The SPEAKER (Hon. J. E. Delzoppo) took the chair at 10.4 a.m. and read the prayer.

PETITIONS

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

Increase of minimum sentences

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

The humble petition of the undersigned citizens of the State of Victoria showeth that whereas the number of crimes, especially against children, have greatly increased in this State, the sentences handed down to criminals convicted of these crimes have become very light and in some cases almost negligible. It would appear that the rights of the criminal alone are considered and the damage to the victim not given any consideration.

We therefore pray that minimum sentences for all crimes be increased so justice will be seen to be done.

Your petitioners, as in duty bound, will ever pray.

By Mr Maughan (194 signatures)

Reintroduction of capital punishment

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

The humble petition of the undersigned citizens of the State of Victoria showeth that we are most concerned at the amount of brutal murders being committed every day, especially against women and young children.

We pray that you, the government, will reintroduce capital punishment for certain violent crimes.

We the undersigned will, as in duty bound, ever pray.

By Mr Maughan (174 signatures)

State deficit levy

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

The humble petition of the undersigned citizens of the State of Victoria calls for the immediate withdrawal of the $100 State deficit levy. It is clearly unfair, inequitable and regressive.

Your petitioners therefore pray that the House take all necessary steps to ensure the State deficit levy is withdrawn immediately.

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

By Mr Batchelor (249 signatures)

Laid on table.

AUDITOR-GENERAL'S REPORT

Special report No. 20

The SPEAKER presented Special report No. 20 of Auditor-General on National Tennis Centre Trust and Zoological Board of Victoria.

Laid on table.

Ordered to be printed.

SHEEP OWNERS PROTECTION (REPEAL) BILL

Second reading

Debate resumed from 31 March; motion of Mr McNAMARA (Minister for Police and Emergency Services).

Mr SERCOMBE (Niddrie) — It is not the intention of the opposition to delay the business of the House for any length of time in dealing with this Bill.

Mr Gude interjected.

Mr SERCOMBE — The Minister for Industry and Employment contributed one of his more intelligent interjections when he said “Baa, baa” across the table! I will refrain from making sheep jokes.

The Sheep Owners Protection Act is an archaic piece of legislation, as the Minister for Police and Emergency Services made clear in his second-reading speech. Although the Act has been on the statute book for a long period it has, in effect, been inoperative.
Following the introduction of the Bill I spoke with the livestock division of the Victoria Police and can confirm what the Minister said yesterday: that the police make no effective use of the Act. They are satisfied that the Crimes Act and Road Safety Act provide adequate scope for action in incidents of suspected sheep theft.

I have not had the opportunity of further consultation because of the rapidity with which the Minister has introduced this debate. I have been unable to consult with other interested bodies such as the Victorian Farmers Federation, the Victorian Stock Agents Association and the Livestock Transporters Association of Victoria although the Minister, in his second-reading speech, said the legislation was in part a result of representations from those organisations.

I accept the Minister's assurances about that. I accept that those participants in the industry do not wish to raise any issues and that this Bill is a straightforward piece of legislation.

The only additional matter that should be drawn to the Minister's attention, and about which I request him at some stage to inform the House of the government's intentions, concerns the report presented to Parliament by the then Parliamentary Legal and Constitutional Committee on the law relating to stolen goods or livestock.

It must be obvious to the House that stolen livestock cannot be handled by the police in the same way as they would handle stolen television sets or stolen motor vehicles, when recovered; most police stations do not have the capacity to store stolen livestock in the same way as they would store a stolen television set or motor vehicle. Apparently there are problems in the legislative provisions under the Magistrates' Courts Act.

That former Parliamentary committee reported on a range of inadequacies in the law relating to stolen livestock. It may be appropriate for the Minister to advise the House of the government's intentions on what is an important area of concern for rural Victorians.

The opposition supports the Bill. The Act is archaic and is not being used effectively. It is a nuisance to people in the livestock industry and in the transportation of livestock. Therefore the opposition will allow the repeal of the Act to proceed as promptly as possible.

Mr E. R. SMITH (Glen Waverley) — For some time the government has realised how the Sheep Owners Protection Act has adversely affected so many people in the rural industry. It is interesting that, as usual, the opposition comes to this House complaining about what the government should be doing or what it should have done; yet the opposition had 10 years in government but took no opportunity to take remedial action despite the complete report of the then Legal and Constitutional Committee into the Norman Sims case.

Many honourable members know Norman Sims. I have spent many hours with him. He is a dairy farmer in Shepparton who had cattle stolen but who later was unable to obtain any restitution. He lost his court case and his life has been ruined. When in government the opposition had the opportunity to take remedial action but its attitude was that the rural sector may well be another world because the interests of the Labor Party finish where the tramlines end.

Mr Hamilton interjected.

Mr E. R. SMITH — The honourable member for Morwell is the only member of the opposition who has been elected from a country area — that speaks volumes for what country Victorians think of the Labor Party!

The Act has caused incredible inconvenience and cost to rural Victorians and its introduction was not favoured by those in the rural industries. The government is now examining measures to protect farmers from stock rustling, a matter that has not been effectively addressed in the Act.

The Sheep Owners Protection Act was first introduced in 1935 and reintroduced in 1961. Its purpose was to detect, prevent and solve the theft of sheep and the disposal of sheepskins. It has been singularly ineffectual in achieving those aims.

The Act contains provisions for the issuing of a sheep carriers licence and a sheep buyers licence. These licences can be obtained from the Chief Commissioner of Police on the proviso that the applicant is a fit and proper person, and upon the payment of the appropriate fees. Sheep carriers are also required to complete a logbook which includes details about the number and sex of the sheep plus the destinations for transportation. Only a handful of those licences have been issued in recent years and the logbooks are virtually unobtainable.
The Livestock/Racing Squad of the Victoria Police has told the government that the legislation is not able to be used to carry out its functions; the police believe the Act is ineffectual. The fees paid by the licensees are negligible and cover only a minor part of the administration costs. The Act is a drain on the resources of small business people because of the need to obtain licences and to keep logbooks.

The Act gives the police no additional questioning powers when a sheep carrier tells the police, when questioned, that the sheep belong to him or her. They say they have adequate powers under existing legislation to stop and question drivers. They are now enabled to investigate any suspected sheep theft.

I hope measures to improve the procedure for the return of stolen stock, based on the 1991 report of the then Legal and Constitutional Committee, will be brought forward for discussion by committees of the government. Eventually the government hopes the difficulties faced by the police will be overcome, the difficulties similar to those faced by Norman Sims will be overcome, and new legislation will give relief to people in circumstances similar to his.

Like many honourable members I have much sympathy for Norman Sims. The reaction of the former honourable member for Bundoora, when Premier, when he spoke on radio about Norman Sims, caused much pain and anguish for that Shepparton sheep farmer. I know Mr Sims becomes excited about his case. The Minister for Police and Emergency Services is aware of the amount of time many of his National Party members as well as members of the Liberal Party have spent with Mr Sims. I hope measures will be introduced to help him. It would be foolish of me to pre-empt any assistance that may be rendered to Mr Sims but there will now be comfort for him in the knowledge that the government is addressing his type of problem.

As a matter of expediency we will examine the issues that have been raised and consider the findings of the old Legal and Constitutional Committee, and then we will be able to legislate to give adequate protection to stock owners throughout Victoria so they have a measure of confidence that they do not have now.

The former government took no action on the issue of repealing the legislation. So many worthwhile Bills were on the Notice Paper when the legislation was introduced that the former government made no attempt to address the problem of stock theft. Such legislation should have been implemented, and because it was not implemented country people felt angry with the Australian Labor Party at the October election. The Labor Party now has only one seat in country Victoria: Morwell. If it had addressed the repeal of the Act and found solutions to give relief to country people, it would have been more highly thought of by them.

I am pleased that the present government has been able to take this matter on board as one of its first priorities. The Bill is not a large measure but it sends a message to the community that the government wants to combat the very serious problem of stock theft. At the same time the measure will remove from the police some of the unnecessary work they are required to do and it will give relief to country people who do not have to expend money in what is patently a wasteful manner.

Dr COGHILL (Werribee) — I find it a little ironic that we should be debating this sort of legislation on the very day when the Premier stands before us as a self-confessed crook.

The SPEAKER — Order! The honourable member for Werribee, above all people in this place, knows the rules better than I do. I ask him to withdraw.

Dr COGHILL — I withdraw, but — —

The SPEAKER — Order! The honourable member should make an unqualified withdrawal. I know he has made only the first sentence of his speech but I ask him to make his remarks relevant to the Bill.

Dr COGHILL — The reports speak for themselves and I will not add further to them. My first recollection of the law and of theft relates to an instance of sheep theft in which the Sheep Owners Protection Act appeared to be of no assistance at all. It did not lead to the detection of the offenders or to the recovery of the sheep. At the time I was a small child living on a property of which my father was the manager and in the dead of night a truck came to the property equipped with whatever was used to round up the sheep — presumably dogs — and ramps to load the sheep. Then it drove away with the sheep and, as I understand it, they were never recovered. Subsequent police investigations were unsuccessful.
In my professional career I became interested in relevant issues because of such things as sheep branding. People who have not been involved in sheep farming would not know the importance of branding, but it is aimed at finding sheep that have been moved from their original property. If they stray, they can be returned to the property to which they belong; if they are in a saleyard or an abattoir, their origin can be traced.

There is legislation relating to fleece brands, and because of the importance of not contaminating wool the legislation also goes to the nature of the materials that can be used for branding sheep.

As did the Deputy Leader of the Opposition and the honourable member for Glen Waverley, I draw attention to the 45th report of the Legal and Constitutional Committee to the Parliament entitled Report upon Law Relating to Stolen Goods (Livestock), dated March 1991. If the government were genuinely concerned about the plight of farmers and others who are affected by legislation relating to stock theft, it would have addressed the recommendations of the report instead of taking this token step, which has no practical effect, of introducing legislation to repeal the Sheep Owners Protection Act. Nothing will change, but a considerable amount of money from the public purse will be spent on the repeal of the bit of paper called the Sheep Owners Protection Act. No good purpose will be served. It will merely fritter away the resources of the Parliament and the executive government through the Law Printer and the resources involved in physically repealing the legislation and advising the legal profession, law enforcement authorities and others of the fact that the legislation has been altered.

If the government were as genuinely concerned about livestock owners as the honourable member for Glen Waverley would have us believe, it would have acted on the recommendations of the committee. I well remember the recommendations because they arose from the theft of dairy cattle belonging to Mr Norman Sims of the Goulburn Valley. Having had his livestock, which formed the basis of his livelihood, stolen from his property, he was unable to recover them even though the place where they were being held was known and the person accused of the theft was identified; and even though a conviction followed, it was difficult for Mr Sims to recover his livestock or, even more seriously, to recover the income he had lost as a result of being deprived of the production of the cattle and their progeny.

The Legal and Constitutional Committee made a number of significant recommendations, some of which were acted upon by the previous government. Recommendation No. 1 states:

The committee endorses its earlier recommendations concerning section 90 of the Penalties and Sentences Act 1985 as expressed in its Report Upon Support Services for Victims of Crime and commends the Attorney-General’s attention to them.

Recommendation 2 relates to section 28 of the Summary Offences Act and could be used to facilitate the simple and relatively cheap summary remedy for livestock owners seeking the return of stolen livestock. That recommendation states:

The committee recommends that the procedure under section 28 of the Summary Offences Act 1966 be modified by providing that application for orders under this section may be brought without the necessity of laying a charge for an offence.

The problem would have been solved. The income Mr Sims lost would have been restored and he could have resumed dairy production and breeding due to the expedited return of his livestock.

Recommendation No. 3 of the committee states:

The committee recommends that section 28 of the Summary Offences Act 1966 be amended to provide that Magistrates Court registrars may issue legal process under that section consistent with registrars’ powers under the Magistrates’ Court Act 1989.

The recommendation facilitates a remedy for the Norma Sims case: rather than having to take the matter to a full hearing of the Magistrates Court, the registrar could deal with it.

Recommendation No. 4 states:

The committee recommends that section 28 of the Summary Offences Act 1966 be amended so as to clearly provide that the substantive jurisdiction under the section is not confined by any upper monetary jurisdictional limit.

The recommendation refers to the fact that if a case involved a flock of sheep — which is relevant to the question before the House — worth $500 000 the matter could be dealt with by a registrar in the Magistrates Court rather than by a judge in a higher court. That is a reasonable and logical proposal, and it would have been easy for the government to draft...
and incorporate that provision in a substantive piece of legislation, one part of which could have been the question now before the House.

Section 28 of the Summary Offences Act poses a problem created by ignorance rather than by drafting, which is a key point of the 1991 report. All the magistrates who responded to the committee's inquiries advised that section 28 of the Summary Offences Act had never been used in proceedings before them. However, section 28 could presumably have been used in many cases, including the Norman Sims case. The section has not been used because on-one knows about it. I have no knowledge about what has occurred since March 1991, but that provision could have been used, even though it could be improved by the recommendations to which I referred earlier.

Recommendation No. 5 states:

The committee recommends that the Attorney-General consider relocating section 28 of the Summary Offences Act 1966 to a more appropriate statutory context consistent with the quasi-criminal remedial nature of that section, for example, to the Goods Act 1958.

That is a technical aspect of the law, but in the view of the committee it would have assisted in remedying the problems of livestock theft where the location of the stolen livestock was known.

Recommendation No. 6 follows:

The committee recommends that the advantages provided by section 28 of the Summary Offences Act 1966 should be the subject of communication to livestock owners, for example, by way of appropriate notice from the Victoria Police Force through its Neighbourhood Watch Rural Scheme, and from farmers associations such as the Victorian Farmers Federation and the United Dairy Farmers Cooperative of Victoria.

That is a simple administrative matter, yet the Minister for Police and Emergency Services, the Deputy Premier, has been so lackadaisical in his consideration of the issue that his second-reading speech did not refer to the report or to the prospect of taking the simple action outlined in recommendation No. 6.

The committee suggested that it would be possible to improve the operation of section 28, and recommendation 7 states:

The committee recommends that in simplifying the process under section 28 of the Summary Offences Act 1966 consideration be given to the form and structure of the procedure under section 24 of the Second-Hand Dealers and Pawnbrokers Act 1989.

The Minister should have taken up that recommendation. The committee suggested that the provisions under the Second-Hand Dealers and Pawnbrokers Act be incorporated into section 28 of the Summary Offences Act, or that the provision be transferred to another Act such as the Goods Act 1958. That is set out clearly in the 1991 report. In March 1991 the Deputy Premier was the opposition spokesperson for police and emergency services, so presumably he would have shown some interest in the matter at that time. However, because the Deputy Premier has failed to take a detailed interest in the matter, he has not bothered to take up this simple and clear recommendation and incorporate it in a substantive Bill that also included the question now before the House.

It must be accepted that the Deputy Premier is not serious about addressing stock theft; he is not concerned with anything but a few token gestures and throwing a few crumbs to livestock owners, members of the National Party who have an active interest in agricultural matters and the Victorian Farmers Federation.

The committee considered a further matter that is referred to in recommendation 8:

The committee recommends that section 28 of the Summary Offences Act 1966 be modified so that an order for the return of stolen cattle can only be sought thereunder by a private citizen claiming to be entitled to possession of such cattle.

In that context I assume the term "cattle" is used in its archaic sense — that is, any cloven-hoofed livestock — so it may include sheep and pigs. The provision is logical. It would be ridiculous to suggest that a third party should be able to take action under section 28 of the Summary Offences Act rather than confining the section to a private citizen claiming entitlement to possession of the livestock in question.

Recommendation No. 9 states:

The committee recommends that the Attorney-General consider legislative amendment to the Magistrates' Court Act 1989 to expressly provide that section 78 of that Act includes the power to order the return of
stolen property from police custody to the owner's possession notwithstanding that criminal proceedings relating to such property are pending.

The recommendation is not confined only to cattle or livestock but in fact relates to all categories of stolen property. Paragraph No. 27 deals with bringing livestock to court, which stimulates some interesting thoughts:

In the case of livestock there may clearly be practical problems for the police where there is a case for seizing them and bringing them to court.

One can imagine the difficulty of bringing a flock of 1000 sheep to the Melton court, or to any other court, for that matter! Recommendation No. 10 states:

The committee recommends that in conjunction with recommendation 9 consideration be given to legislation clarifying whether there can be a notional bringing of seized property before the court.

I concede that this matter falls beyond the jurisdiction of the Deputy Premier, but clearly it is a matter he could and should have raised with the Attorney-General so that it could have been dealt with in a comprehensive and substantive Bill. I am sure the honourable member for Glen Waverley would support and encourage such an action. The Minister has ignored that possibility. He has not been prepared to devote himself seriously to the hard issues but has chosen to throw some crumbs in the direction of livestock owners, livestock transporters and the police in the hope that they will forgive his inaction on the more substantive matters.

Stock owners will see through the inadequacies of the Minister's administration and will see his inadequacies. They will not be impressed or persuaded by this flimsy piece of legislation. The Legal and Constitutional Committee in paragraph No. 29 of its report referred to the rule in Hollington v Hewthorn & Co. Ltd. The committee referred to its earlier Report Upon Support Services for Victims of Crime. Recommendation No. 11 states:

Rather than taking up the time of the House I refer honourable members to that report. In Part III of the report the committee dealt with other related matters. The title suggests that these are not major and substantive recommendations, but they are significant. I do not believe they should be ignored, given the former occupation of the Deputy Premier. Recommendation No. 12 states:

The committee endorses its earlier recommendation for a joint review of the documentary requirements under the Auction Sales Act 1958 by the Department of Agriculture and the Department of the Attorney-General as expressed in the committee's prior Report Upon Support Services for Victims of Crime.

If my recollection and understanding of the former occupation of the Deputy Premier are correct, he has a good understanding of the Auction Sales Act, and it is all the more surprising that he has not addressed that issue or caused the Attorney-General to address that issue when the legislation was being considered. He would have done that if he were a diligent and competent Minister who understood the issues as do other honourable members such as the honourable member for Gippsland East, whose background gives him a clear understanding of the Bill's significance for livestock owners, particularly sheep owners. The Bill is important for graziers in the high plains; the family of the honourable member for Gippsland East has long been linked with that occupation.

The law should be reformed so that it affords more realistic protection for livestock owners, not only to enable people who are in illegal possession of livestock to be successfully prosecuted but also to remedy the effects on owners of the loss of production and of progeny of stolen or otherwise misappropriated livestock.

The Deputy Premier had an opportunity to take substantive action. According to the honourable member for Glen Waverley such action would have been widely welcomed by the Victorian community in places as far flung as Glen Waverley as well as the livestock-producing communities of Victoria!

Stock agents, livestock transporters and abattoir operators could find themselves implicated in stock theft. They may have stolen stock presented to them for sale and have to make judgments about whether the seller of the stock is in rightful possession of it. V/Line is no longer transporting livestock, but small private transporters of livestock need the protection of the law so that they do not inadvertently become victims because livestock they have been asked to transport is subsequently found to be stolen. Transporters could unwittingly breach the law or be accessories to a breach of the law. For those reasons I
believe the Minister should make some simple drafting provisions that pick up the recommendations of the Legal and Constitutional Committee's Report Upon Law Relating to Stolen Goods (Livestock) March 1991 incorporating the repeal of the Sheep Owners Protection Act. The Minister will receive kudos from rural and metropolitan members for having done so.

The measure of the quality of the administration of the Minister for Police and Emergency Services is that he has not bothered to examine the real issues involved in livestock threat; he has done nothing about it. The same must be said about the Minister for Agriculture. If he were a diligent and effective Minister one would have expected him to have strongly pressed his colleague and Cabinet for substantive legislation rather than introducing this token Bill and wasting the time and resources of Parliament when equally quickly a substantive and worthwhile measure could have been introduced.

Mr COOPER (Mornington) — I support the Bill, which repeals the Sheep Owners Protection Act 1961. The legislation has the approval and strong support of the Victoria Police Force, the Victorian Farmers Federation and other rural groups, all of which have congratulated the government on its introduction. It is interesting that we have seen this action after only six months of coalition government following 10 years of Labor government when virtually no action was taken on any matter that was of benefit to rural Victoria.

The Deputy Leader of the Opposition said that the opposition supports the Bill. The honourable member for Glen Waverley asked: never mind that the opposition supports the Bill, what did it do during the 10 years it was in government? Some honourable members may regard that remark as mean minded, but I do not. It is a reasonable question to ask of the opposition.

The honourable member for Werribee gave a clear demonstration of why, even though he has been a member of this place since 1976, he has never been elevated to the front bench of his party, either in government or in opposition. His opening words clearly demonstrated why he sits alone when he dines and why he does not have either the friendship or the approval of members of his own party; let alone members of the government. It is a clear demonstration why he is nicknamed Uriah Heep. The honourable member did himself no justice and diminished his already meagre reputation.

The Deputy Leader of the Opposition and the honourable member for Werribee said that the government was responsible for the present problems in the operation of the Act. Do they really believe that in the six months since the coalition has been in government it should have remedied all the sins that the rabble, the rump on the other side of the Chamber, has ignored for 10 years?

The honourable member for Glen Waverley referred to the Norman Sims case as an example of the incompetence of the Labor Party when in government and the way in which it ignored the rural community and livestock owners. The Deputy Leader of the Opposition has directed attention to the failings of his own party when it was in government when he says that more should be done for the protection of livestock.

The Norman Sims case is the best example of the failure of the former Labor government to protect livestock owners. I shall refer to some matters arising from that case, even though the honourable member for Glen Waverley referred briefly to it. Norman Sims was a dairy farmer in the Shepparton area. He left his farm in the hands of a sharefarmer for a week while he attended to some other business. When he returned to his farm he found that 47 of his prime dairy cows had been stolen. He discovered they had been taken by the sharefarmer and placed on another property. Charges were subsequently laid and the case was brought before the County Court where the sharefarmer was convicted of the theft of 26 dairy cows, because the remaining cows could not be identified positively. A fine was imposed but the County Court did not order restitution of the cows. That was the law when the Labor Party was the government.

Norman Sims was rightly outraged by what had occurred. He wanted his dairy stock returned to him, as would any person who was the victim of a theft. He knew the whereabouts of the stolen property and he demanded the return of that property.

Mr Micallef — Mr Speaker, the honourable member's speech is very interesting. I direct your attention to the state of the House.

Quorum formed.

Mr COOPER — That theft occurred in 1987 and during the subsequent five years, while the Labor Party was in government, Mr Sims's appeals to the then Premier, the Honourable John Cain, were
ignored. In fact, Mr Cain, when he was interviewed on a radio program about the matter, even had the temerity and insensitivity to abuse Mr Sims! The then Premier demonstrated again how keen he was to support stock owners throughout Victoria, but we know what happened to him: his party got rid of him and as a result of his mismanagement of the State he is no longer even in Parliament.

The honourable member for Williamstown, when she was Premier for a brief period, also demonstrated her attitude towards Mr Sims, whose life had been ruined, whose farm had been sold by the banks and who was nearly bankrupted because of the theft of those cattle. The Labor government led by the Honourable John Cain and later the honourable member for Williamstown took no action at all. It was in their hands to award compensation to Mr Sims. It was in their hands to assist this man in rebuilding his life and his business. They ignored him; just as the honourable member for Williamstown now leaves the Chamber and ignores the debate because of her embarrassment. It amply demonstrates the attitude of the Labor Party towards livestock owners.

However, it goes further than that, because that matter also showed the Labor government's attitude towards offenders. In the past few years people have criticised the previous Labor government for its revolving-door attitude and its soft approach to criminals. The government did not seek to impose on criminals penalties that fitted the crime but tended to treat them as victims rather than perpetrators. The convicted thief in the Sims case was fined a substantial amount by the court more than five years ago. I have been told that if the House made an inquiry about whether that fine had been paid it would discover that it has not.

Under Labor administration a man was able to thieve 47 head of prime dairy stock, ruin another man's life and business and virtually send him bankrupt, yet receive basically a slap on the wrist from the court. To cap it all off he has not even paid the fine imposed, he has not served a single day in gaol and he has not returned the stolen stock. Where is the justice in that?

This morning the Deputy Leader of the Opposition, backed by the discredited honourable member for Werribee, berated the government for failing to take action to protect livestock owners. The Bill is the first part of that action and it will be accompanied by commitments made by the Attorney-General that action will be taken by the government in the Sims case. The government does not have to put its credentials on the table. The livestock owners of Victoria and those who have an interest know the government has a commitment to this matter. They know the government is genuine and they will not be convinced by the honourable member for Werribee standing up and giving the House a 30-minute book reading. As the honourable member for Tullamarine interjected, they would not be convinced by anything said by the honourable member for Werribee.

It is up to the opposition to show whether it has any creditability in this area. Simply supporting the Bill is not good enough. The opposition should give some commitment about the protection of livestock owners in this State, a commitment that its previous Leaders did not give — in fact went away from. The previous government ignored livestock owners and treated them as second and third-class citizens. That is one of the reasons why its members are now in opposition in tiny numbers as a discredited rabble.

Mr W. D. McGrath (Minister for Agriculture) — My department supports the reform proposed by the Bill. The repeal of this Act will free up some of the oppressive regulatory requirements imposed on sheep carriers and sheepskin buyers. At the moment they have to either obtain a licence or fill out a logbook. I know from the stock carriers who pick up animals from my farm that additional book work is a hassle and a useless waste of time.

Contrary to the remarks made by the honourable member for Werribee about the value of brands on sheep, the first thing a professional sheep stealer will do is shear away the brands by taking off the total woolclip, thereby deleting the opportunity of the stock being recognised.

If one really wanted to provide a safeguard against sheep stealing it would be more sensible to have an ear or horn tattoo. Certainly some stud owners do that because their stock are highly valued animals and that enables them to maintain a proper record and a proper identification system. The average flock owner does not bother so much about identifying animals in that way. The real purpose of branding sheep is to identify one's stock if fences break down and sheep stray into neighbouring farms. Neighbours can easily identify the animals and return them to their rightful owner. Using branding as a means of identification by police is a fairly long bow because a professional sheep stealer will quickly wipe out a brand placed on a sheep's
back; the brand fluid is absorbed by the wool and does not reach the skin.

The Minister for Police and Emergency Services has acted responsibly in trying to eliminate some of the regulations and red tape imposed on our society. The repeal of this Act is only a small example of that. It is a help in removing the regulatory requirements on sheep carriers and sheepskin buyers.

The principal Act was introduced in 1935 and it contained a provision for veterinarians, stock inspectors and so on to inform police if they believed animals had been stolen. The Act was revised in 1961 with a different set of definitions about how the Act should be administered and implemented. The police said that it gave them no additional questioning powers, which is what the police require if animals are suspected of being stolen. The Victorian Farmers Federation also acknowledges that the Act is non-functional. Therefore, the government is taking the appropriate course by deleting this Act from the statutes in Victoria.

Mr McNAMARA (Minister for Police and Emergency Services) — I thank honourable members for their contributions. As was mentioned in the second-reading speech the Sheep Owners Protection Act is archaic. It originated in 1935 and was revised in 1961. Its sole purpose was for the prevention and detection of sheep theft and the disposal of sheepskins. The Act has been singularly ineffective in achieving its objectives. The Act created a sheep carrier’s licence and a sheepskin buyer’s licence obtainable from the Chief Commissioner of Police by those who are fit and proper persons.

I have been informed by the police that those licences are still available and logbooks are required to be filled out, but the logbooks are out of print. The police have said that the legislation has not been used because it is ineffectual. It is appropriate that the matter be reviewed. The Act was reviewed in 1989 by the now abolished Law Reform Commission, and abolition of the Act was recommended on the ground that it creates a system, that is inefficient, costly and provides few, if any, benefits.

The Legal and Constitutional Committee report on stolen goods also supported the repeal of the Act. Every group that may have an interest in the legislation supports its removal. Abolition of the Act is supported by the Victorian Farmers Federation, the Livestock Transporters Association of Victoria and the Victorian Stock Agents Association. The current opposition when in government also sought the abolition of the Act. The Bill is supported by all parties.

I thank the shadow Minister, the Deputy Leader of the Opposition, the honourable members for Mornington and Glen Waverley and the Minister for Agriculture for their contributions. The honourable member for Werribee made pedantic comments that were interesting but irrelevant to the Bill. The government will deal with matters associated with the protection of the owners of stock in a broader sense when other legislation is introduced. This was not the time to make the comments he did. The honourable member for Werribee has been in this place for about 16 or 17 years and still resides on the opposition back bench, albeit in its diminished form. To put it into football terms, it is like trying to get a job in the Tallangatta thirds: anyone could make that team at the moment, but the opposition can find no room on the front bench for the honourable member. I suppose that is a judgment his colleagues have made of his performance and contributions in this place and in the party room.

The SPEAKER — Order! I caution the Minister; he is straying from the Bill.

Mr McNAMARA — We take his contributions with the same degree of weight. I thank all honourable members for their contributions and wish the Bill a speedy passage.

Motion agreed to.

Passed remaining stages.

SHOP TRADING (FURTHER AMENDMENT) (AMENDMENT) BILL

Second reading

Debate resumed from 31 March; motion of Mr HEFFERNAN (Minister for Small Business).

Mr WEIDEMAN (Frankston) — I have some 40 years experience in small business and retailing and know the complexities of shop trading hours, particularly the models that have been used in my electorate. I have a family involvement in small business and one must make management decisions about how one runs a business. Trading hours should be decided locally. It should be the province
of local government on behalf of the local community to decide whether businesses and shops may open seven days a week. That is highlighted in my electorate, particularly along the Mornington Peninsula which has a brisk tourist trade and a residential community.

Concern has been expressed that the downturn in business in suburban areas is occurring because people are going to the central business district. Businesses in country areas may trade seven days a week. Why should they have that right when those in suburban Melbourne do not?

Last night I referred to the Small Business Council in Frankston. The Minister has made funds available to support that organisation. The honourable member for Morwell said that it was pork-barrelling. The previous government set up small business groups throughout metropolitan Melbourne. The Frankston branch set up its own office to hand out information to small businesses. That office is supported by the local community and by a professional body called the Peninsula Small Business Group headed by Dr Bill Fary, a local dentist. The BHP group in Hastings has given money to support small business in the area, and BP Australia Ltd has allowed one of its executives to oversee the running of the enterprise for 18 months. Frankston has one of the highest rates of youth unemployment in Victoria. The Mornington Peninsula must develop small businesses to cater for the tourist trade.

When I have travelled around Australia I have noted that the other States have the same problems that exist in Victoria regarding seven-day-a-week trading. I was impressed by the South Australian model where the government has allowed every small business to make its own management decision about seven-day-a-week trading with the restriction that businesses are allowed to occupy only 300 square metres and to employ five or fewer staff.

We all appreciate what has been said about Sunday being a day for family recreation. In South Australia few pharmacies are open on a Sunday because of a rotation system. In Adelaide, as the cathedral city, generally shops observe Sundays and do not open, but they have the right to do so, as do all small businesses. This throws away the argument of small businesses about market share and all business going to Melbourne. I have spent a long time in small business. My concern was business up the street, not in Melbourne. I could tell honourable members everything about my local area. I was prepared to give some 68 hours a week to maintain my share of the market.

One important retailer, whom I respect greatly and who has now passed on, was Sir Edgar Coles. I often had the pleasure of escorting him to the football. He was a great Collingwood supporter. That game gave us some pleasure. He died in his 87th year. Every time we discussed the retail business, he said that he had never made anything out of retailing and that it was his hobby.

His philosophy of life was to make your work your hobby and to make your money out of land because no-one can create more land. He purchased land and people chased him so that he would sell it. His financial stability and success came because of his land assets and not because of his retail experience, even though that is what he put his whole life into. If a person can make his work his hobby, he will not have too many problems.

It was suggested yesterday that I was a workaholic, but I gained great pleasure from that job, from serving the community and helping people with their problems. Being a pharmacist is not very different from being a politician. The only difference is that the advice of a pharmacist is free — and honourable members would know what free advice is worth — and that a pharmacist will be believed 99 per cent of the time whereas a politician will be believed only 50 per cent of the time, as I found out when I was elected. As one’s profession changes, so does the percentage of people who believe what one says.

I would like to see small business attack its problems in the tourism area. In Honolulu a person is welcomed with the greeting, “Have a happy day”. The first time one visits there, one thinks it is a little crass and it does not come across too well, but after a couple of days one becomes accustomed to this greeting and it is an asset in the sale of products and services. There is a great opportunity for people to sell their services or products. A businessman should make his shop the most important one in the community. When the going gets tough, the tough get going.

It is difficult to blend hours of trading and one’s family. I support the government’s Bill, which removes the sunset clause, because it has given the opportunity for Melbourne to be recreated as a centre. Victoria is the State of the big event: the Melbourne Cup, the Australian Football League grand final and other such events. They are of great importance.
importance to the State. We need to be able to provide services to people when they visit Victoria — in restaurants, hotels and shops. That is what people expect. It is no use sending thousands of visitors back to Japan with money in their pockets because they have not had the opportunity to buy the products they want to take back with them.

It is important that retailers understand that the government supports opportunities for the central business district. It supports the right of local government to apply for trading on festival days. It supports the right of local communities to operate their retail and small businesses in the way they want to. As I said last night, it is a complex issue, but I have tried to convey how this can be simplified by the Minister and the government proceeding in the way they have been going so far, listening to retailers and putting forward a compromise. We all know that politics is the art of compromise, and I think we are at that stage.

Dr VAUGHAN (Clayton) — I am pleased to have the opportunity to enter the debate on the Shop Trading (Further Amendment) (Amendment) Bill. The Bill has seen one of the better debates of the 52nd Parliament. A number of quite thoughtful contributions have been made to the House, not the least of which was the contribution of the honourable member for Frankston.

The purpose of the Bill is to amend the Shop Trading (Further Amendment) Act 1991 by removing the sunset clause that was due to come into effect on 30 June this year. The sunset clause was not in the original Bill introduced into the previous Parliament by the then Labor government but in fact was inserted into the legislation by the opposition-controlled Legislative Council and reluctantly accepted by the then Labor government.

The House today is undoing an error of judgment of the previous Parliament, sourced from the then coalition opposition. Also it should be pointed out that the legislation that is amended by the Bill has been altered in two respects since it was passed. The legislation was first altered by the Capital City (Shop Trading) Act 1992 — that matter was just discussed by the honourable member for Frankston in his concluding remarks — and altered a second time by a provision that offered protection to shop assistants who might otherwise be coerced into working on Sundays. This provision of the 1991 Act was removed by a schedule in that infamous piece of legislation, the Employee Relations Bill, passed by the Parliament in an undignified way in November.

Mr Cole — It was an election-winning Bill, though.

Dr VAUGHAN — It certainly was an election-winning Bill, assisting in winning the 13 March election this year.

The Bill before the House amends the Act currently in force so that it will continue to regulate shop trading hours, providing a classification of exempt shops, tourist and holiday precincts and permit exemptions for one-off events and provide sanctions for non-compliance with the regulations.

I have always held the view that shop trading hours in Victoria are generous. They were generous when I entered Parliament and they are even more generous now, not necessarily to the benefit of all Victorians.

In my time in Parliament I have seen campaigns — I could even describe them as wars — waged by major retailers and their financial backers for unrestricted, deregulated shop trading in Victoria. Those large retailers have been aided and abetted in their campaign by the newspapers, which sought advertising revenue from the retailers. The Herald-Sun and its forebears also led the charge in the deregulation of shop trading hours in Victoria.

The decisions made on shop trading hours have been the real stuff of politics. They have been extremely difficult for governments to make, because they have involved attempts to reconcile positions that are essentially unreconcilable.

I well recall the debates over almost 14 years about shop trading hours, both in this House and in my party room. At least during the time the Labor Party was in office, the decisions on trading hours that the community had to cop were made after all the arguments were listened to, after which there followed a great deal of thought, agonising and negotiation. The Bill attempts to restore one of the well-considered decisions of the Labor government.

During the Committee stage my colleague the honourable member for Preston will move an amendment to restore to shop assistants the rights taken away from them after the passing of the Employee Relations Bill during that disgraceful sessional period following the October State election last year. I will support the amendment, and I hope the Minister and his colleagues will listen carefully to the arguments put in support of it.
The people I represent shop regularly at three local shopping centres, which I shall deal with in turn. To be viable, a local shopping centre must offer its customers diversity. It must consist of more than five pharmacies, three butchers shops, a couple of fruit shops and a couple of video shops. It must offer its local community the opportunity to purchase all the goods they regularly need, such as food, clothing and other essential goods and services.

The viability of local strip shopping centres in my area has been undermined not only by the incremental expansion of regional shopping centres but also by the opportunity those shopping centres have to trade on weekends — and, in particular, on Sundays, the very subject of the Bill. Strip shopping centres in my electorate have been subjected to intense pressure from the Chadstone and Southland regional shopping centres. Over the years both have increased in size and diversity — and a further proposal has been made to considerably expand the Southland shopping centre.

Each increase in the size of the Southland and Chadstone centres has greatly disadvantaged strip shopping centres in my electorate. When the viability of local shopping centres is undermined, large sections of the surrounding communities are in turn disadvantaged. The issue boils down to whether all members of the community are entitled to have reasonable access to shops, which should be the aim when the regulation of shop trading hours is debated.

I have been on the losing side in all of the public debates on shop trading hours in which I have taken part. I have always thought the compromises reached on shop trading hours went too far in appeasing the large retailers. Nevertheless I acknowledge the reality of politics: in Parliamentary democracies, governments govern with the consent of the governed. That can severely restrict the ability of governments to make decisions that are in the public interest.

Shop trading hours is a difficult issue for the Minister for Small Business to grapple with. I urge him to bear in mind that fundamental tenet of Parliamentary democracy — governments govern with the consent of the governed — which is easy to say but which has a profound meaning. Nowhere has that been better illustrated than in the various decisions made on shop trading hours. Although each of them has generally disappointed me, I have accepted the fact of life that when certain sections of the community flout the law of the land and the processes available to enforce it are inadequate, the law must inevitably change.

Each change in the shop trading laws has disadvantaged many of my constituents because their access to decent local shopping centres has been restricted. Not everyone finds large regional shopping centres accessible. That is not always to do with the availability of public transport and the distances to be travelled, because the causes are myriad. Yet each decision that undermines the viability of local shopping centres disadvantages vulnerable sections of the community.

I have already referred to the pressure exerted on local shopping centres by the expansions of the Chadstone and Southland regional shopping centres. Nevertheless, one of the three local shopping centres in my electorate, Springvale shopping centre, is finding a niche for itself. The shopping centre, which is developing a character of its own, includes Springvale Road, Buckingham Avenue and Balmoral Avenue.

Mr Micallef — And Windsor Avenue.

Dr VAUGHAN — I accept the interjection of the honourable member for Springvale, especially as he is a resident of Windsor Avenue. As I said, the growth of the large regional shopping centres undermined the viability of the Springvale shopping centre. That restricted the range of goods and services it was able to offer, which disadvantaged some members of the Springvale community. Nevertheless, the shopping centre now enjoys the reputation of being the prime centre in Melbourne for Asian restaurants. The restaurants in the shopping centre are better than those in Little Bourke Street and Richmond. They are simply the best! I am happy to sing the praises of the restaurants in the Springvale area, and I invite all honourable members to enjoy their splendid offerings.

The Springvale shopping centre also has an amazing diversity of fruit and vegetable shops. I defy any person standing in front of those shops to name even half of the products on the shelves. They certainly have a wealth and diversity of produce.

As a result of significant pressure Springvale shopping centre has changed; it has created a new opportunity and a new service for metropolitan Melbourne. It has become a regional shopping centre offering a restricted range of commodities and services, but in that process the Springvale
community has been disadvantaged in not having access to a broader range of retailing.

Clayton shopping centre, which is in the heart of the area I represent, has been under tremendous pressure from both Chadstone and Southland shopping centres. It has changed from a rich and diverse shopping centre that catered for the needs of the local community to a shopping centre that is less multifaceted. When you see the third or fourth video shop opening up where a clothing store or boutique had previously been, you start to worry.

Since the change of government I have seen something that I had not previously seen in the Clayton shopping centre — empty shops. I express concern about that. I do not know whether I can totally blame the change of government, but I am sure in part I can.

Mr Heffeman — Please don't, not fully — just a little bit!

Dr VAUGHAN — As a regular attendee of the annual Clayton chamber of commerce meetings and an occasional attendee of the others, I am aware of the anguish and anger expressed over the changes that have occurred to shop trading hours and to the way they have undermined the viability of local businesses. The Minister frequently stands up in this House and says, “I understand small business, I am here to support and help small business”. The Minister must listen to the pleas of small business and take its concern on board. When doing the balancing act between the competing interests in coming to the best decision, he must not be stood over and dominated by the large retailers, the Herald-Sun and city money. I ask the Minister to make decisions that will advantage ordinary Victorians.

The third shopping centre my local community uses is the Oakleigh shopping centre, which although in the electorate of the honourable member for Oakleigh also services the Clayton electorate. The Oakleigh shopping centre has been a victim of bad planning decisions over an extended period. It is located close to the Chadstone shopping centre and has been undermined by the progressive increases in the size and diversity of Chadstone. I regularly speak to traders and people associated with the chamber of commerce in Oakleigh. Although Oakleigh has had difficulty finding its niche as a regional provider, being very much in the shadow of Chadstone, it offers some interesting Greek markets and good retailing opportunities. Unfortunately the shops offering more variety have been removed from Oakleigh. I express concern at the increasing number of empty shops in Oakleigh since the pre-Christmas period. It should also concern the Minister, the government and the honourable member for Oakleigh.

The recent extensions to shop trading hours and the other changes that I have referred to undermine the Oakleigh shopping centre. Although it is a large shopping centre and indeed a district centre in the metropolitan planning scheme, something has to happen to protect its future. A rejection of the deregulation mentality that has overtaken conservative politics in this State and in Australia would be a start.

The Minister, in his second-reading speech, said:

The removal of the sunset clause, the objective of the present Bill, will allow time for a thorough assessment of shop trading legislation and issues relating to both the metropolitan and non-metropolitan areas.

The coalition party room is in for a lot of fun, as is the Minister for Small Business, and he knows it. He will open up such a can of worms. Members of the opposition who were members of the former government have seen it — we have been there. The Minister is in for some fun!

I look forward to coalition members like the honourable member for Murray Valley and the honourable member for Rodney taking a principled position in their party room, in the coalition party room and in Parliament, just as a former member for Ballarat North, Tom Evans, took principled positions on similar issues in his day. I am sure there are many honourable members who would be worthy successors to the mantle of the former member for Ballarat North.

From my view of the world, ideally the Minister should not even agree to the 10 Sundays now permitted under the Act for trading. As I recall, the Act mandates 4 Sundays for trading and provides for up to 10 days. It appears to be the Minister's intention and practice to make that number closer to 10 than to 4. I express concern that if the number is closer to 10, for the reasons I have been articulating the decision will disadvantage significant sections of the community that I represent.

I have always taken the view that shop trading hours in Victoria were generous when shops closed at around the middle of the day on Saturday. At that
time shop trading hours were restricted from midnight on Sunday until noon on Saturday, which provided about 130 hours in the week for retailing to occur. Since then the number has progressively increased. The great Victorian tradition of the weekend has been undermined for small business people in the retail industry and for their shop assistants. Unless Parliament carries the amendment to be moved by the honourable member for Preston during the Committee stage, the rights and entitlements of people working in the retail industry in this State will be further undermined.

In concluding my contribution on this small but significant Bill, I advise the House that I look forward to future debates that will arise from the government parties’ “thorough assessment of shop trading legislation and issues relating to both the metropolitan and non-metropolitan areas”, as the Minister said in his second-reading speech.

I am fearful of the outcome on behalf of the community that I represent, the people who wish to shop, the people who own retailing businesses and the people who work for those retailers. I am fearful that the government, with its ideological, deregulatory bent, will get that fine and difficult balance wrong — the balance that the former government agonised over, perhaps even more than it did over other issues.

Planning decisions that put huge regional shopping centres too close together and allowed them to grow too fast have robbed retail businesses in my electorate of the diversity needed for them to grow and become vigorous and viable. Moves to deregulate shop trading hours also rob them of diversity. That lack of diversity means people in my electorate have been deprived of access to a broad range of retail outlets. Nevertheless, I support the Shop Trading (Further Amendment) (Amendment) Bill because it removes the silliness of a decision forced on the previous Labor government by the then opposition.

The next Bill on this subject to be brought to the House causes me great concern. I do not believe the government is capable of getting that legislation right, even though the Minister probably has the right instincts. I am sure he is concerned about retailers, and I look forward to sufficient numbers of coalition members in the party room overturning the ideologues who believe deregulation is best.

