departmental structure. I am intrigued to know what Mr Pullen will do. Will he return to the Ministry system or retain the departmental structure? Perhaps he will bring back to head office all the people Ms Kirner took away from the regional offices and put into the school support centres.

All of these changes have led to the Teaching Service (Amendment) Bill which deals with the appointment of principals and promotion to the advanced skills teacher category in our schools. The education system should be concerned with what happens in our schools, and with the ability of our school system to engage the best possible teachers and to give them the facilities and flexibility necessary to deliver the best quality education to students in our schools.

The government has decided to provide for the appointment of principals for seven-year terms, with the possibility of subsequent renewals of five-year terms. The effect will be that instead of a principal going into a school and remaining there perhaps forever the possibility will exist for a change to be made to the appointment. Honourable members must acknowledge that in the hundreds of secondary schools and thousands of primary schools in Victoria not every principal or head teacher can be a success. It is inevitable that some who are appointed will, for one reason or another, be unable to do the job or find their interest has waned and their skills are no longer appropriate, or they may simply lose the spark of energy and creativity that comes from a fresh appointment.

The Opposition accepts the government's view that principals should be appointed for a term only; seven years is a reasonable period within which a principal should be able to establish his or her mark on the school and whether he or she and the school fit together. If a principal and the school are operating well, little doubt exists that the principal's term of appointment will be renewed. If a problem arises the opportunity is presented for a reconsideration of the principal's appointment to the school.

The Opposition agrees also with the notion of the possibility of terms being renewed for a period of five years. If a principal is operating well within a school, it would be a tragedy if he or she had to leave. The Opposition supports the notion of possible reappointment in order that the principal can continue to be in charge of the school so long as the appointment works successfully.

A proper selection system must accompany the proposed changes to the appointment of principals. The Teaching Service (Amendment) Bill does not deal with a selection system for principals; it needs to be considered to ensure it is operating appropriately.
The Bill deals also with the category of advanced skills teacher. The Opposition welcomes the introduction of the category into Victoria's schools because it formed part of the policy of the Liberal Party at the last State election. The Opposition is pleased the government has picked up this part of the policy and is applying it, as it has picked up other parts of Liberal Party policy.

The Bill recognises that some teachers want to go on teaching. They do not want to move into administration or to become principals, but they want to have their skills recognised and be able to contribute in ways other than through administration. The advanced skills teacher position enables that to happen.

Another reason for creating the position is that it will help to break the barrier of promotion that exists in the Ministry of Education. Because the school population is declining and thus there is no longer a need for an increase in teacher numbers, many teachers move up the various rungs of the service until they reach the top of the ladder, which used to be an assistant class 14 position and is now an assistant class 15 position. Those teachers cannot proceed any further simply because no vacant positions are available for them; all the principal and special support positions are filled. The Opposition considered a circuit-breaker should be introduced into the system so that many teachers at the top of the assistant class will be able to take promotion and still use their skills. That is the reason the Opposition proposed the creation of the advanced skills teacher position, and it is hoped the desired result will be achieved. This move by the government is welcome.

The Bill provides that advanced skills teachers will be appointed on the recommendation of a committee consisting of the principal, a teacher nominated by the teachers from the school, a person appointed by the Chief General Manager of the Ministry of Education, and a person nominated by the industrial association of employees.

The Opposition is concerned about the pervasive influence of teacher unions in the education system. Teachers should be appointed on their merits; not because of their union affiliation. I am concerned about the formula because if the person appointed by the Chief General Manager of the Ministry of Education is a unionist and the person appointed by the teachers from the school is a unionist and they are joined by a person nominated by the industrial association of employees, the result will be a recommending committee with three unionists and one principal. When advanced skills teachers are being appointed favour might be given to unionists rather than the appointment being on merit alone. The Minister must watch how the recommending committee system operates and ensure it is not subverted as I have suggested it might be and that it leads to the most appropriate people being appointed to those positions.

The Opposition has one other concern about the Bill: it does not provide that there should be a performance appraisal of the principal. It would be inappropriate to have the further appointments made without such a performance appraisal. We believe all teachers and all people in our schools ought to be appraised from time to time to ensure they meet the requirements of their positions, which will change over the years and will require additional or different skills from time to time. Therefore we believe there ought to be a performance appraisal of the principal.

I shall move some amendments in the Committee stage to ensure that occurs. Subject to acceptance of those amendments, the Opposition does not oppose the Bill.

Hon. P. R. HALL (Gippsland)—The Teaching Service (Amendment) Bill is a significant Bill in that it brings about changes to the selection and appointment procedures of principals in the school system and brings about a new category of teachers called advanced skills teachers.
By way of providing some background on this Bill I inform the House that it was in May of this year that the Victorian government and the Teachers Federation of Victoria reached an agreement relating to award restructuring in the Teaching Service. Two components of that agreement are dealt with in this Bill. They relate to the appointment of principals and, resulting from that agreement, the addition of the new category of advanced skills teachers.

As those major changes emanate from the agreement on Teaching Service award restructuring, I shall comment briefly on that agreement. Throughout the restructuring process one of the aims was to improve the recruitment and retention of quality teachers. I certainly regard that as a most worthwhile aim. We need to do as much as we can to try to attract top quality people into our Teaching Service and following on from that we need to make sure that career paths are adequate to enable us to retain them in the teaching system.

The agreement also aimed to enhance the quality of the teaching profession through training and retraining. I have always felt strongly about that point. The teachers we have in the system need to keep up to date continually with their skills and teaching methods. For those reasons training and retraining become important during a teacher's service.

The agreement also aimed to improve the responsiveness to skills shortages. In many areas of Victoria schools are lacking in particular types of teachers. Maths/science is one area in which some schools fail to attract quality teachers and have staffing difficulties. We should be trying to implement strategies to attract teachers into those areas where there are skills shortages.

The agreement also aimed to increase the number of women in promotion positions in the Teaching Service. As a proportion of the total Teaching Service the number of women in the positions of principal and senior teacher could certainly be improved. I welcome that aim of the restructuring negotiations as well.

The agreement was ratified by the Industrial Relations Commission of Victoria on 18 June this year. Within that agreement substantial pay increases were handed down to teachers. Principals were awarded a 13 per cent increase in salaries, effective from 1 January next year; and vice-principals were awarded a 9 per cent increase from the same date. In fact, all teachers immediately received the second structural efficiency adjustment of 3 per cent.

Teachers in our State system are now receiving substantial salaries. I have compiled a table of teachers' salaries which I wish to talk about, but before doing so I seek leave to have the table incorporated in Hansard.

Leave granted: table as follows:

<table>
<thead>
<tr>
<th>TEACHER SALARIES</th>
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<tbody>
<tr>
<td>Principal Class</td>
</tr>
<tr>
<td>* Salary levels to apply from 1 January 1991</td>
</tr>
<tr>
<td>Principal 1 (800+)</td>
</tr>
<tr>
<td>Principal 2 (400-799)</td>
</tr>
<tr>
<td>Principal 3 (&lt; 400 secondary, 151-399 primary)</td>
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<tr>
<td>Principal 4 (124-150 primary)</td>
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<tr>
<td>Vice Principal 1 (400+)</td>
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<tr>
<td>Vice Principal 2 (151-399)</td>
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An allowance of $2000 will be paid to principals of some multicampus colleges and all colleges with more than 1200 students.
### Teaching Service (Amendment) Bill

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#### Head Teachers

* Salary levels to apply from 1 January 1991

- **Head Teacher 1 (61–123)**: $41,105
- **Head Teacher 2 (13–60)**: $40,205
- **Head Teacher 3 (1–12)**: $38,400

#### Advanced Skills Teachers

* Salary levels

<table>
<thead>
<tr>
<th>Category</th>
<th>Salary</th>
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<tbody>
<tr>
<td>AST3</td>
<td>$39,582</td>
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<tr>
<td>AST2</td>
<td>$38,582</td>
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#### Assistant class teachers

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<tr>
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<tr>
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<tr>
<td>2</td>
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<tr>
<td>1</td>
<td>$20,956</td>
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</tbody>
</table>

Figures taken from education department document headed "Victorian Government Teaching Service Award Restructuring" dated 22 June 1990.

**Hon. P. R. HALL**—The table contains a list of particular categories of teachers and the salaries they now receive. Honourable members will note from the table that the principal of a school that has 800 or more students will now receive $56,100. That is the salary applicable for principals in the top section of that table, and vice-principals are also categorised in the principal class. In addition to those salaries the main principal in a multicampus college and principals of colleges that have more than 1200 students will receive an allowance of $2000 a year.

The second category in the table I have prepared relates to head teachers; this term is applied to staff at some smaller primary schools across the State. The head teacher of a school that has between 61 and 123 students will receive $41,105, and the scale ranges from that amount down to the salary of a head teacher at a small school that has between 1 and 12 students, which is $38,400.