I confidently predict that more than one meeting will be held on that matter. They will be very interesting, and I would love to be a fly on the wall in the party room. Ministers have not seen the end of the 7 a.m. Cabinet meeting. The Minister for Small Business should maintain his physical health and keep up the training because he is in for a rough trot. He will be leant on from a great height and the buckets will be flying.

Those meetings will be great barneys and I am fearful of the outcome because the deregulatory ideologues have taken control of the once great Liberal Party. Even the National Party appears to have lost its good, country commonsense. Perhaps the revolution in the coalition party room needs to come from the members of the National Party, who are more in touch with the realities facing the community than most Liberal Party members.

Much is resting on the shoulders of members of the coalition parties who understand the realities of life. They need to overturn the hard right ideologues who have got the Victorian government into such a pickle. I wish the Minister well in handling such a difficult matter.

Dr COGILL (Werribee) — I was hoping more government members would speak on the Shop Trading (Further Amendment) (Amendment) Bill because it affects every electorate in Victoria. The debate on the Bill presents a rare opportunity for government backbench members to gain debating experience and skills that would serve them well in their future service to this House and their electorates.

Mr Cole — And their new careers after the next election.

Dr COGILL — I will come to that later. I hope not to be as provocative in this speech as I was in a previous debate when I upset the honourable member for Mornington, among others.

Mr Cole interjected.

Dr COGILL — I am speaking from the elevated position of the middle bench, which has been the position used by others to knife people in the back.

The ACTING SPEAKER (Mr Cooper) — Order! I suggest that the honourable member for Werribee address the Bill and stop provoking the Chair.

Dr COGILL — Thank you, Mr Acting Speaker, for your guidance! In this debate attention has been drawn to the fact that Victorian retail trading hours
are the most unrestricted and lavish of any State. Like the honourable member for Clayton, who was also first elected in 1979, I believe shop trading hours in Victoria should not be extended. They have gone too far already.

At present shop trading hours reflect an extensive application of the theoretical principles underlying economic rationalism — a principle that has now had its day in the public mind. Indeed, after listening to and reading the maiden speeches of new honourable members, it appears to me to be a principle that has also had its day in the Parliamentary Liberal Party. Unfortunately for the Liberal Party, the influx of new honourable members, with a few exceptions, comprises people who are traditionally conservative and do not accept or advocate the hard line of the right-wing economic rationalists the leadership of the Parliamentary Liberal Party is forcing on the Victorian people.

Mr Hamilton — There are a few wets on the back bench.

Dr COGHILL — There are many wets, true conservatives and small-l liberals who are not committed to deregulation but are committed to maintaining the enduring values of Australian society. They reject the hard right-wing economic rationalist view being promoted by the Treasurer, the Premier and the Minister for Small Business.

Support for economic rationalism no longer has the numbers in the Parliamentary Liberal Party or the Parliament generally. The Premier’s problem is that his personal ideology, which he promotes in government, is no longer the ideology underlying the Parliamentary Liberal Party or the coalition. That highlights what the honourable member for Clayton said.

I note from the demeanour of the Minister for Small Business that he sees my point. He recognises the danger of the policies he has been charged with implementing. They are being rejected in the party room because they represent the personal ideologies of a few, not the ideologies of the overwhelming majority of the 1993 coalition parties.

There are exceptions. The honourable member for Tullamarine may be one of the few dinosaurs in this place committed to the hard right-wing ideology that saw the promotion of the goods and services tax as the answer to Australia’s problems. Deregulation of shopping hours is another policy that is thought to be a solution to the economic problems facing Victoria.

Economic rationalism and deregulation have had their day. They do not work. Deregulation has been rejected in the United States of America, Britain and New Zealand and was never accepted in continental Europe. The Minister for Small Business, and the Premier and the Treasurer in particular, will be confronted by that as they try to drive their extreme, hard-right, ideological policies and force them on their party, on Parliament and, tragically, on the entire Victorian community.

The deregulation of shopping hours is a rejection of the importance of the family unit, a matter that is of much concern to the honourable member for Tullamarine and others, although the honourable member for Tullamarine does not yet understand the link between the two issues. How can parents in a normal family unit or single parents maintain proper relationships with their children if they are asked to work on the two days of the week when their children are not at school?

The time that my wife and I are able to spend with our children on Saturdays and Sundays is enormously important in maintaining a solid family unit and providing our children with the support and guidance they need as they grow and develop.

Mr Hamilton — Quality time!

Dr COGHILL — Not just guidance on homework but, as the honourable member for Morwell says, quality time when we can relate to each other and when we can provide the sort of informal guidance that parents provide to children by the behaviour they demonstrate, whether alone in the family unit, when the family is out or when we have guests in our home.

A similar situation applies in relation to worship, which is still an important part of the lives of many Victorians. The fact that some people are not active in or do not involve themselves in religious practice at all is beside the point; worship is an important part of the lives of a significant number of people in our community. Although Friday and Saturday are the days of worship for some people, Sunday is the day of worship for most Victorians.

How can a person who is expected by his or her employer, sometimes at short notice, to work on Sundays maintain his or her faith and religious practice?
Mr E. R. Smith interjected.

Dr COGHILL — The honourable member for Glen Waverley may believe market forces should determine worship in the same way he believes they should determine every other aspect of life. He may believe churches should compete for market share in the same way as retailers compete for market share. That may be what he is getting at.

Mr E. R. Smith — They already do!

Dr COGHILL — That is a remarkable point of view that I hope the honourable member will be willing to debate with Archbishop Sir Frank Little, the Anglican archbishop and the other church leaders in Victoria. I would be surprised if the honourable member could gain majority support in his own party room or in the coalition party room for the view that religions should compete in the marketplace for observance.

The same line of thought underlies and is implicit in the government's approach to parenting. The government seems to think that parenting is something that should compete with the demands of employers and that people should make market-driven decisions about whether they will be good parents and spend time with their children or spend their time working. That is absolutely repugnant to me and, I suggest to the honourable member for Glen Waverley, to most Victorians and Australians.

One can only assume that the government's next step will be the abolition of the Sunday Entertainment Act. Perhaps the Minister for Small Business will indicate to the House in his closing remarks, or perhaps even now by disorderly interjection, whether part of the government's program is to repeal that Act. If that is the government's intention, and it would be consistent with its policy position and with what is being done in the Bill, the public has a right to know about that and a right to debate it. The Minister has an opportunity of saying whether that is so. Perhaps by nodding his head he is indicating that it is government policy to repeal the Sunday Entertainment Act. I can only assume that that is something the government has under consideration.

The amendment foreshadowed by the honourable member for Preston is enormously important for people affected by the desire of their employers to trade on Sundays. An employee of a retail chain who works in a city store approached me about two matters that may be affected by the foreshadowed amendment. The employee is not concerned about having to work on Friday nights and Saturdays because, as a single person, she has been able to adapt her lifestyle accordingly. However, she is concerned that, firstly, under a contract she has been offered as a consequence of the Employee Relations Act she may be required to work at any time, and secondly, contrary to the provisions of the Act, she has been told she has no choice but to accept the contract and has been denied the right to continue under the old award provisions.

I am concerned that many employers, particularly small business people and managers, do not understand that the Employee Relations Act provides employees with protection. That reflects the fact that the current and previous governments and small business organisations have not done enough to help small business managers manage well. The quality of small business management is one of the major reasons for bankruptcies and other business failures in Victoria and elsewhere in Australia. I am pleased to see the Minister for Small Business again nodding his head, on this occasion indicating agreement.

I hope during the Minister's administration he will do something to further advance the cause of the quality management of small business so that operators of small businesses will know where to obtain advice on legal, industrial, financial and management matters and will know how to apply that advice.

Major problems exist because small business operators do not understand financial and management principles. From my observation of small business operators in my electorate who have approached me, lack of knowledge has often been the major contributing factor to business difficulties. The failures have been caused not by government taxes and charges, over-regulation or anything else, but by a lack of business management skill. I hope the Minister is successful in his endeavours to improve the level of business management skill in Victoria. That improvement can only help people in every sector of business and the Victorian community in general.

As the honourable member for Clayton said, the Bill had its origins in a campaign waged by major Victorian retailers. That campaign was an example of economic power being used in an undemocratic manner for undemocratic purposes. It was all about economic power being used to try to maximise...
market share and to achieve market domination in certain areas of retailing.

The major retailers were able to do that through a number of mechanisms. Firstly, because of the size of their enterprises they were able to trade illegally on Sundays. Because of their economic power they could carry associated losses and costs.

The second extremely important factor relevant to public opinion was the size of their advertising budgets. It would have been difficult for the likes of the editor of the Herald-Sun to overlook the overtures made to him by the advertising manager or the managing director of Coles Myer Ltd. It is hardly surprising in those circumstances that the Herald-Sun was strongly behind the policy that led to this Bill extending the provisions of the Act.

The third factor which was important for the major retailers and which would not be possible for small retailers in shopping centres concerns loss leadering. Prior to this Act huge numbers of people were shopping on Sundays in stores that were trading illegally. No-one should have been surprised at the sort of loss leadering that was occurring because the stores were offering extraordinary bargains to those who shopped on Sundays. The bargains were available only on Sundays and in those circumstances it was not surprising that many people took the opportunity to shop then. That fact was used by the Herald-Sun and others as a barometer of public support for Sunday trading. In fact it was nothing of the sort — it was support only for bargains which anyone could have grabbed on any day of the week if retailers had chosen to offer those same bargains between, for example, 5.30 p.m. and 10 p.m. on weekdays. Perhaps with that opportunity even larger numbers would have voted with their pockets and demonstrated support for extended weekday trading.

It was nonsense to suggest that the level of trade on those Sundays was an indication of public support for Sunday trading, yet that is how it was portrayed. That scenario was possible only because the major retailers had the economic resources to sustain that sort of loss leadering.

Since the Act has been in operation, like many other honourable members I have observed what has been happening in my community and in the central activities district. Only a few nights ago, during the suspension of the sitting, I decided to do some personal shopping and get some exercise, so I took a stroll through the city at about 7 p.m. I fully expected to go into Myers and shop in a particular department. Lo and behold, Myers was closed, as was virtually every other retailer. The only shops that appeared to be open were those that had been allowed to open before the implementation of this Act, which the government now intends to extend through the provisions of this Bill.

Mr Leighton interjected.

Dr COGHILL — As the honourable member for Preston says, retailers claimed this Act would revitalise Melbourne and the central business district but it has done nothing of the sort. The services available to the community throughout the city are now no better than they were before the implementation of the Act.

No-one should forget that before the Capital City (Shop Trading) Act large numbers of people could always be found throughout the city on weekday evenings and at weekends. I know it is always difficult to park my car in the city other than at Parliament House on any evening or at weekends. It did not require the provisions of the Act to bring people into the CBD.

The policies of the Kennett government have been crippling the recovery that was well under way prior to 3 October 1992. At the time of the election the Victorian economy showed strong trends of growth, but they have now been slowed and inhibited most severely. The continuing government disarray and instability precipitated by the implementation of the Kennett policies and the most recent threats by the Premier against the superannuation entitlements of public servants are exacerbating uncertainty in the community.

Just as the lights in the third chandelier in this Chamber have been flickering during this debate, so, too, have the lights been flickering and going out in stores throughout Victoria. The lights have gone out because of the failed policies of the Kennett government and as a consequence of tensions between the wets and dries in the government, the disarray arising from the failure of Dr Hewson to win support and be elected and the dependence of Kennett government policies on integration with the policies of what the Premier hoped would be a Hewson Federal government.

I am prepared to accept the Bill because it does not extend Sunday trading and trading hours to a greater extent than those applying at the moment. Already the trading hours provisions have gone too
far and they should not now be extended. I shall be supporting the amendment proposed by the honourable member for Preston because it appears to be important in protecting the rights of individuals who wish to have the option of spending time with their families and of having time for religious observance and other personal activities instead of being shanghaied into spending time working on Sundays when many other people are available and prepared to do so.

Mr Leighton — Mr Acting Speaker, I direct your attention to the state of the House.

Quorum formed.

Mr LEIGH (Mordialloc) — On a point of order, Mr Acting Speaker, I ask you to take up with the Speaker the precedent concerning quorums. When quorums were called during the last Parliament, the former Speaker, the honourable member for Werribee, refused to order the ringing of the bells to ensure that 20 members were in the Chamber. I ask you to take up this matter with the present Speaker. Was the former Speaker correct when he refused to accept that there were not 20 members in the Chamber, or is the opposition’s attitude correct? I seek an answer.

Mr LEIGHTON (Preston) — On the point of order, Mr Acting Speaker, I suggest that no point of order exists. Standing Orders make it clear that 20 members must be present in the House to form a quorum. When I called for a quorum, fewer than 20 members were in the House and it was my entitlement to insist on a quorum being present. This is a most important debate and I noticed that the number of members present had dropped below that required for a quorum.

The matter the honourable member for Mordialloc refers to is not contained in the Standing Orders. It might be suggested that, on occasions, the Speaker or whoever is in the chair has refused to accept multiple calls for quorums. However, that has not been the case this morning. Before I called for a quorum just now, there had been only one call for a quorum this morning and that was at least an hour ago. The matter the honourable member for Mordialloc referred to is not contained in the Standing Orders. At best, it can be described as a particular practice, but the practice he was seeking to have followed is not applicable because there was only one other call for a quorum this morning.

The ACTING SPEAKER — Order! There is no point of order. As requested by the honourable member for Mordialloc, I will refer the matter to the Speaker and ask him to give a ruling on it.

Mr MICALLEF (Springvale) — The Shop Trading (Further Amendment) (Amendment) Bill removes the sunset clause that, depending on your point of view, would have brought order or disorder to the shop trading hours legislation the former government introduced in an attempt to resolve the matter. I thank this government for allowing such a detailed and ongoing debate on the issue. Obviously it sees shop trading hours as the major issue to come before Parliament since the October election. That time has been put aside for the debate is remarkable, given that legislation such as the WorkCover Bill, the Vital State Industries (Works and Services) Bill and the State Deficit Levy Bill was rammed through Parliament in an obscenely hasty fashion.

One questions the government’s priorities. Is this the major issue facing Victoria as it approaches 2000? I am not understating the issue; the legislation I have just mentioned has a more important effect on the wellbeing of Victorians than this Bill. It is very sad that the government does not allow proper scrutiny or the involvement of members of Parliament in the deliberations on legislation before the House. One might have thought that government members would rise in droves to take part in the debate. It is disappointing that most government members are not even in the Chamber to support the Minister on this important matter.

I was elected to this House 10 years ago following a by-election in Springvale, and the campaign issue was shop trading hours. Springvale traders spearheaded a campaign against the extension of shop trading hours that contributed to Labor’s significant win in that March 1993 by-election, and I have never forgotten the support the retailers gave me. Most of them were small businessmen — the sorts of people one can relate to — and they called a spade a spade. Those small businessmen strongly supported the then government’s opposition to the extension of shop trading hours.

I put on record my personal thanks to the Premier, then the Leader of the Opposition, for taking such a high-profile role during the campaign, in which shop trading hours became the issue that helped Labor win the by-election with a 4 per cent increase. It is unusual for governments to extend their margins by 4 per cent in a by-election, but one of the Premier’s unique qualities is that he is able to
influence the community, and his help and support were very welcome. Upon being elected one of my first acts was to thank him for his support during my campaign, and once again I place on record my thanks.

Shop trading hours got out of hand during the 1980s. I was a member of several committees that tried to resolve the issues of Sunday trading and the goods that may be sold on a Sunday. Some shops are able to open and some are not, and a fine line existed between those shops that could open, like hardware shops, and those that could not. We tried to rationalise the retail industry and bring some order to it. During that period a few martyrs wanted to go to gaol on a principle and defied the laws and the government in their attempts to change the regulations. Eventually they got the message that, by opening the floodgates, in the long run they too would be caught up in the web and small business people would be drastically affected economically because major retail chains would be able to operate seven days a week.

Shopkeepers may have been making a quick buck on Sundays but they were breaking the law. People were using those businesses on the basis that they were the only ones open. Once the legislation was changed and all shops were allowed to trade on Sundays those small shopowners were disadvantaged because the market was flooded by big business, which took more than its fair share of the market. The government's approach was short-sighted, but shop trading hours had to be regulated on a proper basis.

Members of the Labor Party went through a lot of trauma in rethinking shop trading hours. The decision to allow 10 Sunday trading days a year at least meant the people knew what they could and could not do, and in my opinion it resolved the problem. I did not view the decision as an increase in Sunday trading days from 4 to 10; I viewed it as a reduction from a potential 52 Sunday trading days to 10. That is why the government of the day took that stance and, with the agreement of the major retail chains, introduced 10 Sunday trading days. The retail industry understood the regulations, and a sense of order was restored.

In the rush to push through legislation in the last session, the Employee Relations Act removed protection for shop assistants. In his considered and competent contribution the shadow Minister presented all the issues without omitting any aspect of shop trading hours. He pointed to a number of letters from various groups, churches and individuals expressing concern that shop assistants can now be forced to work on Sundays.

Honourable members are aware that the government supposedly supports small business, is supposedly Christian and supposedly takes the high moral ground. Some people in this world are prone to hypocrisy, but members of the present government appear to have the monopoly on that. If Sunday is so sacred, small business needs to be supported. The government is supposedly the champion of the rights of the individual, but it is taking away the right of the individual to decide whether to work on Sundays.

Although I do not take a large part in religious activities, as a member of Parliament I attend the religious services of various ethnic communities in my electorate of Springvale. I respect the rights of individuals to attend such ceremonies and I attend on the basis that I support them publicly expressing their religion and culture. It is important that those communities are able to do that.

Mrs Peulich interjected.

Mr MICALLEF — As somebody who comes from an ethnic background, I assume the honourable member for Bentleigh supports the principle I am putting forward. I take on board that support and hope it is transferred to the party room.

The Employee Relations Act will have a limited life; issues of civil liberty will ensure that it is amended. The Minister for Industry and Employment must come to his senses and communicate with unions to effect a change which will serve the best interests of the community and not the agenda put forward by the hard right, the new right, the old right, and people such as Peter Boyle and others who have captured the Liberal Party. They are the people who caused Victorians to lose confidence in the government and who caused the Federal coalition to lose the last election. The government must recognise the stupidity of the provision of the Employee Relations Act and realise that the community will not accept its provisions.

The honourable member for Clayton mentioned the shopping centres in Springvale and Clayton and small business people who are being affected. I live in the main street leading into the Springvale shopping centre and have first-hand knowledge of the impact of extended trading hours.
Mr Gude interjected.

Mr MICALLEF — Windsor Avenue, Springvale, and the Minister can call in any time! It is a good shopping centre but it has its limitations. It is popular for its food — meat, fish, pork and so on — but it does not have a department store. The proposed extensions to Parkmore Shopping Centre with the potential to expand the Plaza shopping centre on Heatherton Road will put a lot of pressure on smaller shopping centres like Noble Park within the Springvale area. A massive increase in the amount of shops and facilities available will put pressure on small shopkeepers and small business within the area.

The government must move away from the current regulations and loosen the awards and conditions to enable small businesses to compete more favourably. If that is not achieved, a lot of small businesses will be sent to the wall — they will be rearranging deck chairs on the Titanic, as they say in the classics! It is unfortunate that a government that makes such a noise about supporting small business does not give a thought to its future. Sunday trading has certainly changed the nature of trading and shopping in Victoria.

The role of inspectors was discussed. Regulations must be understood and policed if we are serious about stabilising the industry. Efficient inspectors, with proper facilities and support, are necessary to ensure that all shopkeepers operate on a level playing field and that no unscrupulous shopkeeper breaks the law.

Major shopping centres have negotiated enterprise bargaining agreements that have changed employees’ conditions. They were not changed in a draconian way through legislation that forced people to work on Sundays when they wished to be with their families or to be able to undertake other commitments. The current system encompasses the ability for enterprise bargaining, even if employees choose to move to Federal awards because of the draconian nature of the Employee Relations Act. Employees have the ability to negotiate their conditions, which will not be unfavourable for the industry. I look forward during the Committee stage to supporting the amendment foreshadowed by the shadow Minister.

Mr GUDE (Minister for Industry and Employment) — I support the Bill, which effectively retains the status quo. I find it amazing that so many Labor Party members have spoken in support of a foreshadowed amendment to be moved in the Committee stage which supports their ideological bent and which is a demonstration of the way they are prepared totally to disrupt the proceedings of the House.

The Bill allows for Sunday trading, which was introduced by the former Labor government.

Mr Leighton — Our Bill included protection for workers who work on Sundays.

Mr GUDE — Show me where that provision is in the Act! It is not in that particular piece of legislation. The honourable member is referring to a change in the industrial relations provisions. If he had looked at the Act no doubt he would find he is referring to section 25(3). Without looking up the particular clause it effectively says —

Mr Hamilton interjected.

The SPEAKER — Order! I point out to the House that we are not in the Committee stage and I suggest that when the Bill is before the Committee that is the time for these matters to be examined.

Mr GUDE — The provision effectively says that the new Employee Relations Commission, when fixing an award, will not be able to fix a specific rate for a specific day.

Mr Leighton interjected.

Mr GUDE — I am afraid I do. The provision does not allow the new Employee Relations Commission to fix a particular rate for a particular day, in other words on a Saturday or Sunday; however where someone works from Monday to Friday and then works on Saturday or Sunday that person will receive overtime for those hours. This is the most important part of the changes that are included in the legislation. It encourages agreement between the parties in the form of individual or collective arrangements. There is no prohibition about the rate of pay that might be paid on any day under employment agreements.

Further the legislation provides for people in employment to roll over their current conditions. I know honourable members opposite do not like it, but the vast majority, if not all people working in the retail area, because of the deeming provisions of the legislation, have rolled over all their pre-existing conditions including penalties that apply on Saturdays and Sundays. Let us not have the
nonsense that has been heard from honourable members opposite about a diminution of rights and entitlements because that is not what has occurred at all.

As to the question of whether somebody had a right under the old legislation to refuse to work on a particular day, that is clearly something that is between an employer and an employee. The award that prevailed at the time provided for appropriate penalties for work. There were limitations in the legislation.

Mr Roper interjected.

Mr Gude — You can have your go later! The legislation allows people to negotiate whether they work on Saturdays or Sundays. There is no requirement for people to do that, but equally there is no veto of rights. Of course shopkeepers will open their doors if they believe there is an opportunity for commercial benefit and they will do so in a way that does not deny anybody an opportunity of employment.

The legislation preserves the status quo. That is not unreasonable. However from time to time there will be a need for review. The honourable member for Springvale mentioned the possibility of discussions about awards, and industrial relations in general. It may be that in the fullness of time discussions will be held about further changes. I do not advocate changes but I cannot rule out the possibility of changes.

The legislation affects the lives and livelihoods of people. It is a living thing and requires constant review, revision and change to meet the concerns and aspirations of the community. In those circumstances we obviously will react responsibly and sensibly, as the Minister has in this instance, by preserving essentially the status quo.

In a spirit of cooperation I hope honourable members on the other side will not prolong this debate. After hearing from eight or nine speakers who have said almost the same things, unless someone can come up with some riveting new piece of information that might drive the government to reconsider the process, I suggest that the House be allowed to get on with another piece of legislation.

Mr Cole (Melbourne) — I support the Bill and the foreshadowed amendment. The Leader of the House said that shop assistants were still protected from being forced to work on Sundays. I am not sure whether the Minister is aware of section 25B in the Shop Trading (Further Amendment) Act, which states:

Employees not required to work on Sundays.

Despite anything to the contrary in the Industrial Relations Act 1979 or an award within the meaning of that Act, a shop assistant employed in a shop is not required to work in the shop on a Sunday.

The introduction and passage of the Employee Relations Act was a principal reason for the return of the Australian Labor Party at the last Federal election. It was certainly a boon to the Labor Party, even though it has done enormous damage to the people of Victoria. I hope the vast majority of workers will soon be covered by Federal awards, which will mean the legislation was a waste of time. However, Schedule 6 of that Act repeals section 25B of the Shop Trading Act 1987. So shop assistants will be compelled to work on Sundays, despite what the Leader of the House has said. He has either not read the Act or he does not understand its implications.

Mr Gude interjected.

Mr Cole — I may not change the mind of the Minister for Industry and Employment, but it emphasises the point put so ably by the honourable member for Preston: that it is imperative to protect shop assistants so that they will not be forced to work on Sundays if they do not wish to work.

Given the nature of the retail industry, the opposition believes shop assistants should not be required to work on Sundays if they do not wish to. The Shop Trading (Further Amendment) Act initially referred to the number of hours and the number of Sundays for shop trading. However, the coalition parties in the Upper House introduced a sunset clause into that Act, ensuring that the legislation would be reviewed.

The Minister for Small Business proposes to remove the sunset clause but to retain the maximum number of 10 Sunday trading days. I am unsure whether the Minister is capitulating to the large property interests not only within his own party but outside his party and the large retailers who are major supporters of and fundraisers for the Liberal Party. I am also concerned by the comments of members of the opposition, certainly articulated by the honourable member for Frankston, that there should be open slather on Sunday trading. In other words, there should not be any restrictions to Sunday
trading and it should be a management decision whether or not a shop opens.

At this stage of the debate the dry, right-wing view of the honourable member for Frankston does not have prominence in the Liberal Party, but the opposition is not holding its breath because it knows that the large retailers want more and more. It knows the same retailers dictate to the Premier and to others, and it knows that they are supporters of the Liberal Party and that it will not be long before the Minister for Small Business capitulates.

The opposition is concerned that small business will be run over, with the proverbial Sherman tank, if there is an extension to Sunday trading.

The Leader of the House asked whether members on this side of the Chamber would contribute further to the debate. Before the Leader of the House was a member of this place he worked with the then Chamber of Commerce pursuing this issue, and I should have thought more members of the coalition would take part in the debate.

When the Sunday Trading (Further Amendment) Bill was debated in this place the then opposition said there should be a review at some time. The members on this side of the Chamber who have taken part in the debate have all expressed the view that there should be a review of Sunday trading because there is a strong argument not just for retaining Sunday trading on only 10 Sundays but for reducing that number.

I am concerned about what has happened in the central business district, especially since the introduction and implementation of the provisions in the Capital City (Shop Trading) Act.

It is time for a review. It is my view that the number of Sunday trading days should be reduced. I have had many approaches from the managers of small businesses telling me that they cannot stay open on a Sunday. The honourable member for Frankston referred to pharmacies, but they are highly regulated and subsidised through the national health scheme. They have a guaranteed market, despite the recession. Their industry was reviewed some time ago and small pharmacies were taken over by larger ones. I do not disagree with that process, but it is a regulated market and it is difficult to compare that industry with other small businesses.

Mr Weideman interjected.

Mr COLE — The honourable member for Frankston should be aware that milk is heavily regulated and milk bars have to stay open to sell milk on Sundays in order to retain their licence. The pharmaceutical industry is strictly regulated — in fact, regulated backwards. There is a clear case for strong regulation of that industry, but if the number of providers were increased or pharmacies were sited in hospitals and the industry were deregulated pharmacists would complain vociferously; perhaps that is one of the reasons why it will not happen.

During the 1990 Federal election the “free traders” were knocking on doors telling everyone who would listen that the industry should not be reviewed. As I said, I do not object to the regulation of the pharmacy industry, because we need that regulation, but I also believe pharmacies should be open on Sundays. As a father with two school-age children I want to obtain pharmaceutical products on Sundays if necessary, but that is not appropriate with other small businesses, because small traders cannot compete with large traders.

It is now time to review Sunday trading, but the government should not appoint those who are involved or interested in the industry to be members of the committee of review. The whole issue should be investigated, not just the issues that the large newspapers highlight. Honourable members know that large traders contribute significant advertising revenue to the media, particularly the Herald-Sun. Of course, the coalition government decided to advertise in that newspaper.

The SPEAKER — Order! At this point I interrupt the honourable member. The chair will be resumed at 2 p.m. when questions without notice will be called. The honourable member for Melbourne will have the call when this matter is next before the Chair.

Debate interrupted.

Sitting suspended 1 p.m. until 2.3 p.m.

QUESTIONS WITHOUT NOTICE

SALE OF WINE BY PREMIER

Mr KENNAN (Leader of the Opposition) — I refer the Premier to statements made on his behalf last month relating to the sale of wine for fundraising purposes from his Treasury Building
office and to the liquor licence in force in relation to that. I also refer the Premier to matters raised yesterday in the House and his comments that there was not a liquor licence in force at all relevant times. I ask the Premier to assure the House that he will make a full and complete statement on this matter when he is interviewed by the police.

Mr KENNET (Premier) — I thank the temporary Leader of the Opposition for his question. The first I knew about the now Leader of the Opposition's interest in this matter was while I was overseas. He had decided that the best time to raise this issue was when I was out of the country. It is a real indication of the strength of the commitment he had.

Unlike the temporary Leader of the Opposition, when this matter was brought to my attention yesterday by the media, the first time it had been publicly raised, I immediately admitted openly and fully that when this matter had been brought to my attention by one of my colleagues either late last year or earlier this year I moved quickly to correct the situation in which I found myself, not by design but by oversight.

Mr Micallef interjected.

The SPEAKER — Order! I caution the honourable member for Springvale. It might be 1 April, but I will take action against him.

Mr Leigh interjected.

The SPEAKER — Order! And that goes also for the honourable member for Mordialloc.

Mr KENNET — I can understand, as we on this side of the House concentrate on the major issues to try to address the problems that we inherited because of the mismanagement of the former government, that the new temporary Leader of the Opposition is more concerned with an issue like this. It is a little like the situation when we heard about his elevation. My wife, Felicity, said to me, "It will be good to have Jim in the seat because he is so much more fun to go out with".

The SPEAKER — Order! The Premier is straying from the question.

Mr KENNET — The point I am making is that the Leader of the Opposition is not known to be, as the Prime Minister would say, a true believer in Labor matters or in anything else.

An honourable member interjected.

Mr KENNET — Just wait a minute and I'll tell you: in anything other than those things that advance his own personal interests.

I have said quite plainly that I am ready and willing for due process to take its course. I have not in any way obstructed that due process. I should have thought that in Victoria the former Attorney-General would want to ensure that the law was upheld equally for all. I will not comment on what may happen with the investigation as it involves my situation.

Mr Speaker, where was the former Attorney-General when the then Prime Minister of Australia, Mr Bob Hawke, was selling liquor from his office here in Victoria?

Honourable members interjecting.

The SPEAKER — Order! I understand the unusual situation in which the House finds itself, but the level of interjection is too high. I inform honourable members on both sides of the House that I will take action against them should the level of interjection continue.

Mr KENNET — This case differs in two respects: firstly, I do not hold myself above the law, nor do any of my colleagues. Secondly, when the matter was raised in the House yesterday and I was questioned about it I disclosed the situation truthfully and on the first possible occasion, unlike the man who now occupies the seat opposite.

Honourable members interjecting.

Mr KENNET — No, it does not, but it is a great change for the government and its members to be prepared to be up-front and honest.

Thirdly, I said yesterday that due process will take its course, and I am happy to be part of that due process. I do not intend in any way to pre-empt or pass judgment on the process, but I was asked yesterday by the media for comment on this issue, as was the individual who raised it in the House, but that individual would go outside only for a photo opportunity; he would not do an interview.

Let it be on the record quite clearly that the honourable member who raised the matter acted in a cowardly fashion, and the Leader of the Labor Party now pursues this in an absolutely hypocritical
manner. If this is all the temporary Leader of the Opposition is concerned about in this environment, so be it, but the government will continue to work to overcome the problems that he and his government created.

ECONOMIC AND STRUCTURAL REFORM

Mr PATERSON (South Barwon) — Will the Premier inform the House what role the government believes Victoria can play in achieving the economic and structural reforms needed to bring about a more prosperous State and nation?

The SPEAKER — Order! I advise the Premier that the question is very broad indeed and ask him to limit his answer to 3 minutes.

Mr KENNETT (Premier) — As the vast majority of the community understands, there is a huge challenge for us as a State and as a nation to address in the next couple of years to ensure that we become relevant by the end of the decade and into the 21st century. Again, as most people in the community would know, we have very little alternative but to accept unto ourselves a real sense of responsibility in putting in place those programs that are necessary for the rebuilding of the State and for its contribution to Australia.

The honourable member for Northcote tried to do this when he was in government, but his Leader pulled the rug from under his feet. We cannot afford to do that in the interests of the people of the State and this country.

From time to time we have been criticised for what we have done. I understand that that is natural when one brings about change. It is somewhat hypocritical, though, when some of the criticism has been coming from those who perpetrated the crimes. The comments reported today and made yesterday by the Governor of the Reserve Bank, Mr Bernie Fraser, further illustrate how the people of Victoria and their government have for six months been working quietly and responsibly to re-form a base for economic development, security and employment growth.

Mr Fraser said that the Federal government must immediately work to get its current account deficit under control in exactly the same way as we have been trying to do for the past six months, will continue to do for the next three years and as the honourable member for Northcote attempted to do.

This country will be relevant. Prime Minister Keating will have to start taking the sorts of measures the Victorian government has taken in reducing expenditure.

There are only two alternatives: we increase taxes and charges or we reduce expenditure. There will not be enough economic growth to increase employment levels substantially. Two and a half per cent growth is not enough; we need 4, 5, 6 or 7 per cent.

Mr Dollis — That is what the Prime Minister said.

Mr KENNETT — I know that is what the Prime Minister said, but to date the Prime Minister has not put a deficit management program in place. As the Governor of the Reserve Bank said, that is quite clearly what must be done.

It has to be understood that Australians can no longer live beyond their means. There must be prudent management of the public’s assets and money and, as a government, we must set an example. The former government of Victoria never tried to achieve that.

SALE OF WINE BY PREMIER

Mr KENNAN (Leader of the Opposition) — I direct to the attention of the Premier the wine licence he obtained in late January, and I ask: how much did he pay for the licence and will he table copies of his application and the licence in the House?

Mr KENNETT (Premier) — Once again I compliment the temporary Leader of the Opposition on the stunning research and thought processes that led to the question. I can understand why he is a QC! I find it amazing that you need legal training to ask a question like that.

Honourable members interjecting.

Mr KENNETT — I am told the only reason the temporary Leader of the Opposition sought the leadership and, ultimately, the Premiership, is that he wants to be appointed to the bench — and the only person who will ever appoint him to the bench is himself, because no-one else would be stupid enough to do so.

It is interesting to watch the temporary Leader of the Opposition when he has asked a question. You know he is in trouble when he spends all of his time...
either looking down or looking away. He always looks away when he has made a mistake.

I do not want to be held to the exact amount of the dollars and cents. I do not actually remember — —

Mr Kennan interjected.

Mr KENNETT — I think it was approximately — —

Mr Kennan interjected.

Mr KENNETT — Are you right? Have you got your pen ready? I think it cost approximately $350 to $400. How does that sound?

Mr Kennan — Good.

Mr KENNETT — That is about the right amount. I should have thought the self-appointed QC opposite would have obtained all the documentation from the commission. Have you got it?

Mr Kennan interjected.

Mr KENNETT — I am trying to help the man! I think the amount was between $350 and $400. I think the form on which I applied for the licence was pink, but I am not sure. I am sure the former Attorney-General will continue to pursue the matter. I think we received the licence sometime around the end of January because it was just before I went overseas. Is that right?

Mr Kennan interjected.

Mr KENNETT — By interjection, the Leader of the Opposition says that was not the question.

Honourable members interjecting.

Mr KENNAN (Leader of the Opposition) — On a point of order, Mr Speaker, as happened yesterday the Premier has clearly forgotten the question in mid-flight. I remind the House of the second part of the question, which asked whether the Premier was prepared to table copies of his application and licence in the House. The Premier should answer that part of the question. If he needs a further reminder in 30 seconds — when again he is likely to have forgotten the question — I shall be happy to remind him.

The SPEAKER — Order! I do not uphold the point of order. I believe that up until now the Premier's answer has been relevant, but I ask him to round off.

Mr KENNETT (Premier) — Thank you, Mr Speaker. I have been trying to come to the point, but I have been both interrupted by interjections and distracted by the sight of the honourable member for Albert Park sitting on the edge of his seat trying to — —

The SPEAKER — Order! The Premier should answer the question.

Mr KENNETT — I think the amount was between $350 and $400. I think the slip was pink, but I cannot remember. I shall certainly have a look to see whether I have the documentation here, but I do not think it is in Parliament House.

An honourable member interjected.

Mr KENNETT — I don't have it here. I don't have my birth certificate here. Have you got one?

An honourable member interjected.

Mr KENNETT — He hasn't got one!

Honourable members interjecting.

The SPEAKER — Order! I caution certain members on the opposition front bench. I am tired of cautioning them time after time. I will say no more, except to ask the Premier to conclude his answer.

Mr KENNETT — I think I have the documentation at home, because it is my personal property. The Leader of the Opposition has raised the issue and has now suggested that due process take its course. I think that is fair enough: we will let due process take its course.

FORMER METTICKET SCHEME

Mr FINN (Tullamarine) — Will the Minister for Public Transport inform the House of any advice he has received from the Department of Transport on the former government's MetTicket scheme?

Mr BROWN (Minister for Public Transport) — It might surprise the House to learn that I have received information from my department on the former MetTicket scheme. Many people hold the view that MetTicket was one of the stunning successes of the former Minister for Transport, now the Leader of the Opposition. Compared with
Bayside where the former Minister lost $122 million, this scheme lost only $31 million!

With his recent elevation to the exulted position of Leader of the Opposition, I thought it appropriate that the government should consider the issuing of a commemorative scratch ticket to celebrate the event. It is a cause of celebration for the government that this gentleman is now the Leader of this dispirited opposition.

I had the initial view that on one side we could have Scratchy Jim —

The SPEAKER — Order! The Minister knows full well he should refer to other members by their correct titles.

Mr BROWN — Certainly, Mr Speaker. I was referring to the Leader of the Opposition. On the other side we could have Steve Crabb, Peter Spyker and, of course, Snappy Tom.

The SPEAKER — Order!

Mr BROWN — So that we could design a commemorative scratch ticket I wanted to obtain an original. Because I was aware that a large number of tickets had been printed I asked my department to get me a few of the original tickets. Yesterday I was advised that none of the original scratch tickets exists. They are all gone. As the former government had printed 62.9 million scratch tickets I thought it would have been easy to obtain one or two to examine before issuing this commemorative ticket.

I was even more flabbergasted to learn that after the original 62.9 million tickets were printed — 42.3 million by one company and 20.6 million by another — because the former Minister wanted to ensure they would not run out, additional tickets were ordered and printed. The former Minister was so concerned about running out of tickets that the first issue meant Victoria would have enough tickets to last 21 years. The Public Transport Corporation estimated that another issue of tickets would last 71 years. The pike de résistance is that, at the Minister's insistence, a third issue of tickets was printed; the tickets were estimated to be sufficient to last 137 years.

I was advised that a minor problem was discovered after the tickets estimated to last 137 years were printed. The former Minister had them printed with a use-by-date; not only that, the 62.9 million tickets had a price on them. Six months later the former Minister increased the price of the tickets. So they were out of date and the price was wrong!

I asked my officers to get me some of the 62.9 million tickets from the warehouse, but was told, "We cannot; because the former government was so embarrassed it gave the order to get rid of them". I then asked where the warehouse full of tickets had gone and was told that because the former government was embarrassed, 44.7 tonnes of scratch tickets were shredded by Brimal Pty Ltd and Computepaper Security Recyclers. If that were not enough, the former government took the rest of the tickets — some 20 tonnes — in three vehicles to APM to be pulped.

The sparkling, brand new Leader of the Opposition had the audacity to raise a two-and-sixpenny issue about wine sales after he had ordered the shredding and pulping of $1.3 million worth of tickets.

I am working on a commemorative scratch ticket. It will be on recycled paper from APM, which undoubtedly will have come from the $1.3 million worthless tickets that he ordered pulped. Of course, the ticket will not have to be scratched, will not have a use-by date and will certainly not have a price on it. It will have nothing on either side to remind the community of the exact worth of that honourable member as the Minister for Transport — his worth will be equal to that of the new ticket, nothing!

SALE OF WINE BY PREMIER

Mr KENNAN (Leader of the Opposition) — I refer the Premier to the sale of wine to raise funds for the Liberal Party. How many bottles of wine were sold, and at what price?

Mr KENNETT (Premier) — I can quote an approximate figure because under the licence only a certain number could be sold. Additional sales were then made through the wine master at Warrenmang Vineyard.

The Warrenmang Vineyard, which is located just out of Ballarat, is an excellent vineyard and a good example of a young Victorian business. It has a restaurant and offers accommodation. The former government often held conferences there, and a great deal of the public's money was spent by the previous government at that winery. All opposition members should know about that vineyard!

The advertised price of the red wine was $82 a dozen. I do not know why the Leader of the
Opposition is asking about the price of white wine because he and the honourable member for Albert Park sent members of their staff to my office to buy it! So the QC knows the answer to that part of the question. He does not need to appoint himself an accountant. He has spent either his own money or the ALP's money on that wine.

I am not intending to withhold information, but the Leader of the Opposition should ask his colleague on the back bench how many bottles of wine have been sold. I do not know how many bottles have been sold, but I know the matter was mentioned while I was overseas, and the sales of the wine took off. My next election campaign is already partly funded!

That does not negate the fact that the vintage has been sold out. A number of sales were made directly from the winery. People are showing a keen interest in the vintage. Because the bottles have sold out there is a chance — and I ask honourable members to keep this to themselves — that the wine can be sold in magnums, and we are in the process of examining whether that can be done. If it can be done, the magnums will either be sold directly from the vineyard — but don’t tell anyone — or I will get a new licence.

This temporary Leader of the Opposition ought to grow up! The matter has been raised and due process is taking place. In the meantime, why don’t you address yourself to the issues that affect the community? You are a very small man, backed up by Mr No-one on an issue that you have both raised; I have admitted to it and due process will take its course. Grow up!

Honourable Members — Hear, hear!

PUBLIC SECTOR SUPERANNUATION LIABILITY

Mr LUPTON (Knox) — Will the Minister for Finance advise the House of the trends in the State’s superannuation liability?

Mr I. W. SMITH (Minister for Finance) — No single issue faced by the government stands more clearly as a monument to the failure of the former Labor government than the State's superannuation liability. The trends in superannuation over the past 10 years must be addressed because the former government failed to do it.

In 1982, 63.7 per cent of Victorian public sector employees were covered by State superannuation schemes. At that stage 3 per cent of Budget outlays were used to fund the annual commitments for payouts and pensions. In the past 10 years the level of superannuation coverage in the public sector has increased from 63.7 per cent to 100 per cent of employees — even people whose awards do not require it now enjoy coverage! Trends also indicate that disability pensions paid by public sector superannuation funds are now four to five times greater than those paid by similar private funds covering private sector employees.

Victoria has now reached a point where each year approximately 9 per cent of all Budget outlays go to fund superannuation payouts and pensions for public sector employees. A trend has emerged in which many employees who have not contributed to superannuation funds are deemed to have done so and the amount calculated is deducted from the sum received on retirement. That trend has exacerbated the difficulties faced.

The cash implications for the Treasurer's Budget are enormous. The mere fact that all public servants have been on the payroll for another year means that in this year alone additional unfunded liabilities have accrued at the rate of $1.1 billion, having risen by 14 per cent. That trend of accumulation is continuing.

In this financial year the Treasurer will allocate slightly less than $1 billion of Budget outlays towards superannuation payouts and pensions. If no action is taken to arrest the problem — the easy option taken by the previous government — by the year 2000 superannuation liabilities will consume something of the order of 16 or 17 per cent of total Budget outlays. That figure of 16 or 17 per cent will rise to a maximum level in the early part of the 20th century and in about the year 2120 approximately 28 per cent of all Budget revenues in any one year will be consumed by superannuation payments and pensions. Clearly, that is an unsustainable position.

Other governments throughout Australia have addressed this problem as it has emerged throughout the past decade, but not the former Victorian Labor government. It chose to exacerbate the problems rather than confront them.

This government, realising that unless the current and potential Budget problems are dealt with promptly, and realising the seriousness of the situation and the neglect of the past 10 years,
considers there is no other responsible course to take than to address the problems it confronts. If that is not done the services required for health, education, public transport and other Budget line items will suffer as a result of past neglect.

Some honourable members opposite have said recently that the voluntary departure packages and the targeted departure packages so far used by this government to reduce the size of the public sector have exacerbated the problem. That is not so. The $600 million borrowed for the first round of voluntary and targeted departure packages was used in a way which meant $203 million of that amount was to pay out the immediate requirements of superannuation for those employees leaving the service.

Mr Sheehan interjected.

Mr I. W. SMITH — The honourable member for Northcote interjects; not only were he and his government responsible for the neglect I have outlined but also they actually used 50 per cent of the employees' contributions to their superannuation funds to pay out the emerging annual liabilities — —

Mr ROPER (Coburg) — On a point of order, Mr Speaker, I direct your attention to the length of time the Minister has taken to answer the question. He is now discussing an Act passed by Parliament in 1967 which ensured that those payments in fact were legal. The Minister has been going on for 8 or 9 minutes which, given your rule of 3 minutes, Mr Speaker, is about 300 per cent over the mark.

Mr SHEEHAN (Northcote) — On a further point of order — —

The SPEAKER — Order! I shall deal first with the point of order before the House.

I understand the Minister has been speaking for 6 to 7 minutes, according to my clock. I can only ask him to cooperate with the time guideline; I cannot direct him, as the honourable member for Coburg well knows. I trust that the Minister will take note of the point of order raised, but there is no point of order.

Mr SHEEHAN (Northcote) — On a point of order, Mr Speaker, the Minister for Finance appears to be speaking in ignorance of a report I tabled — —

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

Honourable members interjecting.

The SPEAKER — Order!

Mr Micallef — You don't like the truth! He's a dill!

Mr I. W. SMITH (Minister for Finance) — At some time in the future honourable members opposite will have their chance to justify the decision of the Labor government not to take action available to it. The opposition will be called upon by Victorian taxpayers to justify its members exacerbating the problems that were emerging in those years.

An honourable member interjected.

Mr I. W. SMITH — This is question time, not a debate! But I will deal with the report. The honourable member for Northcote is not known for his skill in handling the finances of this State, and it is interesting to hear him trying to justify his inaction.

The SPEAKER — Order! The Minister is out of order. I ask him to conclude his reply.

Mr I. W. SMITH — I emphasise that not only did the former government neglect and exacerbate the problem, it also used 50 per cent of members' contributions to pay the contributions it should have made. It actually fudged the figures to avoid its responsibilities.

As you are aware, Mr Speaker, next week I will make a statement — —

Mr ROPER (Coburg) — On a point of order, Mr Speaker, the Minister is now anticipating proceedings upon a matter that the House has not yet determined. I ask you to bring him back to his answer and request that he conclude it so that other business can proceed.

The SPEAKER — Order! I uphold the point of order. I understand that the Minister has concluded his answer.

SHOP TRADING (FURTHER AMENDMENT) (AMENDMENT) BILL

Second reading

Debate resumed.
Mr COLE (Melbourne) — Before the debate was interrupted I had said that the opposition supports the removal of the sunset clause. The opposition is pleased that the number of days for Sunday trading will not be increased. This legislation has to be introduced to ensure that the Act continues in operation. Apart from the amendment proposed by the honourable member for Preston and the shadow Minister for Small Business, the opposition believes this Bill is appropriate. We support the amendment, which is designed to restore the provision that a person who does not want to work on a Sunday is not required to.

The opposition also believes a review ought to be undertaken. I do not know why a review is not being considered. If I am correct, the Minister will be under extreme pressure from the many councils seeking extensions to shop trading hours in local tourist or festival precincts to mirror the precincts in Swan Hill, for example.

Many councils will seek a similar arrangement. The government needs to review Sunday trading at this time because clear guidelines are needed. A statement about the government's intentions for the crucial issue of Sunday trading is also necessary.

In the last session the House extensively debated the government's decision to extend shop trading hours in the central business district to seven days a week. That decision amounted to only an extra day's trading because small businesses in the CBD were already able to remain open for additional hours.

I am surprised the government is not reviewing the situation because Sunday trading in the CBD has been in operation for more than six months now. As part of the general question of shop trading hours the government should review the current situation to establish whether Sunday trading has been successful in the central business district.

The reason for maintaining Sunday trading at 10 days a year must be considered. The Bill abolishes the sunset clause, but I am concerned that the 10-day maximum is by no means written in stone.

What is the cost to business of Sunday trading? Most small businesses operate for six days a week, although some operate for seven. There is no evidence to suggest that Sunday trading will change consumption patterns so dramatically that it will justify a person working an extra day.

A person's expenditure is finite. Although some of us spend too much by using Bankcards and so on, basically a person can spend only so much money. Regardless of whether shops are open six or seven days a week, the expenditure will remain approximately the same. Items such as pharmaceutical products may be an exception, but it is still likely that sales would remain almost the same. Sunday trading does not increase the profits for small business; they remain the same.

I am concerned about two issues in particular, and I recall raising them on the last occasion the matter was debated. Small traders invariably rely on themselves and a limited number of others to staff their businesses. A doctrine of self-exploitation exists where small traders do not work for high returns or rates that are competitive with award rates; they work long hours for themselves at low hourly rates of return. The cost of running a small business makes it prohibitive to employ replacement staff. It is difficult for a small business owner to choose not to open on Sundays because, competition being what it is, he may forsake his market share by not doing so. Pharmacies, butcher shops or newsagents that open on Sundays usually rely on the shop-owners working, not employed staff.

The push for deregulated hours comes from two directions. Labor politicians are concerned about the crucial issue of Coles Myer Ltd's domination of 65 per cent of the retail sector. It has so much but it wants more! It aims to take business away from small businesses.

I am guilty of visiting the multinational company Ikea Furniture in Moorabbin on a Sunday. Multinational companies are deliberately seeking to destroy small business. The honourable member for Bentleigh does not want to face up to the fact that Ikea operates in her electorate. It is a big company that is aiming to get a even bigger market share. It will do so. There is no doubt about that, not only because of its product — which I will not denigrate — but also because of the way it is run. Ultimately the prices of its products will increase.

The second issue is consumer demand. Many consumers want Sunday trading. I admit I have bought hardware items on Sundays and I have also gone to pharmacies; I have two young children who always seem to need medicine for ear infections or some other illness. Those factors must be taken into account.
The two crucial issues are, firstly, the domination of the retail sector by the multinational companies and, secondly, consumer demand. We must resist those forces. I believe in the regulation of the marketplace, as do most people. When I first entered Parliament as the member for Melbourne I was lobbied extensively by Coles Myer Ltd and David Jones (Aust.) Pty Ltd. I received letters from those companies asking that the Summary Offences Act be changed because some enterprising people were selling cheap ties outside their doors. They protested that they had big buildings to maintain and so forth, but the tie-sellers were simply setting themselves up in the Bourke Street Mall. The former government changed the Summary Offences Act so that the tie-sellers were moved along and could not return for an hour. That is a good example of free enterprise! The big companies said they did not want people showing a bit of enterprise by setting up outside their shops because that was affecting their business.

I accept that the mall should not be used as a place to take business away from the tie departments of the two stores. However, it disturbs me that Coles Myer Ltd, which has pushed for Sunday trading, was so concerned about having its market share threatened by an enterprising person setting up shop outside its doors. The people flogging ties probably did a bit better than those selling Direct Action, which is a dreadful left-wing rag that says all sorts of terrible things about me!

I invite the Minister to take the opportunity of visiting North Melbourne and West Melbourne, where the Queen Victoria Market is situated. The introduction of seven-day trading in the central business district has had a deleterious effect on the market. The traders feared, firstly, the goods and services tax, which would probably have put every one of them out of business because they would not have been able to operate on the cash economy they now use, and secondly, that Sunday trading would divert trade away from the market. It is all very well to say that the market has an advantage through its exclusivity, but when that exclusivity is taken away there is an effect. Queen Victoria Market is one of the premier facilities in Melbourne. I know there are nice vineyards in your electorate, Mr Acting Speaker, but exit polls at the airport have shown that the Queen Victoria Market is visited by more tourists than any other facility in Victoria. It is the No. 1 tourist destination! I do not want to gild the lily because obviously tourists do not come from Japan just to visit the market, but when they do arrive they all visit it. It is a great tourist attraction. It has served generations of people with cheap food and great value.

We must be mindful that big companies do not want facilities like the Queen Victoria Market or any other market. They would like to remove that market and build a big shopping complex on the site because the market sells directly to the public. It is the quickest, cheapest and most effective way for the farmer to sell to the public, and big companies are worried about that.

If the Minister will visit North Melbourne I will take him to a pastry shop at the back of my office run by the Baroni brothers, where we can buy pies and Italian cakes. They have opened their shop seven days a week for the past 45 years or more since Mr Baroni migrated from Calabria. Their business has been so badly affected by Sunday trading in the CBD that they are considering alternatives to enable them to survive. If the Minister visits North Melbourne he will be able to meet these people who have taken the initiative but who are being badly affected by the extension of Sunday trading. They are located on the edge of the city in Victoria Street. Before the open slather of extended Sunday trading people used to come to the market, sometimes blocking my driveway. They now go into the city. Sunday trading has its downside; there is no doubt about that.

I could make many other points but I am running out of time. I wish to canvass the issue of the CBD.

The Queen Victoria Market is near and dear to the hearts of many people, and if we do not treat the issue of shop trading hours seriously and undertake an analysis of its impact we might find that we are destroying a major tourist attraction which many people love, use and rely on.

I am concerned at the small increase in residential developments in the city; more effort should be made to increase residential living. The Melbourne International Comedy Festival, Moomba and the Chinatown festival are part of Melbourne, and their funding must be retained with appropriate accountability for the use of those funds. Because the
city does not have a major residential base it needs to have special activities to attract people to it.

The honourable member for Werribee referred to shop trading on Tuesdays and Wednesdays when trading ceases at 6.30 p.m. That is the time when most workers want to shop, but that issue has still not been addressed. The Minister for Small Business should arrange a meeting of the managers of large stores and small businesses to ensure that shops stay open until 7 o'clock, because that would generate more trade for the City of Melbourne.

When a popular show such as The Phantom of the Opera is playing in Melbourne many people are attracted to the city, including those from outside Melbourne. It is important to continue to encourage developments in Melbourne.

In conclusion, shop assistants will be forced to work on Sundays because of the provisions in the Employee Relations Act. They are in a different position from other workers. They are not like politicians or policemen. It is hard for a manager of a small business to employ a casual to replace a shop assistant because shop assistants have special skills, whether they are fitting people for clothing or selling ice cream. The reasoned amendment will ensure that shop assistants are not forced to work on Sundays.

The amendment is moved not just for religious reasons but because it is an entitlement for workers to have one day off if they so choose. I know of many cases of people reporting to their unions that they have worked consecutively for 31 or 32 days.

Mr HEFFERNAN (Minister for Small Business) — The arguments about shop trading hours have not changed in all the time I have been a member of Parliament. The honourable member for Clayton summed up the debate when he wished me luck in handling the subject. I thank all honourable members for their input. Trading hours are of concern to all constituents of members of Parliament.

I remind honourable members that the House is now debating an amendment to legislation introduced by the former Labor government. One could be forgiven for thinking many members of the former government did not support that legislation. Perhaps Cabinet overruled the caucus.

People listening to the debate could be forgiven for thinking that members opposite opposed the Bill, but that is not the case. The Labor government increased trading hours first on Saturdays and then extended them to Sundays, but honourable members opposite are implying that the coalition government is the problem. I compliment the former Labor government for its interest and effort in extending trading hours.

During the debate I did not hear honourable members refer to the significant problems created by the many small markets that operate throughout Victoria. I am informed that their turnover is more than $1 billion a year. They have an enormous effect on small businesses and shopping centres and the opposition should examine the effect those markets have on strip shopping centres. They do not pay council rates, Melbourne Water rates or licence fees, nor do they contribute to WorkCover, but they handle large amounts of cash. They are cheating the system and imposing on small business.

But not one honourable member said a word about them. Small markets are a major problem, yet the opposition keeps saying that the regional shopping centres are the problem.

I accept that the economy is in a recession and small business is adversely affected by it. In fact, the private sector is bearing the major burden of the recession. One honourable member said that in his electorate there were more than 60 empty shops. That has nothing to do with shop trading hours; it has everything to do with the economic downturn in Australia, but particularly in Victoria. Small traders have been directly affected by the 250 per cent increase in State taxes, including municipal and Melbourne Water rates, WorkCover, and so on.

Small business is sick to death of paying money to governments in the form of taxes and charges. At the end of the day they have to put something in their own pockets. The government feels for them, and that is why I shall not have a review of the Shop Trading Act at this stage.

Business is one thing the opposition should not get involved in. The opposition wants more reviews and more of this and that. Its attitude is typical: we'll fix the problem, let's have a review. We should just settle down for a while and let business adjust to the market. Business is going through a rough time and it must be allowed time to adjust. The shadow Minister said he would have liked a review to have been done earlier. It will be done in due course when the economy has improved enough to allow changes to be made in the market and the market can adjust accordingly.
No-one can assess what is going on in business at present. Businesses are falling over everywhere. I cannot say when there will be light at the end of the tunnel, all I can say as the Minister for Small Business in a private enterprise government is that we are endeavouring to do everything we can to improve the situation for business. The opposition has criticised our mini-Budget because it will not tax the small business sector. I am proud to say that in Cabinet I strongly supported that proposition.

Imposts on small business had gone far enough.

A review will be undertaken in due course and the shadow Minister will then have the chance to make an input. All the issues he has mentioned will be considered and the government will listen to everybody concerned. I have endeavoured to have an open door for anybody in trouble with shop trading hours. In fact, more of my time is spent on shop trading hours than on any other matter in my portfolio. Someone comes through my door and asks for things to be done one way but the next person says not to trust the last person and to do it another way. Discussions between the parties will arrived at the best solutions. The honourable member for Melbourne agrees with that. That is what I am trying to achieve as I review the policy. I do not believe governments should be involved, and I have consistently said that. The government is not in the tunnel, all I can say as the Minister for Small Business in a private enterprise government is that we are endeavouring to do everything we can to improve the situation for business. The opposition has criticised our mini-Budget because it will not tax the small business sector. I am proud to say that in Cabinet I strongly supported that proposition.

Imposts on small business had gone far enough.

I understand the shadow Minister’s concern about the sunset clause. It was put in for a reason. It was put in prior to the last election, when it was obvious that there would be a change of government. The coalition had a major policy direction for our capital city, and it was obvious the trading hours would be altered. The sunset clause had the flexibility to allow a review if it were needed in the short term.

I do not believe anybody has the expertise to say the policy has failed and should be thrown out. It should be given a chance to work through the system; then we can see where we are going and consider a further review of the Act. At present the status quo will prevail. As the market improves we will consider the results in the central business district. The extended trading hours in the CBD have a lot of pluses — some people would say they also have minuses, but overall the experiment has been generally accepted. Many businesses have closed and more will close, but some of them were not worth opening in the first place.

People engaged in business outside the central business district are continually saying they are disadvantaged. That is an area in which we must sit down together and, as the honourable member for Melbourne said, reach a compromise.

When the coalition came to government, prosecutions under the Act were transferred to my portfolio. There was enormous confusion over who should issue the directions for prosecutions to take place. I am pleased to say a number of illegal traders have been successfully prosecuted since late 1992. Restraining orders have been imposed on the owners of two furniture shops, fines have been incurred by furniture stores and car yards and more inspections of breaches have been made than in the whole term of the previous government. The system had broken down.

The previous government introduced a Bill it said would fix the problems but did nothing about prosecutions. The law is the law, and I do not condone breaking the law. Inspections are now being made and we are successfully prosecuting offenders. I do not think we will ever find utopia, but we are endeavouring to uphold the law. Some retailers have been slightly critical of the fact that prosecutions are not taking place quickly enough. However, the system is moving. It may be moving slowly, but that is typical of government.

The shadow Minister spoke about industrial relations and foreshadowed an amendment that has caused reasonable confusion. The government will not be supporting the amendment, but I inform the shadow Minister that I will take his submissions into account when reviewing the Act. I have received no submissions from the union on that issue. I have not heard anything from anyone mentioned by the shadow Minister. I have been advised by others that the situation is not as suggested by the shadow Minister, and I am not prepared to go down his path. The shadow Minister’s concerns will be taken on board during the review.

It is interesting that regional shopping centres are in Labor areas. It is amazing that large businesses go out to the working-class areas, and the working people roll up and spend their money. People should start thinking about where they are shopping. They should support small businesses by shopping with them. All Australians must revise their thinking on shopping and buy Australian. One
need only consider the petrol industry, in which I was originally involved: the biggest petrol sales in this country are made by the multinationals - Shell, BP and Caltex - which control the major part of the market. The Australian petrol company is at the bottom of the list. Australians should wake up to themselves.

The SPEAKER — Order! The Minister's time has expired.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The CHAIRMAN (Mr J. F. McGrath) — Order! I suggest the honourable member for Preston canvass his arguments starting with clause 1, and when clause 1 is tested that will test the principle of the amendments.

Mr LEIGHTON (Preston) — I move:

1. Clause 1, line 7, after "1991" insert "and amend the Shop Trading Act 1987 in relation to employment on Sundays".

Clause 1 amends the Shop Trading (Further Amendment) Act 1991 by specifically removing the sunset provision contained in section 22. It is necessary either to repeal or extend the sunset provision. The Shop Trading (Further Amendment) (Amendment) Bill is unusual in that it amends other Acts as stated in the purposes clause: the Shop Trading Act 1987 and the Liquor Control Act 1987. They have not been consolidated into one Act because of the sunset provisions. If and when the Bill is passed and the sunset provisions no longer remain it will be possible to consolidate the Shop Trading (Further Amendment) Act into the Shop Trading Act 1987. It will be a lot easier for the industry to pick up one Act and make sense of it.

As you advised, Mr Chairman, if my amendment fails I shall be unable to proceed with the following amendment, which is the substantive amendment providing protection for shop assistants by not requiring them to work on Sundays. I shall canvass those issues now to enable the Committee to understand why it is being asked to amend the purpose of the Act.

The CHAIRMAN — Order! The honourable member is in order to do that; it was the suggestion I made earlier.

Mr LEIGHTON — If I am successful with amendment No. 1 I shall move amendment No. 2, which inserts into the principal Act a new section 258, which provides:

Despite anything to the contrary in any Act, award or agreement, a shop assistant employed in a shop is not required to work in the shop on a Sunday.

That amendment, if accepted, will provide some protection for shop assistants. I shall respond to what the Minister said about the content of the opposition's contribution to the debate. I made it clear in my opening sentence in this debate that the opposition does not oppose the removal of the sunset provisions. That is supported by the shadow Cabinet and the caucus as a whole. It is understandable, given the interest in the Labor Party and the trade union movement, that the matter of shop trading hours, particularly Sunday trading, is a vexed issue, and the legitimate interests of shop assistants should be taken into account. Opposition members will canvass a wide range of issues.

Although the amendments were released in only the past few hours, the matters were raised with the Minister last year when the Capital City (Shop Trading) Bill was debated. During debate on the Committee stage of that Bill I moved a similar amendment. The wording of the amendment has been changed slightly because of the passage of the Employee Relations Act. It is not the first time that the Minister and government members have heard debate on this matter. When the Committee dealt with the amendments to the Capital City (Shop Trading) Bill two substantive issues were raised, one being the protection of shop assistants from being forced to work on Sundays, and the second being the protection of shop traders from being forced to open their doors on Sundays as a condition of their leases.

When the government introduced the Capital City (Shop Trading) Bill, which had the effect of amending the Shop Trading Act 1987 and the Shop Trading (Further Amendment) Act 1991, it exempted the central business district and Southbank from the provisions of Parts 2 and 3 of the principal Act. It had the effect of removing the protection for shop traders in the central business district of not having to open their doors on Sundays as part of their leases.
Various organisations such as the Combined Retailers Association were critical of the actions of the government. They originally thought they had a commitment that the protection would remain.

Although the government rejected my specific amendment on protecting shopkeepers in regard to lease requirements, it proceeded with its own amendment that had the same effect. The government had no difficulty legislating that shop traders could not be forced to open their doors on Saturday afternoons or Sundays as part of their lease.

The moment I moved my second amendment the government acted differently to protect shop assistants. To demonstrate that it is not the first time the Minister has been exposed to this matter, I refer him to page 849 of Hansard of 12 November 1992.

After I moved the amendment and the honourable member for Melbourne contributed to the debate, the Minister responded by saying:

The government cannot support the new clause.

That is the principle the Committee has before it today. He continues:

The government cannot support the new clause. It cuts across the legislation we have been talking about, which will free up the marketplace ... 

The CHAIRMAN — Order! Could the member advise the Chair whether he is reading from a copy of Hansard of this session of Parliament?

Mr LEIGHTON — It is not from this session. It is from the session last year.

The CHAIRMAN — Order! Is it from early 1992?

Mr LEIGHTON — It is from November 1992.

The CHAIRMAN — Order! It is from the same session of Parliament. The Chair would like to advise the honourable member that it is from the same session of Parliament and he is out of order. The honourable member could paraphrase, but it would be out of order to quote from the document.

Mr LEIGHTON — I would be delighted to paraphrase the Minister's comments. They are well and truly stuck in my mind. I point out to the Committee and the Minister that I moved that amendment. The Minister's argument in reply was that the government should not intervene in this sort of issue and that it was up to the marketplace — to shop proprietors and shop assistants — to sort out the matter among themselves. That was the philosophical position that led him to reject my amendment.

However the contradiction is that he was prepared to intervene in the case of regulating conditions in leases. At the end of the day shop proprietors were protected against being forced to open their doors on Sunday, but the same protection was not given to shop assistants. Presumably shop proprietors can choose to have Sunday as a day of rest, leisure, recreation or worship, but shop assistants do not have the same opportunity.

In the few minutes available to me at this stage of the Committee I will explore the background of the amendment I have moved. The previous Labor government introduced the Shop Trading (Further Amendment) Bill 1991. Clause 18 had the effect of placing a new section 25B in the principal Act, the Shop Trading Act 1987. New section 25B stated:

Employees not required to work on Sundays

Despite anything to the contrary in the Industrial Relations Act 1979 or an award within the meaning of that Act, a shop assistant employed in a shop is not required to work in the shop on a Sunday.

Ultimately that new section was passed by the Parliament. Debate showed that the labour movement had some difficulty in legislating on this matter. It was certainly on the public record that there were different views in the labour movement about increasing to 10 the number of Sundays on which trading could occur per year. A number of different interests had to be taken into account. It was very important at the time that the government legislate to provide shop assistants with some protection on Sundays, just as it protected shopkeepers from being forced to open their doors on Sundays.

Unfortunately, during the passage of the Employee Relations Bill a schedule was included which had the effect of repealing section 18 of the Shop Trading (Further Amendment) Act 1991. I refer the Committee to Schedule 6 of the Employee Relations Act. Section 19 of that schedule states that new section 25B of the Shop Trading Act 1987 is repealed. The Employee Relations Act removed that protection. That led me during debate on the Capital City (Shop Trading) Bill to move an amendment to try to reinstate that protection. I again ask the government to consider the amendment. It is not a
new proposition, given that it has been before the government since last November.

I canvass some of the merits of shop assistants being provided with protection from having to work on Sundays. Using the government's logic, there is a good reason why it should seriously consider the amendment. Despite the legislative protection for shop assistants having been removed from the Act, such protection remains in their award.

Those shop assistants employed prior to 1 March and who have not signed individual or collective contracts but have chosen to remain under their old, now frozen, award have a protection within the award so that they cannot be forced to work Sundays. If the government is serious about moving away from the award system and encouraging the work force to enter into either individual or collective agreements — which is not a move I support but for the moment I am accepting the government's logic — one would think the government would be happy to accept the amendment and restore the provision to the Act.

There will be less incentive for shop assistants to move from their frozen award into individual and collective agreements. That is not a direction I support but it seems to be the agenda of the government, and if the government wants to achieve its agenda it should seriously consider the amendment. Until that happens, shop assistants will have to rely on the protection of the frozen award and obviously will remain with their frozen award.

As I have only a few more minutes to speak, I shall not be able to explore fully some of the issues that I explored in my speech in the second-reading debate, but I point out to the House that there is evidence from the Shop Distributive and Allied Employees Association that a number of employers are already moving quickly not only to coerce their existing work force into accepting individual contracts but also to remove any Sunday option for employees.

The Speeds Shoes individual agreement has under the heading "Hours" simply "Monday to Sunday" — every day of the week. There is no option for employees. The Westco Jeans contract of employment states:

Hours of work commence and finish as scheduled and directed by manager or area supervisor. To be scheduled in accordance with the shopping centre trading hours.

The rate of pay is not specified. It is a flat rate per hour so there is no distinction between days worked. The next employment contract I refer to is from Worths Pty Ltd, trading as Alexanders. The schedule on the back page of the contract states:

Please note: the ordinary hours of work shall be an average of 38 per week or 76 per fortnight worked over an average of five days, Monday to Sunday (with a maximum of six week days in any one week).

It is an example of employees being required to work any day of the week, including Sundays. As is evidenced by those contracts, no penalty rates will be paid for working on Sundays.

A Melbourne University student doing her Parliamentary internship with me has been in the employ of a shop since last year. She works Sundays and is entitled to remain under a frozen award. Indeed she has not signed any individual or collective agreement. As I understand it, she is still under her frozen award, which would entitle her to double time on Sundays, but she now does not receive double time. It is clear that not only are some employers exploiting the Employee Relations Act, but also they are not observing certain rights and entitlements.

I have also drawn to the attention of the House the concern of various churches about Sunday trading. I do not have time to go through the letters I have received, but I simply mention some of the churches which have voiced their concern: the Anglican Church, the Roman Catholic Church, the Baptist Union and the Victorian Council of Churches. Although some of those letters were sent to me late last year, in the past few days I have received correspondence from the Keep Sundays Special organisation, directing to my attention those concerns. The churches have not had the opportunity to discuss the issue with the government.

I invite those members of the National Party whose letters I referred to during the second-reading debate to stand up for the principles they claim to espouse by crossing the floor and voting with the opposition in support of the amendment.

Mr BAKER (Sunshine) — I did not have the opportunity to speak during the second-reading debate, but I lend my qualified support to the Bill while strongly supporting the amendment moved by the honourable member for Preston. I shall comment on the broad purposes of the Bill.
Mr BAKER — I understand that, but I am talking to clause 1, which concerns the purposes of the Bill and which provides the opportunity for a wide-ranging discussion.

The Minister for Small Business wrongfully claimed that very few if any members on this side of the House have had any business experience. Any honourable member opposite who bothers to read the members' register of pecuniary interests will see that I have properly declared that I am a director of a company based in Sydney and known as Baker Precision Engines, which was started by my late father and which has been operated since his death 18 months ago by several of my stepbrothers. That is one reason for my interest in the Bill.

I do not accept a fee for the position, so in that sense I do not have a pecuniary interest — besides, the company operates interstate.

Mr Heffeman interjected.

Mr BAKER — I am regularly called on by my stepmother and stepbrothers to provide business advice, which I enjoy doing given my business school training. The business is thriving, and without wishing to bung on side I suggest to the Minister that it is much larger and more sophisticated than the business he so proudly operated.

Mr Heffeman interjected.

Mr BAKER — Baker Precision Engines has a reputation for producing some of the finest precision engineering work in Australia for fast cars and aircraft. Almost every car that runs around Bathurst, as well as the Warby water-speed engine — —

The CHAIRMAN — Order! Like most honourable members who are listening, the Chair has some interest in being taken on an adventure similar to those undertaken by the Leyland brothers. Nevertheless, I suggest the honourable member for Sunshine address the amendment before the chair.

Mr BAKER — The proposition advanced by the Minister for Small Business and his colleagues that none of us on this side of the House has any business experience should be put to rest.

At various significant stages in my life I have been a very keen supporter of extended training hours, especially during those times when I was responsible for rearing children on my own — although my children claim that they brought me up, and rather badly.

At various stages in the 1960s and the 1980s I was working long and irregular hours in a stressful occupation while bringing up two children. I was responsible for cooking and washing for two girls, as well as doing all of the things that men do not normally do and certainly did not do in the 1960s. Given the twin demands of a stressful job and the rearing of two girls I found it difficult to find the time to shop. Once I waited five weeks to make arrangements to buy myself what are delicately called smalls — or dare I say "delicates". I was amazed by the lack of opportunity to shop outside normal working hours — but all that has changed.

The trouble with the debate on both the Bill and the amendment is that no cognisance has been taken of the changes in the community's attitude to shopping and of the ways in which stores have sprung up to fill those gaps by providing opportunities outside normal working hours to buy socks and "dungs" — underpants — which were the sorts of things I found difficult to arrange to buy when I was rearing my young family. In most suburbs and most country towns the concept of the general store has expanded to meet consumer demand.

A number of myths about extended shop trading hours need to be put to rest. The first is the myth perpetrated by business that extended shopping hours will generate primary demand, increase consumption patterns and stimulate economic growth, as a result of which retailers will all join hands and march together into the sunset, buoyed by high profits.

Many changes have occurred in recent years. Increasing numbers of women are joining the workforce — the myths associated with that must also be challenged — and working hours and working patterns have altered. Changes in social mores have left many single parents to bring up children on their own — as was the case with me — and they often have to face the difficulty of working at the same time, which makes shopping difficult. Given our society's focus on the nuclear family, aunts and...
uncles and grandmothers and grandfathers are frequently required to look after the children.

Increased shopping opportunities were provided through the introduction of late night trading in Victoria and other States. The previous Liberal government introduced extended trading hours, which were further extended by the former Labor government. Far from extended trading hours generating primary demand and increased levels of consumption — —

Mr Leigh interjected.

Mr BAKER — You missed the start. When you read my opening remarks you will be embarrassed. Retail consumption levels have risen by little more than 1 per cent a year over the past 10 to 15 years. In other words, surveys of the effects of late night trading clearly show that the shopping dollar has not increased in quantum — to use one of the Premier's once-favoured expressions. Instead, the same amount of shopping dollars has simply been spread over an increased number of hours. So it is with Sunday trading. Worse than that, the extension of trading hours created a redistribution of cash flow through the till to major retailers from small business, particularly those enterprises that run shops and use family labour — the people the Minister for Small Business purports to represent. I believe he is honest in the way he presents that view but Sunday trading disadvantages small business. It is not good to have a concentration of cash flow among major retailers to the detriment of small business people. It is not a good result for a Minister who presents himself as the champion of small business, as someone who proclaims many years of experience in small business.

The other myth about women coming into the work force in large numbers as society desires, or as social mores or the development of their own potential and interests dictate, is that it would cause a surge in retail spending. It carried the old stereotype that women in the main were impulse shoppers and that shopping was an activity that could be directly correlated with sex.

Honourable members interjecting.

Mr BAKER — It did not happen, and it caught out some of the larger retailers like Myer and David Jones. When I was at business school I recall some good market research undertaken by Myer in the expectation that there would be more impulse shopping as more women moved into the work force, particularly in professional occupations. The retail giant surveyed the potential trading and what it would mean for the way Myer provided services and how it arranged its stores. The company discovered that when women went into the work force, particularly the professional occupations, they did not become major impulse buyers; on the contrary, they went the other way. They became caught in the unfortunate web of employment that men are in and they were left to dash out at the end of the week in the same way that men do to try to buy something. They stopped worrying so much about price and started to buy the female version of the Brooks Brothers suits, mix-and-match blouses and so on, and they wanted to buy them at a one-stop shop. They did not care about price because they had to go off to meet the men at a nearby hostelry or go home and do the cooking and be every man and every woman to everybody.

The way they spent their money also changed considerably. They started to buy razor blades and liquor in the same proportions as men.

Mr Doyle interjected.

Mr BAKER — They had not previously done that. I am quoting factual research. The sexism is with you, not with me — you think about it! I have no problems with sexism, living as I do in a house full of women.

The research revealed that their money was spent on labour-saving devices and, for some strange reason, it included carpet among labour-saving devices. It was also spent on getting someone in to give them a hand; on eating out; on holidays; and on other lifestyle commodities. The women did not spend it on clothes.

The assumption that women would indulge themselves by spending their money on clothes did not happen. Another assumption was that retail spending would soar, but it did not. Both assumptions were fallacious. The consumption patterns of those women were merged into the spending patterns of the general public.

My colleague, the honourable member for Preston, has moved an amendment, which contains an important concept for Labor Party members. If I recall my history correctly, last century as the democratic socialists and the labour movement were emerging in Europe, and particularly in Britain, the dissenting religions in particular were very strong — —
Mr LEIGH (Mordialloc) — On a point of order, Mr Chairman, although it is interesting to hear the honourable member talk about the history of Europe the Bill is not about the history of Europe. Perhaps he could again relate his remarks to the Bill rather than giving the Committee and government members in particular history lessons. For a start, I do not need one from him.

The CHAIRMAN — Order! There is no point of order. The purpose of the Bill allows wide-ranging debate. The Chair has been tolerant not only with the honourable member for Sunshine but also with previous speakers. I do not intend to impose any restrictions on him as he slowly runs out of time.

Mr BAKER (Sunshine) — Very slowly, Mr Chairman. I make the observation that the honourable member, who has now been shunted off to Mordialloc, probably is not strong on history. It is just a minor guess.

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

Mr LEIGH (Mordialloc) — I am delighted finally to be able to speak on the Bill. I thought I may not have the chance. I am sure many people are beginning to worry about the opposition because it supports the government's legislation. But this legislation was not designed by the government; the Bill simply deletes a sunset clause from legislation introduced by the Labor government.

The consequences of the Bill not passing would be severe because shop trading hours would revert to the hours stipulated by the 1987 Act. The Minister for Small Business gave a further explanation in his second-reading speech:

That would have a profoundly negative impact on the community by reducing penalties tenfold, making Sunday trading illegal, and providing for some hardware shops to lose their exempt status.

The consequence of reverting to the 1987 legislation is clear — the community would be disrupted and illegal trading would be rife.

The contribution to the debate made by the honourable member for Pascoe Vale last night showed that he had researched the matter. He showed his diligence by referring to what happened in 1982, when I was first a candidate in the State election. The Thompson government was destroyed by its failure to take a stand on shop trading. Like many candidates, I learnt my first political lesson from that, and I have never been trapped into being quoted out of context again — but that is part of politics.
I am concerned about the calibre of opposition members — the experts who seem to know so much about the business community. They include the Leader of the Opposition, the self-appointed QC; his deputy, who is involved in the union movement; and the shadow Treasurer, the member for Sunshine. The member for Sunshine was a journalist and the architect of WorkCare. He is also meant to be a company director in his father’s company in Sydney. I imagine his father is thankful that the honourable member is in Melbourne, not Sydney, because if he applied to the family business his approach to Treasury matters and the principles he rants and raves about in this Chamber, it would not be too long before he was collecting his pension.

Mr Hamilton interjected.

Mr LEIGH — The honourable member for Morwell is another honourable member who knows a lot about business! He was a university lecturer.

The CHAIRMAN — Order! The honourable member for Morwell is out of his place, so the honourable member for Mordialloc should know better than to listen to his interjections.

Mr LEIGH — I always enjoy the assistance of the honourable member for Morwell. All honourable members of the opposition, from the frontbench to the backbench, are instant experts on business. They tell the government how to repair the State’s finances, yet they are the experts who put Victoria in the position it is in today. They are the ones who were in government from 1982 to 1987, when the changes took place.

They were also part of the government that imposed severe penalties on small business people who broke the law. At the time burglars received only $100 bonds for breaking into women’s homes, yet small business people were fined up to $500 000. People should not forget that.

Mr LEIGHTON interjected.

Mr LEIGH — Is this the new face of the Labor Party?

An Honourable Member — They have always been two-faced.

Mr LEIGH — That is true. Its policy — —

Mr W. D. McGrath — What policy?

Mr LEIGH — The Minister for Agriculture should ask the honourable member for Preston.

The CHAIRMAN — Order! The honourable member for Mordialloc should not conduct conversations across the Chamber. He should discuss the Bill.

Mr LEIGH — Opposition members are playing games in the Chamber, and good luck to them. If they are in support of the government on this Bill, what will they be like when they oppose the government? Will more opposition members want to speak more often?

Honourable members should be discussing what is happening to shop owners and consumers. Honourable members opposite should remember — especially ancient members like the honourable member for Morwell — what took place in earlier times. These days more women are forced to work if they want their families to have a reasonable income. The rules of society have changed; that means trading hours must change.

I agree that the arrangement is not perfect. It is a small business person’s right to decide what hours to work. But what happens when a shopkeeper breaks the law? We do not want to go back to the Penhalluriack situation, nor do we want shopkeepers breaking the law. What is the government’s approach?

Many government members are reluctant to enforce certain laws, but they do not have much choice. Some people do not want Sunday trading for religious reasons. The Jewish community does not
want Saturday trading. There are other groups in the community who do not agree with Sunday trading.

**Mrs Peulich** — The Muslims do not want trading on Fridays.

**Mr Leigh** — As the honourable member for Bentleigh says, the Muslims do not want trading on a certain day. The fact is that this arrangement will not please everyone. The government has set out to be practical — —

**Mr Hamilton** — And look after its mates.

**Mr Leigh** — One wonders about the honourable member for Morwell.

**The CHAIRMAN** — Order! The honourable member for Mordialloc should ignore interjections.

**Mr Leigh** — I will try not to be tempted. The government wants to ensure that Victorian traders are treated fairly, not like traders in Western Australia and South Australia.

The honourable member for Morwell knows more about the mates in his party than I do. The activity of the government does not revolve around mates but around introducing practical policies to help the people of Victoria. The Bill implements one of those policies.

The shop trading legislation was the former government's legislation, and after listening to speakers from the opposition side of the House I think a division is needed to find out where opposition members really stand!

When the honourable member for Sunshine was the Minister for Food and Agriculture he ran his department on bottles of scotch and traded on the days he wanted to trade, but when it comes to running the State he and other members of the opposition are not prepared to assist the government to get on with the job. The government is in the early days of its term in office, and although the Labor Party is as guilty as hell of destroying the finances of the State, opposition members take nothing but pleasure in doing everything they can to oppose the government on every measure, including this Bill, which deals with Labor's own legislation.

Members of the opposition are condemning themselves from their own mouths. I suppose they believe the approach they have adopted to the Bill is frustrating the Parliamentary process and keeping members sitting here longer. I do not care if I sit here for another day or another week while they yap on.

Members of the opposition should get on with it and pass this legislation. Members have heard enough speeches from both sides of the House, especially from members on the opposition side.

Many members of the opposition are tired and emotional about what could be described as the running of the State. It is time we got on with it. This Bill is one of the smallest pieces of legislation to be brought before Parliament; it is printed on a single sheet of paper. The Chamber is currently engaged in a fruitless exercise, and members of the opposition should state whether they are on the government's side.

The honourable member for Preston, who is the lead speaker for the opposition on this Bill, has the problem that he supports the legislation while the rest of the opposition seem to have a different opinion.

**An honourable member** interjected.

**Mr Leigh** — You have a different opinion! He says he supports it and you are all opposed to it. Where would you be if the government put it to a test? You would all be voting with this side of the Chamber, and you know it!

This Bill is about ensuring that the chaos that has existed in the retail industry in the past does not continue. A third of the State is already covered by tourist precinct arrangements so we are really talking only about metropolitan Melbourne. Do members of the opposition want Melbourne to be an open and vibrant city on weekends? People wish to come to the city for various reasons and it is not the right of the honourable member for Preston and others in his party to decide what people will do and when they will do it.

That has been the Labor Party's problem: it believes it knows what is right for everybody in society. The problems of the Victorian Economic Development Corporation and Tricontinental Corporation Ltd and so on arose because members of the Labor Party thought that they were the experts and could run the State better than anyone else. Unfortunately the opposition basically comprises barristers and solicitors, trade union officials, teachers, and the occasional lecturer.

**Mr Hamilton** interjected.
Mr LEIGH — I used the word "lecturer". I would never accuse the honourable member for Morwell of being the other thing!

This is the new Labor Party that does not represent the workers or the business people of this State; it represents some members of the intellectual class in our society who seem to be mixed up about the direction in which they wish to go. The coalition should be allowed the opportunity of governing the State better than the former government did.

Mr HAERMeyer (Yan Yean) — I must disappoint the honourable member for Mordialloc who unfortunately seems unable to get his mind around some of the facts concerning the Bill. It seems to be a preoccupation of government members that unless one has some small business experience one is deemed to be incapable of speaking about any matter at all. For the benefit of the honourable member for Mordialloc, I point out that I ran a small business for two years, and it will make him green with envy to know that I did not run it into the ground.

What the honourable member for Mordialloc cannot get his mind around is that the purpose of the Bill cannot be considered in isolation but must be considered in conjunction with the Capital City (Shop Trading) Act. The two measures form a sort of pincer movement which basically makes this legislation unworkable. I do not have a problem with the legislation in itself but with the way it is affected by the Capital City (Shop Trading) Act.

I welcome the earlier comments of the Minister for Small Business to the effect that a review will be forthcoming on the whole issue of shop trading hours. The opposition will seek to make a contribution to that process.

It is important that this Bill and the Capital City (Shop Trading) Act are considered together. The existence of an open-slather trading regime in the central business district applies pressure to businesses in suburban and regional centres by creating a monopoly on 24-hour trading in the central business district. In that situation the central business district receives an increased market share at the expense of suburban and regional traders.

Operators of the large regional shopping centres are beginning to apply pressure for 24-hour, open-slather trading to be extended to regional centres. Operators such as Westfield, the Lend Lease Group and the Gandel Group Pty Ltd have requested open-slather arrangements for the regional centres they operate. Although that is understandable given the current scenario it is also an undesirable situation. Mr Tony Christikakis of the Combined Retailers Association is quoted in an article at page 32 of the Herald-Sun of 26 November 1992 as saying that Sunday trading in the suburbs would result in the already dominant regional centres grabbing an even bigger market share. That will decimate the smaller strip shopping centres in the suburbs.

As the honourable member for Sunshine said earlier, this debate is not about some sort of massive increase in consumption; the debate about shop trading hours has to do with market share and not with economic growth or an increase in consumption. The reality is that increased shop trading hours do not result in one additional dollar being spent in retail stores but in a reallocation of where the available dollars are spent.

It needs to be born in mind that open-slather trading in the central business district has failed miserably. Although it was a novelty at first and received a great response on the first few Sundays on which it operated, it should be remembered that those Sundays were in the five weeks leading up to Christmas and that since then interest has fallen off markedly.

The management of the Sportsgirl Centre, Melbourne, and the management of the Australia on Collins shopping arcade have announced they will not open on Sundays. The manager of Melbourne Central has said that that centre will forgo the Sunday trading monopoly in the CBD; he said that the experiment was a failure.

I have wandered through the city streets on recent Sundays. Most arcades have been closed. The Act has not produced the retail boom that the government had hoped for. I understand that even Myer Melbourne is considering closing on some Sundays.

I support the amendment moved by the honourable member for Preston. If there is to be some form of Sunday trading in suburban shopping areas on the 10 Sundays specified, the government must institute some protection for shop assistants because they should not be forced to work on Sundays. The protective provision in the principal Act has been removed by the Employee Relations Act.
I direct attention to the employment contract of the Westco Jeans (Aust.) Pty Ltd organisation. Under the heading “Individual employment contract” it states:

Hours of work commence and finish as scheduled and directed by the manager and area supervisor. To be scheduled in accordance with shopping centre trading hours.

That major retailer sees its role as being able to coerce shop assistants and force them to work on Sundays. The majority of shop assistants are usually young women and they do not have much negotiating power. The nature of work for shop assistants is not such that if they say, “I will withdraw my labour”, the proprietor will say, “We will pay you more, let us negotiate your conditions”.

Many shop assistants are forced to work on Sundays. They have no choice. Sunday is a day of religious worship and, like any other members of the community, shop assistants have the right to participate in religious worship.

I refer to a letter from the Victorian Council of Churches, dated 9 November 1992. It states:

... this council endorse Archbishop Sir Frank Little’s statement and commend its concerns to the government.

That, in the event of the legislation proceeding, the council requests the government to also exempt Easter Day.

Mr John Simpson, General Superintendent of the Baptist Union of Victoria, wrote to the former Premier. His letter of 13 November states, in part:

I write on behalf of the Baptists of Victoria — —

Mr Finn interjected.

Mr HAERMeyer — The temporary honourable member for Tullamarine continues to interject. He has been here for the two days of debate, yet he will not get to his feet and make any contribution.

The CHAIRMAN — Order! The honourable member for Yan Yean should ignore the interjections, tempting though they may be. The honourable member for Tullamarine will get the call, if he wants it.