The new category of teachers introduced by the Bill is that of advanced skills teachers. The table lists two salary levels: AST3, which is $39,582; and AST2, which is $38,582. There is to be a category of AST1 as well, but the actual terms of that position have not yet been decided between the unions and the government. I suppose that will come later.

For the interest of members I have also listed the different subdivisions of salaries paid to teachers throughout the teaching system. They range from subdivision 15, which is $35,082, to subdivision 1, which is $20,956. However, I point out to the House that those last few subdivisions really do not apply to our system now because a teacher who has been trained for three years—that is the minimum period of training required for teacher qualifications—actually starts at subdivision 5, at a salary of $23,773; and a teacher who has had four years training would start at subdivision 7, with a salary of $25,739.

I mention those figures on teachers' salaries certainly not to criticise the salary levels of teachers. In fact, perhaps I can even be persuaded that those salary levels are not...
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high enough. One of the aims of restructuring was to attract quality teachers. At the bottom end of the scale, teachers who have had four years training are competing with graduates in other areas, particularly in science and technology, and graduates in those areas enter the work force on salary levels ranging from $25 000 to more than $30 000. Therefore, if we are to attract quality teachers from our universities into the school system we need to have a substantial salary inducement. I certainly make no criticism of the salary levels in the table that I have presented to the House.

However, the point I feel most strongly about is the need to have mechanisms of accountability in the teaching system. I am sure many members who visit schools in their local areas will hear of some very good teachers in the system—that is, teachers who work hard, who are efficient and who produce some excellent results. Unfortunately, at times we also hear of some very bad teachers in our system. I suggest there are teachers in the State system now who should not be there. There are teachers who are incapable, who are not suited to their jobs, or who have little interest in the work they are doing. There should be a mechanism of accountability in the system to ensure that the good teachers are properly rewarded and the poorer teachers are removed from the system.

If Victoria is to have a quality education system, it is high time it had a mechanism of accountability in the system. That is an aspect that I like about the Bill. We are moving in the direction of accountability by setting up an accountability mechanism for school principals.

The legislation states that forthwith principals will be appointed on seven-year terms with five-year renewable terms. It is important that a principal is assessed after seven years in a position; if he or she has performed well in the position there is little doubt that the local selection committee will extend that appointment by five-year periods. Equally important is the provision whereby if a principal is not up to standard in the first seven years, a mechanism will be in place to get rid of that person. I have no problems with that system which could well be extended to all Victorian teachers.

The government should consider this aspect of accountability for the general Teaching Service, and not restrict it to the principal class. The Bill provides an ideal opportunity for introducing accountability mechanisms for advanced skills teachers.

As I understand the legislation, at the moment advanced skills teachers are appointed for an indefinite period. Once a teacher attains the advanced skills category he keeps it forever without any challenge to his performance at that level. Advanced skills teachers receive annual salaries of about $39 500 and, like principals, they should be subject to some form of accountability to ensure that their performance is compatible with the salary being paid.

I return to the Industrial Relations Commission decision of 18 June because it not only set salary levels but also determined conditions for the appointment of principals. One condition was that it established a leadership structure for multicampus college campuses. On previous occasions in this place I have said I have no problem with the concept of multicollege campuses. There are two in my electorate—Kurnai College in Morwell, and the Leongatha campus which is a combination of the former Leongatha Technical and Leongatha high schools. Certainly that sort of campus is working well in my electorate.

I am interested in the leadership structure established for the colleges, particularly at the Kurnai College. It has three campuses in Morwell and another in Churchill; it is a four-campus college. The IRC agreement said that the position regarding principals for multicampus colleges would involve a main principal overseeing the work of each college; in addition, a principal would be appointed for each campus, plus another
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two. Each of the four campuses has a main principal; two have deputy principals or other principals under the control of the main principal. However, each of the remaining two campuses has only one principal position. There is no difference between the number of pupils at each campus; the size of each is approximately equal, yet two campuses each have two principal positions while each of the remaining two has only one principal position.

That position is undesirable and inequitable for the students at the four campuses. I have raised this problem in the House on other occasions, including during the debate on the Budget Bills. I have not yet received a response from the Minister for Education. I must emphasise this important concern and ask the Minister to examine closely the leadership structure for multicampus colleges.