Mr HAERMeyer — That letter further states:

Although this is for a limited area, for the staff and small businesses involved it is still a retrograde step. Sunday is the one day of the week when most families can get together and the day when many worship. Families are under enough stress without adding further pressure towards fragmentation.

Particularly disturbing in your proposed legislation was the omission of the clause in the earlier Shop Trading Act which prevented shops being forced to open by landlords.

Please do not proceed with this legislation as it is.

The Anglican Archbishop of Melbourne, the Most Reverend Keith Rayner, in a letter dated 5 November 1992, states:

Thank you for your fax advising me of the proposed repeal of section 25B of the Shop Trading Act.

The Synod of the Diocese of Melbourne has publicly expressed its opposition to the proposal for seven-day a week trading in the central business district and the Premier has been advised accordingly. In the light of the information which you have given I have also now advised him of the opposition of the church to the repeal of section 25B of the Shop Trading Act.

I refer to an article in the Herald-Sun dated 6 November 1992. It states:

The Catholic Church today backed workers prepared to fight the Victorian government’s decision to allow continuous Sunday trading in Melbourne.

The article quotes the Catholic Archbishop of Melbourne, Sir Frank Little, as having said:

Workers have every right to resist the inroads being made by government and by business on this day of rest and of family life.

The article says the archbishop:

... was saddened at the decision to make Sunday a market day when people, especially women and mothers of families, will have to provide these services, at the expense of their personal freedom and their family life.

The archbishop is quoted as saying:

I urge the government to respect the right of all to this traditional day of rest and recreation, and not to make
any move which effectively compels people to work on this day.

The churches are virtually unanimous in their opposition to any coercion of shop assistants to work on Sundays. Most people in the community like to spend Sundays with their families and friends. Sunday is a day of rest and recreation, and most people do not work on Sundays. It has been suggested that shop assistants could have a day off work sometime in the middle of the week but that is not much use to them if their families and friends are working. Most people have few opportunities to spend time with their families and friends during the week.

Many shop assistants are women and mothers. If forced to work on Sundays they will be deprived of their traditional role in the family; they will have little access to their families on Sundays. They will be unable to have Sunday picnics with their families and friends, or have a day at the park, or watch the local football match, or be unable to play golf. Most members of the community — indeed, most honourable members — treasure the rare moments that they have with their families and friends.

Shop assistants feel the same way and their rights should be protected. I am sure they would like the same rights as others and do not wish to be taken for granted. As the honourable member for Preston has said, it appears that members of the National Party support that view.

People participate in sport on Sundays. The government should not forget the effect of Sunday trading on sport, and particularly on the participation rates in local sporting clubs. When shops are open the numbers who would otherwise participate in the local netball, tennis, football or even bocce club competitions will decrease.

Mr Hamilton — Even the wine club.

Mr HAERMeyer — A great sport! Australia has a large and growing industry of sporting spectators. Victoria has the more traditional sport of football on Sundays as well as soccer and the popular sport of basketball. Many clubs rely on the patronage at Sunday fixtures. Everyone will remember the pressure that the Australian Football League put on the government to allow it to stage football matches on Sundays, with much of their reasoning being that large numbers of the population were available to attend those matches on Sundays.

The move towards open-slather trading on Sundays means that attendances at sporting events will decrease and that money will transfer from the sporting industry to the retail industry.

The amendment moved by the honourable member for Preston makes a lot of sense. Stores that wished to trade on Sundays would have no difficulty in attracting casuals or other shop workers into working on that day and coercion would not be necessary.

Mr Hamilton — It's a question of choice.

Mr HAERMeyer — It is very much a question of choice, and because this government, as it frequently points out, is in favour of choice the opposition asks it to support a proposition that gives shop assistants the choice of working on Sundays in the same way as it seeks to offer shops the choice of opening on Sundays. Choice is not a one-way street.

Progress reported.

BOARD OF STUDIES BILL

Second reading

Mr Hayward (Minister for Education) — I move:

That this Bill be now read a second time.

The government's commitment to quality education for all Victorian students is premised on the establishment of the Board of Studies as proposed by this Bill. Operating under its own public charter, this board will provide leadership and expert assistance to schools for the development of a curriculum that will meet the ongoing needs of all students in our changing society. The board will have the responsibility of coordinating curriculum matters for all the years of schooling, from the preparatory grade up to year 12 — the last year of secondary schooling.

Through the development of guidelines and procedures the board will encourage the further development, accreditation and evaluation of courses of study for all years of primary and secondary schooling in Victoria. These guidelines will also cover the assessment and awarding of certificates recording the achievements of student performance and the necessary promotion of subject choices which will encourage each student to
explore the broader options for further education or work.

With these objectives in mind, one of the board's main functions will be to give advice or to make recommendations to me as the Minister on educational policy or strategies of importance to the whole of the educational community in Victoria. The deliberations of the board will have overall relevance to and impact on the quality of education in the State for years to come, to the benefit of all students, their families and the future employers of these students.

The board will have a priority to strengthen the curriculum for primary schools. It is in these years that the learning foundations are laid for the continuing study needs of the students which will flow into the whole of their lives. Emphasis will be placed on developments in literacy and numeracy learning, teaching skills and the learning and teaching of the basic concepts of science.

The responsibility for the continued administration of the Victorian certificate of education will be undertaken by the Board of Studies, which will also be responsible for the accreditation of courses of study for all years of schooling and for the specific subjects taught within these courses. In addition to the continued awarding of the VCE, the board will make arrangements for the awarding of a certificate of achievement at the year 10 level. These two certificates will enable further education bodies and employers to select students with a confidence based on the record of past achievements and an expectation of future capabilities.

In matters of curriculum development, assessment, certification and accreditation the board will liaise closely with the Directorate of School Education and the Schools Review Office. The board will also work with the non-government school sector, the State Training Board, TAFE institutions and tertiary institutions to ensure that the decisions of the board are relevant to the quality of education in Victoria. The decisions of the board are not binding upon the non-government school sector, but I expect that this sector will take steps to make the expertise that exists within its individual schools available to the wider community through the accreditation and exporting of courses developed by the sector, as well as taking the fullest advantage of accredited courses of study developed elsewhere.

A function of the board will be to develop guidelines for the development and accreditation of courses.

The board will arrange for the development of a particular course by a range of educational bodies, which will then seek the accreditation of the developed course prior to its being offered to students. The recognised bodies will include the Directorate of School Education, the Catholic Education Office, subject associations, tertiary institutions and schools themselves. Within the guidelines, each of the bodies will be able to develop a course of study for its own needs and for export to other schools or systems.

To support the board's responsibilities in curriculum development, it will also have the power to commission or conduct research, to provide professional development activities and to provide information services each related to its functions and the provision of quality education in Victoria.

The board will have two distinct reporting functions: firstly, individual reports to students on their achievement; and, secondly, reporting collective trends and evaluations to the Directorate of School Education and other relevant bodies to enable research and study to be done on up-to-date and relevant data. The confidentiality of individual results is assured in the data collection and research role of the board.

A chairperson and 10 members of the board will be appointed by the Governor in Council. Members will be chosen for their individual expertise and capacity to contribute to the improvement of the quality of school education at all levels. The chairperson and members will be appointed on a part-time basis and will be supported by a chief executive officer, a general manager and a professional staff. The chairperson, with the chief executive officer and three other members nominated by the Minister, will form an executive subcommittee.

The board will have the power to establish other subcommittees to facilitate its functioning. It is anticipated that the board will establish subcommittees in the key learning areas of arts, English and health, which will include physical education and sport, languages other than English, mathematics, science, technology and society and the environment. The board will have the power to appoint experts and community representatives to the subcommittees, which will report directly to the board.

The board will report directly to the Minister. The Minister will have the power to direct the board on
MURRAY-DARLING BASIN BILL

Thursday, 1 April 1993

MATTERS OF POLICY BUT NOT IN RELATION TO THE ASSESSMENT OR CERTIFICATION OF AN INDIVIDUAL STUDENT.

The independence of the board in relation to student assessment and certification is therefore assured. In relation to State schools, the decisions of the board will be issued by the Director of School Education as guidelines to be followed by schools.

The establishment of the Board of Studies will enable all Victorian schools to better serve the needs of their students in providing a quality education as a basis for their lives as citizens in our community.

I commend the Bill to the House.

Debate adjourned on motion of Mr SANDON (Carrum).

Debate adjourned until Thursday, 15 April.

MURRAY-DARLING BASIN BILL

SECOND READING

Mr W. D. McGrath (Minister for Agriculture) — I move:

That this Bill be now read a second time.

The governments of Victoria, New South Wales, South Australia and the Commonwealth signed a new agreement in June 1992 in relation to management of the land, water and environmental resources of the Murray-Darling Basin. The new agreement expands the role and functions of the Murray-Darling Basin Commission to allow the above resources to be managed in a more integrated way and will improve the efficiency and effectiveness of this management.

The Bill provides for approval of the new agreement as far as Victoria is concerned. It replaces the Murray-Darling Basin Act 1982 which implemented the previous agreement. An equivalent Bill has already been passed by the New South Wales Parliament, and it is anticipated that equivalent legislation will be considered in South Australia and by the Commonwealth in the near future. Passage of legislation providing for operation of the new agreement by all parties to the new agreement is required before it can become effective.

The Bill provides for the appointment of commissioners and deputy commissioners, the operations of the commission, the funding of the commission and for other States to become parties to the agreement.

The agreement includes several new provisions of major benefit to Victoria. A salinity and drainage strategy facilitates implementation of Victorian salinity management plans. Continuous accounting for each State's water use significantly improves Victoria's ability to control its own security/yield trade-offs and so maximise benefit to Victoria from its share of water available under the agreement. A greater role for the commission in monitoring and setting objectives for water quality will lead to better management of problems such as toxic algal blooms.

I commend the Bill to the House.

Debate adjourned on motion of Ms MAPPLE (Altona).

Debate adjourned until Thursday, 15 April.

BUSINESS OF THE HOUSE

Mr W. D. McGrath (Minister for Agriculture) — I move:

That remaining business be postponed.

Mr Roper (Coburg) — I move:

That all the words after the word "remaining" be omitted with the view of inserting in place thereof the words "Orders of the Day, Government Business, and General Business, Notices of Motion, Nos 1 to 23 inclusive, be postponed until later this day."

Members will recall that two weeks ago the opposition moved the same amendment so that a Bill dealing with child protection and child maltreatment would at least be before Parliament and the community. Honourable members will also be aware that on the second day of this session the Minister for Community Services made a Ministerial statement on child protection and the House spent the better part of the day debating it. A month after Parliament met, five or six weeks after the government said publicly that it was an important issue and an even longer time since the death of little Daniel Valerio, which changed so profoundly the views of many people in the community about mandatory reporting of child abuse, the government still has not introduced a Bill on the matter.

A fortnight ago the government said that if the honourable member for Bundoora provided a copy
of the Bill to the House it would be examined. My colleague the member for Bundoora has provided a copy of the Bill to the Minister for Community Services and has offered to discuss the matter with him. The offer was made to the Minister when a copy of the Bill was sent to him. The Minister is like his Bill; no appearance, Your Worship!

The Minister has not responded to the honourable member for Bundoora. I believe it is reasonable for the community and for members of this place to ask why the government has not introduced a Bill dealing with mandatory reporting of child abuse. Does the government wish that there not be public debate about the Bill that the honourable member for Bundoora wishes to introduce? The opposition has prepared legislation; it will accept suggestions for its amendment from the government, but the government will not allow time for the Bill to be introduced. Next week for the second time this sessional period the government proposes to limit the time for the business of private members.

Earlier in the sessional period the Minister made a Ministerial statement. We said then, and we repeat again, if the Minister had spent less time preparing the statement and more time preparing his Bill it could have been introduced by now. We have no idea when we will see the legislation. In the meantime it is appropriate that the honourable member for Bundoora be allowed to introduce her Bill dealing with this important matter. As we said a fortnight ago, and we say again, if the government believes the private member’s Bill should be amended we will be more than prepared to discuss it.

A former health Minister, Bill Borthwick, on at least one occasion took up a private member’s Bill which he, after discussions, agreed with and made a government Bill. On this occasion there is no opportunity to introduce the Bill for a first reading let alone the second-reading debate. The government should be prepared to allow the honourable member to introduce her Bill so that the Parliament and the community can consider it and if the government wishes to amend it that is a matter for the government; we would not stand in its way.

Mr JOHN (Minister for Community Services) — The government opposes the amendment moved by the honourable member for Coburg because it is nothing more than a political stunt. The honourable member knows full well I said in my Ministerial statement that the Bill would be introduced and passed during this sessional period; that is still the case. We are interested in getting it right!

The Labor government had 10 years — —

Honourable members interjecting.

Mr JOHN — After 10 years the Labor government had done nothing, but now it pulls a political stunt. The government is interested in getting the legislation right. I have seen the shadow Minister in the Chamber each day. She has had ample opportunity to discuss the matter with me, but she has not done so. The honourable member is involving herself in a political stunt and the public of Victoria will see it for what it is.

Mrs GARBUIT (Bundoora) — I support the amendment moved by the honourable member for Coburg. I am concerned that another two weeks have passed and the government has still not introduced a Bill dealing with mandatory reporting of child abuse. We have not even received notice of it. Parliament has been sitting for three weeks with one week recess and during that time four Bills have been passed, all of which have been given higher priority by the government than a Bill dealing with mandatory reporting. The Sheep Owners Protection (Repeal) Bill — —

Honourable members interjecting.

The SPEAKER — Order! The barrage of interjections from my right is far too noisy; I ask honourable members to extend the courtesy of the House to the honourable member for Bundoora by listening to him in silence.

Mrs GARBUIT — I am outlining the Bills that have already been debated and passed. They obviously have been accorded a higher priority by the government than a child protection Bill. The Bills include: the Sheep Owners Protection (Repeal) Bill, the Parliamentary Salaries and Superannuation (Basic Salary) Bill, the Commercial Arbitration (Amendment) Bill and the Shop Trading (Further Amendment) (Amendment) Bill. I am sure all those Bills are important but I doubt that the public would agree with the government’s priority that they should be passed before mandatory reporting of child abuse is considered. There are another 12 Bills on the Notice Paper such as the Corrections (Management) Bill, the Interpretation of Legislation (Amendment) Bill and the Barley Marketing Bill. They are some of the Bills that we are in the process
of considering. I do not believe the public will agree with the government’s priority.

I shall refer to comments that have been made by members of the public who are not here today to put their points of view. However, I believe they represent the view of the community. In the 

Herald-Sun on 22 February Kay O’Sullivan wrote an article about the case of Daniel Valerio, which caused huge community concern. She says:

In a way, we must all take responsibility for Daniel’s death and the system that failed him. We, the men and women of Victoria, are the system ... we must let governments know that children are our No. 1 priority.

I wonder, if we asked her, what Kay O’Sullivan would have thought of the government’s priority in passing the Sheep Owners Protection (Repeal) Bill and the precedence given to other Bills before this issue. Justice Fogarty was reported in an article in 

Time on 8 March. He says:

In a society like ours, which claims to be civilised, everyone has an obligation in regard to these matters. Children depend on all the adults in the community.

If children depend on all the adults in the community, we as Parliamentarians have a much greater responsibility. We have an obligation to ensure that this matter is given priority which would be far above that given to the Bills listed on the Notice Paper.

It is not just the matter of time because we have time. It is not late. We have sat until midnight on Tuesday and Wednesday and it is now not even dinner time. There is plenty of time to address the issue. It is not a case of not having a Bill ready for debate. The government may not have its Bill but I have a Bill that I am happy to introduce, I have sent the Minister a copy. It is here, ready to be circulated so that it can be debated. It is not a lengthy or complicated Bill. It is called the Child Protection Bill and it provides for professionals to be mandated to report any suspicion of child abuse. Clause 4 states:

When is a child in need of protection?

For the purposes of this Act a child is in need of protection if any of the following grounds exist:

(a) the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type;

(b) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type;

Mr ROPER (Coburg) — On the point of order, Mr Deputy Speaker, the honourable member for Bundoora is reading extensively from a document and I ask whether the document could be tabled for the benefit of honourable members.

The DEPUTY SPEAKER (Mr J. F. McGrath) — Order! Copies of the document can be made available to honourable members if they so desire.

Mrs GARBUIT (Bundoora) — I am more than happy to make the document available. In fact, I shall table it.

The Bill lists a number of professionals that are required to report a suspicion of child abuse. They include doctors, psychologists, nurses, teachers, school principals, people working in child-care, welfare workers and members of the Police Force. The Bill is not complicated and I have made copies of it available to the Minister for Community Services and now to the House. The provision it proposes was taken directly from a Bill introduced by the former Minister for Community Services, the Honourable Kay Satchets, the Children and Young Persons (Further Amendment) Bill.

The Minister for Community Services need only extract the relevant clause from that Bill and introduce it as a separate Bill.

Mr BILDSTIEN (Mildura) — On a point of order, Mr Speaker, the Chair has allowed the honourable member for Bundoora considerable latitude. She is now debating the substance of General Business, Notice of Motion No. 24 on the Notice Paper, not the motion moved by the honourable member for Coburg, which deals with the omission of certain words.

Mr Speaker, you should direct the honourable member to confine her remarks to the narrow debate before the House and not permit her further latitude to debate an issue that was thoroughly dealt with by the Minister for Community Services in a Ministerial statement.

The SPEAKER — Order! I uphold the point of order. The honourable member for Bundoora is putting forward an argument for debate on an item of business on the Notice Paper and she should not canvass the arguments relating to that item. The
honourable member must confine her remarks to the narrow motion before the Chair.

Mrs GARBUIT (Bundoora) — I was trying to think of reasons why the government has not introduced a Bill dealing with this important issue. The Minister for Community Services made a Ministerial statement, but it contained only words and the opposition wants action.

I support the amendment moved by the honourable member for Coburg because it is absolutely necessary to do the work that the community expects us to do and to follow the priorities of the community. A Bill could be debated at this time and the House should get on with it.

Dr NAPTHINE (Portland) — I desire to move:

That the question be now put.

The SPEAKER — Order! I cannot accept the motion moved by the honourable member for Portland. It has been long held that there has to be a number of speakers before that motion can be accepted.

Mr MAUGHAN (Rodney) — I oppose the amendment. It is the height of hypocrisy for the honourable members for Coburg and Bundoora to raise the issue at this time. The Labor Party had 10 years to tackle the issue but it did nothing. The honourable member for Bundoora says that the proposed Bill is not lengthy or complicated. If that is the case, why did the Labor Party not introduce it during its 10 years in government?

The honourable member claims that the lack of legislation was responsible for the death of Daniel Valerio. I accept that, but more than anything else the former government was responsible for the deficiencies in the law that led to the death of that child and possibly other children whom we do not know about.

The government does take mandatory reporting seriously. The Minister for Community Services has made a Ministerial statement. The draft Bill is being prepared and will be presented in the current session of Parliament as soon as the Minister is satisfied that it is suitable. The government wants to get it right. It does not want to score political points; it is interested in doing it properly so that the lives of children like Daniel Valerio are protected.

It is the height of hypocrisy for the opposition to introduce the amendment and I vigorously oppose it.

Mr MICALLEF (Springvale) — I am disappointed in the contribution of the honourable member for Rodney, given his concern about child abuse and mandatory reporting. The argument that the Labor Party was in government for 10 years is nonsense, because the issue is before the community now. The government is toing-and-froing, which is one of the reasons why legislation has not been introduced.

The coalition government well knows that for almost all the 10 years the Labor Party was in government the conservatives controlled the Upper House, so it was extremely difficult to introduce amending legislation unless agreement was first sought from them.

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BUSINESS OF THE HOUSE

Thursday, 1 April 1993

The community knows what happened in 1989 when the opposition spokesman, the honourable member for Bundoora, and many of her colleagues voted against mandatory reporting. Opposition members voted against it when they had the opportunity of putting their hands up.

Mr DOLLIS (Richmond) — The incredible arrogance of the honourable member for Mildura —

The SPEAKER — Order! The honourable member will resume his seat. He will address the Chair on a point of order; he will not abuse an honourable member across the House.

Mr DOLLIS — On a point of order, the honourable member for Mildura was referring to the shadow Minister for Community Services as the spokesman on this portfolio. Even the honourable member for Mildura would be aware that she is a spokesperson, not a spokesman. In that regard, I ask you to correct the matter.

The SPEAKER — Order! The Chair is not responsible for the nicety of language used by members, thank God. There is nothing in the Standing Orders that would persuade me to uphold the point of order.

Mr BILDSTIEN (Mildura) — The point I am trying to make is that the honourable member for Bundoora, who stands here and does a bit of pious posturing in trying to raise this issue, had the opportunity in 1989 to put her hand up and vote for mandatory reporting. She did not do so. She voted against it and so did a considerable number of her colleagues.

The Minister for Community Services made a comprehensive Ministerial statement a short time ago in which he said the government was addressing this issue as a matter of urgency. The government is now negotiating with a whole range of interest groups to make sure, as the honourable member for Rodney said, that we get it right. The previous government did not do its homework and did not get it right and the House

had to deal with a host of amendments presented to it.

The motion moved by the honourable member for Coburg should be seen for what it is: nothing more than a cheap political stunt designed to score some cheap political points at the expense of little children and teenagers and the parents and families involved. If the honourable member for Bundoora is serious, she should be prepared to work with the Minister in a bipartisan way at the appropriate time when the Bill comes before the House. For that reason I have no hesitation in opposing the amendment moved by the honourable member for Coburg.

Mr W. D. McGrath (Minister for Agriculture) — I move:

That the question be now put.

Mr ROPER (Coburg) — On a point of order, Mr Speaker, this relates to a previous discussion we had. On the sitting down of the honourable member for Mildura, the call should have come to this side of the House because the honourable member for Preston was on his feet before the Minister rose and in the normal course of events the call should have been given to the honourable member for Preston.

Mr LEIGHTON (Preston) — On the point of order, Mr Speaker, I believe I was on my feet before the Minister for Agriculture rose. I had already given you the nod and I believe that you were about to look at me. I was ready for the honourable member for Mildura to sit down; I was in my spot and standing as he sat down and I was ready to get the call. I believe the Minister for Agriculture left it too late to rise and attempt to move the gag.

The SPEAKER — Order! The Minister may not debate the question.

House divided on Mr W. D. McGrath's motion:
Ayes, 58

Ashley, Mr  
Bildstien, Mr  
Brown, Mr  
Clark, Mr  
Coleman, Mr  
Cooper, Mr  
Davis, Mr  
Dean, Mr  
Doyle, Mr  
Elder, Mr  
Elliott, Mrs  
Finn, Mr  
Gude, Mr  
Hayward, Mr  
Heffeman, Mr  
Henderson, Mrs  
Honeywood, Mr  
Hyams, Mr  
Jasper, Mr  
Jenkins, Mr  
John, Mr  
Kennett, Mr  
Kilgour, Mr  
Leigh, Mr  
Lupton, Mr  
McArthur, Mr  
McGill, Mrs  
McGrath, Mr J.F.  
McGrath, Mr W.D.  

Ayes, 57

Ashley, Mr  
Bildstien, Mr  
Brown, Mr  
Clark, Mr  
Coleman, Mr  
Cooper, Mr  
Davis, Mr  
Dean, Mr  
Doyle, Mr (Teller)  
Elder, Mr  
Elliott, Mrs  
Finn, Mr  
Gude, Mr  
Hayward, Mr  
Heffeman, Mr  
Henderson, Mrs  
Honeywood, Mr  
Hyams, Mr  
Jasper, Mr  
Jenkins, Mr  
John, Mr  
Kennett, Mr  
Kilgour, Mr  
Leigh, Mr  
Lupton, Mr  
McArthur, Mr  
McGill, Mrs  
McGrath, Mr J.F.  
McGrath, Mr W.D.  

Noes, 26

Andrianopoulos, Mr  
Baker, Mr  
Batchelor, Mr  
Cole, Mr  
Cunningham, Mr  
Dollis, Mr  
Garbutt, Mrs  
Haermeyer, Mr  
Hamilton, Mr  
Kennan, Mr  
Kimer, Ms  
Leighton, Mr  
Loney, Mr  
Marple, Ms  
Micallef, Mr  
Mildenhall, Mr (Teller)  
Roper, Mr  
Sandon, Mr  
Seitz, Mr  
Sercombe, Mr  
Sheehan, Mr  
Thomson, Mr  
Thwaites, Mr (Teller)  
Vaughan, Dr  
Wilson, Mrs  
Wells, Mr  

Amendment negatived.

Motion agreed to.

That the words proposed to be omitted stand part of the motion.
Mr W. D. McGrath (Minister for Agriculture) — I move:

That the House do now adjourn.

Ethnic affairs programs

Mr Andriopoulos (Mill Park) — The matter I raise concerns the Premier in his capacity as Minister for Ethnic Affairs. Although he has held that portfolio for the last six months, he appears to have done very little to endear himself to the ethnic community of Victoria. He has been prominent in attending functions and making himself available at national days and celebrations. When he has not been able to attend, he has been more than adequately represented by the smiling face of the honourable member for Warrandyte in his capacity as Parliamentary Secretary to the Minister for Ethnic Affairs.

However, ethnic affairs is not about that. The ethnic communities of Victoria expect and demand something more substantial from the Minister.

One very successful program put in place by the previous government was the ethnic aged works and services program, which provided assistance to ethnic groups, particularly the aged, in the form of grants to assist with their social, recreational and cultural activities. That program did not cost an exorbitant amount. Some $980 000 was distributed among 182 organisations. There was also the organisational support program, which provided some $750 000 to more than 550 ethnic organisations in Victoria.

In the mini-Budget presented by the Treasurer shortly after the government came to office, assistance programs for ethnic communities were slashed and burnt. I hope the Premier will take the opportunity presented by next week’s economic statement to offer more than just rhetoric about the support the government has given and will give to ethnic communities by at least reintroducing the program, which provided invaluable assistance to more than 800 organisations in 1992. Ethnic communities are waiting with bated breath for a statement of the government’s intentions. The people who contacted the Premier’s office — —

The Speaker — Order! The honourable member’s time has expired.

Mr Finn (Tullamarine) — I direct to the attention of the Minister for Finance the welfare of the people of the Keilor electorate. Not only do they have a local council that can best be described as a dud, but it seems their local member is not much better. In recent weeks newspapers in the north-western suburbs of Melbourne have carried reports of the honourable member for Keilor’s decision to open his electorate office only between the hours of 10 a.m. and 12 noon — only 2 hours a day!

I ask the Minister for Finance to ascertain where the money allocated for the running of the electorate office is going. Although the Minister’s department is paying for both the office and the staff, electorate services in Keilor are limited to 2 hours a day, which is not good enough. I ask the Minister to find out what is happening to the resources for which the people of Victoria are paying. The people of Keilor deserve better treatment.

While talking to a Keilor constituent the other day I asked, “How’s your local member?” The constituent replied, “He’s great. He does the work of three men — Curly, Larry and Mo”!

Honourable members interjecting.

Mr Finn — My problem is that the constituents of the honourable member for Keilor are coming to my office for assistance. I have a very hardworking electorate officer — —

Honourable members interjecting.

The Speaker — Order! Although it may be late in the day and honourable members are looking forward to going home, I will take action unless the House comes to order.

Mr Finn — My very hardworking electorate officer, Dean Kennedy, has been swamped with requests for assistance not only by Keilor constituents but also by constituents from no fewer than 10 other electorates. They tell us day after day that their local members are not giving them the representation they desire. Those 10 electorates are Brunswick, Yan Yean, Melton, Pascoe Vale, Niddrie, Werribee, Sunshine, Altona, Thomastown and — wait for it — Broadmeadows.

Honourable members interjecting.
Mr FINN — One would think that a Leader of the Opposition who could find the time to appoint himself a Queen's Counsel could also find the time to properly represent his constituents — but that is not the case.

I ask the Minister for Finance to examine the situation with a view to ensuring that the taxpayers of Victoria get a better deal from the honourable members who represent those electorates.

The SPEAKER — Order! Before calling the honourable member for Albert Park, I direct to the attention of the honourable member for Tullamarine Standing Order No. 304, which prohibits overacting!

Sale of wine by Premier

Mr THWAITES (Albert Park) — I cannot hope to match that performance, Mr Speaker! I direct to the attention of the honourable member for Tullamarine a matter arising from both the answers he gave during question time today and further information I have obtained. The matter is serious and gives rise to additional concern about his wine sales.

The key issue is that the Premier has wilfully sold more than the amount listed on the licence and thereby has evaded fees properly payable to the Liquor Licensing Commission. The licence the Premier obtained was applied for on 29 January of this year under section 113 of the Liquor Control Act. The relevant fee for a licence under the Act is $354 for sales between $2000 and $10 000; for sales above those amounts it is 11 per cent. The appropriate fee for sales amounting to more than $10 000 would be more than $650. What figure did the Premier put on the application? He said wine sales would amount to $9999. The information the opposition has is that the only fee he paid was $354.

Two questions arise for the Premier. The first is whether the $9999 included the wine that was sold before the licence was obtained.

Mr LEIGH (Mordialloc) — On a point of order, Mr Speaker, the adjournment debate is for members to ask Ministers to take action on works or activities of government. It appears to me that the Premier has already said a police investigation is being undertaken, so what the honourable member is asking for is already in operation. I suggest the matter he is raising is most inappropriate for the adjournment debate and he should be ruled out of order.

The SPEAKER — Order! I do not uphold the point of order. The matter relates to government administration.

Mr THWAITES (Albert Park) — The second question concerns the statement by the Premier today that he transferred additional sales of the wine to Warrenumg Vineyard because the total figure on the licence had been reached.

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

Composition of school councils

Mr JASPER (Murray Valley) — I raise for the attention of the Minister for Education the proposed changes to the composition of school councils. The House will be aware that during the 1980s the government made changes to the composition of school councils supposedly to obtain a better balance of representation. The increase in the number of teachers or staff members on school councils was expected to create a better balance for the operation of councils and schools.

The coalition government has proposed changes to the number of teachers on school councils in an attempt to get a better balance between teachers, parents and interested people. The issue that has been brought to my attention is that schoolteachers who live in areas away from the schools where their children are attending may be precluded from being considered as members of school councils.

I recognise that we want the best people to be available as members of school councils and I understand the thrust of the Minister's proposals. I ask him to provide the information and clarify the position because of inquiries I have received from school councils and interested people in my electorate on the proposals for the recomposition of school councils.

Australian Services Union

Mr BAKER (Sunshine) — I raise for the attention of the Premier some information he may not have before him as it has only come to my attention late today. This afternoon the Australian Services Union (ASU) filed a notice before the Australian Industrial Relations Commission notifying an alleged industrial dispute concerning proposed changes to superannuation benefits and entitlements affecting its membership in a wide range of areas covering 10 statutory authorities and some 210 shires, cities,
towns and boroughs throughout Victoria that have been named as respondents.

The notification of the dispute, in accordance with section 99 of the 1988 Industrial Relations Act, says that the ASU, which has some 20,000 members in Victoria, will be the test case for 210,000 Victorian employees. It states, firstly, that:

The ASU is in dispute with the respondent employers in relation to the organisation, operation and administration of the superannuation funds established for the purposes of providing superannuation benefits to ASU members ...

And secondly:

The ASU seeks the assistance of the commission to conciliate the parties to this dispute in respect to the continued operation of the superannuation funds.

The 27 August 1992 High Court decision on the Shell case, of which the Premier is aware, was a landmark decision, and states:

The general question of superannuation entitlements is a matter which may form the subject of an industrial dispute and that question is bound up with, and determined by the form of superannuation scheme involved.

The Premier has organised a special sitting next week to announce arrangements concerning the superannuation funds of those employees. Before that sitting is held the government should negotiate with the union, the Australian Council of Trade Unions and the Federal government. In the interests of industrial harmony and so that he does not make the same mistakes that he has already made in the industrial relations jurisdiction I call on the Premier to stay the joint sitting. He should try to achieve some negotiated settlement beforehand.

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

Wool industry

Mr BILDSTIEN (Mildura) — I direct to the attention of the Minister for Agriculture the very serious situation confronting Victorian woolgrowers. The Minister will be aware that at present wool prices are at an historically low level, probably the lowest for 30 years. That is due in no small part to the huge stockpile of wool held by the Australian Wool Corporation on behalf of the Australian wool industry. I understand that the corporation now holds more than $2.6 billion worth of wool, and that it costs about $780 million a year to maintain the stockpile. The Australian Bureau of Agricultural and Resource Economics has suggested that wool prices will not improve in the short to medium term, particularly when such a stockpile is being held by the wool corporation.

Has the Minister considered the suggestion of the advisory council of the Rural Adjustment Scheme that the exceptional circumstance provisions should be invoked to assist Victoria's financially crippled woolgrowers? Earlier this year the Minister took such action to assist the horticulturalists and grain growers affected by the prolonged unseasonable weather.

It is estimated that 55 per cent of Victorian woolgrowers will have negative incomes this year. This week the Victorian Farmers Federation Pastoral Group met in Melbourne and its president, Mr John Wild, suggested that 80 per cent of woolgrowers currently operate as non-profit organisations. Does the Minister agree with the idea of holding a national wool summit for Federal and State agricultural Ministers and the industry so that all the facts can be laid on the table and all options examined with a view to assisting this important industry, which is facing a deep crisis?

Merriang Special Developmental School

Mr BATCHelor (Thomastown) — I raise for the attention of the Minister for Education the closure of schools, and in particular the situation facing Merriang Special Developmental School. Late last year the Minister made a devastating announcement in relation to the school community across Victoria which resulted in the closure of some 55 schools. It became clear to honourable members representing electorates in the northern and western suburbs that the bulk of those closures were in their areas. Three schools in my electorate and the surrounding area were closed.

I seek a guarantee from the Minister that Merriang Special Developmental School will not be the 56th school to be closed. The school caters for the needs of students who are moderately to seriously disabled and many of the students have other associated disabilities. Although the school has a small population it is important that those students have access to the finest education possible.
The Minister may not be aware that officers of his department from Mr Spring down have made a decision to close the school. I am in possession of a memorandum concerning Merriang Special Developmental School dated 9 December 1992 from Mr Graham Willis, Acting General Manager, Western Metropolitan Region addressed to Mr Spring, Director of School Education. Paragraph 14 of the memorandum states:

Some students will require longer time on transport and it can be confidently predicted that considerable community agitation will occur if the school is closed.

Despite that warning a memorandum dated 18 December 1992 from Mr Frank Peck, Acting General Manager, School Services, to Mr Willis states that Merriang will be closed. In another memo of the same date Mr Peck advises Mr Ben Cuillo, Director, Works, Policy and Planning that:

Geoff Spring has endorsed the proposal to close Merriang SDS by 30 June 1993.

What will happen to the seven students it is proposed to leave in the school system? Will they be turned out on to High Street, Epping or will some alternative arrangement be made? The government has knocked off the $770 000 that the former government was to make available for the building of a school for those students at Thomastown West. The opposition understands that honourable members opposite do not think that disabled children should have these facilities.

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

Pedestrian crossing for Grange Road, Glenhuntly

Mr TANNER (Caulfield) — I direct a matter to the attention of the Minister for Public Transport, who is the representative in this House of the Minister for Roads and Ports in another place. The Minister will be aware that yesterday I had the honour of presenting to the House a petition from residents of Caulfield and Glenhuntly concerning the need for a pedestrian crossing with traffic lights in Grange Road, Glenhuntly.

The section of Grange Road between North Road and Glenhuntly Road has become a speedway and is a danger to pedestrians. The problem is accentuated by a bend in the road in the vicinity of the Glenhuntly Primary School. The petitioners pointed out that in order for elderly people, mothers with prams and other pedestrians who are unable to use the existing overpass to cross Grange Road safely a pedestrian crossing with traffic lights needs to be installed.

Although the existing overpass is of assistance to many pedestrians, a pedestrian-operated crossing controlled by traffic signals should be installed for the benefit of people who are less mobile because of age or are accompanied by young children. I am aware of the danger on that road and the need for a pedestrian crossing.

Some years ago I called for a pedestrian crossing on a section of Kooyong Road, Caulfield South. My call went unheeded until the inevitable occurred: an elderly lady was killed. Similarly, for some time I had called for a pedestrian crossing in Glenhuntly Road. Again my calls were unheeded and again the inevitable occurred: another elderly lady was killed.

The Glenhuntly Primary School is the largest primary school in Caulfield and Glenhuntly. Many people — particularly young children, including my children — use the Caulfield swimming pool throughout the summer months. Also, a child-care centre and a number of churches border that busy road, which has become a speedway. A pedestrian-operated signals crossing is urgently needed.

I urge the Minister to ensure that the petition — which illustrates my concern and the concern of those who signed it — is brought to the attention of the Minister for Roads and Ports for his urgent action.

Gisborne planning scheme amendment

Mr DOLLIS (Richmond) — I direct the attention of the Minister for Planning an issue I raised with him on 10 March last regarding the proposal of Barro Group Pty Ltd to establish a quarry in Gisborne.

At that time the Minister told the House that he had asked last December for the matter to be concluded and a decision made by the end of March 1993; he had asked the Minister for Energy and Minerals to supply advice to him by that date.

Further, on 23 March 1993 the Minister wrote to Mr Roger Jones, coordinator of the Gisborne Action Group, saying:
I have therefore agreed not to make a decision on that part of the amendment which affects the Barro Group land only until 31 March 1993.

In the past 24 hours I have received numerous telephone calls about this matter. I have been asked about the Minister's decision, particularly because the Minister has already approved planning scheme amendment L21 Part 1, which includes areas 1 and 2 as Part 1A of the planning scheme amendment.

If the Minister has made a decision about Part 1B of area 3, I will be interested to hear his reply. He said he would make his decision by the end of March. The residents of Gisborne are anxious about the issue, which has been going on for quite some time.

The Minister for Sport, Recreation and Racing is particularly anxious to demonstrate to his constituents that he is capable of delivering his election promise. The opposition is willing to assist him in delivering that commitment and I am only too pleased to supply the Minister with a copy of the correspondence that I have already circulated to him.

Given that 31 March has now passed, I ask the Minister whether he has made a decision.

Mr Leigh interjected.

Mr DOLLIS — I am certain about that because today is April Fools’ Day!

Has the Minister made a decision about area 3? The people of Gisborne are anxious to hear his decision. He has spent considerable time on this issue. I am aware he has been awaiting the advice of the Minister for Energy and Minerals since last December. The Minister must let the community know his decision.

Food Development Authority

Mr RYAN (Gippsland South) — The matter I raise for the attention of the Minister for Agriculture relates to the establishment and operation of the Food Development Authority. I ask the Minister about the activity of that entity, bearing in mind that it was one of the features of the coalition's policies when in opposition, and I refer particularly to the application of the body to the dairy industry.

The dairy industry is one of the brilliant successes of Victoria, and it is no better exemplified than at Leongatha and Toora in the southern part of my electorate. The Murray Goulburn factory at Leongatha employs 350 people, services 780 farms and makes annual payments of more than $90 million. This year it will undertake $7 million worth of capital works.

The nearby Bonlac factory at Toora services 250 farms and makes equivalent payments into the community by way of direct salaries and farm benefits. About 1000 of the 8500 farms in Victoria are located along the narrow coastal area between Leongatha and Toora.

The dairy industry is responsible for multimillion dollar exports of milk products, particularly milk powder, to Asia. It is a growth market for Victoria and a shining example of the success of small business, and I ask the Minister what initiatives the Food Development Authority intends to pursue for the sake of the further development of this industry, particularly in South Gippsland and for the good of the local people, Victoria and the nation at large.

Responses

Mr KENNETT (Premier) — In response to the honourable member for Mill Park I must say that this government takes very seriously Victoria's ethnic community. As he well knows, I have had a long association with that community. I was appointed Minister for Ethnic Affairs in 1981. I have also held the position of shadow Minister for Ethnic Affairs, and I am responsible for the portfolio today. That is in contrast to the Labor Party, which has given the portfolio to its most recent addition to this place, although I am not sure who it is.

This government will always administer ethnic affairs issues responsibly and apolitically, but one should never judge the quality of service on money alone. The Italian Aged Club in Altona, which is in the former Premier's electorate, was offered a grant conditional upon the Premier being provided with a media opportunity. This government does not attach — —

Mr Andrianopoulos interjected.

Mr KENNETT — Many times? Did you say she has done it many times?

Mr Andrianopoulos — No, I'm not saying that at all!

Mr KENNETT — That is what you said. I think the honourable member does not know who — —
Mr Dolcis — It's the honourable member!

Mr KENNETT — You're joking! I have not seen him at any of the functions I have attended, and I have been to many. I have even seen the temporary Leader of the Opposition at a few.

This government will always treat ethnic affairs seriously and I shall always take a personal interest in them, but this government will never make its services conditional or political.

I thank the honourable member for Albert Park, who is yapping on the back bench, for showing a continuing interest in my affairs. I should have thought you had made a big enough bunny of yourself today in loading up the questions to your Leader!

The honourable member for Albert Park has come in here with a rush of blood, gasping for air as though he is drowning. I only trust that you will continue your current activities which indicate to the people of Victoria your irrelevance, the irrelevance of your leaders and the irrelevance of your party.

The honourable member for Sunshine referred to the Australian Services Union taking legal action late this afternoon over the proposed changes to superannuation. He is right; I am not aware that the ASU has taken that action, and I am not going to lose any sleep over it.

It is unusual that a responsible organisation would take action before knowing the program or the suggestions to resolve the problem. Next week the government will bring Parliament together and spell out the options so the union will understand the situation being faced.

The bottom line is this: if the government does not take action, it will be putting at risk members of the ASU and other unions. I do not believe this will develop into a union versus non-union, government versus opposition barney; there is enough commonsense among members of the opposition for them to understand that if Victorians are to be protected changes must be made. If they are not, everyone will be at risk.

I trust that the union movement will not take industrial action before it sees the presentation next week and becomes part of the process that will lead to change. Prolonged industrial action in the current environment before the facts are outlined will only work against the interests of the unions and the community. If members of the ASU went on strike for a prolonged period the government would not have the resources to provide alternative services.

I am not sure whether the action of the ASU is part of the normal process, but I find it unusual that that action would be taken before the relevant information is made public.

Mr HAYWARD (Minister for Education) — The honourable member for Murray Valley referred to the involvement of employees of the Directorate of School Education on school councils. I thank him for raising that matter because it is important. Teachers play an important role in school councils and it is my hope and expectation that they will continue to do so.

The school council is designed to be the key policy-making body and overall management authority for a school, therefore, it is important that a wide cross-section of people from within the community is involved in a school council.

It is important that the community has a sense of ownership and that the school council can bring into it people with expertise in particular areas. It is valuable to have the participation of a bank manager or an accountant to help with finance or an architect or somebody involved in the building industry to assist in planning matters. Such contributions are invaluable because the community as a whole becomes better informed about the school and what is happening in it. It is a two-way street.

The government believes the representation on a school council should be as broad as possible. With that in mind it has determined that employees of the Directorate of School Education should constitute no more than a third of the members of the school council. That is a substantial representation and will ensure that teachers play a part in the decision-making process and that they participate fully in planning for the future. It is a sensible approach.

I have spoken to a number of teachers about this matter and they understand it. Some of them are concerned that they will not be able to continue as members of school councils, but it is my experience that if a teacher is interested in becoming a member of a school council there will be plenty of opportunities.

The honourable member for Thomastown raised the issue of a special development school in his
electorate. I can inform the honourable member and the House that no decision has been made about the closure of any school. I repeat: no decision has been made about the closure of any school!

The nature of his remarks raises the whole question of educational services for students with disabilities and impairments. The government puts the highest priority on the provision of educational services for those children. The House should be aware that in its Budget the government increased the funds available for students with disabilities and impairments and it has provided an additional 100 integration aides to assist them. Moreover, the government has set up a special committee of experts to review services for students with disabilities. Tragically, because of its mismanagement of this area, the former government caused hardship for many families. That comment was made by the Auditor-General.

The former Labor education Minister, Neil Pope, set up the Cullen-Brown review, which indicated clearly that there was major mismanagement in the area. It gave an example of the extraordinary differential between the resources available in different regions. The committee is currently working well in reviewing the whole area of students with disabilities and impairments. It is making a broad examination of the resources available and the location of facilities.

It should not be forgotten that the problems that exist in the education budget have not adversely affected the services provided for those students, but any problem that has occurred is the result of the mismanagement of the former Labor government. It is a fact; it is not a matter of controversy. The former Labor government allowed Victoria's debt and unfunded liabilities to increase to more than $60 billion. The sad part about the cost of servicing the debt and the liabilities is that much of Victoria's revenue has been taken up in that way, so there are insufficient funds for services such as education, health and transport.

Mr BROWN (Minister for Public Transport) — The honourable member for Caulfield referred to the need for lights at a pedestrian crossing in Grange Road, Glenhuntly. In fact yesterday he tabled a petition saying that the problem was due mainly to traffic speed and a blind corner. I recall that there are schools, a child-care centre, a church, the Caulfield swimming pool and an assisted-care accommodation centre in the vicinity. Obviously, the matter is of concern to many people in the community. I will refer it to my colleague the Minister for Roads and Ports in another place and request that he examine the issue.

Mr MACLELLAN (Minister for Planning) — The honourable member for Richmond referred to a planning amendment in the Shire of Gisborne. I am happy to advise the honourable member that I have received advice from the Minister for Energy and Minerals and on the basis of his advice I will now consider the matter. I will make a decision, which will be announced in due course in the normal way.

Mr W. D. McGrath (Minister for Agriculture) — The Minister for Finance had a commitment at 6 p.m. and has asked me to respond on his behalf to the honourable member for Tullamarine. The matter raised by the honourable member should be raised with you, Mr Speaker, because you are responsible for the operation of Parliament and, in particular, electorate offices and support services. I know the amount of work that my electorate office undertakes and I can imagine the work that is being done in the electorate office of the honourable member for Tullamarine. I cannot imagine why any electorate office would be open for only 2 hours a day. As a former member of the House Committee I am aware of the cost of running electorate offices and I urge you, Mr Speaker, to examine this issue on behalf of the honourable member for Tullamarine to see what action is appropriate.

The honourable member for Mildura raised with me the crisis in the wool industry. He is correct in his perception and the problems he outlined. Australia has a stockpile of more than 4 million bales of wool and the cost of maintaining that stockpile in storage and interest costs is approximately $780 million a year. Associated with that is the significant decline in the world demand for wool. It is hard to understand why people are turning away from wool, which is such an excellent fabric when compared with cotton or synthetic fibres.

I have written to the Federal Minister for Primary Industries and Energy, the Honourable Simon Crean, asking him to convene a meeting of State agriculture Ministers together with key industry leaders to examine the problem.

It is not just a Victorian problem; it is a national problem of great magnitude and is causing considerable heartache to woolgrowers throughout Australia.
An indication of the seriousness of the problem is that 84 per cent of woolgrowers in the Balmoral area in the Western District indicated that their businesses were no longer viable. Approximately 50 per cent of woolgrowers at Bairnsdale said that their businesses were no longer viable.

For every kilogram of wool produced woolgrowers are losing 75 cents. It is a difficult situation. The industry must address many issues and that is why I believe it is appropriate that the government show leadership during this difficult period for the industry, which carried this nation for a long period.

Strategies and policies aimed at increasing the sales of wool must be addressed, with some emphasis on management and marketing, the adequacy of assistance measures for woolgrowers under the rural adjustment scheme and the impediments to the development of more efficient industry marketing structures. The wool industry is a major industry, and I believe the government would be neglecting its duty if it did not act to assist it.

The honourable member for Gippsland South asked how the Food Development Authority can help the dairy industry. The authority is an initiative of the government. It is headed by the Premier, who is supported by the Minister for Industry and Employment, and I am supported by the honourable member for Swan Hill as the secretary to the Food Development Authority.

The Premier has appointed an advisory committee to the authority, which comprises people from the food processing industries and the production side of agriculture. Some exciting issues are on the table and will be brought forward. The aim is to set industry objectives that will take it to 2001, identify and remove impediments to the growth of markets, promote and assist investment in Victorian food-based industries, create benchmarks for achieving competitiveness in world best practice and provide a flow of information to food industries to help them identify market opportunities in both the domestic and export markets.

The dairy industry is a fine example of value adding or product development. The Food Research Institute at Werribee has been working with the Commonwealth Scientific and Industrial Research Organisation, which has recently set up its food research program in Werribee, and there are exciting times ahead for the food industry in this State.

The dairy industry has made major advancements in the past 10 years. In 1982, 14 000 dairy farmers in Victoria were producing about 3 billion litres of milk. By 1992 the number of dairy farmers had reduced to 8500 but more than 4 billion litres of milk is being produced.

Companies such as Kraft Foods Ltd, Nestlé Australia Ltd, Tatura Milk, the Japanese company, Snow, and the cooperatives, Murray Goulburn and Bonlac Foods Ltd, are investing millions of dollars in infrastructure in the dairy industry. It is also hoped to increase oilseed production; this country still imports about $150 million worth of oilseed. We must relieve industry of some of the impediments to its growth.

The Food Development Authority will also provide opportunities for product development or value adding for horticultural products, wheat, barley and legumes, which will help capture employment opportunities for Victorians and assist producers to expand their domestic and export markets. That, in turn, will provide better prices for farmers, help industry make a profit and, just as importantly, provide more jobs Victorians.

Motion agreed to.

House adjourned 6.24 p.m. until Tuesday, 6 April.
The SPEAKER (Hon. J. E. Delzoppo) took the chair at 2.5 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

JOB BANK SCHEME

Mr KENNAN (Leader of the Opposition) — I refer the Minister for Industry and Employment to the government's JobBank scheme. I ask the Minister: how many applications have been received by his department for employment subsidies under this scheme and what is the actual level of payments that have been made as at today to employers under that scheme?

Mr GUDE (Minister for Industry and Employment) — I thank the Leader of the Opposition for his question. It goes to matters of specifics that I do not have the answers to. I will obtain the answers and inform the honourable member after question time.

COMMONWEALTH GRANTS COMMISSION

Mr PHILLIPS (Eltham) — Will the Premier inform the House of the implications for Victoria of the report of the Commonwealth Grants Commission on revenue grant relativities for 1993?

Mr KENNETT (Premier) — As honourable members would be aware, the Commonwealth Grants Commission has just handed down the results of its latest deliberations, which are recommendations to the Federal government; whether the Federal government acts on them is ultimately its decision.

For as long as I can remember — certainly going back through the 17 years I have been in Parliament and involving both conservative and Labor governments — governments in Victoria have been very concerned at the way in which the fiscal imbalance disadvantages Victoria. The latest report of the Commonwealth Grants Commission, if one were to take it at face value, would show a slight increase in the amount of moneys flowing to Victoria. The reality is, though, that Victoria could be financially quite dramatically worse off than those figures indicate on the surface.

The proposals of the Grants Commission in its report will promote an inefficient financial relationship between levels of government. Sadly for us in Victoria, although this has been the case historically, when we have been enjoying good times and strong economic growth we have been very heavily subsidising the smaller States of Australia. The position is now that we subsidise smaller States in the region of $700 million to $800 million a year, and that is a level of subsidy that is not reflected in the report of the Grants Commission. It certainly does not in any way reflect the needs of Victoria vis-a-vis those of the smaller States.

Before the last Federal election the Prime Minister indicated that he was prepared to look at the imbalance. I trust now that the election has been fought, won and lost that process will continue. If we are to be able to restore a strong base here for Victorians and project that into the future, we need the fiscal imbalance reviewed and, hopefully, corrected. We will argue strongly — and I hope we will get the endorsement of members on the other side of the House, as we endorsed their campaigns to try to bring about the same equalisation — that there should be a correction, if only for a number of years.

Let us argue to the end of this decade, which will give us eight years until the year 2001. If we are able to have the imbalance corrected for that period, we will commit to debt reduction all the money we receive under that correction. That would substantially reduce our interest repayments, and then in the year 2001 the whole program can be re-evaluated. It may be that by that stage Victoria will be firmly based and there may be another State in Australia that needs assistance. The reality of the situation is that today we cannot afford to subsidise smaller States to the extent of $800 million a year.

The ramifications of the Grants Commission decision handed down yesterday are somewhat limited. They do not address the problems confronting the distribution of moneys from the Federal government back to the States. It would be our argument — and I believe I am correct in saying it would be the argument of both sides of the House, as two of the former Treasurers, the honourable members for Northcote and Coburg, argued strongly for this — that the correction should take place. The position is more urgent today and it is
more urgent with the passing of every day. I trust as we take our advances and campaign to Canberra that Parliament will recognise the correction is terribly much in Victoria’s interest, at least for the next few years.

REPLACEMENT TEACHERS

Mr SANDON (Carrum) — I ask the Minister for Education to confirm that the total sum available to Victoria’s 2000 schools for teacher replacements is less than the salary package of the Director of School Education.

Mr HAYWARD (Minister for Education) — On the question of replacement teachers, where there is a genuine need for a replacement teacher that replacement is available from either short-term replacement teachers or through funds that are made available through regional general managers.

Honourable Members — How much?

Mr HAYWARD — We should not lose sight of the fact that the current Budget problems in Victoria are the result of a monster that was created by the Labor Party, in the form of the debt and the deficit. It is for that reason that there is reduction in funds and it is for that reason that so much of our funds is being taken up in servicing the debt and deficit — funds that would otherwise be available for education, health and transport.

FORMER GOVERNMENT’S BUDGET ASSESSMENT

Mr DEAN (Berwick) — Will the Treasurer say whether he has made an assessment of the Budget implications for the State if the Kimer/Sheehan policies outlined in the former government’s 1992-1993 Budget had been implemented and, if so, what that assessment is?

Mr STOCKDALE (Treasurer) — I am happy to say that as it happens I have made an assessment of the implications.

Honourable members interjecting.

Mr STOCKDALE — I am sure the Leader of the Opposition will not be surprised to hear that!

Victoria is in a debt and deficit spiral induced by the Labor Party. If we had had even a slightly more honest Budget in 1992-93 under the Labor Party the current account deficit would have been $1500 million. Had the policy been continued as in Labor’s dying days in office, by the year 2000 Victoria would have needed to borrow $3500 million every year just to pay for operating costs. As a result, Victoria’s Budget sector debt would have ballooned from $19 billion in 1992-93 to more than $47 billion in 2000. Further, the State’s interest bill would have more than doubled, from approximately $2 billion this year to $4.25 billion in 2000.

There is a widespread appreciation throughout Australia — although apparently not on the opposition benches — that Victoria has an unmanageable Budget position. What is less clear to the people — it will be made clear to them today — are the consequences of that for the delivery of services.

In 1982-83, the first year in which Victoria was unfortunate enough to be run by the Cain Labor government, 84 per cent of total Budget revenue was available to provide services to the people of Victoria. By the time the Australian Labor Party left office, that percentage had plummeted. Even after the corrections made in 1992 by the incoming coalition government, only 67 per cent of Budget revenue was available for the provision of services.

Had the ALP continued in office and adhered to the policies announced in the run-up to the election, by 2000 only 58 per cent of the revenue the government collected from the people of Victoria would have been available for the provision of services. In other words, that percentage would have fallen from 84 per cent when the Cain Labor government came to office to 58 per cent by 2000.

The implications are clear. Had the Labor government continued to ignore the current account deficit by pretending it did not exist, the cuts to services would have been even more savage than those required because of the task facing the coalition government. Secondly, taxes and charges would have had to increase substantially — far more than the government is having to increase them to deal with the deficit left by Labor. Thirdly, the level of debt would have gone through the roof, leaving no funds for infrastructure maintenance. Sewers and other types of infrastructure would have collapsed, as some are now, as a result of the inadequate maintenance of infrastructure during the Labor years. No new investment would have been available from State sources to develop infrastructure.
The State's credit rating would have collapsed, adding to spiralling interest costs and driving the State further and further into debt. The end result would have been a State that not only could not put together a sustainable Budget but would have continued to wallow in the trough of recession induced by Labor policies. Victoria would have been an uncompetitive State, and increasing numbers of Victorians would have been unable to obtain jobs. And the coup de grâce: the problem would have continued to grow every year.

DIRECTORATE OF SCHOOL EDUCATION

Mr SANDON (Carrum) — Will the Minister for Education tell the House whether consultants have been appointed, at a cost of millions of dollars, to advise the government on the reorganisation of the Directorate of School Education? Will the Minister tell the House whether the consultants appointed are from overseas and whether they complied with all aspects of State Tender Board procedures?

Mr HAYWARD (Minister for Education) — Any consultants appointed to the Directorate of School Education have complied with all State Tender Board regulations.

PRISON OFFICERS INDUSTRIAL ACTION

Mr TRAYNOR (Ballarat East) — In view of the claims made by the State Public Services Federation of Victoria, as reported in the Age and on ABC radio, that prison officers throughout Victoria held stop-work meetings on Monday, 5 April and are threatening industrial action, will the Minister for Police and Emergency Services outline the present situation in Victoria’s prisons?

Mr McNAMARA (Minister for Police and Emergency Services) — Firstly, I refute the claims made by the State Public Services Federation that the campaign currently being run by some of the self-proclaimed Trotskyites within the union — —

Mr Dollis interjected.

Mr Kennett (to Mr McNamara) — He recognises them, look at him!

Mr McNAMARA — That is the title that Bill Deller gave himself, and he is aided and abetted by the likes of Sandi McDonald.

Moderate groups within the union are embarrassed by the lack of leadership from the radical elements because they simply want to get on with the job of managing Victoria’s prisons. Statements made by Ms McDonald are both inaccurate and highly inflammatory. They do nothing to assist the management of the State’s prisons; in fact, they make the situation worse.

On 5 April Ms McDonald called for stop-work meetings of all employees of the Correctional Services Division, but the call was an abysmal failure. There was a small gathering of a handful of prisoners outside the gates of Barwon Prison — —

Honourable members interjecting.

The SPEAKER — Order! Even allowing for the Minister’s lapse, the House will come to order.

Mr McNAMARA — At the Melbourne Remand Centre some 40 prison officers gathered for a brief stop-work meeting. They were the only institutions at which stop-work meetings occurred; no stop-work meetings took place at the other 10 prisons in the State. There was a lone supporter of the State Public Services Federation of Victoria at the Beechworth Prison; he urged his fellow workmates to take part in a stop-work meeting but his request was totally ignored. Of a work force of some 1300 or 1400 people, only a few more than 40 took part in stop-work meetings.

Two unions in this State represent prison officers: one, of course, is the State Public Services Federation of Victoria and the other is the Health and Community Services Staff Association. I have met with representatives of HACSSA several times and we have had productive meetings on how to improve work practices within the Correctional Services Division. I commend the way HACSSA has tackled the problems. Although the SPSFV represents approximately one-third of prison officers and HACSSA represents another one-third with the remaining prison officers not being represented by any union, when the Labor Party was in office it refused to allow HACSSA delegates into correctional institutions to meet with its members.

The government is working through a number of programs that will reduce the current tension, which is being inflamed by Bill Deller, Sandi McDonald and others from the State Public Services Federation. In the future the problems will be solved and the bulk of prison officers who tackle their jobs — it is a difficult task — in a professional manner will be
QUESTIONS WITHOUT NOTICE

DIRECTORATE OF SCHOOL EDUCATION

Mr SANDON (Carrum) — In the light of the non-answer to my previous question, will the Minister for Education inform the House whether consultants have been employed at a cost of millions of dollars to advise him and the government on the reorganisation of the Directorate of School Education?

Mr HAYWARD (Minister for Education) — Consultants have not been employed at a cost of millions of dollars.

VIC STATUTES PROJECT

Mr RYAN (Gippsland South) — I refer the Attorney-General to a recent advertisement by Computer Law Services in the journal of the Law Institute of Victoria offering for sale Victorian statutes on computer disk and ask: is this the project launched by the former Victorian Law Reform Commission at its $22 000 party in August 1991; and what royalties does the Victorian government expect to receive as a result of sales of Victorian statutes on computer disk?

Mrs WADE (Attorney-General) — Yes, an advertisement in the current issue of the journal of the Law Institute of Victoria relates to the Vic Statutes project launched by the former Law Reform Commission at its $22 000 party in August 1991. The object of the Vic Statutes project, a joint venture between the former commission and the Computer Law Services company, was to put the Victorian statutes onto computer disk.

Unfortunately, as a result of the failure to define those arrangements when the project was first initiated, which was well before the party in August 1991, there had been an ongoing dispute between the government and the company about the Crown copyright. It now appears that Computer Law Services is marketing the disk without the appropriate data licence and without any other arrangement with the government.

I thank the honourable member for Melbourne, who first brought these marketing activities to my notice. In the absence of any licence or agreement between the Victorian government and Computer Law Services the government will not receive one cent of royalties from the project. I am advised that more than $268 000 was spent by the former Victorian Law Reform Commission or the former government on the project. It is most unfortunate that this matter was not sorted out when the project was first entered into.

Honourable members interjecting.

Mrs WADE — It appears that the appropriate controls were not initiated by the then Attorney-General, now the Leader of the Opposition. However, negotiations are continuing and I hope that the present government will be able to bring them to a satisfactory conclusion and that the Crown will be able to at least cover the costs that have been expended on the project.

I advise honourable members that there are other problems with the project now being promoted by Computer Law Services. In addition to the copyright problem, it appears that the computer disk that was brandished around the House a couple of weeks ago does not include a large number of Victorian statutes. According to a report I have received from Parliamentary Counsel some 50 principal Acts are missing. They include the Accident Compensation Act, the Children and Young Persons Act, the Transfer of Land Act, the Property Law Act and the Subdivision of Land Act.

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high. I particularly warn the honourable member for Keilor, who has a great skill in throwing his voice like a ventriloquist.

Mrs WADE — The statutes on the disks do not have any sidenotes, so it is difficult to work out the history of the provisions, and in some cases the text is not authentic.

I trust that this project will ultimately be successful. However, it is apparent that the project that the former Law Reform Commission celebrated at its party in August 1991 has taken longer than expected to come to fruition.

PERFORMANCE OF MINISTER FOR FAIR TRADING

Mr COLE (Melbourne) — I refer the Minister for Fair Trading to the ranking of her performance by the Australian Consumers Association as the equal worst consumer affairs Minister in Australia, and
ask: in light of the high rating regularly achieved by previous Ministers, what action will she take to restore Victoria’s reputation as the leading State in protecting and enhancing the rights of consumers?

The SPEAKER — Order! The expression of opinion contained in the question is disallowed.

Mrs WADE (Minister for Fair Trading) — I thank the honourable member for Melbourne for his question, which is as predictable as his questions usually are.

Honourable members interjecting.

Mrs WADE — I also wish to say how much I look forward — —

The SPEAKER — Order! The Minister should concentrate on the question.

Mrs WADE — I am looking forward to the 1994 report on my Ministry by the Australian Consumers Association. The 1993 report, which was released this week by the association, is based on information provided to the association by the Office of Fair Trading in February of this year; it is an assessment of a year during which for the greater part an ALP government was in office. It is really an assessment of the previous Minister.

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Coburg and honourable members generally that the level of interjection is far too high and that if it continues I will take action. I ask the Minister to complete her answer.

Mrs WADE — Many initiatives have been taken on fair trading since the government came to office in October. Earlier this year I established a review of the Office of Fair Trading which was carried out by Mr Michael Schilling, who had been the chief executive officer of the Land Trust Authority of South Australia and who until recently has been acting as the Deputy Secretary in the Premier’s Department in South Australia. Mr Schilling conducted a full inquiry of both the Office of Fair Trading and the Business Affairs Division of the Department of Justice. I point out that the Business Affairs Division conducts a large number of regulatory functions which are related to consumer affairs. It regulates retirement villages, registration of businesses, trustee companies and cooperatives. It seemed to the government that there was a lot of overlap between the functions of the two offices and that it was desirable that both offices should be fully reviewed. The review was carried out by Mr Schilling with the assistance of a number of senior officers in the Department of Justice, including a senior officer in the Office of Fair Trading.

The report is professional. The review team consulted with both consumers and people who are regulated by the Office of Fair Trading as well as with staff of the office. The report will be released shortly.

A lot of work is also going into the forthcoming meeting of the Standing Committee of Consumer Affairs Ministers which is to take place in Sydney on 14 May. A lot of work is being done on credit legislation in particular because it has been badly in need of review since the former Attorney-General introduced the AFIC legislation, which is incompatible with our credit legislation and which is being reviewed. Various Ministers responsible for consumer affairs under the previous government were unable to resolve the issue of uniform credit legislation.

I am putting a lot of work into ensuring that this government consults widely with both consumers and financial institutions on the Uniform Credit Bill so that Victoria has a good input into the meeting of the Standing Committee of Consumer Affairs Ministers, which will consider the issue.

The government is also making changes to the Small Claims Tribunal, the Residential Tenancies Tribunal and the Credit Tribunal with a view to incorporating them with other tribunal functions within the Department of Justice to ensure that the perception of bias that was prevalent, whether rightly or wrongly, under the former government can be satisfactorily resolved.

In February, when the Australian Consumers Association prepared the report that was released this week, I had barely started on fair trading initiatives and, although a great deal has been achieved already, it is nothing compared with what I will be able to do in the remainder of this year. I look forward to the assessment in 1994.

NATIONAL POLICE ETHNIC ADVISORY BUREAU

Mr TURNER (Bendigo West) — I ask the Minister for Police and Emergency Services to
advise the House of the steps being taken to implement the National Police Ethnic Advisory Bureau.

**Mr McNAMARA** (Minister for Police and Emergency Services) — A National Police Ethnic Advisory Bureau will be established at 235 Queen Street and will commence operation from 14 April. This world-class facility will enable all Australian police forces to deliver equitable and professional services to a culturally diverse Australian community. Mr Ivan Kolarik, the Victoria Police ethnic affairs adviser, who has held that position for a number of years, will head the bureau.

The aim is to coordinate the policing of the ethnic community in a well-planned fashion to ensure that we can achieve national strategies. The bureau will be unique in that it will forge partnerships with key non-police organisations that will be part of the advisory bureau. This is the first time that police forces around Australia have been united in such a strategy and all Australian police forces will be represented on the bureau. The cost of the bureau will be some $214,000 a year, but it will be distributed between all police agencies in Australia, and the Commonwealth government will contribute to the funding.

The only other nation to have such an organisation is Canada, which established the Centre for Police Race Relations in Ottawa in 1992. We are hot on the heels of that major initiative development; we are up there with the best in the world. In fact, we are ahead of virtually the rest of the world, and I am pleased to be able to say — —

**Mr Sercombe** interjected.

**Mr McNAMARA** — I should have thought the Deputy Leader of the Opposition would be positive instead of continuing to run down the ethnic community in Victoria! All he does is carp! We know he is biased against the ethnic community and is not concerned about ensuring that cooperation exists between the police and the community, particularly the ethnic community. Those snide, sarcastic remarks are uncalled for and add nothing to the issue.

I had hoped the opposition would take a bipartisan approach to this matter and recognise that we are a world leader in this area. We are establishing a priority that will be an example to the rest of the world. I had at least hoped that we would receive support from the opposition rather than for it to continue to degrade ethnic communities. We believe the bureau will have a unifying effect on the police, the ethnic community and the general community.

**JOBBANK SCHEME**

**Mr KENNAN** (Leader of the Opposition) — I refer the Minister for Industry and Employment to the previous question about the government’s JobBank scheme. Apart from the Liberal-National coalition policy document, has his department prepared application forms and explanatory material to promote the scheme to employers who wish to apply for subsidies under the scheme?

**Mr GUDE** (Minister for Industry and Employment) — The question asked by the Leader of the Opposition goes to the heart of many of the problems the State is confronting. I refer to the level of unemployment, which is more than 11 per cent, with young people in country Victoria suffering 20 and 30 per cent unemployment.

One of the tragedies concerns what I refer to as an ambulance at the bottom of a cliff approach. When companies go to the wall their employees become casualties and fall over the cliff. Increasingly the government must wheel in the ambulances to take them away. The government’s approach is different from that of the former Labor government, which was prepared to throw money at the problem. We do not have to look any further than the Victorian Economic Development Corporation experiment and other similar experiments in which the Labor government indulged.

The New Jobs initiative, to which the Leader of the Opposition referred, is certainly being followed through with forms and explanatory material. Given the changes in the economy, we are researching to see whether the initiatives in that program are the way to generate new job opportunities.

**Mr KENNAN** (Leader of the Opposition) — On a point of order, Mr Speaker, the question was specific. I asked the Minister whether, apart from copies of coalition policies, application forms and other material had been prepared by the department. The Minister has been speaking for some minutes and none of his response has been relevant to application forms and the other material. I ask that you, Mr Speaker, direct him to answer the question.

**The SPEAKER** — Order! Does the Minister have a response?
Mr GUDE (Minister for Industry and Employment) — No, I would not bother!

The SPEAKER — Order! The Leader of the Opposition raised a point of order about whether the Minister’s response was relevant. I believe at this point it is relevant, but I warn the Minister that, should he stray from the question, I will bring him back to it.

Mr GUDE (Minister for Industry and Employment) — The department has been working on the New Jobs initiative. It has undertaken research on the program’s finances because it is determined to ensure that the best value possible is gained so that all the taxpayers’ dollars left in this State are used efficiently and effectively. All steps have been taken to examine whether the program should proceed.

CHILD ABUSE

Mr DAVIS (Essendon) — Will the Minister for Community Services advise what the government is doing to support troubled families whose children are at high risk of abuse?

Mr JOHN (Minister for Community Services) — I thank the honourable member for his question and for his continued support for families and for the protection of child at risk. I say categorically that the government is committed to aiding and protecting children at risk and keeping families together wherever possible. The government has a full range of departmental services and agencies and also funds many non-government agencies in protecting young children and families in trouble.

I wish to specifically inform the House of a program called Families First which the government is supporting. This program is about keeping families together. It involves intensive counselling of families rather than removing children from the home. Counsellors go into the home and work with the families, identify the problems, be they finance, substance abuse, unemployment or whatever, and work alongside the families and the children to try to achieve success through counselling. These intensive counselling sessions are brought in only where a child is at serious risk and where it is possible that the child may have to be removed from the family.

The program is based on a successful American program called the US Home Builders program. In Victoria it was first piloted in Croydon and is now operating through non-government agencies funded by the government at Bendigo through St Luke’s Family Care, at Ballarat and at Mildura through Mallee Family Care. It achieves a high success rate with much better outcomes for both the children and their families. The removal of a child from a family is a traumatic experience for all.

The program is innovative and cost-effective. It is much better value for the taxpayer’s dollar than alternative institutional care or cottage home care. It shows the government is committed to protecting children at risk, to supporting families and to trying to keep the family unit together.

An illustration of the government’s commitment to this excellent program is that it currently receives $1.4 million from the government. The government has the capacity to work closely with 315 families and is committed to protecting children and to supporting families.

JOBBANK SCHEME

Mr KENNAN (Leader of the Opposition) — My question is directed to the Minister for Industry and Employment and I refer to my previous question about the government’s JobBank scheme. I ask: is it a fact that when employers have rung his department inquiring about this scheme and applied for information about making claims under it all that they have been sent is a copy of the coalition’s policy release?

Mr GUDE (Minister for Industry and Employment) — As I said in answer to the last question, the government is working through the financial implications of the scheme and has allocated a proportion of the funds that form part of the New Jobs initiative in the traineeship area. In reality something like 3200 additional places have been generated in that area during this year. Funds have actually been allocated specifically into the traineeship area while the government is working through the financial implications of this scheme to ensure the best outcome for Victoria.

Mr Roper interjected.

Mr GUDE — The honourable member for Coburg is chattering like a little monkey. We know who the organ-grinder is; now we are finding out who the monkeys are.

The SPEAKER — Order! The Minister will ignore interjections.
Mr GUDE — The work is being carried out at the present time. In the meantime, when people have requested information about the scheme, of course they have been forwarded information.

REHABILITATION FOR DRUG-DEPENDENT PRISONERS

Mrs ELLIOTT (Mooroolbark) — I direct a question to the Minister for Corrections. In view of the fact that up to 80 per cent of prisoners in Victoria have some sort of drug problem and many are serving sentences for drug-related crimes, will the Minister advise the House what steps are being taken to improve the rehabilitation prospects of drug-dependent female prisoners?

Mr McNAMARA (Minister for Corrections) — As honourable members would be aware, the problem of drugs in prison is a serious one, and even more so for women prisoners, many of whom are in prison as a result of drug-related crimes they have committed. The government is determined to ensure that when those individuals are released from the corrections system they are more fit and able to assimilate back into society. As a result we are looking at a range of issues to ensure that female prisoners can have greater access to many of the support services that currently, under the previous arrangement, they cannot access.

We have a small group of female prisoners at the Pentridge Prison complex. We also have a number of female prisoners, approximately 40, at Barwon prison. Both of those prisons are high-security facilities.

Our policy will be to implement progressively the separation of female prisoners from mainly male prisons and to ensure that they have access to a range of facilities, including educational and vocational opportunities, the opportunity to carry on working within prisons and, even more importantly, the opportunity for prisoners with drug-related problems to enter rehabilitation programs.

The commencement of a number of initiatives within the system has already been seen. These will provide a productive background to ensure that prisoners assimilate more easily into the community upon their release.

DIRECTORATE OF SCHOOL EDUCATION

Mr SANDON (Carrum) — My question without notice is directed to the Minister for Education. In the light of his evasive answers to my questions, will the Minister inform the House whether — —

The SPEAKER — Order! That part of the question which referred to the Minister as being evasive is out of order.

Mr SANDON — Will the Minister inform the House whether consultants have been appointed to advise the government on the reorganisation of school education? If so, at what cost, who are they and where have they come from?

Mr HAYWARD (Minister for Education) — The answer is — —

Honourable members interjecting.

The SPEAKER — Order! Would the Minister please resume his seat for a moment. The level of interjection is far too high. I do not know how many times I have to tell the House, but it is too high. I will hear the Minister in silence.

Mr HAYWARD — Consultants have been appointed by the Directorate of School Education for a number of purposes, including the purpose of advising the directorate on how to provide better support services for schools. In all cases the consultants have been appointed because they are the best available. Far fewer consultants have been appointed under this government than under Labor and for far less money.

The SPEAKER — Order! The time for questions without notice has expired.

PETITION

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

Institute of Educational Administration

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

Receive the humble petition of the undersigned citizens of Victoria which relates to the Institute of Educational Administration.
Your petitioners request that the House take action to ensure that the Institute of Educational Administration continues to provide high quality residential training programs and other activities to improve the administrative ability of persons in positions of leadership in the field of education, persons aspiring to such positions and other persons interested in educational administration, as required by the Institute of Educational Administration Act 1980.

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

By Mr Spry (33 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

- National Parks Act 1975 — Order in Council amending regulations applying to land in Schedule Four
- Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:
  - Bulla Planning Scheme — No. L61
  - Bungaree Planning Scheme — No. L16
  - Frankston Planning Scheme — No. L45
  - Hastings Planning Scheme — No. L74 Parts 1 and 2
  - Heidelberg Planning Scheme — No. L54
  - Nunawading Planning Scheme — No. L59
  - Prahran Planning Scheme — No. L28
- Statutory Rules under Supreme Court Act 1986 — SR No. 52
- Wildlife Act 1975 — Notices of Closure of Areas to Hunting pursuant to section 86 (four papers).

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

- Debits Tax (Amendment) Bill
- Murray-Darling Basin Bill

APPROPRIATION (1992-93) BILL

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 1992-93.

Introduction and first reading

Mr STOCKDALE (Treasurer) introduced, pursuant to Standing Order No. 169 (a), a Bill to appropriate certain sums out of the Consolidated Fund by programs for recurrent services and for certain works and purposes for the financial year 1992-93 and to appropriate the supplies granted for recurrent services and for certain works and purposes under the Appropriation (Interim Provision 1992-93) Act 1992 and for other purposes.

Read first time.

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this Bill be now read a second time.

Today’s autumn statement introduces stage two of the government’s program to restore Victoria’s finances. The immediate objective of that program is the elimination of the large and rapidly growing current account deficit inherited from the previous government.

But the elimination of the current account deficit is not an end in itself. The elimination of the current account deficit is a means — indeed, a necessary condition — for achieving the wider economic, social and community objectives of both the Victorian government and Victorian community.

Victorians cannot afford to pretend that the causes of our financial problems will simply go away. As painful as the present spending reductions are, as painful as the tax increases are, if we ignore our State deficit then, in just a few short years, the debt spiral will force Victoria into even bigger spending cuts and even higher taxes.
Today’s Budget statement involves pain but the pain is for a purpose. This is the cure for the disease Labor chose to cover up and ignore.

By treating the disease, this government will head Victoria back to a healthy future. We can look forward, in the years ahead, to quality services, lower taxes and sustainable investment in new assets. If we are to have security and growth, we must start curing the Labor disease now.

We must begin treatment now if we are to fulfil the wider and more fundamental objectives of government.

Accordingly, I commence today’s speech by drawing attention to those wider and more fundamental objectives.

**Government’s objectives**

The following is a summary of the major objectives of the present Victorian government:

1. Effective and sustainable delivery of quality services to the Victorian community.
2. Containment of increases in taxes and charges and eventually reduction of State taxes and charges.
3. Government contribution to growth in the State economy and to the creation of secure and rewarding jobs for Victorians.
4. Restoring confidence in Victoria as a place to live, do business and invest.
5. Reversal of the decline in the living standards of Victoria’s people.
6. Restoring Victorian government finances so that Victoria has the capacity to provide compassionate care for our disadvantaged citizens.
8. Restoration of the State’s capacity to maintain properly government assets and to facilitate investment in new assets and infrastructure.

Mr Speaker, the experience of the last decade, and in particular the experience of the last four years, establishes beyond any argument that mismanagement of the Victorian public sector and public finances in particular will restrict the achievement of these objectives. The experience of the last three years has established that the maintenance of a large and rapidly growing Budget current account deficit is utterly incompatible with the achievement of these objectives. Accordingly, the present government has set as its immediate objective a stringent program to eliminate the Budget current account deficit during the present term of government.

**Why does the current account deficit matter?**

The present government inherited a large current account deficit. Revised projections for the Victorian Budget established that, unless corrective action were taken, the current account deficit would continue to increase rapidly. The current account deficit established a spiral of debt and interest within which government was forced to borrow simply to pay interest and other annual operating costs. The effects of the current account deficit threatened to overwhelm all other objectives of the Victorian government and the Victorian community.

The following summary explains why elimination of the current account deficit must be the major short and medium-term priority of the Victorian government’s financial management strategy:

1. The current account deficit and the resulting debt spiral mean the Victorian government has to borrow more and more just to pay operating costs.
2. The current account deficit forces debt to rise at an unacceptably high rate.
3. The rising debt causes interest costs to increase at an accelerating rate. Increasing interest costs in both the Budget and non-Budget sectors of the Victorian public sector force up State taxes and charges thus:
   (a) eroding living standards;
   (b) making Victorian industry uncompetitive;
   (c) driving away investment; and
   (d) destroying jobs.
4. Rising interest costs would squeeze out the State’s capacity to keep delivering services to the Victorian community.
5. The interest squeeze would prevent proper maintenance of State assets.
6. Borrowings required to fund the current account deficit would tend to prevent even minimal investment in new assets and infrastructure for the people of Victoria.
7. The current account deficit and resulting debt and interest would set up a vicious spiral of
debt threatening further downgrading of Victoria's credit rating.

9. The current account deficit and its consequences would undermine public, consumer and investor confidence in Victoria and retard recovery and growth.

All of these disastrous consequences were manifest in the government finances inherited by the incoming government in October 1992. Victoria's debt was unacceptably high and rising very rapidly. The resultant rapid and accelerating increase in interest costs demanded higher taxes and charges. The rapid increase in interest costs, the cost of pensions and the cash cost to the Budget to the debt to the deficit to the debt to the Victoria's assets being inadequately maintained and the State was beginning to experience the adverse effects of deferred maintenance. The high level of borrowings associated with the current account deficit and financial losses had virtually destroyed capacity for new investment in State assets and infrastructure. Victoria's credit rating had already been downgraded twice and was downgraded by one rating agency immediately after the October 1992 election. Victoria is currently described as having a negative outlook by the other rating agency. The crisis in State public finances was contributing to low public, consumer and investor confidence and, as a result, Victoria was more adversely affected by the international and national recession than any other Australian State. Elimination of the current account deficit and return of the Budget current account to sustainable surplus is a clear precondition for the reversal of these trends.

Victoria's financial crisis

I refer to the charts which have been reproduced in colour for the assistance of honourable members.

Chart 1 headed "Victorian Budget sector current account deficit" illustrates the historical position of Victoria's Budget current account and forward estimates on various policy bases. This chart is based upon the normal forward estimates process and extension of the economic projections set out in the accompanying statement. The chart shows the budget current account surplus in the years 1975-76 and 1987-88. The Budget current account moved into deficit in 1988-89. The chart demonstrates that it was possible to maintain the State's Budget in equilibrium with a relatively small current account surplus. Hence, the current account balance up to 1987-88 is broadly horizontal but within a relatively narrow band of annual outcomes.

Reflecting the debt and interest spiral generated by the growth in the current account deficit from 1988-89, there was a sharp deterioration in the current account position. The current account deficit increased rapidly each year. The line marked D indicates forward estimates under the unchanged policy of the previous Labor government up to 1999. The estimates reveal that, without corrective action, there would be a steep decline into deficit reaching a current account deficit of over $3000 million by the year 2000.

The line marked C indicates the forward estimates assuming only the continuation of policy introduced in the October 1992 statement of the incoming government. This line shows the current account moving sharply back towards balance but indicates that, in the absence of further corrective action, the revenue and expenditure measures contained in that statement were not sufficient, of themselves, to move the current account into surplus. Moreover, from 1993-94 the trend is for a deteriorating current account deficit.

The line on the chart marked B represents the outcome of the policy measures announced in today's statement. This line shows the current account moving into surplus by 1994-95. Thereafter the general trend is not only for the current account to remain in surplus but for the current account surplus position to trend upwards.

The sharp, temporary downturn in 1996-97 in each of lines B and C is due to large final payments for transport equipment leases to which the previous Labor government committed the Victorian taxpayer — another of Labor's expenditure deferrals.

The key point to emerge in respect of the coalition government's strategy is that, after the initial recovery, line C remains in deficit and trends downwards whereas line B is generally in surplus and trends upwards. This demonstrates the need for further remedial action even after the flow-through of the effects of the October 1992 statement.

The chart shows that government can sustain a current account surplus but that, as soon as the current account goes into deficit, the position tends to deteriorate rapidly. The current account outcome, although not solely the result of accelerating interest payments, is substantially aggravated by the deficit, debt and interest cycle.
It should also be noted that the cash demands of the Budget sector superannuation schemes substantially aggravate the current account deficit problem.

This chart provides strong support for the further remedial action announced today.

The next two charts are headed "Victorian Budget Sector Net Debt — Current Dollars" and illustrate the net debt forward estimates.

The first chart contrasts the outcome of the policies of the previous Labor Government and the outcome of the policy package announced in October 1992. The line marked C indicates the disastrous debt outcome of continuation of the Labor policies. Victorian Budget sector net debt is shown to be increasing at an accelerating rate. The line marked B indicates the substantially slower growth of net debt on the basis of the policies contained in the October 1992 statement. The improvement is very substantial from a debt figure in the year 2000 of more than $48 000 million under Labor policy compared with a debt of less than $30 000 million under coalition policy as introduced in October 1992 — a 60 per cent improvement.

The next chart illustrates the effect on forward estimates of the measures announced today. The chart indicates a short-term increase in Budget sector net debt followed by a lower rate of increase between 1995-96 and the year 2000. This chart also rebuts the assertions made by the opposition that the present redundancy programs have adverse debt consequences. The charts establish that, despite a short-term increase in debt, the relatively short pay-back period of less than three years soon leads to an improvement in the overall debt position compared with maintenance of an ongoing current account deficit.

The next two charts are headed “Victorian Budget Sector Interest Outlays — Current Dollars” and demonstrate the effect of the coalition’s policies on the Budget sector interest bill payable by Victorian taxpayers. The first chart compares the rapid rise in interest costs had Labor policy been continued (line C) with the substantial improvement in interest costs even under the coalition policies announced in October 1992 (line B).

The second chart shows that the reduction in Budget sector interest costs is further improved by the measures announced today (line B).

Labor’s legacy of the previous government is demonstrated by the fact that, despite the very strong corrective action taken by the coalition in October and the present statement, interest costs will still continue to rise.

The next chart headed “Annual Cost to the Budget of Pensions” illustrates the large and rapidly growing cash impact of pension payments under current public sector superannuation policies. It shows the cost to taxpayers of the present schemes doubling from approximately $900 million per annum in 1992-93 to more than $1800 million in the year 2000.

The combined effects of these increases in the cash cost of interest and pension payments have major implications for future budget strategy.

The next chart, headed “Current account deficit — unchanged Labor policy”, illustrates the outlook for the Budget current account deficit had the policies of the previous Labor government been continued from 1992-93. The chart indicates that the deficit — the gap between current outlays and current revenue and grants — would continue to rise rapidly without corrective action.

The next chart, headed “Comparison of State taxes”, represents the latest published data available to facilitate comparison of the level of taxation in Australian States.

Mr Baker interjected.

Mr STOCKDALE — Those who caused all this trouble can ill afford to laugh at the display of the consequences of their incompetence. The chart indicates that as at 1991-92 Victoria and New South Wales had very similar taxation burdens and that both of those States tax their citizens considerably more than other Australian States with the exception of Tasmania. The significant tax increases imposed in the October statement, of course, are not reflected in these data. It is probable that the taxation increases imposed in October will result in Victoria becoming the most highly taxed State. This chart demonstrates the difficulty of addressing the structural imbalance in the Victorian Budget without substantial expenditure reductions. If Victoria is to retain people, business and investment, we cannot afford to substantially increase taxes, which are already at the highest level in Australia. Further significant Victorian tax increases would disadvantage Victoria not only compared with New South Wales and other Australian States but also...
with competing economies overseas. Especially after the increases in taxation imposed in October 1992, the data set out in this chart establish that future action to achieve the objective must be mainly on the expenditure side of the Budget.

The chart, headed "1992-93 Budget Composition of Total Current Outlays", explains why the largest money amounts of planned expenditure reductions will occur in the areas of education, health, social security and welfare, and transport and communication. These portfolios, together, account for 57 per cent of total current outlays. It should be noted that transport current outlays are substantially comprised of deficit funding of the Public Transport Corporation on a net basis. It should also be noted that, in the short and medium term, interest and superannuation outlays are not open to substantial management-induced reduction. Accordingly, with only 20 per cent of total outlays being in other areas, the major savings task inevitably falls on education, health and transport.

It has been argued in some quarters that the expenditure restraint program imposed in October 1992 and continued today is excessive on the ground that it will result in Victoria spending less, particularly on education and health, than other Australian States, especially New South Wales. This argument ignores the relative debt position of Victoria and New South Wales, the "squeeze" on Victoria's capacity to spend on service delivery as a result of excessive interest and superannuation costs and the fact that Victoria spends substantially more than other Australian States in key service delivery areas.

The next chart, headed "Interest paid as a percentage of revenue and grants", shows that Victoria's interest costs substantially exceed those of New South Wales in 1992-93. The chart also establishes that the proportion of revenue and grants needed to meet the New South Wales Budget interest bill is smaller and declining. In contrast, Victoria's Budget interest bill is substantially larger and trending upwards. The relative disadvantage of Victoria cannot be corrected in the short term and implies a lesser capacity to fund service delivery without an unsustainable debt-funded current account deficit.

The next chart illustrates the "squeeze" which large interest and superannuation costs impose on service delivery capacity. The chart, headed "The squeeze on services", shows the position in 1982-83 and the position by the year 2000 under various scenarios:

1. maintenance of Labor policy as at the change of government;
2. assuming continuation of the policies in the coalition's October 1992 statement; and
3. the position under the coalition policies announced today.

The chart expresses outlays as a proportion of revenue and grants in order to eliminate the effect of a Current Account deficit. Apart from the expenditure shown in the chart, Victoria would be able to maintain service delivery expenditure only by borrowing to fund recurrent outlays.

In 1982-83, with a small current account surplus, 84 per cent of revenue was available to fund service delivery. Had Labor's 1992-93 policies been continued, by the year 2000, interest, superannuation and financial subsidies would have consumed 42 per cent of revenue leaving only 58 per cent of revenue available to fund services. Under the coalition's October 1992 policies, 67 per cent of revenue would be available to fund service delivery in the year 2000 and, under the policies announced today, service delivery capacity would increase so that, by the year 2000, 70 per cent of revenue would be available for service delivery.

This chart shows that large and rapidly rising interest, superannuation and subsidy outlays force contraction of the delivery of services to the community. In particular, the chart illustrates the impact on services of the high debt of the Victorian Labor government between 1982 and 1992. The chart also establishes that urgent corrective action was required and that the action taken in the coalition's October 1992 statement was not sufficient of itself.