Returning to the Bill, I have spoken rather extensively about the appointment of principals. I have no problem about the process described in the Bill. The principals in Victorian schools are in very important positions. In recent years their workloads have increased dramatically and they certainly deserve their present remuneration. The seven-year appointment with a five-year renewable term provision, as contained in the Bill, is fair to everyone.

I support the provisions for advanced skills teachers because they address the problems experienced in the past whereby very capable and willing teachers have moved into administrative positions in schools to improve their career paths. It is highly desirable that the State’s best teachers are encouraged to remain in the classrooms. For those reasons I have no problems about supporting the concepts about advanced skills teachers, as contained in the Bill.

It is a fine initiative that advanced skills teachers will be selected locally. The selection panel for advanced skills teachers positions will comprise a principal; a teacher nominated by the general staff at the school; a nominee of the General Manager of the Ministry of Education; and a representative of the union that represents the majority of staff at the school.

I ask the Minister to consider, and reply to, my concern about the term of appointment of advanced skills teachers. Their appointment will be for an indefinite period, as I understand it, and in keeping with the comments I have made I suggest there should be a mechanism by which the performance of advanced skills teachers can be assessed. I ask the Minister to clarify the provision that advanced skills teachers are appointed for an indefinite term. Will the Minister consider establishing a system of accountability for advanced skills teachers as is proposed for principals?

Concern has been expressed by representatives of Wangaratta High School about the general provisions for advanced skills teachers. That school has almost 1300 students and about 100 staff; it is one of the largest secondary schools in Victoria. A concern has been expressed because advanced skills teachers are required to spend a substantial time in front of classes. As in many of Victoria’s secondary schools, some of the best teachers at Wangaratta High School take on extra duties in the school which require them to be away from the classroom for significant periods. The senior school coordinator position at Wangaratta is held by a senior teacher at that school; his job is to be responsible for almost 400 Victorian certificate of education students. With the VCE being implemented at present, one can imagine the responsibilities of that person; his job would be very arduous because he must coordinate and accommodate the needs of those 400 pupils within his 8 hours a week allowance.

The school estimates that for the next year that teacher should have a 12-hour a week allowance. However, whether he is to have 8 hours or 12 hours, he is prohibited from applying for an advanced skills teacher position. Capable people should be encouraged
to tackle responsible duties like those involved for a senior school coordinator, and they should be rewarded for doing so. However, at present they are prohibited from applying for advanced skills teacher positions.

The same situation applies to the timetable organiser at the school. I understand 8 hours a week has been allocated for that very important task. It is a senior position within the school but if the occupant wishes to continue as the person responsible for the timetable, he or she would be prohibited from applying for an advanced skills teacher position.

Similar restrictions apply to student welfare coordinators and careers coordinators in Victorian schools. In the main, senior people occupy those positions but under the provisions relative to advanced skills teachers they will be unable to apply for advanced skills teacher positions.

A genuine concern is being expressed by the representatives of Wangaratta High School, who believe those important positions in the school should be filled by some of their senior and most capable people, and that their senior and most capable people should be entitled to obtain advanced skills teaching positions at that salary level, but they are prohibited from doing so under the terms of the agreement. I support the concept of advanced skills teachers. Too many teachers in the past have become disenchanted with the Teaching Service because the career paths available to them were narrow and their hopes for promotion were limited. I was in the same category myself. The advanced skills teacher positions provide options to teachers and I give my support to that concept.

In conclusion, education in Victoria is undergoing considerable change and with any change comes uncertainty. It is in the best interests of all honourable members to do their best to eliminate that uncertainty. The legislation assists in this regard and for that reason I am happy to lend my support to it.

Hon. J. G. MILES (Templestowe)—I support my colleagues Mr Storey and Mr Hall, who stated that the opposition parties will not oppose the Bill. However, as foreshadowed, the Opposition will move an amendment during the Committee stage.

I shall give some background to my comments, which centre around security of tenure and the possible assessment of principals. The Federation of Victorian School Administrators (FVSA) is a responsible organisation in its approach to education and represents the views of principals. As a former schoolmaster, I know that the role of the principal of any school, government or non-government, is the most important in the school system. Recently the role of principals has been downgraded, not in the independent school system, because it has some degree of independence even though it is financially subservient to the whims of Federal and State governments and leading educators who, if they had their way, would like to see some important independent schools wiped out of existence, and the freezing of funds to independent schools has affected the future of those schools. The idea is that if funds are limited, frozen or deferred, independent schools will be forced to increase their fees in a period of economic downturn created largely by Federal and State government action, so that over a period these schools will increase their fees beyond the reach of most people in the community and therefore they will gradually fade out of existence. That is the long-term aim of the Kirner socialist government.

The Opposition strongly supports the authority, influence and autonomy of principals of schools. The buck should stop at the principal’s desk. The principal should have the right to hire and fire staff. He should have the right to control the school and his staff and should not have his authority eroded by teacher union activity on the campus.
The FVSA, in a document entitled “Background to recent changes in Victorian education Teaching Service career structure”, outlined issues that are relevant to the Bill. The document states:

... prior to April 1989, the Teachers Federation of Victoria was the only State education group recognised industrially by the Victorian Labor government. This changes with the establishment of two new conciliation boards by the Industrial Relations Commission of Victoria. One board was established for teachers and all three employee seats were awarded to the TFV. The other board, of major import to the FVSA, was for principals and vice/deputy principals. Two employee seats on this board were awarded to the FVSA, one to the TFV on the basis of the FVSA’s superior membership of the principal class. The board was established on a trade basis, the FVSA to demonstrate its “capacity” to represent “principals” and the TFV to “demonstrate its commitment” to principals. That review is about to commence before the IRC, Full Bench.

The recognition of the FVSA at the IRC gave the FVSA its first opportunity to formally participate in negotiations on behalf of principals. Negotiations on careers restructuring for the State Teaching Service were conducted with the TFV and the FVSA by the government from late 1989 to early 1990.

Typical of the over bureaucratic nature of the education system:

At no time would the TFV meet jointly with the FVSA, so the government was forced to conduct parallel negotiations with the two organisations. The weekend prior to the last State elections the government concluded an agreement on career restructuring with the TFV. This agreement had many aspects which were unacceptable to the FVSA. The FVSA had managed to modify some TFV proposals during earlier negotiations, but there were many items to which the government agreed with the TFV, which formed the basis of an FVSA dispute at the IRC.

The FVSA was incensed by the government’s action...

What area of government action does not incense the education system?

... and a mass meeting of the FVSA moved a motion of no confidence in the then Minister of Education, Mrs Kirner. The dispute was joined to consideration of the government/TFV agreement before the full bench of the IRCV. The FVSA argued against many items in the agreement which had been proposed by the teacher-oriented TFV. Some items were altered by the IRC, but it was extremely difficult to change a position advocated by the government. One specific change by the IRC was to the composition of principal selection panels.

I now come to the point that the FVSA makes in relation to the role of principals:

Two areas of major concern to the FVSA were the introduction of a limited tenure of principal appointments and an unacceptable notion of principal appraisal. The FVSA is happy to accept a notion of accountability of principals, but not a system which makes a principal accountable to his/her staff. Perhaps the major shortcoming in Victorian education is the lack of teacher accountability.

The Bill refers to limiting the tenure of appointment of principals to seven years, with their positions being reviewed thereafter at five-yearly intervals. Principals will be accountable to some appraisal body, but there is no teacher accountability. The views of principals were expressed clearly to the Opposition at a meeting it had with the federation last week, which is that they are concerned at being appraised by their own staff because it would make it difficult for them to discipline their staff or even to control their staff for educational purposes. Some members of the staff, if the principal attempts to control them, may go to their respective unions and indicate that they do not like the principal simply because he or she is asserting the role of principal. They can undermine the principal’s authority.

The FVSA said that principals should be accountable for their performance but if they are to be accountable for their performance to a group of their staff, what is the use of being a principal? They would simply end up having nervous breakdowns because they could not operate under a system where their appraisal is conducted by some of their own staff. Their staff may be unsatisfactory or undisciplined, or they may be non-performers in the classroom.
A view that has gained credence in the community is that perhaps the major shortcomings in Victorian education relate to the lack of teacher accountability that the FVSA has talked about. The government notion of limited tenure is threatening to members of the FVSA because principals' positions may be terminated without substantial reason. The FVSA believes principals should be given the criteria against which their performance will be assessed and if they satisfy that criteria their appointments should be renewed. The current proposal is interpreted by the FVSA to mean that a principal may not have his or her appointment renewed despite the fact that his or her performance is satisfactory simply because a new principal may be better than a previous one, somewhat recalcitrant, dissatisfied, or have a chip on the shoulder, or a staff member may not be happy with the way in which the principal is handling a situation in the school. Therefore, a principal can be undermined for not having any authority at all.