The next chart, headed "Victorian Expenditure by Category Relative to Other States", uses Commonwealth Grants Commission 1993 review estimates for 1991-92 to show that Victoria spends relatively more than Australian States generally on government schools, health, community services and public transport. In each area, the chart uses Grants Commission data to compare Victoria's spending with the standardised norm of service expenditure across Australian State governments. These data show that Victoria spends 15 per cent more than the standard on government schools, 10 per cent more than the standard on health, 8 per cent more on community services and 42 per cent more on public transport. These data show that Victoria can afford to reduce expenditure in these areas whilst still maintaining satisfactory standards of service delivery. Of course, the fact that Victoria's
expenditure on interest and yearly superannuation costs substantially exceeds the norm for State governments, means that Victoria can maintain service expenditure at or above the standardised norm only by maintaining taxation substantially above the level of other States, maintaining an unacceptably high current account deficit — as Labor did — or both.

These data illustrate both the need to reduce Victorian expenditure and the opportunity to do so whilst still maintaining a level of service provision reasonably related to the Australian standard.

Eliminating the current account deficit by 1995-96

The material presented to the House to this point establishes that Victoria cannot afford to maintain a current account deficit, that if the structural problems causing the current account deficit are not addressed the Budget position will deteriorate and that the rate of deterioration will accelerate. The threat of a deficit, debt and interest spiral demands that action to correct the current account deficit be taken quickly rather than slowly. Accordingly, the government has adopted the objective of eliminating the current account deficit before the end of its current term of office in 1995-96. This strategy is based on the fact that delay or gradualism in addressing the current account deficit will only make the problem worse and, eventually, require even bigger increases in taxes and charges, even bigger reductions in services and will lead to a more rapid escalation in State debt.

Acting promptly to remove the current account deficit will allow the whole Victorian community to plan forward in the knowledge that a secure base has been established for service delivery.

The current account deficit results in an upward spiral of debt. The deficit causes rapid increases in debt resulting in accelerating interest costs causing further deterioration in the deficit, heaping debt on debt and interest on interest. So long as the current account remains in deficit, even the interest on borrowings to fund the deficit and the previous year's interest has to be borrowed.

This effect is explained in the next chart headed “Debt Spiral Effect”. It is emphasised that this chart is a somewhat simplified illustrative model of a complex set of interactions. The chart starts from the fact that, because State Budget costs are dominated by labour-related costs, removal of a current account deficit necessarily involves redundancy programs.

The chart establishes, however, that, whilst borrowings for redundancy programs contribute to the growth of debt in the short term, the major cause of rapidly accelerating debt and interest burdens arises from the annual need to add to borrowings simply to fund the current account deficit.

The chart is based on an assumed $900 million deficit at the base year and a government savings objective of $150 million per annum, which is applied before the annual cost of interest arising from the deficit reduction program.

The chart shows that the growing program interest cost on accumulated borrowings to fund redundancy payments and to fund the annual deficit offsets annual savings measures so as to reduce the actual decline in the deficit substantially below the accumulated savings target. Hence, whereas after four years the pro rata savings target is $600 million, the actual net saving effect is only $270 million. The chart understates the position. The chart implicitly assumes that program interest is being paid each year. However, throughout the whole of the period covered by the chart, the current account remains in deficit. Accordingly, in practice, program interest would have to be capitalised, that is, financed by further borrowings. For this reason, in the real world, additional debt would accumulate even more rapidly than shown in the chart.

This chart demonstrates that an attempt to reduce a current account deficit gradually leads to very rapid growth in State debt as a result of the “debt spiral effect”.

The next chart makes the same point on a comparative basis. The chart is headed “Delay is worse”. It is illustrative and applies a financial analysis model to a savings strategy like the one adopted in this statement and compares that approach with two other possible strategies.

The chart starts with a current account deficit of $1000 million. The three scenarios are:

1. to implement savings in year 1 sufficient to offset the whole current account deficit together with the interest on borrowings needed to fund the redundancies and other savings measures;

2. to target savings at the rate of $400 million per annum — one-third of those in the first scenario; and

3. to target savings at the rate of $200 million per annum — one-sixth of the first scenario.
A common set of assumptions are applied:

- the interest rate is a uniform 10 per cent per annum;
- redundancies cost one and a half times the savings they produce; and
- on reaching surplus, the surplus is applied to repaying program debt.

The illustration shows that, on all measures, delay aggravates the problem, costs more in savings and leads to more debt.

Scenario (1) achieves current account balance in one year; requires $1200 million in savings and leads to $1800 million in extra debt which takes four years to repay.

Scenario (2) achieves current account balance in four years; requires $1600 million in savings and leads to $3900 million in extra debt which takes nine years to repay.

Scenario (3) achieves current account balance in nine years; requires $1800 million in savings and adds $6800 million in extra debt which takes 17 years to repay.

Again, this illustration is broadly indicative rather than literal and has been generated to show that delay leads to additional debt and interest compared with more urgently addressing the current account deficit.

These charts establish the need for urgent action to remedy the current account deficit inherited from the previous government. They establish that any delay in attempting to deal with the current account deficit will actually aggravate the problem. A gradualist approach does not reduce the “pain” but in fact would cost our community more in tax increases and service reductions.

Benefits from eliminating the current account deficit

The elimination of Victoria’s Budget sector current account deficit is not an end in itself. Elimination of the current account deficit will reverse the problems which have necessitated tax increases and service reductions and imposed a wide range of burdens on the Victorian community. The benefits of eliminating the current account deficit and achieving a sustainable surplus on the Budget current account might be summarised as follows:

1. Victorians will be able to stop paying the State deficit levy.
2. Growth of Victoria’s State debt and interest bill will slow dramatically.
3. There will be a reduced squeeze on government’s capacity to provide services to the community.
4. Public service redundancy programs will no longer be required to counter the current account deficit.
5. Victoria will be able to recommence proper maintenance of its public assets.
6. Redirection of capital back from funding the current account deficit will facilitate more government investment in schools, hospitals, roads, other assets and public infrastructure.
7. Elimination of the current account deficit and the resultant slowing in the growth of debt will facilitate the stabilising of Victoria’s credit rating and, eventually, improvement in the credit rating thus even further reducing interest bills.
8. Commonwealth and Loan Council support in addressing Victoria’s budgetary problems is essential. That support is explicitly contingent upon Victoria’s adherence to the medium-term strategy required to eliminate the current account deficit. The further measures announced today will maintain Commonwealth and Loan Council support in correcting the structural imbalance in the Victorian Budget.
9. Removing the cause of Victoria’s financial crisis will substantially contribute to increasing public, consumer and investor confidence in our State.
10. All of these benefits will contribute to sustainable growth in the State economy thus creating more and better jobs for Victorians.

This government gets no pleasure from increasing taxes, requiring budget savings and otherwise implementing the strategy necessary to eliminate the current account deficit. The position this government inherited from Labor was simply unsustainable. It is vital in the interest of all Victorians that State Budget finances be restored. The prompt elimination of the current account deficit is the key to rebuilding capacity to maintain delivery of quality services to the Victorian community and in the longer term, to start the process of reducing State taxes and charges.
Continuation of the policies of the previous Labor government would destroy Victoria. In the interests of present and future generations, there is no real alternative to the actions we took in October 1992 and the measures we announce today. We understand that these measures will cause hardship for many people. The responsibility for that hardship rests with those who caused the problem and not with the government elected to cure the problem and which is committed to doing so. We ask for the support of all Victorians in undertaking the restoration of Victoria’s public finances so that government can start playing its part in rebuilding our State.

Specific measures

I turn now to the specific measures that the government has adopted to deal with Victoria’s financial crisis and to achieve as soon as possible a sound basis for State finances that will enable both government and the community to plan for the future with confidence.

With today’s further measures, the government aims to return the Budget current account to a sustainable surplus by 1995-96. The measures involve some revenue initiatives but deliberately focus mainly on expenditure reductions.

The measures adopted by the government for the remainder of the 1992-93 financial year are as follows:

Outlays

- A second round of voluntary departure packages is being offered to Budget sector employees. Applications closed on 2 April 1993 and further departures will be funded from additional borrowings of up to $400 million approved by the Loan Council on 19 March 1993. It is expected that around 2500 further voluntary departures will occur in this financial year.

Revenue

- As previously announced, the tax rate on bank account debits on or after 1 May 1993 is to be doubled;
- As also announced in the October statement and after careful consultation, the government has extended to all non-metropolitan domestic water consumers the special dividend policy for major public utilities. The special dividend payable by each authority will raise $7.9 million in 1992-93 and $17 million in 1993-94;
- Consistent with the move to a new tax equivalent and dividend payment regime being implemented for major government business enterprises, the Transport Accident Commission will make a payment of $92 million in June this year and $74 million in 1993-94; and
- Stamp duty at the rate of 10 per cent will be levied on compulsory third party insurance business from 1 June 1993. This will be offset by an equivalent reduction in the transport accident charge so there will be no additional cost to motorists.

In total, the four revenue measures will boost the Budget position by $112.4 million in 1992-93 with full year impacts in 1993-94 of $247.3 million.

As also announced, the government has approved increases in water-by-measure charges by Melbourne Water. For the average consumer this rise, partially offset by a flat $25 reduction in rates, results in a 7.4 per cent increase in water charges. These measures will contribute to government’s overall objectives as well as strengthening the financial position of Melbourne Water.

The government is also introducing amendments to the State deficit levy to remove a number of minor anomalies and to grant relief in respect of low and zero-rated properties.

Further measures are to be implemented over the two-year period commencing in 1993-94:

- Further departmental savings amounting to $730 million to be achieved over the two-year period ending June 1995. Particulars of 1994-95 expenditure allocations are set out in appendix D of the autumn statement;
- Introduction of measures to combat avoidance of financial institutions duty through abuse of exemptions for short-term money market dealing accounts. This will recover an extra $8 million of revenue per year; and
- Given the Victorian budgetary outlook, the level of Commonwealth expenditure on employment programs and the general policy stance the Victorian government is taking in improving Victoria’s business environment, the government has decided not to proceed with the intended New Jobs initiative. This
achieves an expenditure saving of $140 million in 1993-94.

To achieve the departmental savings, the government is to continue with its program of work-force reductions with a total $1.3 billion to be provided for early departure payments in 1993-94 in order to cover exit payments relating to an estimated additional 15,300 departures.

Sharing the burden

The government recognises that whatever measures it takes will cause pain as all Victorians make the inescapable adjustments needed if we are to avoid even greater pain in just a few year’s time.

However, the government has tried to ensure that the burden is borne as equitably as possible.

In its revenue measures, the government has also acted to ensure the least possible impact on the State’s economy and on private sector employment:

- the increase in debits tax — and I draw attention to the fact that due to a typing error in the written speech the words “does not place” should read “places Victoria” — on the same level as New South Wales and South Australia;
- the government has already announced that there will be no increase in contract gas prices, thus maintaining Victoria’s competitive advantage as a low energy cost State; and
- the imposition of a stamp duty on compulsory third-party insurance payments is intended to bring stamp duty on this insurance into line with stamp duty on general insurance and places the TAC in the same position as a general insurer, in preparation for privatisation. Again, I emphasise that there will be no increase in cost to motorists.

In service provision, the government has not simply continued with equal cuts across the board to all departments. In the time available to frame a Budget following the election last year, the government had no choice but to adopt such uniform cuts in its October statement. However, the expenditure reductions contained in the present statement reflect clear priority decisions of the government, in two areas in particular: the government is committed to ensuring that a quality education is available to all Victorian children, both for their own personal development and because a well-educated and skilled population is vital for the future economic development of the State.

Had the government simply required education to bear a broadly proportionate share of the expenditure cuts being required across the Budget as a whole, it would have faced a reduction of some 9 per cent in its discretionary expenditure base. However, in recognition of the vital importance of education, the government has reduced this savings requirement to 6.4 per cent and has also extended the time for its achievement. While this still gives a difficult task to principals, teachers and school communities, the government expects that, with goodwill and commitment, the necessary savings can be achieved, and the provision of education can move to a stable and secure footing, without compromising the provision of quality education in this State.

The government is also committed to increasing the operational strength of the Police Force in its first term. Levels of crime in the community, particularly crime against women and against people in their own homes, remain at unacceptably high levels. One of government’s basic duties is to maintain appropriate provision for security of people and their property. Along with reform to the criminal law and to sentencing, an increase in the effective strength of the Police Force is a vital measure to restore the sense of security in the community that earlier generations took for granted.

Efficient and targeted savings

The government is seeking to achieve as much as possible of the required savings through enhanced efficiency and through elimination of the least justifiable expenditure, rather than through across-the-board reductions in either the level or quality of the services provided. Measures already under way include:

Education

- the closure of some small schools with low enrolments;
- introduction of the Schools of the Future program;
- streamlined head office and regional administrations; and
- contracting out of school cleaning.
Health and Community Services

rationalisation of management structures and rostering arrangements of health services agencies.

Planning and Development

phase-down of construction group; and contracting out cleaning and gardening.

Public Transport

rationalisation of work practices;
progressive introduction of automatic ticketing associated with introduction of driver only trains and trams;
contracting out of the public bus fleet; and negotiated agreements of service provision at world best practice so as to reduce the cost to the Budget of transport losses.

Public Sector Management and Budget Reforms

increased accountability and flexibility for public sector managers to operate with reduced resources, with a greater focus on performance.

In addition to these specific initiatives within departments, the government has moved quickly to introduce major cross-portfolio efficiency reforms. These efficiencies relate to:

rationalisation of management and work practices;
streamlining of corporate services;
reducing accommodation costs;
reviews of non-core activities; and
a reduction of 15 per cent in the government car fleet.

Other actions

In addition to specific revenue and expenditure initiatives, the government is also undertaking a range of other actions affecting the State's finances.

Commonwealth-State financial relations

Despite the expectation of the Victorian and New South Wales governments that the report of the Commonwealth Grants Commission released yesterday would show a move towards redressing the current inequitable arrangements which severely disadvantage the two major States, the report in fact contains virtually no benefit for Victorians.

Victoria subsidises States other than New South Wales by over $800 million each year compared with an equal per capita distribution of financial assistance grants. Virtually no progress has been made in removing this injustice, which aggravates Victoria's Budget problems.

The current condition of Commonwealth-State financial arrangements cannot be allowed to continue and the Victorian government will press vigorously for a total restructuring of those arrangements. In particular, Victoria will press:

to obtain a more equitable sharing of national revenue;

elimination of duplication of administration and service delivery between different levels of government; and

while the States are forced to remain dependent on Commonwealth grants, the horizontal inequity between States of the present allocation arrangements must be corrected. It is plainly not equitable for Victoria to continue to provide an annual subsidy of over $800 million to the smaller States, especially when the budgetary difficulties of this State are so great.

Concessions

The Commonwealth has, from 1 April, significantly increased the number of persons entitled to receive concessions from the Commonwealth and State governments.

The Commonwealth has undertaken to meet the cost to the States of the extension of State concessions until June 1993. Concessions are to be the subject of further discussions between Commonwealth and State governments as to arrangements to apply after 1992-93.

The Victorian government is concerned about the cost of concessions to the State Budget. In principle, the cost of concessions should be met by the Commonwealth government, since the Commonwealth government has assumed responsibility for the provision of social security payments. However, the Victorian government recognises that if it were to reduce concessions without a prior commitment from the Commonwealth that it would meet its responsibilities, the most disadvantaged members of the community would be amongst those likely to suffer.
The Victorian government has therefore decided, for the time being at least, to maintain the current concession arrangements which, by virtue of the Commonwealth's actions, now extend to a far larger range of beneficiaries.

However, the State will need to review further the current concessions arrangements in the light of the discussions to be held at the Premiers Conference, particularly if the Commonwealth government fails to agree to meet its responsibilities for the cost of providing concessions beyond 1992-93.

Capital outlays

For budgetary reasons capital outlays will remain tightly constrained over the next three years. However the financial gains from the measures I have announced to address the current account problem will enable the government to embark on a modest program of new capital works.

In 1993-94, the government will make provision for $225 million of new projects on which $75 million will be spent in 1993-94. New works programs of similar scale and timing are anticipated to commence in 1994-95 and 1995-96. Despite the very difficult financial position in which the State has been placed, it is essential that key infrastructure and cost saving capital initiatives are developed. Consideration is also being given to a range of major project initiatives.

Debt

Despite the measures contained in this statement the real level of Budget sector debt will continue to increase, albeit at a much slower rate. This is not an acceptable situation in the longer term.

The debt containment strategy requires first that the current account deficit be eliminated so that the State no longer borrows to pay for annual operating expenses.

The next step will be to generate sufficient funds through current account surpluses and sale of assets to arrest the growth in debt caused by continuation of a significant Budget sector borrowing requirement.

In future years, further improvement in the current account will be generated through a strategy built around:

- containing the cost to the Budget of public sector superannuation;
- further staffing reductions through improvement in work practices;
- further improvement in the management of financial obligations;
- reviewing non-essential government activities and reducing staff numbers to appropriate levels;
- obtaining reform of Commonwealth-State financial arrangements and service delivery responsibilities;
- achieving financial benefits from contracting out or privatisation; and
- improved returns from increased efficiencies in government business enterprises.

Victoria has experienced a succession of downgradings of the State's credit ratings. Advice from rating agencies and foreign bankers confirms that failure to eradicate the current account deficit would further jeopardise Victoria's credit rating.

Victoria's high debt levels and the adverse trend in the ratio of debt servicing costs to current revenue have already had an adverse effect on the State's credit rating.

Moody's Investor Services downgraded Victoria's credit rating by two rungs in October to A1. Initially, the margin for interest costs for Victoria's borrowings over the Commonwealth increased significantly following the Moody's downgrading.

In December 1992, S&P — Australian Ratings, the other major rating agency, maintained its rating for Victoria. However, in doing so it indicated that this decision was based on the expected maintenance of this government's financial strategy, as set out in the October statement, and on the implementation of further measures expected to be announced in today's statement.

Victoria remains, of course, an investment grade borrower attractive to major Australian and overseas institutions. However, to improve its credit ratings, the Victorian government must not only tackle the causes of debt accumulation but also take steps to improve its debt management.

Treasury Corporation of Victoria

To enhance the professional management of the existing State debt and ensure the minimisation of debt servicing costs, the government established the Treasury Corporation of Victoria (TCV), which
commenced operations on 1 January 1993 as the State’s central borrowing authority.

To facilitate the mechanical processes of centralising public sector debt, the Treasury Corporation of Victoria (Debt Centralisation) (Amendment) Bill is to be introduced into Parliament in the current session. The Bill will establish mechanisms whereby the existing securities on issue from the larger public authorities — namely, the State Electricity Commission of Victoria, Melbourne Water Corporation and the Gas and Fuel Corporation of Victoria — can be progressively centralised with TCV.

Loan Council

Allied to the challenges of tackling the size of the State’s debt and improved debt management was the obligation upon the State to put in order its relationship with the Loan Council.

The present Victorian government has acted decisively to regularise a wide range of borrowings and financial arrangements entered into by the previous government, which were of concern to the Commonwealth and the Loan Council.

In December 1992, the Loan Council agreed to regularise these transactions and to make a special addition to the Victorian global program to allow for funding of the Budget deficit and for micro-economic reform through reductions in the public sector work force.

That meeting of Loan Council contemplated that Victoria might make further application for special additional allocations during 1992-93.

In March 1993, the Loan Council agreed to a request by the Victorian government for a further $400 million loan allocation to facilitate the acceptance of expressions of interest in early departures from Budget sector employees.

In total, the Victorian government’s global borrowings authorised in 1992-93 amount to $3151 million.

Events over the past year have demonstrated the importance that financial markets attach to the integrity of the Loan Council. Financial difficulties within one jurisdiction can impact on market perceptions of the borrowing capacity of other jurisdictions. To ensure adequate reporting to Loan Council and compliance with its requirements, enhanced procedures have been put in place for Victorian agencies and the Budget sector to report relevant details to Treasury.

State Owned Enterprises

Securing lasting economic benefit for all Victorians and reducing State debt are the objectives behind reform of government business enterprises. The government’s policy is not about fire sales or quick fixes. It is about establishing an appropriate competitive and regulatory environment so that the best private sector practices can apply, with benefits to businesses, consumers and to the taxpayer.

The State Owned Enterprises Act 1992 provides for increased accountability and new bases for providing returns to the Budget more in line with commercial expectations. The government is moving to replicate private sector arrangements in the form of income tax equivalent payments and commercially based dividends, which are set to apply from 1993-94 onwards. There will be a review of all government business enterprises to assess whether some authorities not now subject to dividends should be brought within the new arrangements.

To date in 1992-93, the government has completed the sale of 51 per cent of Loy Yang B and is working towards sale of Heatane (LPG) division of the Gas and Fuel Corporation of Victoria and the Transport Accident Commission. Major industry studies are currently being conducted into the electricity and gas sectors to determine the appropriate direction for reform and to recommend on the restructuring of the main government entities.

The Victorian Economy

Restoring the State’s finances is not just about paying our own way for the services which we expect government to provide and avoiding the draconian tax increases and service cuts that would follow if we failed to act now. Restoring the State’s finances is also an essential element of returning the Victorian economy to growth and prosperity.

A moderate economic recovery is already in evidence, with economic growth projected to be 2.5 per cent per annum and employment growth to be 1.5 per cent per annum over the next three years.

Some reinvestment in industry is now beginning and Victoria is playing a key role in the steady
increase of Australian manufactured exports to South-East Asia.

The SPEAKER — Order! I ask the Treasurer to pause. I understand there is noise emanating from the Press Gallery. I ask members of the gallery to remain silent.

Mr STOCKDALE — Further major restructuring in manufacturing and finance industries is needed to increase productivity and achieve new levels of interstate and international competitiveness.

The Victorian government's reforms are designed to support and enhance the thrust for competitiveness within the Victorian economy through:

- constraining growth in State taxes on business and employment;
- reforming workers compensation to enable reduced premiums to employers;
- industrial relations reform to encourage the elimination of restrictive work practices and support the direct negotiation of employment arrangements between employers and employees that will raise productivity and provide rewards to all parties;
- increasing the efficiency of Victoria's ports and reducing transportation costs;
- reforming and restructuring Victoria's major public utilities to ensure efficient delivery of services to both industry and households;
- removing unnecessary red tape in business and planning regulations;
- enhancing cooperation between business and government to remove barriers to private sector investment within the State; and
- turning the Victorian public sector into the most effective public sector in Australia through prudent financial management and improved public sector management.

The Current Financial Year

As well as presenting the government's financial strategy for the years ahead, in conjunction with this statement the government also introduces the final appropriation legislation for the current financial year, including the detail which it was not practicable to provide at the time of the October statement.

The aggregate level of appropriations has been adjusted for Commonwealth and other receipts, transfers between departments which reflect machinery of government changes and an additional provision for departure packages.

In the October statement the government announced a package of revenue and expenditure measures designed to take $600 million off the current account deficit in 1992-93 and $1.1 billion off the underlying current account deficit on a full-year basis.

The current account outcome for 1992-93 has been adversely affected by softening of revenue — both Commonwealth funding and State revenues — and by the difficulty of managing the unfunded commitments locked in by the previous government. These black holes have impacts on both revenue and spending.

Faced with these adverse conditions, the government has acted to implement stringent controls on spending and with the revenue initiatives announced in this statement, which will have a partial effect in 1992-93. As a result of these actions the emerging current account deficit overrun has been reversed.

At this stage, provided there is no further weakening in revenue, the Budget current account deficit is expected to be $866 million compared with $922 million forecast in October. The $600 million set aside for work force reductions funded 14,000 departures, most of which were voluntary. This was double the number expected and, despite the fact that the average departure date was later than expected, will yield higher ongoing salary savings than originally forecast.

Interest payments and the interest-related Tricontinental subsidy will also be lower than forecast, in part reflecting lower than expected interest rates. Against this, there has been continuing weakness in some areas of revenue — for example, payroll tax and gaming — compared with the October estimates. The levels of Commonwealth grants will also fall short of Budget as a consequence of lower than forecast inflation and Victoria's population share declining relative to other States.

As a result the government has been compelled to act by introducing the revenue measures outlined previously, which will in total improve the Budget position this financial year by $112.4 million.
Conclusion

Mr Speaker, when this government was elected we undertook to the people of Victoria that we would do the right thing by them; that we would make the decisions that needed to be made in the interests of all Victorians; that we would tell the truth about what the State could and could not afford; and that we would not prejudice our children's future for the sake of living beyond our means for a few years longer.

Today, we are honouring those undertakings. Today we are putting in place the measures necessary to turn our State around. Today we are moving towards financial stability for the future.

Mr Baker interjected.

The SPEAKER — Order! I ask the honourable member for Sunshine to remain silent.

Mr STOCKDALE — The government is asking a lot of the people of Victoria today. We are asking the people of Victoria to accept restraint on government spending of a magnitude not seen before in the lifetime of most of us. We are asking people to accept some restraint on services which they have come to expect. We are asking people to accept some further increases in the level of taxation.

Mr Baker interjected.

Mr STOCKDALE — Haven't you lot done enough damage? Can't you just listen for a change?

The SPEAKER — Order! The honourable member for Sunshine is out of order. I ask the Minister to ignore interjections.

Mr STOCKDALE — The government gets no pleasure from having to demand so much of Victorians. But the pain is for positive results. These changes are the cure for Victoria's ills.

Labor made Victoria an impoverished State by a decade of mismanagement. The process of rebuilding cannot be achieved overnight or without pain. But the underlying strength of our economy and our people is a tremendous resource. There are solutions to Victoria's problems. We can halt the debt and interest spiral, but only by accepting the need to live within our means.

As we implement the measures outlined in today's statement we will restore government's capacity to meet our community's social and economic goals. We will restore our capacity to deliver services on a sustainable basis; we will lay the ground for future tax reductions; we will be able to restore human dignity to our disadvantaged people; we will restore financial health to government finances; we will be able to properly maintain State assets and invest in new facilities and infrastructure; and we will be able to restore confidence and create secure and rewarding employment for people.

When these reforms are implemented, the worst will be behind us and we can look forward to the future with renewed confidence.

Mr Speaker, this task is not easy for Victoria's people but their hope for the future is that, for the first time in more than a decade, Victoria has a government committed to doing the right thing.

I commend the Bill to the House.

Charts referred to in speech:
CHART 1 VICTORIAN BUDGET SECTOR CURRENT ACCOUNT DEFICIT

CHART 2 VICTORIAN BUDGET SECTOR NET DEBT
APPROPRIATION (1992-93) BILL

CHART 3

VICTORIAN BUDGET SECTOR NET DEBT

Current Dollars

$ Million


- A. Unchanged Policy
- B. Policy Adjusted

CHART 4

VICTORIAN BUDGET SECTOR INTEREST OUTLAYS

Current Dollars

$ Million


- A. Historical
- B. Unchanged Policy
- C. Unchanged ALP Policy

CHART 5

VICTORIAN BUDGET SECTOR INTEREST OUTLAYS

Current Dollars

$ Million


- A. Unchanged Policy
- B. Policy Adjusted
APPROPRIATION (1992-93) BILL

Tuesday, 6 April 1993

CHART 6
ANNUAL COST TO BUDGET OF PENSIONS

<table>
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<th>Year Ending June</th>
<th>$ Million</th>
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<tbody>
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CHART 7
CURRENT ACCOUNT DEFICIT
Unchanged Labor Policy

<table>
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<th>Year</th>
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<tr>
<td>2000-01</td>
<td>18000</td>
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</tbody>
</table>

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Current Outlays

Current Revenue & Grants

Deficit
CHART 8
COMPARISON OF STATE TAXES

Source: Commonwealth Grants Commission, April 1993.

CHART 9
1992-93 BUDGET
Composition of Current Outlays

Health, Social Security and Welfare 28%
Education 25%
Public Order & Safety 7%
Transport & Communication 4%
Interest and Superannuation 23%
Other 13%
CHART 10

INTEREST PAID AS A % OF REVENUE AND GRANTS

NSW

16.0%


Source: ABS publication No. 5501.0, General Government Sector data

INTEREST PAID AS A % OF REVENUE AND GRANTS

VICTORIA

16.0%


Source: ABS publication No. 5501.0, General Government Sector data
CHART 11  
THE SQUEEZE ON SERVICES

1982-83
- 12% Interest
- 4% Super'n
- Departmental Outlays 84%

1999-2000 Under Unchanged Labor Policy
- 28% Interest
- 12% Super'n
- 2% Trico & FTMUT
- Departmental Outlays 58%

1999-2000 Unchanged Coalition Policy
- 19% Interest
- 12% Super'n
- 2% Trico & FTMUT
- Departmental Outlays 67%

1999-2000 Under Proposed Coalition Policy
- 17% Interest
- 11% Super'n
- 2% Trico & FTMUT
- Departmental Outlays 70%

CHART 12  
VICTORIAN EXPENDITURE BY CATEGORY
RELATIVE TO OTHER STATES

- 115% Govt. Schools
- 110% Health
- 108% Community Services
- 141% Public Transport
## APPROPRIATION (1992-93) BILL

**Tuesday, 6 April 1993**

**ASSEMBLY**

### CHART 13

**DEBT SPIRAL EFFECT**

**Illustrative Model**

<table>
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<td>2650</td>
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*Note: Assumes $900 million deficit at base year and a savings objective of $150 million per annum.*

### CHART 14

**DELAY IS WORSE**

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Debate adjourned on motion of Mr BAKER (Sunshine).

Debate adjourned until Tuesday, 20 April.

APPROPRIATION (PARLIAMENT 1992-93) BILL


Introduction and first reading

Mr STOCKDALE (Treasurer), pursuant to Standing Order No. 169 (a), introduced a Bill to appropriate certain sums out of the Consolidated Fund by programs for recurrent services and for certain works and purposes for the financial year 1992-93 and to appropriate the supplies granted for recurrent services and for certain works and purposes under the Appropriation (Interim Provision, Parliament 1992-1993) Act 1992 and for other purposes.

Read first time.

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this Bill be now read a second time.

Honourable members will be aware that a separate annual Appropriation Act for the Parliament has been adopted in 1992-93, consistent with the recommendations of the Joint Select Committee on the Parliament of Victoria set up to investigate the issue.

The Bill provides appropriations for the administration and operations of the Parliament in so far as they are funded by way of annual appropriation.

Honourable members will be aware that other funds are appropriated for Parliamentary purposes by way of special appropriations contained in various legislation. Details of these can be found in table B.2 of the Budget Paper entitled The Consolidated Fund 1992-93.

Appropriations in the Bill are presented in program format in line with the presentation of departmental estimates contained in the Appropriation (1992-93) Bill. The appropriations contained in the Bill reflect the same level of expenditure restraint as has been applied to departments generally.

Annual Parliamentary appropriations for future years will continue to be reviewed for additional expenditure restraint in line with the approach taken for departments. This is necessary to achieve the government's medium-term objective of a balanced current account.

I commend the Bill to the House.

Debate adjourned on motion of Mr ROPER (Coburg).

Debate adjourned until Tuesday, 20 April.

SUPPLY (1993-94, No. 1) BILL

Message read recommending appropriation.

Introduction and first reading

Mr STOCKDALE (Treasurer), pursuant to Standing Order No. 169 (a), introduced a Bill to make interim provision for the appropriation of moneys out of the Consolidated Fund for recurrent services and for certain works and purposes for the financial year 1993-94.

Read first time.

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this Bill be now read a second time.

The Supply (1993-94, No. 1) Bill provides for the expenditure requirements of departments from the Consolidated Fund for the first four months of the 1993-94 financial year. This is necessary because annual appropriation legislation in any particular year is not introduced into the Parliament until some time after the beginning of the financial year.

In 1993-94 the government intends to introduce the 1993-94 Budget legislation into this House during August. Honourable members are advised that this decision is based on a May timing for the Premiers Conference and Australian Loan Council meetings. Consequently Parliamentary authorisation of payments for the ongoing programs of government is sought for a period of up to four months in 1993-94 until the annual Appropriation Act is passed.
The total amount of Supply sought in 1993-94 is $5304.7 million ($5 304 720 000). This amount is made up of $4312.5 million ($4 312 460 000) for recurrent expenditure and $992.3 million ($992 260 000) for works and services expenditure. Details of these estimates by department are set out in the table to clause 4 of the Bill.

In line with appropriation arrangements in 1992-93 the interim supply provisions in this Bill are made at departmental level and it is proposed that annual appropriation legislation brought before this House in August will provide detail at a program level.

With respect to recurrent expenditure, the amounts have been calculated on the basis of existing policy and take account of the ongoing effects of government decisions relating to expenditure restraint.

The estimates also make allowance for expenditure during the Supply period which is not made on a regular or even basis. The estimates therefore cover the operating costs of departments during the Supply period and are based on salary rates that applied as at 22 March 1993. The effects of any salary and wage awards which may be handed down during the remainder of this financial year, or in the first four months of next year, which affect expenditure during the Supply period will be handled through the established arrangements of section 4 of the Bill.

With respect to works and services expenditure, the total amount sought will enable the government to continue its works program during the first four months of 1993-94. The estimates provide for anticipated expenditure on approved projects and ongoing works and services during the Supply period. Supply legislation will lapse in the normal way when the Appropriation (1993-94, No. 1) Bill is passed by both Houses.

I commend the Bill to the House.

Debate adjourned on motion of Mr ROPER (Coburg).

Debate adjourned until Tuesday, 20 April.

SUPPLY (Parliament 1993-94, No. 1) BILL

Message read recommending appropriation.
ADDRESS BY MINISTER FOR FINANCE

State superannuation schemes

Mr GUDE (Minister for Industry and Employment) — I move that:

1. The operation of Standing Orders and Sessional Orders be suspended so far as to allow for the interruption of business at 10.15 a.m. on Wednesday, 7 April 1993, to permit the Minister for Finance, the Honourable I. W. Smith, MP, to address the members of both Houses and inform the public of the financial situation of State superannuation schemes and the subsequent implications for the State debt.

2. Any business under discussion and not disposed of at 10.15 a.m. on that day shall be resumed immediately at the conclusion of the Minister's address and the withdrawal of members of the Legislative Council, and any member speaking at the time of interruption may, upon the resumption of debate thereon, continue such speech.

I seek leave of the House not to proceed with paragraph 3 of the motion — namely, that the House authorise the use of electronic displays to assist in the delivery of the address.

Mr ROPER (Coburg) — The opposition agrees to the paragraph not being proceeded with because it believes the matter should be dealt with by the Standing Orders Committee, not by specific resolution of the House.

Mr GUDE (Minister for Industry and Employment) — I further move that:

3. The televising of the address be permitted in accordance with the guidelines for the televising and broadcasting of proceedings adopted by resolution of the House on 27 October 1992.

4. The Speaker of the Legislative Assembly shall chair the sitting and the conduct of proceedings will be in accordance with the Standing Orders of the Legislative Assembly.

5. A message be sent to the Legislative Council acquainting them of the resolution and inviting honourable members of that House to attend the Legislative Assembly Chamber to hear the address.

Mr COGHLIN (Werribee) — On a further point of order, Mr Speaker —

The SPEAKER — Order! I will first hear the honourable member for Werribee on his point of order.

Dr COGHLIN — The matter I am putting is serious and goes to the very heart of the authority, powers and functioning of this House of Parliament. It is important that you, Sir, have the opportunity of properly hearing and considering the argument I am putting.

Mr Cooper interjected.

Mr COGHLIN — If necessary, I will pause until your attention is no longer distracted, Sir.
ADDRESS BY MINISTER FOR FINANCE
Tuesday, 6 April 1993

The SPEAKER — Order!

Dr COG HILL — Paragraphs 1 and 2 of the motion are utterly and totally repugnant and offensive to the basis on which the House and the Victorian Parliament operate.

Mr I. W. Smith interjected.

Dr COG HILL — The Minister for Finance invites me to refer to the Constitution. Section 19(1) of the Constitution Act 1975 states:

The Council and the Assembly respectively and the committees and members thereof respectively shall hold enjoy and exercise such and the like privileges immunities and powers as at the 21st day of July, 1855 were held enjoyed and exercised by the House of Commons of Great Britain and Ireland and by the committees and members thereof, so far as the same are not inconsistent with any Act of the Parliament of Victoria, whether such privileges immunities or powers were so held possessed or enjoyed by customs statute or otherwise.

That section clearly sets out that the way in which this Parliament operates is to be derived from the way in which the House of Commons in the United Kingdom functions.

In directing those matters to your attention, Mr Speaker, I refer you to a number of statements in the 21st edition of *Erskine May* that clearly define the powers, authority and functioning of the United Kingdom House of Commons. Page I, in part, states:

Above all, the balance between the right of governments to obtain their business and the right of the House as a whole to examine it, and to require the opportunity to amend it and propose alternatives before ultimately approving it, is maintained through the discretionary powers given to the Speaker.

The SPEAKER — Order! The Chair has been very patient with the honourable member for Werribee and has listened to his point of order, but he may not debate the issue. He should come quickly to his point of order.

Dr COG HILL — My point of order goes to the admissibility of the motion and the authority of the Chair in deciding whether to accept the motion. The reference to which I have referred establishes beyond doubt the authority and discretion of the Chair in protecting the rights of the House as a whole and its various members. I shall elaborate on that point by referring to page 2 of *May*:

Such authority, which is also reflected in the powers and conduct of the chairmen of committees, is the principal defence against the arbitrary use of the executive's majority position.

That, Sir, is the central point you must consider in ruling on my point of order. I turn now to the role and functioning of Parliament, which are defined succinctly at page 7 of *May*:

The functions of the Parliament of the United Kingdom today have evolved over many centuries, and in their present form they chiefly comprise legislation, consent to taxation and control of public expenditure, debate on government policy and scrutiny of government administration, and appellate jurisdiction.

The SPEAKER — Order! I have heard sufficient on the point of order and rule against it. I believe the House is in charge of its own affairs. It is proceeding by way of a motion and it is up to the House, not the Speaker, to dispute the result.

Mr GUDE (Minister for Industry and Employment) — I move:

That this motion be considered an urgent motion.

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

House divided on Mr Gude's motion on urgency:

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<th>Ayes, 58</th>
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<td>Brown, Mr</td>
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Mr GUDE (Minister for Industry and Employment) — I move:

That the time allotted for the consideration of the motion be until 8.30 p.m. this day.

A unique set of circumstances has brought about the need to call both Houses together to give honourable members in another place the opportunity to take part in the Parliamentary process. The government believes every honourable member should be given the opportunity of hearing the address of the Minister for Finance tomorrow. It will be one of the most important statements made in this State — particularly in context with the Treasurer’s speech today — because of the combination of State debt and the liability that has accrued to Victoria from the growth in State public sector superannuation.

The DEPUTY SPEAKER (Mr J. F. McGrath) — Order! Honourable members should take their seats and lower the level of conversation.

Mr ROPER (Coburg) — On a point of order, Mr Deputy Speaker, the motion is about curtailing the time allowed for honourable members to speak and consider the motion. It will, therefore, be a limited debate. It is reasonable for the Leader of the House to comment on the unusual circumstances that have brought him to move this unusual motion, but this is not the time to debate superannuation matters. It is clear that the government does not want the matter debated at all.

The debate on this motion is limited to the question of time, and apart from passing references to the importance of the issue the Minister should not relate his remarks to State debt. After all, the House has for well over an hour heard the most boring Treasurer’s speech any honourable member can remember.

The DEPUTY SPEAKER — Order! I uphold the point of order. The Leader of the House understands the Standing Orders, and he should address his remarks to the question of time.

Mr GUDE (Minister for Industry and Employment) — It is interesting that the honourable member for Coburg should take that point of order; he has succeeded in speaking for as long as me, and I was winding up. The government is seeking to give every member of Parliament the opportunity to understand the full ramifications and import of the statement to be made tomorrow by the Minister for Finance. In those circumstances, unusual though they may be, it is important that the motion be carried.

Mr KENNAN (Leader of the Opposition) — On the question of time, the government had virtually no business for this House during the first two weeks of this Parliamentary session. It had a record number of honourable members speak on the Address-in-Reply. Now — at the eleventh hour— having had no business for the House to deal with and ample time for debate in the past weeks it introduces a Notice of Motion for which it has the audacity, in its authoritarian manner — which reflects the way it handles issues of fairness and time and shows its contempt for Victorians and the minority in this House — to seek to effectively limit debate on the motion to 2 hours.

The motion does not concern Parliamentary debate; the motion is inappropriate.

Mr Gude — Shush!

Mr KENNAN — Now the government wants every Victorian who disagrees with it to shut up — that is typical of the government’s approach. This motion does not propose Parliamentary debate but
 suspends the operation of Parliament and this House to allow the Chamber to be used as an auditorium for what is described in the motion as “an address” — not an address and debate, not a Ministerial statement but the executive taking over this place as an auditorium for the defined purpose of allowing the Minister for Finance — and we will have more to say about the irony of that — to address both Houses of Parliament and others on the question of superannuation.

The procedure is extraordinary and is without precedent. The government aims to suspend Parliament during ordinary Parliamentary time. The fundamental nature of the motion is one of abuse of Parliamentary democracy. The honourable member for Werribee should have had his point of order heard by the Speaker — and we will go to that in due course.

The government proposes to interrupt the business of Parliament; it wants to set aside Parliamentary business in the middle of a sessional period. I do not know where in any other Westminster Parliament this has happened — —

The DEPUTY SPEAKER — Order! I will continue to hear the Leader of the Opposition if he speaks to the question of time; otherwise I shall not hear him.

Mr KENNAN — The government proposes 2 hours of debate on a very fundamental point, yet it has the rest of the night available. As the opposition said during the last session, we on this side are available all night. We are happy to debate this all night, but the government may be too lazy. The government may not want this motion debated because it would be embarrassed. I repeat: the opposition is available for debate.

To attempt to curtail debate at 8.30 p.m. today is contemptuous. The government has done this time and time again on the question of time — without wishing to use a pun! It constantly moves motions to impose time limits which incorporate luncheon or dinner adjournments. It is not genuine when it says it wishes debate to continue until 8.30 p.m. The government says it wants a miserable 2 hours for debate on what is an extraordinary motion that has Neo-Fascist overtones. It proposes to move in — and I wonder if the laughing jackasses opposite will continue to laugh when they see the opinion polls!

On the question of time, it is typical of the government to regard with contempt the time allowed for debate. It treats the minority in this Parliament and the 51 per cent of the population represented by the opposition with total contempt. It suggests that 2 hours is enough time to debate its attempt to interrupt the Parliamentary sittings so that both Houses will have imposed on them an address by a Minister which cannot then be debated and will not thereafter appear on the Notice Paper for debate because the import of the motion is not similar to a Ministerial statement that may be listed for future debate. It is an address that will come and go. It is a hijacking!

The opposition believes 2 hours is insufficient time for Parliament to discuss whether it should be hijacked in this way. The principles of democracy and fairness deserve more than a mere 2 hours. We will not allow Parliament to be set to one side and to be interrupted for an address which is not to be debated, questioned or challenged in any way in this place — because Parliament is where debate and free speech should be heard. I will not stand here and say that 2 hours is enough time. It is an insult to the public that the Leader of the House, who has taken similar action time and again on the question of time, now presents the greatest affront we have seen in a shabby little period of five or six weeks of Parliamentary sittings under this shabby government and tells us that 2 hours is sufficient time.

The government aims to set aside an ordinary sitting. The opposition must have more than 2 hours to debate such a fundamental principle. The government will undoubtedly reap the whirlwind of the electorate for its actions; it is building up case after case to demonstrate its absolute hatred for this Parliament, for democracy and for free speech.

The government wants no more than 2 hours because it hates free speech. It is prepared to use any miserable device — even this unprecedented motion — and has the audacity to restrict debate to 2 hours.

Why will the government not allow debate until 9.30 p.m., 10.30 p.m., 2 a.m. or whenever? What is the problem? Honourable members on this side are available and we want to be heard — that is what Parliament is all about!

It has become almost a novel proposition, on the question of time, to suggest that Parliament is a place where free speech and debate should be heard simply because of the way in which these issues concerning time are treated, the way in which points
of order are ruled on, and because of the pre-arrangements that occur about these matters. All those issues lead me to say that the government's notion of those procedures will be exposed. We have had enough!

The opposition will not say that 2 or 3 hours is anything like enough time. Debate should be allowed to proceed well into the night and, if necessary, into the morning. Perhaps the government now has the stitch, as it had last week when, after the Leader of the House said that the sittings would continue until midnight, the Premier came in and closed the place down at 10 p.m. If the business of government has now got beyond Ministers opposite, as is implied in today's speech by the Treasurer, the government should not inflict that burden on this side of the House or upon Victorians.