The appraisal system suggested by the government and the Teachers Federation of Victoria will put principals in the position of being appraised and evaluated by a local committee, including a staff representative. The FVSA has no objection to staff input but strenuously objects to such input being part of a formal evaluation. In combination with proposals for limited tenure the principals will be accountable to staff rather than the reverse. Some of us can remember the situation being the other way around. When I went to school staff were responsible to the principal and pupils were responsible to the staff.

Principals are fearful and trembling all the time about what an aggressive, militant teacher unionist in the school may do to his or her authority. If a principal asserts his or her authority as he or she is entitled to do as the person running the school a teacher unionist may object to what the principal is doing. School principals are fearful that they will be evaluated not by their peers or superiors but by people over whom they have authority. It will be virtually impossible to keep the appraisal confidential and distinct from the reappointment process. It is important to address that issue before passing the Bill, and the amendment proposed by Mr Storey will do that.

It is important to state that many principals, probably the majority of principals, and the FVSA, which is the responsible body representing principals, are concerned about the role of principals in schools, and when amendments are suggested to limit their tenure they are concerned that political activity rather than educational activity may determine how far they can continue in their chosen profession. The role of teachers and principals at the moment is hard enough given the lack of discipline, lack of standards and the civil libertarian approach of teachers and educational authorities without having their life careers threatened in this way, often by people who have political motives at heart.

On the issue of assessment the Opposition considers that principals should be assessed fairly and that if a principal is doing a good job and is not being assessed for political reasons or union-motivated reasons, that principal should have the right to continue in that role. Teachers should be accountable too because they shape students' destinies and ideas for the future. I have seen many examples of teachers who are in their positions either for political indoctrination purposes or to be pushed into strikes. Rather than attacking teachers for being political activists in this context I am pointing out that there are a few unionists in the teachers' movement who seem to spend most of their time working out how teachers can go on strike.

The Minister for Education has been asked many questions in this House on what he will do about blatant political threats to children by teacher unions. In answer to questions week after week the Minister has blithely answered, “Don't worry; negotiations are proceeding”. He said negotiations were proceeding on the Victorian Secondary Teachers Association threat not to implement the VCE unless the
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government backed down on its Budget restrictions. There were weeks of strikes by teachers in different schools. Children were suffering, but that does not matter to some of the militant union activists. The most important thing to them is that they gain their political objectives. The important thing to the Minister and his colleagues is that they do not rock the boat because of political pressure that will apply in certain activities to occur next March and April.

Although the Opposition supports the Bill, I shall not refer to the second aspect of it, namely, the advanced skills teacher category process of appointment. Mr Hall and Mr Storey will deal with this matter more thoroughly. Whilst there can be criticism of the process it seems a reasonable attempt to have some appraisal of advanced skills, and unsuccessful applicants may apply to the Training Service Appeals Board for review of the selection process.

I have unashamedly raised reservations about the Bill on behalf of the principals whose job it is to run schools. I make a strong appeal to the government to do something before it is too late, and it soon will be too late. When my party is in control we will reinstate principals to their rightful position. A good school is operated successfully not by particular teacher unions dictating the educational process but by the efforts of the principal to control the school. If the power and authority of the principal is undermined, the educational effectiveness of the school will be lessened, weakening the opportunity for those children to learn how to project themselves into the community.

The Opposition supports the Bill but expresses those strong reservations about the denigration of the power of principals in general over the past few years. I appeal to the government to ensure that principals retain power. If principals are accountable, why are not teachers as well? If principals are to be appraised it must be by their peers or superiors and at the end of the seven-year period. A principal should not be lightly cast aside just because some union activist on the staff objects to the renewal of the appointments, especially when the reasons for the reappointment are well justified.

Hon. D. M. EVANS (North Eastern)—I wish to make a few comments on this piece of legislation and to say, among other things, that perhaps one of the most famous statements made by the late President Truman of the United States was, “The buck stops here”. If one is to have an efficient and good organisation, be it a government organisation, a business, a sporting team or a school, one has to have someone at whose door the buck ultimately stops. There needs to be someone who carries the ultimate responsibility. It is a requirement for leadership. Every good team has a good leader.

I believe it is appropriate in schools that that leader should be the principal, not because it happens to be Bill Smith or Tom Jones or someone else but simply because he or she is the person judged most capable of carrying out the task and is given that responsibility. That person has a very important task indeed in making the school run well. If the schools in Victoria do not run well and if the person who carries the ultimate responsibility—and I believe that should be the principal—is not able to or does not carry out the task well the education of students in that particular school will suffer and parents will soon know whether their children are receiving a good education. If they are not in many cases the parents will take another option and choose to send their student sons or daughters to a school which is apart from the State education system. That is particularly so in the Secondary Schools Division.

Because of the concerns that so many parents have had over a long time about the quality of education given in some State secondary schools there is a consistent movement from the State school system to the registered school system. It is now in excess of 30 per cent; a few years ago it was around 21 or 22 per cent. While there may
be some who say assistance has been given to enable parents to make that choice, nevertheless the fact is that they do. I do not want to have it said that the comments I am making are attacks on the teaching profession. I have some association—and have had for a very long time—with the State secondary school system and I can honestly say that there are far more good teachers than bad teachers. There are some excellent, very committed and first-class teachers in the State education system. I am pleased to be able to say I know many of them and call them friends of mine.

I have also had the opportunity, as has every other honourable member, to meet the principals and vice-principals of local schools because I have a large number in the electorate I represent and they change from time to time. Almost without exception these people are educationalists and administrators of the highest quality. They are carrying out a most difficult task to provide good education in Victoria. Unless they have adequate backup and feel their authority will be assisted and supported by the Ministry of Education their task is very difficult, particularly as many of the teachers in Victoria's school system are young people who require guidance until they develop the skills and experience necessary to meet community expectations.

No-one can expect a young teacher just out of school to know what it is all about. One needs to be taught. Under the system one can see developing under this government, increasingly the people with influence in the school system will be the young teachers who, through lack of experience or some other motivation, can easily take education in the wrong direction. Under a more authoritarian—and that is what a good principalship is—and more disciplined approach the opportunity to do that will be lessened, and the education system will be better for it.

In question time today I asked the Minister whether the industrial rules had changed so that when a strike is called in a school the teachers who want to go on strike no longer have to notify the principal that they will not be at school, despite the clear responsibilities they have, as I understand it, under the Education Act and certainly to the students in their charge. The only ones who have an obligation to notify the principal under the new industrial relations agreement—and the Minister ducked this question—are those who intend to be at school. This gives an option to the others either to turn up or not turn up on the day. Those who say they will be at school will be there and the principal is entitled to have sufficient of his students at school for that number of staff to take care of.

In addition other teachers may exercise their option and turn up at school; the Ministry of Education will pay them, there will be no work for them to do and a number of students will unnecessarily stay at home. One accepts that perhaps there is a right to strike, but that is not the issue in question. If one accepts there is a right to strike, given that teachers are highly paid professional people there is also a right to expect some degree of professionalism and responsibility.

This particular issue on which I questioned the Minister today and which he ducked is not being supported by the Ministry. In fact the Minister's comment was that the principals can fix it up; they know how to do it. In other words, they have all the responsibility and yet constantly—in my view this legislation is also moving in this direction—the support the Ministry should give to these executive members on whom the education system depends is being removed. That has to be not in the best interests of the State education system.

There are other issues in the legislation which are also important. I note that there is an intention to have advanced skills teachers, and I know other members particularly on the Opposition side of the House have referred to that clause of the Bill. There should be recognition of those teachers who have additional ability and skills and the extra degree of responsibility that a person who takes on a higher position should
have. It is good that some judgment should be made of the persons who have those skills.

When I look in the Bill at the list of people who will form the committee to do the assessment of teachers I find the principal of the school is there; then there is the teacher from the school, nominated by the teachers; one from the industrial association of employees, who may well be another teacher from the school, and a person appointed by the chief general manager.

The personnel on that particular tribunal are extremely important. Our whole system of justice assumes that the relevant people are going to be removed from the very play in which they are making a judgment. The umpire should be seen to be fair. That committee could easily be suborned by people who wish to make use of the opportunities the structure of the committee supplies and the judgments may well not be fair.

If the members of the committee do not have the required ability or experience or have a particular political agenda to serve, good decisions will not be made and, more than that, those people who do have the capacity to reach the higher classification of advanced skills teachers may well be set aside and not achieve that classification for reasons other than teaching ability. That would not only be a travesty of justice but an absolute tragedy for the education system.