Let us have a proper debate that will last for a number of hours, and allow a considerable number of speakers on each side, on what is, after all, a very fundamental principle.

**House divided on Mr Gude's motion on time:**

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**McLellan, Mr**

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Motion agreed to.

Mr KENNAN (Leader of the Opposition) — What an extraordinary motion! The fact that members of the government are leaving the House is an indication of their contempt of this institution, which is a great shame for Parliament. The rights of the minority should be protected by the government at every opportunity.

The motion represents an interruption of the ordinary business of Parliament; it is not for the purposes of Parliamentary debate. Let's have no nonsense: this is not about Parliamentary debate. Let's not pretend this is a Ministerial statement because it's not!

The government has moved a motion to seize this Chamber and to use it as nothing more than an auditorium. The motion says that the business of Parliament will cease at 10.15 a.m. and will halt for one purpose: to enable one Minister to come in here not to make a Ministerial statement, not to open up a debate, but to make an address. Once the Minister has made his address, under the terms of this motion, it will not appear on the Notice Paper of this House; it is not thereafter a matter for debate; it is not a matter that should be questioned.

Who is the man moving the motion? The double-dipper himself; the man who in 1983 took out a lump sum and was back here and back in the scheme 18 months later! No wonder he does not want a debate. No wonder we have this weird contortion of the Legislative Assembly. It is surprising that the motion is being tolerated at all and that any decent-minded citizen out there would
ADDRESS BY MINISTER FOR FINANCE

Tuesday, 6 April 1993 ASSEMBLY 663

countenance this place being interrupted because the government wants to rot the rules of Parliament.

The government does not want to make a Ministerial statement. That can be made at any time in either House without notice being given and without leave being sought. The government could address the public at Dallas Brooks Hall, the National Tennis Centre or the steps of Parliament House if it wanted to. The evil of this motion is that it seeks to stop debate, it seeks to stifle discussion and to degrade and rot this place. Just as it was degraded and rotted during that miserable three-week session before Christmas, so it is being degraded and rotted again.

I challenge the government to indicate another precedent, except in the totalitarian countries, where an executive government can set aside Parliament, contrary to all the traditions of the Westminster system and have no debate.

The Legislative Assembly is a Legislative Assembly in name only. It is now a place that can be taken over by the executive government, not a place for Parliamentary debate. At least the government is honest in its motion. It does not pretend there will be a debate. It says that the Honourable I. W. Smith will address the members of both Houses. The Minister is not making a Ministerial statement that will be the subject of some immediate debate with the balance being postponed for proper discussion and consideration.

The evil of this motion — and everyone should be concerned about it and it should be on the conscience of every person who has participated in any way in allowing this motion to get to this point — is that the business of an Australian Parliament, for the first time, will be set aside so that a Minister can make an address. This is done under the guise of Parliament. The same thing often happens in totalitarian countries, where every second one is called a democracy. Many Stalinist regimes were called democracies!

This government is using the stamp of the democratic process by having an address in this place and making it appear that it has the authority of Parliament. It is no reflection on you, Mr Speaker, but the government has involved you in this motion by saying that you will chair the address and by applying the Standing Orders. The government is rotting the office of the Speaker and Standing Orders in applying them artificially. Mr Speaker, you have the authority to preside over proper Parliamentary procedures. Your authority and the respect you and every Speaker command authorises you to preside over proper Parliamentary procedures in the Legislative Assembly, with joint sittings at the appropriate times, under appropriate rules. That is not what is happening here. The government has inveigled you into this position and has demeaned the office of Speaker — not you personally, Mr Speaker. It is like a fascist view of justice where you have a judge so that you can say justice is being done, but it is being done in name only.

The government has given the impression to the public, through the media, that a joint sitting of Parliament is being held where all members of Parliament will have the opportunity of debating the motion and the full trappings of representative democracy are being brought to bear. The reverse is happening: the government is setting aside the Parliamentary process. It will have the trappings, but the substance is being set aside.

The motion says not only that an address will be made to all members of Parliament, but that it is meant to inform the public of these matters. I shall take these issues one by one. If the government wants to inform both Houses of Parliament, a Minister can make a Ministerial statement and set aside 20 to 30 hours for debate. The government says this issue is fundamentally important. Let us allow a fundamental principle to apply: free-flowing debate about the issue. The Minister could then be subject to questions. It is obvious during question time that Ministers do not answer questions and regard them as inappropriate.

This evil motion is establishing a new principle: we no longer have Ministerial statements, but a Minister addressing members of both Chambers of Parliament, which address is not debated. It is a rort!

When I was a member of the Upper House strict rules applied even to the content of Ministerial statements. The President of the Upper House checked the wording of the statement in advance to ensure that it was not overtly political or unfair. Important principles applied to the content of Ministerial statements: such is the tradition and respect for Ministerial statements in the other place and, of course, they could be fully debated. What rules are applying to this motion? Anything can be said. No voting can take place. The Minister cannot be questioned nor can the issue be debated and the motion, thereafter, will not appear on the Notice Paper. Once the Minister has finished his address...
and had his media display, debate will resume on other business as if the address had never happened!

Will the address be recorded in Hansard? Will this charade and this interruption to Parliament be enshrined in Hansard? We might as well record the debates on the river bank and incorporate them in Hansard! We might as well have the rallies on the steps of Parliament House recorded in Hansard. That is the next stage.

There is no magic about this Minister and the motion. As I understand what is being said and the ruling of the Chair — I am not questioning that ruling — Parliament is now operating under new rules. The House, it is said, is the master of its own destiny. What are people going to think if that is so? The next notice of motion that is moved may be to enable somebody who is not a member of Parliament to address this place. If the House is master of its own destiny and if the Speaker has no overriding discretion, this government can move anything and use the Chamber during the middle of a Parliamentary sitting. Why limit it to a Minister or a member of Parliament? Why not invite Margaret Thatcher, the former Prime Minister of Great Britain, to address Parliament. Perhaps we could invite John Hewson, the Federal Leader of the Opposition, to make an address, with all the cameras and media in attendance so that he can explain the Kennett factor with no debate and no questions! We are debating a matter of principle and the motion should be defeated to save Parliament and the institution of Parliament from ongoing disgrace.

If the motion stands and if the House is master of its own destiny, it can invite someone from outside Parliament with the instruction that members of the Australian Labor Party are not to attend and you, Mr Speaker, will have no choice because the House is master of its own destiny. A stranger will be able to come into the Chamber with the assembled media and the cameras could be sited on this side of the House focusing on the stranger and only members of the coalition. The motion is a farce.

The examples I have given show the evil of the motion. It opens up Parliament to ongoing ridicule. This Parliament ought not be a member of the peak Parliamentary bodies. It is a disgrace; it is no longer a Parliament! What will be said at Parliamentary conferences: the Chamber in Victoria is, to misquote the words of Ava Gardner, not a bad place to make a film about the end of Parliamentary democracy. The statement was attributed to Ava Gardner although it may well have been a journalist who said that this was not a bad place to make a film about the end of the world. This Legislative Assembly is not a bad place to make a film about the end of democracy as we know it.

The opposition will take this fight outside this place because it is clear that its rights are of no importance to anybody in this place. The government could not care less. We have seen the Premier at the table. He says, "We have 61 to 27; we don't care if we are on 3 per cent". The government doesn't care but members of the opposition care and a lot of decent people care. Anybody who is associated with this place — even members of the former Liberal government — would be feeling queasy about being associated with this motion. Let the taint of this process extend to every member of the Liberal Party, all the fellow travellers who have been involved in this filthy little motion. It is a disgrace.

Mr Speaker, I well remember the speeches made during the Address-in-Reply to the Governor's speech during which many members of the government referred to 19th century conservatives. Did those conservatives set aside and take over the House of Commons or the House of Lords? Was it the attitude of the Tory predecessors they worship that the House of Commons is the master of its own destiny and that there could be no overriding rules and principles; that anything a Tory Prime Minister wanted to put could be put by setting aside Parliamentary practices and principles? It is the very thing that a lot of Tories fought against. We heard a lot of liberal tradition in the Address-in-Reply debate. What is liberal about this motion? Nothing: it is a sham and a disgrace, and it has been moved without notice.

The government wants to inform members of the public that it is genuine. Debate should not be taken away from the Parliament; there should be full debate. The government says it wants to inform the public. Not much information will be given to the public if there are to be no debate, no questions and no elucidation.

Ms Kirner — It's just propaganda.

Mr KENNAN — Indeed, it has those overtones. The Legislative Assembly is being hijacked by the executive making a propaganda address, and it is doing it without even paying a hiring fee. It wants to be the great commercialised government running the State as a private business and if it is not making a profit it will wind it up as it will wind up democracy.
Members of the public may hire Queen’s Hall but must obtain permission from you, Mr Speaker. You exercise your discretion without having to inform Parliament. It is something about which you feel confident in making rules. It is the same as journalists coming into this place. You feel confident enough to make independent rulings, but the government will not give you the independence here to do so. They say, “No, we are telling you, Mr Speaker; we are running this show; we are putting a motion and let the message go out that henceforth we are masters of our own destiny and we don’t care if we trample on people”. The Minister for Industry and Employment should go to Dallas Brooks Hall or the National Tennis Centre to inform the public and to invite questions. If he really wants to inform the public he can do that. He is being hypocritical by filling this place with Legislative Council members who have their own Chamber and can debate this motion to their hearts’ content. More members of the public could attend without the Council members in this place.

To suggest that the government is serious in appropriating Parliament to inform the public is sheer humbug. It is not justified on that basis. There are other ways to inform the public correctly.

If the government wants to inform the Public Service it could hire an auditorium and hold a question and answer session. Videos, electronic displays, live models and dead models could be shown, and there could be stories of who received lump sums, who got out in time, who was quick enough, who returned and who double-dipped. It can be done in Aussie dollars, or anything.

That is an indication of the humbug and the viciousness that are inherent in the motion. The job of government is to move the community forward in a cohesive manner; not to intimidate, not to be vindictive and not to create uncertainty in the minds of the public. The job of government is to behave responsibly, to move forward and to have respect for the values in our society. The government does not have any of those; it wants to deliver short, sharp shocks to the community. When ordinary decent citizens read the newspaper each morning they do not know what is coming next. They do not know whether their superannuation or WorkCare benefits will be changed, water charges increased or whether the Transport Accident Commission is to be wound up.

The scare campaigns and shock tactics have reduced the State to an unprecedented level of uncertainty. The motion is another example of that.

The economic indicators show that since 3 October the State has become worse by comparison with the rest of the country, particularly in the area of industrial relations, which will end up a fossil if the government continues with its High Court challenges; it will break promise after promise.

The motion is a new low point compared with what occurred during the miserable last sessional period. The community will learn about the evil of this motion. During the last sessional period the government thought it could rush through legislation and the community would not know about it. The opposition knows — there is a lot of other evidence to back it up — the shame of that last sessional period and the extraordinary way Parliament behaved. Not only the opinion makers but ordinary people in the community understood, because they are not fools, that something had gone wrong in the middle of our democratic process. A decent government and a decent Minister do not introduce an industrial relations Bill without having it debated in the Committee stage. During the last sessional period about 23 Bills were passed in that way.

The community will understand that any decent government that is serious about superannuation would not move such a motion; it should be sent to the Guinness Book of Records with the question: has another Westminster Parliament in any place operating a democratic process ever interrupted Parliament not for the purpose of making a Ministerial statement but to make an address that cannot be questioned or debated?

What authority will be exercised in relation to members of the Legislative Council? Will they be allowed to ask questions, or will they have to be muted also? Last week an impressive documentary on the last hanging in this State was screened on television. It was said that the then Liberal Premier wanted to hang a man as a demonstration of his authority in this society. So it is with the government; it wants to perpetrate and escalate monstrosities and improprieties in the way this place is conducted. As the Minister says, “Just remind people we have 61, they have 27 and we can do what we like”. The government wants to use the motion as an example of outrage and a sobering reminder that it does not have regard for common decency or proper debate; it wants to escalate
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outrage. There is nothing it will stop at; it will use the guillotine and is now interrupting Parliament and hijacking this Chamber as a venue for the Minister to do something that he could not do elsewhere because he is running and hiding. There is nowhere else the Minister could speak to members of the public or members of Parliament without interruption, without question and without debate. People should think about that.

An honourable member interjected.

Mr KENNAN — It is extraordinary! If the Minister went to a public forum to inform the public he would not get away without answering questions or without people putting alternative views. The ultimate irony is that by moving the motion the government is guaranteeing an address without interruption. That could not take place at, say, the Dallas Brooks Hall. We would have to get out of this place for proper debate and better democracy. This would be the last place one would want debate and democracy.

At a public meeting there is not disorderly interjection resulting in ejection. Mr Speaker, you have that power and the government has involved you and compromised your office by allowing this process to proceed. In no other place and in no other way could the government achieve this result. If the Minister holds a press conference he does not have a chairman sitting there in a wig with the power to throw out a journalist who interrupts — that does not happen — nor does he have a policeman on the door carrying out that function, but at a press conference the Minister is subjected to questions and expected to give answers. If he does not like them his only choice is to walk out and to be filmed walking out. But not in the heart of democracy, not in the Victorian Legislative Assembly, because under this motion the coalition has a captive audience under Standing Orders that can guarantee no freedom of speech, no questions and no debate.

I invite honourable members to reflect on whether that is not a disgrace, on whether that is not an awesome example of the arrogance of a Minister. He says, "We have 61; you have 27 and we are going to do things that will take your breath away — because we can do them; we are masters of our own destiny. It does not matter what the Speaker thinks; it does not matter what the rules are; it does not matter what the precedents are; it does not matter what the people out there think". When the attention of the Minister for Industry and Employment is directed to the opinion polls he says they do not matter. He says, "We have 61 and you have 27 and we will do what we like, and we will list a notice of motion that will get us this result". An opportunity will be provided for the Minister for Finance to have members of the media up there in the Press Gallery where they cannot ask questions.

The wording of the motion is very cunning and reflects the cunning nature of whoever drew it up. It might not have been the Minister for Industry and Employment; it might have been someone else. It might have been Freehills. Who knows? Honourable members will never know because the Minister for Industry and Employment takes documents out of Parliament and deposits them in the private sector where he thinks they might be exempt from freedom of information legislation. He might get a rude shock!

There is nowhere else where the Minister for Finance could ordinarily capture the media or where the media could film him without interruption. I ask rhetorically: is this the ordinary method of presenting a Ministerial statement? Not only is the government depriving members of Parliament and members of the general public of the right to question and debate but also members of the media are being deprived of that opportunity.

When one analyses the motion one is drawn to the conclusion that it was drafted with this in mind: the government has lied about superannuation liability. The Premier said he discovered it only the weekend before last. When his attention was drawn to the fact that in October last year he was told it was not $13 billion but $19 billion, he said he could not remember. His attention was drawn to the fact that the Nicholls report was published last September and included all the details. I do not know what the public said about it —

Mr Gude — Can't you remember?

Mr KENNAN — Clearly the government knew about it. Members of the public might well have said nothing about it. If the Minister for Industry and Employment says he remembers, that goes into the collective memory of the government.

The motion goes to the legitimacy of the government. Mr Howard, a member of the Federal coalition, said during an interview on a morning radio program that the trouble with the Kennett factor is that it raises the question of legitimacy of coalition governments. He said it is not just the industrial relations policy of the government that is
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a problem but that the government has broken promises that it made to the electorate and the electorate therefore questions the legitimacy of coalition governments. The electorate considers the government is not legitimate if it is elected on a promise and then breaks the promise.

The motion goes to the question of legitimacy. Nothing could undermine the legitimate process of Parliament more than such a motion. It is similar to the broken promises on a range of other matters that honourable members heard today.

The motion should simply not be allowed. The only way to deal with it now that the ruling has been made that the House is master of its own destiny is to vote on the motion by resolution of the 61:27 principle. Honourable members should really adopt a new name for this place. It should now be known as the 61:27 place where the 61 get what they want and any rules can apply.

When one thinks about it, one realises the government did not want an open debate on superannuation because it did not want to have to account for a range of embarrassing statements. Last week the government sought to establish an atmosphere of fear. The government did not want the debate to be conducted in the open among members of the public. One might ask why the government did not want to have an open debate and why it wanted to perform a series of stunts. The motion forms part of a series of stunts performed on members of the community, but they are unsuccessful stunts.

Mr Hamilton — You would think they were led by an ad man, if you didn’t know better!

Mr KENNAN — Yes. As Mr Peter Boyle said recently, the removal of awards has as its greatest importance the introduction of fear. That is what the government is seeking to do. It can use its numbers in a crushing way to achieve that desired outcome. Just as the industrial relations policy is designed to reintroduce fear into the workplace, so the whole tenor of this government’s policies is to adopt the tip and balance approach and introduce a new age of uncertainty into people’s lives and into Parliament so that Parliament now becomes a totally unpredictable place.

Honourable members do not know when the rules are going to be suspended. We do not know whether all the rules will be suspended each week. Perhaps in the future a whole series of Wednesdays will be taken up. Are we going to have the Premier or some other Ministers or perhaps even a few backbenchers come in and present an address? Wouldn’t that be nice! Perhaps we could invite members of the public; perhaps we should invite selected groups. Let us invite a few football teams and give them the opportunity to hear a backbencher address Parliament on how he thinks his team went. The business of Parliament could be suspended and then resumed.

The government has reduced this place to a state of chaos and to a sham. It will unquestionably reap the effects of the whirlwind because it has again misled members of the public. Members of the government have engendered a public belief that tomorrow a meeting of both Houses will take place and a Parliamentary debate will be conducted on the issues referred in the motion.

I ask rhetorically: what will happen if someone from the public comes in and says, “I have read this and I have come in to be informed on it; by the way, I have a question”? Will that question be allowed? Will a member of the public be allowed to speak if he or she stands up — and there just might be someone who wants to ask a question — and says, “I have read that this is an opportunity to be informed; I have heard the Minister; I have a question”? I suspect that the ordinary rules will apply and that person will be thrown out. A person who asks such a question will find himself halfway down Bourke Street before he knows what is happening.

I ask also: what will happen if a member of the Legislative Assembly or a member of the Legislative Council stands up to take a point of order? What is proposed is not an ordinary debate. The Minister for Finance will make an address. Will the usual rules apply in this forum, or will honourable members raise points of order at their own risk?

Mr Hamilton — Can you throw out a member of the Legislative Council?

Mr KENNAN — I suspect the answers to those questions are: no, members of the public cannot ask a question; no, there cannot be any points of order raised during the address; no, no member of the Legislative Council can speak; no, no member of the Legislative Assembly can speak.

Mr Hamilton — In fact, the reciting of the rules might take longer than the address!
Mr KENNAN — The ordinary rules cannot apply because what is proposed is that there will be an address. I ask: why will there be a departure from the ordinary rules relating to a Ministerial statement? Members of the opposition would be more than happy for the Minister for Finance to come in at the appropriate time — he could come in after question time tomorrow — and make a Ministerial statement of whatever length he wanted. He could have all the members of the media in the world that he wanted here; he could have people from CNN, if he wanted them here. Members of the opposition do not care who is present but we care about the right to debate any statement made by the Minister for Finance. We care about the ordinary rights of members of Parliament to debate an issue.

If the Ministerial statement were made in the other place, the government could make it at any length. Members of the government are masters of their own destiny and masters of the destiny of members of the opposition, which is something we regret. However, members of the opposition are available over Easter to debate the matter. We can come back on Monday or Tuesday or Wednesday of next week. We have no problem with that. If members of the government were a bit weary we would not be troubled about it; that would be their problem. If the matter is as important as is suggested, I invite the government to deal with the matter at 3 o'clock tomorrow afternoon and run the debate through the rest of the afternoon and evening and into Thursday and to come back next Wednesday and Thursday to continue the debate. The government has indicated that the issue is important.

The motion is a sham. It is a cover-up and is part of a series of shams by the government on the issue. It should be resisted at every point.

Mr I. W. SMITH (Minister for Finance) — I am surprised that the Leader of the Opposition has dealt with the motion in this way. In the time in which he has addressed the House, I could have twice made the statement that I propose to make tomorrow. The Leader of the Opposition is concerned about the time that will be occupied by the statement tomorrow, which is set aside for General Business, but the first item listed on the Notice Paper is in the name of a government member, so it is his time that will be curtailed.

Mr Roper interjected.

Mr I. W. SMITH — Let's get real about this, not hysterical, like the Leader of the Opposition. The
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The forms of the House are available for members of the opposition to ask questions of myself or other Ministers, or they could use Grievance Day or other forms of the House if they wish to debate the matter.

Legislation on superannuation will be introduced this session and members will have plenty of time to express their views on the matter. They will have the advantage of an address tomorrow that will give a background of historical facts and the options available to the government.

Mr Baker interjected.

Mr I. W. SMITH — You do not have to listen to the address if it is so offensive to you. You can absent yourself and drink red wine at the bar like you usually do!

The SPEAKER — Order! The interjections across the table are disorderly. I remind the House that the Leader of the Opposition was heard in silence and I ask members to extend the same courtesy to the Minister.

Mr I. W. SMITH — In its worst possible chip-on-the-shoulder mode, the opposition wants to put the wrong connotation on the motion and the intent behind it. The intent of the motion is to advise members of both Houses of the situation as the government sees it and to allow them to study it and consult their constituents. When legislation is introduced, they will then have every opportunity to debate the issues. The government regards that process as proper. The humbug and hysteria that the Leader of the Opposition has tried to generate is unwarranted. The time taken up in his speech was more than double the amount of time required to make the statement. The opposition is not being denied time, nor is it being denied any of its rights.

Mr ROPER (Coburg) — Under your speakership, Mr Speaker, this Parliament will have the distinction of breaking quite new ground. This Chamber is being used not as a Parliament but as a restricted public meeting to which members of the Legislative Assembly and the Legislative Council are invited and which the government, using its numbers, has decided that you will chair. The procedure that will take place is in no way a Parliamentary procedure; there is no suggestion of debate, equality or protection of minorities.

This Chamber — although it could have happened in the other Chamber just as easily — tomorrow morning at 10.15 will witness a stunt that will allow the Minister for Finance to talk about something about which he knows a great deal, namely, superannuation. I am concerned about that, as are other members of Parliament. I remind honourable members that the responsibility to read May's Parliamentary Practice is not insignificant. If members bother to read May they will gain an understanding of the importance that is placed on debate in Parliament and the protection of minorities and individual members.

The honourable member for Werribee pointed out the relevant parts of May, including page 1, where it says that Parliament is about debate and that over the years the House of Commons has developed protective devices to ensure that debate occurs and members have an opportunity to express differing points of view. I point out that the 21st edition of May says that the opportunity to debate is maintained through the discretionary powers given to the Speaker.

You, Mr Speaker, have decided that in this area you have no discretionary power — a view that is certainly not shared by all members — and that the House is the master. It will be interesting to see how the discretion is used, one way or another, the first time you, Sir, rule a motion out of order; but that is a matter for another time.

The motion will be moved during the time set aside for private members' business. That time has already been constrained in ways not thought of previously. The greatest crime is to refer to the speech contemplated by the motion as an address; it is not an address. There will be no opportunity for any member of this House or of the other place to ask questions. It would be reasonable to ask the Minister for Finance what would occur under his various options if a person retired and received his or her share of a quarter of a million dollars and 18 months later came back and received probably half a million dollars the second time around. Presumably the Minister does not want to answer that or any other kind of question.

The original motion — it has now been withdrawn by the government — goes on to say:

That the House authorise the use of electronic displays to assist in the delivery of the address.

It goes on further to provide that the televising of the address be permitted. What is proposed at 10.15 tomorrow morning is not a meeting of the Legislative Assembly, so the rules and guidelines
relating to the televising of proceedings do not apply. As it is proposed that you, Mr Speaker, be in charge of this fraudulent proceeding, and given the powers contained in the motion and that the proceeding will not be a meeting of the Legislative Assembly, there is no reason why you could not authorise the setting up of television cameras all over the place.

The motion goes on to provide that a message be sent to the Legislative Council inviting honourable members of that House to attend in this Chamber. This House has a tradition of joint sittings, normally for statutory purposes. The only other occasion on which there has been a joint sitting of both Houses — the meeting tomorrow is not proposed to be a joint sitting because there would be rules, determined by the meeting, covering such a sitting — was in 1942. On that occasion a message from the Legislative Council was debated extensively to determine both the way in which the meeting would occur and the subject matter. The report of the debate runs for some 85 pages in Hansard.

The situation in 1942 was different because, firstly, there was an opportunity of discussing the way in which it would occur and, secondly, there was an opportunity of discussing the guts of the issue. This motion is a deliberate effort by the government to ensure there is no opportunity for any debate.

The speech proposed to be made tomorrow, with all the threat to people’s superannuation that the menace of the last week has given it, is unnecessary. I draw to the attention of honourable members and particularly to the Leader of the House the relevant parts of pages 297 and 298 of May’s Parliamentary Practice, 21st edition, concerning Ministerial statements. May makes it clear that a Minister may at any stage make a statement to Parliament. The tradition has grown up in this Parliament that one speaker from the opposition side of the House may respond to such a statement. The government decided a couple of weeks ago — also on a Wednesday — to break that tradition.

I can understand that the Leader of the House is tired because he does not really want to be here. What he really wants to do, and what one day he may try to do, is to bring in an omnibus motion at the start of a sessional period to provide that the Speaker and a couple of members of the government should sit in the Chamber or in the Speaker’s room — —

Mr Kennan — Or in Queen’s Hall!

Mr ROPER — Queen’s Hall may be too large and other people might watch!

Mr Kennan — And ask questions!

Mr ROPER — Whether they could ask questions would be another matter! The Leader of the House would like to bring in an omnibus resolution that would remove the opportunity for argument. If the government wished tomorrow’s statement to be taken seriously in this place and in the Legislative Council it would have used simultaneous Ministerial statements in both Houses.

Dr Napthine interjected.

Mr ROPER — The honourable member for Portland says that would be very efficient. I agree with him. If the intention is to have informed debate that is the Parliamentary way of going about it. I do not know when the honourable member for Portland last read May, if he has ever bothered to read it; but if he did read it he would understand the importance that it gives to debate and the opportunity for members of both the government and the opposition to take part in debate — that theme that runs right through May!

The opposition, through the Leader of the Opposition, has expressed a number of concerns about the motion. The first is that it is totally unnecessary. The same result could be better achieved by Ministerial statements in both Houses. If the government does not want to provide Parliamentary time for that kind of debate it would have been reasonable for the Minister for Finance to book Room K or the Legislative Council Committee Room in Parliament House so that he could give all honourable members the benefit of his views. At least then he could have used electronic visual displays.

I hope that one day visual displays will be set up by officers of the Department of the Premier and Cabinet, presumably at public expense, for use by all honourable members, not just for the use of selected members of the government.

The opposition is concerned that, firstly, what is proposed in the motion is not necessary; second, that it is not being done at an appropriate time; third, that it is an opportunity for a Ministerial statement; fourth, there should be an opportunity for debate in relation to the Ministerial statement; fifth, any
arrangements for televising of the proceedings should be for the televising of a debate and not of an address by one person; sixth, there should be an opportunity for members of the Legislative Council to deal with the matter in the other House; and, finally, if the Minister for Finance is in any way genuine in putting forward the view that he wishes to inform the public he should convene a public meeting at which public servants — —

Mr Bildstien — What is Parliament for?

Mr ROPER — Parliament is for debates and not for addresses! The honourable member for Mildura, by supporting the motion, is cutting out Parliament in this Chamber so that it can be used for a fraudulent process tomorrow morning. That was a significant interjection. The honourable member said, “What is Parliament for?”

Mr Bildstien interjected.

The ACTING SPEAKER (Mr E. R. Smith) — Order! The honourable member should address the Chair and ignore interjections.

Mr ROPER — The honourable member for Mildura makes it more difficult for himself: he says that it is to inform and involve the community. How can the community be involved in the debate before the House? That motion provides no opportunity for questions or debate of any kind. The honourable member for Mildura asks what Parliament is for and basically says this Chamber can be used for sittings of Parliament or for other purposes at the whim of the government — all that has to be done is for the Sessional Order that says the House shall meet at 10 a.m. to be set aside at 10.15 a.m. so that this process can take place.

A number of honourable members wish to participate in the debate so I will conclude by moving a series of amendments, which I believe will re-establish this Chamber as a place for Parliamentary debate. The amendments have been prepared. The sixth, which was dealt with by the government, removes the suggestion of visual displays, which is probably just as well, given that the Treasurer kept mentioning papers at the wrong time and probably would have put his slides in upside down. I move:

1. That in paragraph 1, the expression “10.15 a.m.” be omitted with the view of inserting in place thereof the expression “3 p.m.”.

2. That in paragraph 1, the words “address the members of both Houses and” be omitted with the view of inserting in place thereof the words “make a Ministerial statement to”.

3. That in paragraph 1, after the word “debt” there be inserted the words “after which the motion “That this House takes note of the Ministerial statement” will be put to allow opportunity for debate on the matter.”.

4. That in paragraph 2, the expression “10.15 a.m.” be omitted with the view of inserting in place thereof the expression “3 p.m.”

5. That in paragraph 2, the words “Minister’s address and withdrawal of the members of the Legislative Council” be omitted with the view of inserting in place thereof the words “the proceedings on the Ministerial statement”.

6. That paragraph 3 be omitted.

7. That in paragraph 4, the word “address” be omitted with the view of inserting in place thereof the word “proceedings”.

8. That paragraph 5 be omitted.

9. That paragraph 6 be omitted.

10. That the following paragraph be inserted to follow paragraph 6:

“A. Following the completion of the proceedings the Minister undertake to hold a public meeting to provide the public with an opportunity of being involved in the debate and to ask questions.”

Amendment No. 1 will provide an opportunity to debate the issue in Government Business time. Amendment No. 4 is consequential on the first. Amendment No. 5 relates to our view that there should be debate. In the case of Amendment No. 7, the guidelines are different anyway because this is not an actual sitting of the Parliament. There is no need for paragraph No. 5 because the Speaker is the Chairman while a Ministerial statement is being made, and the opposition wants paragraph 6 to be omitted because we believe each House should carry on its business in a proper manner.

The government does not want a debate in this place or a sharing of the information. Last week it deliberately set out to frighten people, both public servants and those who currently receive the benefits of their superannuation schemes, but it does not want to be called to account for what it is doing. Anything the Premier says automatically occurs, and, for that reason, tomorrow the Parliament will
close down for a while and all the protections set out in *May’s Parliamentary Practice*, which the Speaker is deliberately given discretion to protect, are thrown out.

Dr NAPTHINE (Portland) — This is an important motion, and I should have thought that the opposition would support rather than condemn it and the information the Minister will have the opportunity to present tomorrow. It is important that Victorians be provided with proper information about the superannuation situation so that there can be proper, informed community debate about what should be done about the State’s liabilities. A major component of any informed debate is sound information. For 10 years Victoria had a government that was not prepared to tell the truth about the State’s financial situation. The former government made an art form of deception and dishonesty concerning financial dealings, whether it was about the Victorian Economic Development Corporation, which was described as a red herring and which turned out to be a stinking, rotten fish, or the cover-ups about Tricontinental, State Bank Victoria and the true state of debt.

Victoria’s finances and the hard decisions that have to be made by this government and by all Victorians, who have to share in the decisions about where Victoria will go in the next 7 to 10 years, have been outlined. As well as the current account and the debts and liabilities, the other problem is the superannuation liabilities. They are in the order of $18 billion to $19 billion. Such figures are so huge that people find it difficult to comprehend their effect on daily life. We have $18 billion to $19 billion of superannuation liabilities hanging over us.

The Treasurer put it well when he showed the effect of the superannuation liabilities, when the payments will become due, the effect they have on the annual Budget and how they squeeze its flexibility. As a result reduced services in health, community services, transport, education and agriculture will be provided. The Treasurer’s tables show the 1982-83 pie charts of superannuation costs on a recurrent Budget basis — not the liabilities, but what we have to pay out of the Budget on an annual basis to meet our superannuation liabilities and pay people who retire from the public sector.

In 1982-83, interest of 12 per cent means 84 per cent of Victoria’s total income can be spent on services. By 1999-2000, under the ALP policies that operated through the 1980s following its election in 1982, interest would consume 28 per cent of Victoria’s total income and superannuation liabilities would have risen from 4 per cent to 12 per cent of annual Budget outlays. The money left over to be spent on services would be only 58 per cent of Victoria’s total income. Spread over the next seven or eight years, the increase from $13 billion is not significant. It might increase to $14 billion or $15 billion, but it will not be enormous, even if there is reasonable growth over the next few years.

With the recession the Prime Minister said we had to have and made sure we got, we are not achieving the required growth rates, and there will not be a significant growth in revenue in Victoria. If we continued with unchanged Labor Party policies, by 2000 only 58 per cent of revenue would be available for schools, hospitals and legal services and we would have great trouble in delivering the basic level of services the community needs to operate as a cohesive society.

We hear complaints about reductions that have to be made under the recurrent reduction program, but the situation was forced on this government by the mismanagement of the previous administration.

Mr Bildstien — The incompetence and mismanagement of the former government!

Dr NAPTHINE — Yes. The measures contained in the autumn statement are nothing compared with what would have to be put in place in 2000 if the measures introduced by the Labor Party were not amended. If the unfunded liabilities were not addressed in 1999-2000 Victoria would be facing an increase of 12 per cent in total Budget outlays.

Victoria has a huge superannuation liability hanging over its head, and by 2000 it could total approximately $30 billion.

It is essential that this matter be debated and that the community be involved in that debate. The debate should not be held only within these hallowed halls, as the opposition has suggested, because the whole community will be involved in meeting the commitments. They will be affected by any changes to superannuation, and they should have access to the information the Minister for Finance will provide tomorrow. The best way for that information to be provided to the community is for the Minister’s speech to be reported widely. That opportunity will be available when the motion is passed. Victoria is in crisis. The problem of unfunded liabilities must be addressed urgently. The government should be applauded for taking this
innovative approach to ensure that the community is informed about the issue.

The opposition often claims that it is a party of reform and innovation, but it is putting its head in the sand by opposing the innovative approach being taken by the government to provide a proper forum to ensure that information is made available to all members of Parliament and to the community.

It is time we looked at the use of audiovisual aids in Parliament to bring Parliament into the modern era. Debate is occurring throughout the community, both at the grassroots level and among community leaders about whether Australia should remain a constitutional monarchy or become a republic.

Mr Sercombe — What do you say?

Dr NAPTHINE — I should not respond, but I believe that decision belongs to the community.

The ACTING SPEAKER (Mr E. R. Smith) — Order! I remind the honourable member that he should confine his remarks to the motion.

Dr NAPTHINE — Thank you, Mr Acting Speaker. It is relevant to the debate and to the motion —

Mr Sercombe — What do you recommend to the people of Portland?

Dr NAPTHINE — I believe the people should make that decision based on informed debate after the options have been made available to them. We must consider how Parliament can be run in the best interests of the community. Parliament has operated in this way for centuries, and it has operated in this way in Victoria for 150 years. Some minor modifications are now needed to improve its operation and to ensure it meets the needs of modern society and the community we represent. We should not look back as we have done in the past and say, "We have always done it this way or that way, and that is how it should remain". It is time we examined how we can do things better. It is the 1990s and we have major problems. It is time for the government to examine the innovative systems that are available to ensure the community has an opportunity of participating fully in debates.

The government should be congratulated for what it is doing. Today the Treasurer laid on the table the challenge in recurrent account and Budget sector problems that is facing Victoria. If the motion is passed, tomorrow the Minister for Finance will have an opportunity of laying on the table the facts about superannuation. The opposition shows that it is irrelevant because it does not want that information to be produced.

Tomorrow will be an historic day in the operation of the Victorian Parliament, and perhaps it is a sign of things to come. I should like Parliament to be used in other ways to ensure that debates are more relevant to the needs of the community. The opposition has said the government will be taking up the valuable time normally available to members to debate the motions standing in their names on the Notice Paper.

Notices of motion are an archaic system. During the last Parliament a notice of motion was put on the Notice Paper in 1988 but was not debated until August or September 1991; as a result the motion was irrelevant to the needs of the people. Currently we have 34 items on the Notice Paper. Notice of Motion No. 34, which concerns foster care, was placed on the Notice Paper by the honourable member for Mooroolbark. It is relevant today, but it may not be debated for two or three years. We should operate the general business of Parliament to ensure that motions are relevant to the needs of the time rather than sticking to an archaic system.

This motion should be seen as a step forward for Parliament rather than something for the opposition to criticise. It should make a positive contribution to ensure that Parliament becomes more relevant. The government is trying to provide the opportunity for the Minister for Finance to present the people of Victoria with the real superannuation situation. Irrespective of what the opposition says, I believe the people of Victoria will welcome the opportunity to be fully informed because there will be excellent media coverage, which will encourage further debate in the community. If members of the community wish to, they will be able to read Hansard and examine the speech at length, so any subsequent changes to the superannuation legislation will be understood.

In conclusion, I commend the government for its innovation. The opposition should welcome this opportunity for the people of Victoria to be fully informed about the superannuation position. I wholeheartedly support the motion.

Mr SERCOMBE (Niddrie) — The honourable member for Portland completely misses the point of the opposition's amendment to the motion moved
by the Leader of the House. The opposition is anxious that the Minister for Finance make his statement and is most anxious that he clarify the position. Real fears are being felt about superannuation in the community and right across the work force.

The community is in fear and loathing of the approach the government takes to its dealings on a range of matters. We do not want to extend that level of uncertainty in the community any longer than necessary. We call on Parliament to ensure that when a Minister comes before Parliament with a matter of this type Parliamentary procedures are respected and protected. Alternatively if the Minister wants to engage in some vaudeville or song and dance routine he should hire the Dallas Brooks Hall, the Arts Centre or somewhere other than Parliament to do it. The only problem is that the Minister for Finance is particularly unfunny. He should respect the traditions of Parliament that enable real debate to occur on a Ministerial statement rather than to escape by the processes that have been set out in the motion moved by the Leader of the Government.

The proposition that the Minister address honourable members tomorrow morning during the time for private members’ business is an attack on the privileges not only of the opposition but also of government backbenchers. There are few occasions when members of the opposition and government backbenchers have an opportunity of bringing matters before Parliament. It is ironic for this Minister to consider usurping private members’ time by bringing this matter before the House when there would be no problem in delaying the presentation of a Ministerial statement — as we hope it will be, rather than simply an address — until 3 p.m. tomorrow.

It is ironic that the Minister for Finance, who is a well-known double dipper in superannuation matters, is probably one of the few Ministers in the government who was actually a member of the Hamer government in the 1970s that introduced most of the problems with superannuation that we now need to address. We cannot escape from the fact that it was a Hamer government that introduced them and I do not think old Dick bears any affection for this Minister; in fact, I think Dick was shafted by him. He would probably see the irony in this Minister being involved in this double-dipping, backstabbing exercise pontificating about superannuation.

The situation has some elements of farce. Perhaps we should encourage the Minister to go out and debate the matter in public. The Leader of the Opposition usurped the _Cosby Show_ last night and it might be appropriate for this Minister to take time off the _Addams Family_. He is probably a fairly close approximation of Lurch.

If the government wants to use this place to deal with matters such as Ministerial statements it has plenty of opportunities to do so. For most of this session the government has not had the competence to get business before the House. We have had an extraordinarily long Address-in-Reply to the Governor’s speech. Some of the new members who have spoken show a bit of promise and I would encourage one of them to contest the seat of Bennettswood because it would be a significant improvement on the honourable member who currently holds the seat.

The Ministers have had plenty of opportunities to present Ministerial statements on important matters. Unfortunately the device pursued by the government is only one of a number of attacks on the rights of members in this place since the government has been in office. The time allowed for members to raise matters on the adjournment debate has been reduced to 3 minutes which does not work because it allows virtually no time to develop a serious point. The government has consistently interfered with the grievance debate and the opportunities that members have in that debate. The government also showed contempt for the normal Parliamentary process by ramming through legislation towards the end of last year. Today we saw perfect examples of the failure of Ministers to satisfactorily answer questions.

The pattern of abuse of this place is shown again with this notice of motion and we hope the Minister will make a Ministerial statement rather than simply an address. Through its amendments the opposition is inviting the Minister to make tomorrow vitally important. The community strongly fears the government’s intentions with superannuation entitlements. The emergency services superannuation scheme is related to my shadow portfolio. People working in emergency services have specific problems that justify generosity of treatment, but they have this extraordinary fear about their entitlements. That fear extends into the Police Force, the ambulance service and fire brigades.

We have seen the reaction of the police to the proposals afoot at the present time to enable
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arbitrary dismissal without appeal rights. Police at a senior level have had their appointments trampled on by the government. Firefighters are also participants in the superannuation scheme and they are expressing considerable alarm. Men and women who are involved in this courageous activity on behalf of our community do not deserve to have their superannuation entitlements threatened by this government. The government has failed to address the financial problems of the firefighting services with the introduction of a measure that would close a legislative loophole and enable the metropolitan brigade alone to gain $3 million in revenue.

These are the people to whom the Minister should speak tomorrow. He should be accountable to Parliament by presenting a statement rather than using some vaudeville device. The people involved have a right to hear him. Whether he observes the normal forms of Parliament or puts on a song and dance routine in public is up to him but he should not come to Parliament and seek to usurp its forms for his own purposes.

As the honourable member for Coburg said, the last occasion on which an attempt was made to change the processes of the House in such a context was in 1942 when this country was in extraordinary peril. At that time our forefathers had sufficient respect for this country's survival to devote something like 85 pages of Hansard to the changes that were being proposed.

Sitting suspended 6.30 p.m. until 8.4 p.m.

Mr COLE (Melbourne) — I oppose the motion of the Minister for Industry and Employment and support the amendments moved by the honourable member for Coburg. This situation is quite important. In some respects we cannot compare the last time a similar event happened — in 1942 during the second world war — with what is proposed today. On the last occasion this happened I had not been born. Uniform taxing powers were being handed over to the Federal government. No-one could deny that the circumstances of that debate were very important and had ramifications that are still felt and will continue to be felt.

Debate on that occasion seems to have been similar to the debate we have had this afternoon. I suppose that some things do not change. My concern is the manner in which the Premier has raised the question of superannuation and what is proposed for tomorrow: the super-Wednesday performance, Super Bowl, supercilious! The government is putting fear into the minds of people about what will happen with their superannuation.

Much of what has arisen in debate of the issue has been well canvassed on many occasions. It is not a vexed question at all. Things have been done, and things can be done. The statement could simply have been presented in the form of a Ministerial statement.

Some government members suggested that the opposition felt everyone should sit back and do nothing. That is not the case. We are suggesting that the normal form of the House, which is tried and true and has been used on every occasion that anyone in Parliament could think of — that is, a Ministerial statement — be followed and that we then debate the Ministerial statement. Let us consider the options and discuss the possibilities. It would not be unreasonable to suggest that what is proposed for tomorrow — and this is why we oppose it — is just one great superstunt.

Mr W. D. McGrath interjected.

Mr COLE — That is spelt s-t-u-n-t. I am afraid the hearing of the Minister for Agriculture is failing; either that or his mind is on other things. The opposition believes it is a superstunt. It is of no great consequence that the statement is to be presented in this way. It is a way of attracting an extraordinary amount of media publicity. We hope the fears that have been put into the minds of people will at least be allayed somewhat, but I would not count too much on that because apparently all that will happen is that an option will be presented. It is for that reason that it is proposed there be a special sitting of Parliament tomorrow.

As honourable members would be more than abundantly aware, we have to ask the fundamental question of what Parliament is all about. It would have to be the most serious violation of the whole concept of Parliament and of the Westminster system to go to the people in the other place — that anachronism called the Upper House, the Legislative Council, the old gentlemen's club — and invite the members to come down here to listen to somebody, but not invite them to deliberate or vote on anything. They will simply come down to the hallowed halls of the Lower House, to the green carpet, to listen to somebody making a statement.

If that is what Parliament is all about, I am not here. It should not simply be a case of using a venue to attract people from the other House to tell them
about superannuation. Why should we confine this practice to superannuation? Why not use this practice when we have a Ministerial statement on child maltreatment? Why not have it for the Budget statement? Why not bring members of the Upper House to the Lower House on a regular basis?