Returning to the assessment of the principal's ability, I point out that one cannot suggest that principals have to face judgment of their capacity to continue to perform their tasks from time to time, because each of us needs to be accountable, including the members of another place, and that is not at risk; nor do I attack it. Again, I believe there has to be some degree of fairness and equity in that position. Because I have been through the process of selecting a new deputy principal from my school council I happen to know that is true. The procedures are very clearly set out in the training documents and manuals provided by the department, and the members of the selection committee are given a training course by senior officers of the department.

The composition of that committee is quite broad: two members of staff, two members from the parents committee, the president of the school council or his or her representative, the principal and the departmental nominee. What will be important in the committee carrying out its task is the strength of the people who make up the committee. It is difficult for many people, particularly those who come into the school environment as community or parent representatives, to stand up against the greater expertise, experience and day-to-day knowledge of a person who is a professional in education. One needs to have certain special qualifications and qualities and a great degree of self-assurance to be able to stand up against professionals in that system.

I make the point that the bias must be towards those who come from within the school community. If there is overly strong representation from the teaching body or unions it will immediately put under pressure a principal who is under judgment for reappointment. It may well be that the pressure will come from the teacher members on the committee and that the community members—who could even be teachers themselves, as could the school council chairperson—find that the view of the teacher union or teacher body can be paramount.

One might say that the captain of the team should be elected and able to lead, but it is also very true to say that in a school from time to time, for good disciplinary reasons, other factors impinge on the matter. Mr Miles and Mr Hall have alluded to this; I was not in the Chamber for Mr Storey's contribution—

An Honourable Member—Shame!
Hon. D. M. EVANS—I am disappointed, because I know Mr Storey has a great interest in and knowledge of education. It is very possible that in those circumstances views put forward by a committee on a principal could have some degree of bias. A principal who knows that his or her opportunity for reappointment at the end of a five or seven-year period can be called into question if he or she makes tough decisions that are not necessarily popular among those the decision affects, and that his or her chances of being reappointed are substantially reduced, is put under enormous, unreasonable and unfair pressure when the job is already difficult enough. It means that on occasions the tough decisions that may need to be taken in a school, particularly a larger school, will not be taken.

I said earlier in my contribution that I know many people who hold a position of principal or deputy principal in many areas of Victoria. I meet them quite regularly—people not only from my own area but from many different parts of the State. I have observed that those people are constantly under pressure. I have listened to them talk at conferences away from their schools and in small groups. I know the pressure they are under. The best people in our education system, those who have the capacity to lead, are being put under a pressure that is killing them, one by one.

A couple of weeks ago I was at a function where the Assistant Regional Director of the Goulburn–North Eastern region, Mr Warren Garrett, retired at the age of 55 years. He is a very fine person, a fine educational administrator and one who was given tremendous respect by all who attended. It was a very happy evening, but attending the function were a number of school principals who told me how difficult it is to maintain discipline in the current situation. Some of them said, “We are going to go; we cannot stay here much longer”. People in the prime of their lives with 20 or 30 years experience in the Teaching Service are leaving because they feel they are not being supported, and Victoria’s educational system will be the poorer for it.

If under this system we are going to set up a series of tribunals where the judgment and ability of these people can be called into question by people who do not have the same experience or knowledge but have another agenda to follow—not all may do this but many could—the ability of principals to continue to carry out their task must be seriously questioned. I have indicated that I believe everybody, including myself as a member of Parliament and every other honourable member, should face a judgment from time to time. I think it is not unreasonable that principals should face a judgment, but it is absolutely essential that the tribunal, committee, group or assessment panel, or whatever it may happen to be, that makes the judgment on that person’s competence and performance is itself seen to be professional, and certainly unbiased.

I see nothing wrong with a teacher in his or her profession facing judgment and assessment from time to time—I believe that is right. Over a number of years I have heard people in the education system say it would be great if school councils had the opportunity to hire their staff, to judge who came into the school as a teacher. I do not believe that would be a fair burden to place, particularly on community members of a school council. However, if I had a choice, as an interested person and with some experience from a community point of view in this area as to how one could handle the situation of employment, I would say the best thing would be to have not the right to hire but the right to fire those who do not perform. I believe it would be a very small minority in the Teaching Service. The ability to move those people on to another school or into a different profession to which they are perhaps better suited would improve our education system immensely. We need a good education system.

Many people in the Victorian education system are extraordinarily dedicated and very capable, but unless we put in place the processes to enable them to carry out their tasks the education system itself will fail or be caught short. We are told Australia needs to be the clever country; that we are not; that we are falling backwards on the