The simple reason why that is not done is that we have a process, Standing Orders and methods of debate; we have an opposition and a government, although it is rumoured that the government is trying to get rid of the opposition, not because it costs too much but because it is too effective. The government does not want to have an opposition. The next best thing to getting rid of the opposition is to make the only method for the opposition to oppose it to be either by contesting the oppressive motion put forward under Government Business or by interjection while the speech — this discussion piece, this option — is being made.

Members will look at visual aids as though we were at the old Regent Theatre, waiting for Mo McCaughey to come out. This is a supposed to be a Parliament. It is a place where members debate and listen and where Ministers are held to account, not some joint where we have a little talkfest, hear one side and then go home or come back later to debate the Barley Marketing Bill.

Is that the way to approach a topic as serious as superannuation? The government does not have the right to take up the time allotted for Parliamentary business by indulging in this sort of exercise. Even a debate on the horrendous and hopeless motion moved by the honourable member for Mildura would be preferable. I should like the opportunity to listen to his appalling performance, because it is so rare to hear a government backbencher speak during debate —

Mr Heffeman interjected.

Mr COLE — I don't know about that — at least we should have the chance to listen to it. If the government will not let the honourable member for Mildura proceed with his motion, let the House debate my very important motion about the rights of gay men and lesbians.

Mr W. D. McGrath interjected.

Mr COLE — You wouldn't listen to that. And we'll worry about sheep and everything else later on.

The DEPUTY SPEAKER — Order! The honourable member should ignore interjections, tempting though they may be.

Mr COLE — That was a most inappropriate interjection from the Minister for Agriculture, which will stand as a black mark against him for a long time. This House is a House of Parliament; that is why we are here. We are not here to listen to the Minister for Finance explain superannuation to us. We know his thoughts on the matter, because he retired from Parliament to pay off his house — and then came back again. Such are the practices of the Tories!

Members of the opposition want to debate issues. We want to ask questions and we want to hear government Ministers respond. We do not want to sit here and listen to the Minister for Finance giving a talk on superannuation. That is not what Parliament is about.

At least in 1942 the then State government, along with the governments of the other States, made a decision to hand over to the Federal government the ability to levy income tax.

Mr Heffeman interjected.

Mr COLE — The address by the Minister for Finance is a violation of Parliamentary processes. No decisions will be made; no debate will follow. Instead the media will be in attendance and cameras will be trained on the Minister, while the rest of us sit in this place listening to a talk that could just as easily be given in Queen's Hall or Room K. The Minister would be better off explaining to the members of the Trades Hall Council what on earth he is on about. He would be well received if he —

Mr W. D. McGrath interjected.

Mr COLE — The Deputy Speaker — Order! The Minister for Agriculture is being disruptive by interjecting across the table. The honourable member for Melbourne should ignore him.

Mr COLE — I take your point, Mr Deputy Speaker. Nevertheless I understand the Minister for Finance and others have already agreed to explain to the Trades Hall Council exactly what they are on about. That would not be an unusual move, especially as the Trades Hall Council members represent most of the State's workers.
The issue about which I am most concerned is the government's continual oppression of the minority. No other issue can be more serious than Parliament's being used on every occasion to ram through what the majority wants. On this occasion without consultation the majority, the government, is forcing the minority, the opposition, to have this House used in an utterly unprecedented and inappropriate way. The decision to use the Legislative Assembly in this way, especially given the importance of superannuation, should have been made in consultation with all parties.

The Minister's address will be a media performance. Let's face it, it will have nothing to do with members of the opposition. Members of the opposition would be better off listening to the Minister's address on radio than listening to it in the House. It will make good theatre. I do not know whether the Premier will sing a song — —

An honourable member interjected.

Mr COLE — I am sure Bill Cosby's ratings would have fallen! The opposition does not believe the exercise is necessary — but at least the decision should have been made with the consent of the minority. Members of the opposition would like to debate the statement and to challenge the assertions made and the propositions put — but we will not be given that opportunity.

This House is our forum; it belongs to us as much as it does to anyone else, because all of us are here by virtue of our being elected to serve the people of Victoria. Instead, the government will use its numbers to force the House to listen to a speech that will not address the issues.

I am also concerned about the way in which the superannuation issue was raised by the Premier. Somewhere he discovered that things were worse than he first thought, which probably means he did not read documents that were available last year, the year before or the year before that. The Premier said that things were not good, which is why he called a special meeting of Cabinet at 7.30 in the morning, only to be told by members of the Cabinet that they already knew things were not very good. Despite that, the House will have to sit through another of the Premier's performance pieces.

As a result of the Premier's actions many decent, honest and reasonable people are worried about what the government will propose. The place is abuzz: people are asking not only, "What will the government do next?" but also, "What will the government do to our superannuation?" That should never have happened! Any problems with superannuation schemes should have been addressed in the confines of the Cabinet room. A decision should have been made about what to do, after which the government should have announced that it would consult the community — but the exact opposite has happened. That has resulted in a great deal of worry and nervous anticipation.

The government is approaching the issue of superannuation in the same way as advertising men who try to sell us things we do not need. Many people are worried and disturbed, which the Premier and his Ministers should bear in mind not only when staging tomorrow's performance but also when making future decisions.

The fear and uncertainty felt by many Victorians will only be exacerbated by tomorrow's address. I am sure the manner and presentation of the Minister for Finance will make it appear as though something extraordinary is about to happen to the benefits of the members of the State superannuation schemes. Those people are worried about whether their benefits will be taken away from them.

The motion should be opposed. The government should rethink its position and accept the proposed amendments.

Mr TANNER (Caulfield) — The contributions of opposition members today have been disappointing and hypocritical. One fatuous remark that has been made is that government members have not responded to opposition contributions. I remind the House of what coalition members had to put up with between 1982 and 1992 when the Labor Party was in government. Time and again when motions and Bills were debated members of the former government did not deign to make contributions. The former government decreed that its members should not contribute to debates.

Tonight, as has been the practice under this government when Bills and other motions have been before the House, government members have been encouraged to contribute to debate. It is hypocritical for the opposition to suggest that government members have not contributed to debate in this House. It is total misrepresentation to suggest that the government has not contributed to the debate. The reality is that government members contribute to community issues and government decisions not only in the party room but also in the Chamber. That
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is contrary to the practice of the former Labor government, which did not allow its members to contribute to debates.

Time and again we had completely lopsided debate on many measures. Opposition members who were members of the former government should be prepared to admit that that was so. In those days members of the Labor government did not contribute to debates. Opposition members should be prepared to acknowledge that since the coalition government was elected the contributions to debate have come from both sides of the House. This House is now a genuine debating Chamber.

Opposition members have been hypocritical in their contributions to the debate. They should be prepared to acknowledge that from 1982 to 1992 they sat mute in this Chamber. One of the frequent jibes in recent days has been "Bob Who?". The Deputy Leader of the Opposition is known as Bob Who because when he was a member of the former government his contributions to debate in the House were negligible. The honourable member now known as Bob Who made no public contribution to debate in this Chamber. He may have made a contribution in his party room; presumably he did or he would not have become Deputy Leader of the Opposition. However, his contributions in this Chamber have been negligible and his nickname adequately describes his contribution to the motion now before the House.

Opposition members also referred to the right of the House to debate Ministerial statements and government addresses. I remind the opposition of its right to debate Ministerial statements and grievance debates in sessional periods. Tonight the House has again witnessed the hypocrisy of certain opposition members in criticising the government after their own performance as members of the former government from 1982 to 1992.

Tomorrow the government has proposed that an important address to Parliament be made by the Minister for Finance. There could be no matter of greater moment for the Victorian public than tomorrow’s address by the Minister for Finance. I remind the opposition of how the Cain and Kirner governments blew out the State’s public indebtedness from $15 000 million to more than $60 000 million between 1982 and 1992. That is the point to which the Labor government’s administration of State finances has led this government and the Victorian community.

The Minister for Finance will address an issue that reflects almost one-third of the public indebtedness of the State. The liability for public sector superannuation is at least $18 000 million, almost one-third of the State’s public indebtedness.

Mr Hamilton interjected.

Mr TANNER — The honourable member for Morwell should recognise that this government, unlike the former government, is attempting to remedy the problem. It will attempt to fix it up. It will not be an easy road — in fact, it will be a difficult road — but government members recognise that last October they were elected to Parliament to restore the financial stability of the State. There is no more important step along that path than the Minister’s address tomorrow on liabilities arising from public sector superannuation. In the coming weeks the reporting of an audit of the State’s liabilities will be under way. It will provide an even clearer indication of the true financial position of the State. It may contain even worse news on public sector indebtedness and on the State’s liability for public sector superannuation.

This is an important subject not only for the Victorian community but also for public sector employees who contribute to the various superannuation schemes. The government recognises the right of people who wish to retire after many years of working and preparing for their retirement from the workplace to have dignity and to be able to provide for themselves. The address to Parliament will be of significance not only to public
sector employees but also to the Victorian community because if the government does not get it right it will be catastrophic for all Victorians.

Members of the coalition government were elected to address the financial stability of the State, and they are prepared to do so. They will not sit on their hands for 10 years like former government members did and allow the State’s financial position to worsen. The coalition will not allow Victoria’s indebtedness to become a financial morass that will destroy the welfare of all Victorians.

Dr COGHILL (Werribee) — On a point of order, Mr Speaker, the honourable member is foreshadowing and precipitating proceedings. The motion and amendments before the Chair are clear. They relate to provisions applying to a proposed address tomorrow. They do not relate to the subject matter of the proposed address by the Minister. I ask you, Sir, to rule the honourable member out of order.

The SPEAKER — Order! The time allotted for the debate has expired.

Mr LEIGHTON (Preston) — On a point of order, Mr Speaker —

The SPEAKER — Order! Under the rules set down in May the time has expired.

Mr LEIGHTON — My point of order is on a different matter. It relates to how the question is put and whether the question should be split into five parts. That can be achieved in three ways. The first is under Standing Order No. 69, which allows this House to order that a question on a complicated matter be divided into different parts. That is not possible on this occasion because the government gave notice of this motion on only the previous sitting day, and it was impossible to have made such a request. I could have given notice of five motions today, but they would not have been debated until after today.

Secondly, the question could have been split by moving a further amendment that the motion be withdrawn and divided into five parts. Because the government guillotined the debate I could not put that amendment.

The SPEAKER — Order! Will the honourable member for Preston come to his point of order?

Mr LEIGHTON — I am proposing a third way for the question to be split. Mr Speaker, I draw your attention to page 335 of May’s Parliamentary Practice, 21st edition, which states:

The old rule that when a complicated question is proposed to the House, the House may order such question to be divided, has been variously interpreted at different periods. Originally the division of such a question appears to have required an order of the House. As late as 1883 it was generally held that an individual member had no right to insist upon the division of a complicated question. In 1988, however, the Speaker ruled that two propositions which were then before the House in one motion could be taken separately if any member objected to their being taken together.

It goes on to state that that ruling has been upheld ever since. As a member of the House I request — in fact I insist — that that be the case, as per the wording in May that refers to a member insisting that the question be split.

While I recognise that the method of dealing with these questions is at your discretion, Mr Speaker, not only are a number of issues contained in the motion moved by the Leader of the House but a series of amendments were moved by the honourable member for Coburg. Because they are framed in a certain way the House must choose whether to accept or reject the amendments, and ultimately whether to accept or reject the substantive motion. Honourable members could agree to the debate being held in the afternoon rather than in the morning, but —

The SPEAKER — Order! Will the honourable member conclude his point of order?

Mr LEIGHTON — Mr Speaker, I am asking that you rule on the matter. Important issues are covered in both the motion and the amendments moved by the honourable member for Coburg, and good reasons can be given for splitting the question into five parts so that the House can determine each of the propositions.

The SPEAKER — Order! I understand the point of order raised by the honourable member for Preston. I will explain the process. The House has moved a motion that appears on the Notice Paper, to which the honourable member for Coburg has moved a series of amendments. The honourable member for Preston will see that according to page 413 of May the rules for the guillotine bind me to putting the question. The only other guide is that if this debate had occurred in Committee the
Chairman of Committees would put the first amendment of the honourable member for Coburg and the rest would be put in globo.

With that ruling in mind, I put the question:

That the expression proposed to be omitted stand part of the question.

Those who wish to support the amendments moved by the honourable member for Coburg should vote no.

**House divided on Mr Roper's amendment No. 1 (Members in favour vote No):**

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**Amendment negatived.**

The SPEAKER — Order! The remaining amendments moved by the honourable member for Coburg will be put in globo.

**House divided on Mr Roper’s amendments Nos 2 to 10:**

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**Noes, 27**
ADDRESS BY MINISTER FOR FINANCE

Tuesday, 6 April 1993

Kilgour, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McGill, Mrs
McGrath, Mr J.F.
McGrath, Mr W.D.
McLellan, Mr

Amendments negatived.

House divided on motion:

Ayes, 59
Ashley, Mr (Teller) Mac1ellan, Mr
Bildstien, Mr McNamara, Mr
Brown, Mr Maughan, Mr
Clark, Mr Naphine, Dr
Coleman, Mr Paterson, Mr
Cooper, Mr Perrin, Mr
Davis, Mr Perton, Mr
Dean, Mr Pescott, Mr
Doyle, Mr Peulich, Mrs
Elder, Mr Phillips, Mr
Elliott, Mrs Plowman, Mr A.F.
Finn, Mr Plowman, Mr S.J.
Gude, Mr Reynolds, Mr
Hayward, Mr Richardson, Mr
Hefferman, Mr Rowe, Mr
Henderson, Mrs Ryan, Mr
Honeywood, Mr Smith, Mr E.R.
Hyams, Mr Smith, Mr I.W.
Jasper, Mr Spry, Mr
Jenkins, Mr Steggall, Mr
John, Mr Tanner, Mr
Kennett, Mr Tehan, Mrs
Kilgour, Mr Thompson, Mr
Leigh, Mr Traynor, Mr
Lupton, Mr Treasure, Mr
McArthur, Mr (Teller) Turner, Mr
McGill, Mrs Wade, Mrs
McGrath, Mr J.F. Weideman, Mrs
McGrath, Mr W.D. Wells, Mr
McLellan, Mr

Noes, 27
Andrianopoulos, Mr Marple, Ms
Baker, Mr Micalef, Mr
Batchelor, Mr Mildenhall, Mr (Teller)
Coghill, Dr Pandazopoulos, Mr
Cole, Mr Roper, Mr
Cunningham, Mr Sandon, Mr
Dollis, Mr Seitz, Mr
Garbutt, Mrs Sercombe, Mr
Haermeyer, Mr Sheehan, Mr
Hamilton, Mr Thomson, Mr
Kennan, Mr Thwaites, Mr (Teller)

Kirner, Ms Vaughan, Dr
Leighton, Mr Wilson, Mrs
Loney, Mr

Motion agreed to.

The SPEAKER — Order! The question is:

That a message be sent to the Legislative Council acquainting them of the resolution of the Legislative Assembly.

House divided on question:

Ayes, 59
Ashley, Mr Mac1ellan, Mr
Bildstien, Mr McNamara, Mr
Brown, Mr Maughan, Mr
Clark, Mr Naphine, Dr
Coleman, Mr Paterson, Mr
Cooper, Mr Perrin, Mr
Davis, Mr Perton, Mr
Dean, Mr Pescott, Mr
Doyle, Mr Peulich, Mrs
Elder, Mr Phillips, Mr
Elliott, Mrs Plowman, Mr A.F. (Teller)
Finn, Mr Plowman, Mr S.J.
Gude, Mr Reynolds, Mr
Hayward, Mr Richardson, Mr
Hefferman, Mr Rowe, Mr
Henderson, Mrs Ryan, Mr
Honeywood, Mr Smith, Mr E.R.
Hyams, Mr Smith, Mr I.W.
Jasper, Mr Spry, Mr
Jenkins, Mr Steggall, Mr
John, Mr Tanner, Mr
Kennett, Mr Tehan, Mrs
Kilgour, Mr Thompson, Mr
Leigh, Mr Traynor, Mr
Lupton, Mr Treasure, Mr
McArthur, Mr (Teller) Turner, Mr
McGill, Mrs Wade, Mrs
McGrath, Mr J.F. Weideman, Mrs
McGrath, Mr W.D. Wells, Mr
McLellan, Mr

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Andrianopoulos, Mr (Teller) Marple, Ms
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Cole, Mr Roper, Mr
Cunningham, Mr Sandon, Mr
Dollis, Mr Seitz, Mr
Garbutt, Mrs Sercombe, Mr
Haermeyer, Mr (Teller) Sheehan, Mr
Hamilton, Mr Thomson, Mr
Kennan, Mr Thwaites, Mr (Teller)
LAND TAX (AMENDMENT) BILL

Mr W. D. McGrath (Minister for Agriculture) — I move:

That the consideration of Order of the Day, Government Business, No. 1 be postponed until later this day.

Mr Roper (Coburg) — Will the Minister explain why debate on the Bill is being postponed? Notice was given a week ago, but the Bill is not available today. Has the matter been settled with Parliamentary Counsel and forwarded to the Law Printer? When might Parliament finally see the Bill?

Mr W. D. McGrath (Minister for Agriculture) — The Treasurer has the responsibility of introducing the Bill. He is not available at present but may be available later this day.

Motion agreed to.

BARLEY MARKETING BILL

Debate resumed from 11 March; motion of Hon. W. D. McGrath (Minister for Agriculture).

Mr Hamilton (Morwell) — The Barley Marketing Bill is an important Bill that the opposition does not oppose. It is important for the opposition to make a contribution to the debate because of the problems facing the government and the State.

The agricultural industry will be the most important industry in determining the future development of Victoria. A number of members will make contributions to the debate. The Shadow Minister for Natural Resources will make a contribution. Barley is a natural resource and it is appropriate that she speak about research and potential development and how that research is closely related to the marketing of barley.

The next speaker will be the honourable member for Geelong North, whose electorate is the most productive barley-growing area in the State. The Barwon region yields about 2.1 tonnes a hectare, which outstrips the Mallee and Wimmera regions because of the fertile soil. The figures quoted are taken from the barley industry report and the coarse grains industry report in the publication Australian Agriculture - The complete reference on rural industry.

The honourable member for Werribee will make a contribution to the debate because of his professional qualifications and his interest in barley. The final speaker will be the honourable member for Sunshine, who was formerly the Minister for Food and Agriculture.

The newsletter of the Strategic Research Foundation, Strategic Thinking, which has a photograph of the Minister for Agriculture on the front page, refers to the research project in the barley industry. The opposition compliments the Minister on launching the program and wishes it every success.

When preparing for the debate, the opposition was concerned that the Minister may be seen to have a pecuniary interest in the barley industry, in particular, his own farm. However, given the way in which the Bill was introduced, it is clear that the Minister does not have a large vested interest in the barley industry as he does in the dairy industry. Barley growers, unlike dairy farmers, do not have their farm-gate price protected. The opposition thought the barley growers would be looking for some guarantee in the Bill.

The legislation is described as a deregulation of the barley industry. It is not deregulation in toto; it is a move to deregulate in part. There are some complications in practice as there are in principle in a completely deregulated barley industry.

The Bill is only half a Bill. I understand the other half is being debated and passed in South Australian legislation; it is complementary legislation to the South Australian legislation. I am not qualified to talk about the barley industry in South Australia other than to say that about twice as much barley is produced in South Australia as in Victoria and therefore it represents a significant part of the industry. I am reliably informed that most of the barley produced in South Australia is grown as feed rather than for use in the malting industry. That represents great potential for growers in Victoria.

It was difficult to obtain the latest figures on how many barley growers there are in the State, but as at 31 March 1991, there were 4157 barley growers in Victoria. There are 1480 barley growers in the Wimmera region and 1398 in the Mallee region.
Only 139,000 hectares of barley are sown in the Wimmera and 255,000 hectares in the Mallee, the obvious difference being soil conditions rather than climatic conditions.

That leads me to the next and perhaps one of the most important parts of the debate on the Barley Marketing Bill. I have never spoken on any topic in this House without mentioning the Latrobe Valley. It is interesting that I can weave the Latrobe Valley into a debate on barley marketing, but I assure you, Mr Acting Speaker, I can do so and remain on the topic.

Gippsland in general and the East Gippsland area in particular produce barley. The latest set of figures available show that some 73 hectares of barley was grown in the area, giving a production of 50 tonnes, that is, a ratio of 0.7 tonnes per hectare, which is not very good.

Mr Steggall — This is on the Bill, is it?

Mr HAMILTON — Of course it is on the Bill. Some barley was grown at Bungaree on the back paddock where I live. A family called Hanrahan grew 10 acres of barley there. One of the many brothers of the large family was the starter for the Bungaree racecourse, which leads me into a reference to an important use for barley. The barley that was grown at Bungaree was sold to the Kelly family, and Maurice Kelly, a well-known racehorse trainer in the Ballarat area, was the successful owner of several winners of the Ballarat Cup. Barley was an important feed for stock, and the honourable member for Altona will relate how important barley is from her experiences in the racing industry.

Recently I read in a scientific magazine that barley has been found to have some other potential uses. I was pleased to learn of the wide range of potential uses to which it might be put. Honourable members will be aware that the Gippsland Lakes suffer from algal bloom. Some recent research has been undertaken into the problem, and I shall be speaking to people working on research at the Monash University campus in the heart of the Latrobe Valley about the opportunity for using barley to solve the problem in the Gippsland Lakes. It could provide an answer to a serious problem being confronted in the waterways and watercourses of not only this country but other countries all over the world. If the research is successful, a new market may be established for barley.

Another important aspect of the industry is the decision to grow two-row barley or six-row barley. I am reliably informed that in the order of 90 per cent of barley grown in this State is two-row barley because it is a better quality barley and is more appropriate for the malting industry.

I am fortunate to be the shadow Minister for an interesting area of government activity. During my reading in preparation for the debate on the Dairy Industry (Amendment) Bill I was pleased to read speeches made by the former member for Ripon. He provided a considerable amount of interesting and valuable information about the dairy industry. He had been Minister for Agriculture in an earlier Liberal government and was an honoured representative in Parliament. It is interesting to note in passing that the new member for Ripon has not followed in his footsteps; I have not heard him speak on agriculture — or on anything else, for that matter.

I provide some background on the current state of the barley industry in Victoria. It is important that any debate be put in context and that the background for a debate be recorded in Hansard for the benefit of people who will be considering the industry in the future. Over the next few years people who are involved in any debate may not have the expertise of the present Minister for Agriculture. The Bill has a sunset clause of five years, so it may be five years before the marketing of barley is reviewed in Victoria and in South Australia.

The Australian Agriculture Journal indicates that barley is grown in every State of Australia except Tasmania. I gather from the journal that is because it is a bit cold down there. I should have thought a few crops of barley would be grown in Tasmania for stockfeed for racehorses. I now know that the journal is incorrect in that reporting. A correction should be made to the statements in the journal; I am sure the editor will do so.

Two main types of barley, two-row and six-row barley, are grown. Some 90 per cent of the crop is two-row barley because, as I said, it is the better barley for malting purposes. An important aspect of barley growing is the value of the barley. Barley sold for malting is of much higher value to the grower than feed barley. The comparative prices over the past few seasons are $150 per tonne for malting barley and something in the order of $110 per tonne for feed barley. One can see why two-row malting barley stock has been grown in preference to six-row feed barley. Hot, dry conditions are needed to grow barley.
Mr W. D. McGrath — And to drink the product!

Mr HAMILTON — Barley is important in the beer industry, that is, in the malting and brewing industry, but I was not sure how it fitted into the spirits industry. I have been reliably informed that some good spirits are made from barley. Here is perhaps another opportunity for value adding in the barley industry so that not just the barley is shipped overseas.

That brings me to deregulation. The Bill does not provide for deregulation of the export market because that will be controlled by the Australian Barley Board. The title is a misnomer because it is really the Victorian/South Australian barley board. It takes a bit of poetic licence in assuming the name Australian Barley Board.

The next challenge, not just for the government but for the barley growers and the industry as a whole, is to establish a comprehensive and coordinated process for the growing and marketing of barley throughout Australia, at least along the eastern seaboard. As the Minister said, a large amount of barley is grown in Western Australia. As that State is still part of the Federation, it should not be overlooked. There might be some way of achieving coordination in the industry right across Australia.

I shall be interested to hear members of the government speak on the Bill. I shall be particularly interested to learn whether they support eventual total deregulation of the barley industry, because there will be some teething problems with that aspect, just as there were with the so-called deregulation of the dairy industry.

The Minister would have noted that in the Weekly Times of 17 March some dairy farmers expressed concern that they may lose out in the deregulation process. I must be honest and say that deregulation will not be the answer to all the problems. I suspect that government members do not fully support complete deregulation as it would mean no control, organisation or regulation of the industry.

There is no such thing as complete deregulation. When we talk about deregulation we are talking about one mob getting out of regulation and another mob taking over. The best example of that was when the banks were deregulated, which ended up with banks being regulated by a group other than the government. I believe in government regulation because government has a responsibility and a charter to control important industries, especially agriculture.

The country, in particular Victoria, has an opportunity to use its rich agricultural base combined with the food industry to produce real economic growth. I hope the Minister will make a Ministerial statement on the agriculture portfolio.

It is interesting to note that the value of the barley crop this year will be about $1 billion, which is equal to the revenue earned by the dairy industry. That is the growth predicted in the forward estimates.

Mr Steggall — It is about $60 million this year.

Mr HAMILTON — The figures in the journal must be wrong. I will have to talk to the editor of the magazine because he has got a few things wrong. That is not strange. As a person who has read journals all my life, I often find mistakes in them; one wonders whether to blame the writer or the editor.

A critical factor for the export of barley is its moisture content. Australian barley has a moisture content of 12 per cent, whereas Canadian barley has a water content of 14 to 15 per cent. Canada is a large barley producer but not as large as European Community countries, which are the world's largest barley producers and exporters.

There is a great potential to export barley to Asia because it is increasing its beer production and sales. Beer production is an important industry because, as connoisseurs of beer would understand, the taste of beer depends not so much on the malting and brewing processes but on the local water. Boutique beers tend to be popular because people like the taste of the local water used by smaller breweries. The fact that Australian barley contains 3 or 4 per cent less water than barley produced by Canada or European Community countries gives Australian barley producers an advantage because their product is more useful to the consumers.

I am pleased the Minister is well briefed and knowledgeable in this area because he may be able to fix up the problem referred to in the Australian Journal of Agriculture, which says:

Like wheat, barley is the subject of a highly regulated marketing system which prohibits growers from selling it other than through centralised marketing bodies.
The Barley Marketing Bill is designed to fix that problem.

Mr W. D. McGrath — Are you supporting it?

Mr HAMILTON — I am not opposing it. There is a distinct difference between supporting and not opposing. The opposition will certainly not oppose the change to the way in which the industry is regulated.

The Bill covers barley and some coarse grains that are regulated by the Coarse Grains Authority. That name does not sound as good as the Barley Marketing Board, which will now cover barley and other coarse grains. A new board will be formed under the Bill and it will market barley as well as coarse grains, if the coarse grain growers wish to come under its umbrella. There is no compulsion on grain growers to come under the umbrella of the Barley Marketing Board.

The journal refers to the importance of getting the marketing right and says:

Between two-thirds and three-quarters of the Australian barley crop is exported each year, the major destination being Japan. In 1988-89 Japan purchased 436 000 tonnes of Australian feed barley, as well as 145 000 tonnes of processed malt.

That is good because Australia did not ship the malting barley straight to Japan; it processed the barley here and shipped the malt to the Japanese brewing industry. It is important for the agricultural industry that it produces value-added products that create jobs, with the attendant economic advantages. The article says:

Taiwan was the next biggest buyer taking 234 000 tonnes of feed barley, followed by Saudi Arabia with 191 000 tonnes and the United Arab Emirates with 106 000 tonnes.

The problems in the Middle East have upset our barley marketing in that area. The article further says:

... Australia produces about 1.2 per cent of the world's barley.

Given the importance of barley to Victorian farmers, it is surprising to find that Australia is a small producer relative to its wheat production, which has decreased as barley production has increased. Although Australia produces a small amount of barley in percentage terms, it contributes 12 per cent of the world's barley trade, which is a great effort because it is growing barley not just for malting and brewing industries and feed for the racing industry but also for domestic use. There are tremendous opportunities to increase domestic use of barley because it has good nutritional and dietary values.

The Uruguay round of multilateral trade negotiations under the General Agreement on Tariffs and Trade are critical to what happens not only in the Australian barley industry but also in the agricultural industry generally.

I join with other government speakers, as I imagine would all Australians, in supporting a successful outcome to the efforts to remove subsidisation so that eventually our farmers will not be faced with unfair competition. If Australia is serious about its agricultural industries in general and the barley industry in particular it should support a successful outcome so that its farmers can compete on a more level playing field.

It is interesting to note that returns on high quality malting barley are greater than returns on barley produced for feed. It is no wonder that our farmers wish to make the most efficient use of their land by growing as much malting barley as possible. Opportunities exist for further increasing exports of barley to China and for exporting malting barley to Taiwan, Korea, Indonesia and Malaysia.

In 1987-88 the price for barley was approximately $133 a tonne. By 1988-89 the price had increased to $174 a tonne. The price for the 1992-93 crop is predicted to be about $153 a tonne. It would appear that after peaking the price of barley will settle down. After speaking with the Minister I believe that barley is a profitable crop for farmers to grow.

The volume of barley grown in Australia has increased from 3477 kilo tonnes in 1987-88 to a predicted 5365 kilo tonnes, or approximately 5 million tonnes, this year. Obviously farmers have recognised the value to the profitability of their farms of growing barley.

The only danger I can see is one that is not unknown in farming circles. Those involved in the industry would be aware that without proper regulation there is sometimes overproduction and the goose that lays the golden egg is killed. In my experience, as a person who grew up on the land, it was always the case that if potato prices were up or if fat lambs looked like doing well everyone planted potatoes or...
went into fat lambs, which resulted in a glut and a consequent reduction in prices received for that produce.

The South Australian and Victorian Barley Board has an important role in ensuring there is an appropriate level of regulation so that all barley grown can be marketed profitably. If farmers cannot market their grain at a profit they will be out of business and no barley will be grown. I consider it important for governments, in cooperation with the industry and interested parties, to introduce some regulatory controls. I am pleased that some regulation is proposed in the Bill.

The gross value of Australian barley production this year is expected to be approximately $823 million, having grown from $461 million in 1987-88. The level of that growth says something about what has happened in the barley industry and in the grain industry in general. In 1987-88 Australia had 2,384,000 hectares planted with barley and it is predicted that this year the figure will be 2,955,000 hectares — not a great percentage increase given that the yield has increased.

Although over the years there has been no growth in the size of the barley crop, there has been a marked increase in the number of varieties of barley grown together with improvements in farming efficiency. In 1987-88 the average farm yield for barley was 1.46 tonnes per hectare. The figure rose steadily to 1.75 tonnes per hectare in 1989-90 and then dropped back to 1.61 tonnes in 1990-91 and 1.66 tonnes in 1991-92. As we are dealing with national figures I assume that rise and fall was due to seasonal problems. This year the average farm yield is predicted to be 1.82 tonnes per hectare. The expected increase in production is no doubt due to better farming methods, organisation and research.

Mr W. D. McGrath interjected.

Mr HAMILTON — That has always been pretty important to farmers and I am well aware of that fact. It also due to the fact that the industry has been able to produce a higher yielding grain variety that is resistant to disease. That was discussed in the research article to which I referred earlier and is an important matter when considering how an industry may be regulated.

The volume of Australian barley exported increased from 1884 kilotonnes in 1987-88 to 3652 kilotonnes this year, increasing the value of the barley industry tremendously. This year the export value of barley will be $642 million compared with $282 million in 1987-88.

Mr W. D. McGrath — That is a national figure.

Mr HAMILTON — That is correct. These figures were taken from volume 4, No. 4 of Agriculture and Resources Quarterly 1992.

Mr W. D. McGrath interjected.

Mr HAMILTON — We are getting close to the figure for the dairy industry. I predict a bright future for barley. If I were in the market I would be getting into barley. Barley appears to be a growth industry and Australia needs growth industries.

The annual report for 1990-91 of the Grains Research and Development Corporation reports exciting new developments in research into barley. As I mentioned earlier, it is important for honourable members to note that research has shown that for people concerned with the problem of cholesterol, barley is more effective than popular oat bran and has provided the barley industry with potential increases in high-value, human consumption of barley.

There must be potential to increase our consumption of barley. A company in New South Wales is doing further research on the development of barley production, usage and marketing. In fact, research is going on throughout the agricultural industry, and it is very important that it continue.

I should turn my remarks to the Bill. I am fortunate that a kind and understanding person is occupying the Chair. I should set the scene because barley is an important industry, and I am sure the honourable member for Swan Hill will give us a few pearls of wisdom.

Mr Steggall — Do we still have pearl barley?

Mr HAMILTON — Of course we still have pearl barley, and my grandmother would be most upset if she could hear you!

This Bill is complementary to legislation that is being considered in South Australia. No doubt it will be passed in Victoria, whether or not it is supported by the opposition, and I wish it a smooth passage through the House.

The Australian Barley Board will be established jointly by Victoria and South Australia and will have
an interesting structure because the Victorian industry is organised differently from the South Australian industry. A Victorian will be nominated by the Minister and someone will be nominated by the South Australian Minister, so two Ministerial appointments will be made. I understand that two South Australian barley growers will be elected by growers in that State, which is different from Victoria’s structure. It seems that South Australian barley growers have a better union than the Victorian growers and can carry out their own election process.

One Victorian barley grower will be nominated by a selection committee, which will be established by the Victorian Minister. The Minister might like to explain how the selection committee will be chosen and how he will ensure that the best people are on it. Two people with a knowledge of the barley industry, one of whom must be a Victorian, will also be on the board. I should imagine that to maintain the balance the other would be a South Australian, but the Bill does not make it clear. I am glad that the Minister, in good Victorian style, is looking after our interests. Knowing the way the Crows play football, I am sure the other person with knowledge of the barley industry will be South Australian.

The board will also have one person who has expertise in a specified area and is nominated by the selection committee. At first I was a bit worried about that because I thought every person on the board would have expertise in barley marketing and the general agricultural industry. I commend both Ministers for saying that the board will comprise experienced and expert people who have been appointed, elected and selected, and that they will see whether anyone is missing. Maybe an accountant is missing. My advice is: do not have one because he will create all sorts of problems. Obviously there is a need for people with experience in marketing, export and transport.

I read somewhere that barley is transported by road, which I found rather strange. Because of the volume of barley that is grown in Victoria, I should have thought it would be transported by rail. Perhaps the Minister could comment on that. It may be a bit of misinformation I read in one of the journals.

There are a few areas of concern and the opposition hopes they will be explained during the Committee stage. The Minister has informed me that amendments will be moved, so we are waiting to see what happens. The opposition may oppose a couple of clauses but it depends on whether the Minister moves amendments.

The Scrutiny of Acts and Regulations Committee, which is capably chaired by the honourable member for Doncaster, has done an excellent job in scrutinising the Bills clause by clause and has made some recommendations for every Bill before the House. It alerted our attention to some of the clauses in this Bill that relate to the control given to barley inspectors, some of whom have more power than the police. There must be a tremendous illicit trade in barley. It is more dangerous to play with barley than it is to play with marijuana! Perhaps the Minister will comment on why the inspectors who deal with people who do not comply with the law in barley marketing have so much power.

The board will issue seasonal permits authorising people to purchase barley direct from growers for stockfeed purposes, and a person who is engaged in the business of malting or processing barley for human consumption and who is party to a deed of arrangement with the board will be able to apply for a seasonal licence to purchase barley direct from growers for malting or other processing in Australia for human consumption. There is a distinct difference between those two matters, and perhaps the Minister will take on board the issue of permits available for people to purchase direct from growers. There has to be an arrangement for the purpose of barley malting.

I confess I do not understand the significance of that provision. I suspect the House would like to understand the difference between those two matters.

The ACTING SPEAKER (Mr Cooper) — Order! The time appointed under Sessional Orders for me to interrupt the business of the House has now arrived.

Sitting continued on motion of Mr W. D. McGrath (Minister for Agriculture).

Mr HAMILTON (Morwell) — I am concerned about the lack of understanding of the intent of clause 42. It appears that a person may apply for a licence, which must be issued within 21 days of the application being received by the board, and that it will be subject to certain terms and conditions contained in the deed of arrangement. The board appears to be acting as an accountant because it must know what barley is to be purchased, from whom and from where. I expect the board would
also be interested in the prices to be paid. It may be hard to keep track of the average price of barley when large volumes are being handled. The Australian Barley Board will take all the barley that is not sold through those two systems.

The accountability of the board is cause for concern. Clause 49 provides that the board must prepare and forward to the Minister a report to be laid before Parliament on the operations of the board. Clause 50 also raises some questions. It provides that the accounts of the board must be audited by the Auditor-General — that is appropriate, given that it is a statutory authority — but it also provides that the accounts can be audited by the South Australian Auditor-General. I am not sure whether that provision is exclusive or inclusive for either or both Auditors-General to examine the accounts of the board. The clause also provides that a registered company auditor may be appointed by both Ministers on the recommendation of the board. I believe our Auditor-General, who takes his task seriously, would like to know what is happening with the board. Will the Minister clarify whether the Auditor-General will have an overview of the accounts of the Australian Barley Board? It will be handling approximately $1 billion in industry accounts; it is a big industry. Certainly a statutory authority's accounts should be audited.

Clause 54 concerns me because it deals with the dissolution of the board. This is an excellent provision — I must be careful not to praise the Minister too much. It requires the Minister to direct that a poll be taken on the question of the dissolution of the board if he has received a petition during a permitted period that represents the views of at least half the barley growers, or if he has received notice that a similar petition has been received by the South Australian Minister. Does that mean half the growers of barley in Victoria as well as half the growers in South Australia, or is it half the total number? If the growers in South Australia presented a petition to the Minister we could be in real trouble. It might be an interesting exercise.

Mr Steggall — There might be a regulation to fix that.

Mr HAMILTON — There is probably a simple way of doing that. The clause provides that the Minister must be advised of such a petition. It is a good move and it will keep the agricultural industry on the front foot.

The Bill establishes the Barley Marketing Consultative Committee. Part 10 provides for general matters. I understand that the Minister will amend clause 74 because of matters that were addressed by the Scrutiny of Acts and Regulations Committee when dealing with an evidentiary clause. Will the Minister comment on that?

It appears that deregulation of the industry provides enormous policing powers for those who are supposedly looking after the industry. That is a contradiction in terms and it is something that needs to be examined in some detail. Why are draconian policing powers required? Will the Minister explain those matters?

This is a halfway-house Bill. It continues the joint barley marketing scheme for another five years and in that time I hope the barley industry will become better organised and will be able to sort out the various industry players. I am pleased that the Victorian Farmers Federation will play an important role. It will provide secretarial services to the board and will have a number of other inputs to it. It is important that an industry organisation is involved.

A review of the barley industry was set up in June 1989. The Labor Party claims a bipartisan involvement in this process due to the able and experienced former agriculture Minister, the honourable member for Sunshine, who seems to have taken to barley like a duck to water and who came up with some excellent proposals as a result of the review.

It is also pleasing that there has been extensive discussion throughout the industry. That would not have been easy, given the two States involved and the fair amount of competition between the States. Subject to some amendments that will be moved in the Committee stage, this is a worthy Bill. It covers the interim period and it is hoped that with experience and with development in the agricultural industry, which is probably one of the fastest growing industries in Victoria — and barley is an important part of that industry — the Bill will achieve its purpose and will continue to have the real support of the current government. I wish the Minister success with the Bill.

Mr BILDSTIEN (Mildura) — The honourable member for Morwell said that the Wimmera and the Mallee are Victoria's principal grain producing areas and they are ably represented by the Minister, my colleague the honourable member for Swan Hill and me. The Bill is the culmination of a lot of work
undertaken by the Minister and his department in conjunction with the industry, and they are to be commended for producing a Bill that has the support of all sectors of the barley industry. I wish the Bill a speedy passage through this place and the other House. Because the joint marketing arrangements for barley now in place with Victoria and South Australia expire at the end of this season, it is important for the Bill to be passed and proclaimed as quickly as possible.

I am sure it is obvious to country members of this House that it is purely a coincidence that tonight I am wearing the tie of the Victorian Grain Elevators Board. It was presented to me by Mov Cornell of the Grain Elevators Board after I had spoken to him at the grains conference at Bendigo a week or two ago.

The contribution by the honourable member for Morwell was most entertaining and informative and one could be forgiven for thinking that he and his party had some commitment to agriculture. However, the honourable member for Morwell was not at the grains conference at Bendigo, nor did I see him at the pastoral conference conducted by the Victorian Farmers Federation. From memory the Labor Party spokesperson on agriculture is the Honourable Caroline Hogg from another place. She was not at those major conferences, either. It is a shame that the comments made by the honourable member for Morwell have not been backed up with some substance such as attendance by opposition members at those important rural forums.

Unlike the principal Act, the Bill clearly states the objectives, functions and powers of the Australian Barley Board. It was interesting to hear the comments made by the honourable member for Morwell about the powers of barley inspectors. An aside made to me by one of my colleagues was that the reason the powers of the barley inspectors are so strong is that when the Labor Party was in government over the past 10 years it emasculated the powers of the police, so there is an answer to the question from the honourable member for Morwell.

Clause 27 relating to the objectives of the Bill states:

The objectives of the Board are —

(a) to supply effectively and efficiently marketing services to Victorian and South Australian growers and to producers of other grains;

(b) to maximise the net returns to Victorian and South Australian growers who deliver barley or other grain to a pool of the board by securing, developing and maintaining markets for grain and by minimising costs as far as practicable.

Clause 28(b) provides that the functions of the board are to market and promote efficiently and effectively grain in domestic and overseas markets. The importance of those clauses is highlighted by some of the information to be found in a document released recently by the National Farmers Federation Australia, New Horizons, under the heading “A Strategy for Australia’s Agrifood Industries”. It is an impressive document which is compulsory reading for the honourable member for Morwell when he gets the opportunity. I shall refer to some of the comments made about agriculture’s competitiveness. It states:

The most compelling indicator of the rapidly changing commercial environment in which agriculture operates is the simple ratio of prices received by farmers for their output to prices paid by farmers for their production inputs.

Since the early 1950s prices paid for inputs by US farmers have increased (by 200 per cent) by only a fifth of the percentage increase of farm input prices in Australia (1000 per cent).

Since 1950 farmers have faced an increase of 1000 per cent in the price of inputs to their farming enterprises.

In 1950, expenditure on production inputs represented 35 per cent of the gross value of farm output. In 1992, these farm costs have increased to 95 per cent of the gross value of output, leaving farmers a margin of only 5 per cent with which to repay loans, pay tax and support their families.

The Australian Agricultural and Grazing Industries Survey conducted by the Australian Bureau of Agricultural and Resource Economics on a sample of 1500 broadacre farms for 1990-91 revealed that a third of all broadacre farmers had a farm cash income less than or equal to zero.

That highlights the importance of clearly stating the objectives, functions and powers of the Australian Barley Board.

The new Bill rolls over much that is contained in the existing Act but it also includes a significant number of new initiatives. In conjunction with South Australia we are updating what essentially had become outmoded legislation, despite the fact that over the past 40 years or so the legislation has been
amended on a number of occasions to keep pace with the changing needs of industry. The first systematic review of the legislation was jointly initiated in June 1989 by the then Victorian and South Australian Ministers for agriculture. That task was undertaken by a working party that comprised representatives drawn from industry and the departments in the two States, and they completed their investigations and reported in May 1990. They recognised that the Australian Barley Board had operated successfully without direct government support for about 40 years and commanded strong respect and support from both growers and from the end users of barley in South Australia and Victoria.

The working party recommended was that the Australian Barley Board should be continued but that at the expiration of a further five years the legislation should be reviewed a second time. It suggested that in introducing new legislation we should look at changes that better reflect contemporary principles that apply to marketing authorities, not only in Victoria but throughout Australia.

Over the past few years the content of the new legislation has been developed following extensive industry consultation and discussion. The changes that the Minister has introduced reflect the statements that were released by the coalition on its agricultural policy prior to the 3 October election.

Mr Pescott interjected.

Mr BILDSTIEN — It was positively received by the farming community throughout Victoria; that is why the coalition won seats like Bendigo and Ballarat where clearly there was a recognition by country people that they had been abandoned by the Labor Party. The Labor Party when in government was quick to take every opportunity to deregulate the agricultural sector, but moved much more slowly when it came to highly regulated inputs such as labour, transport and ports.

As the honourable member for Morwell said, hasten slowly, because it is a deregulatory halfway-house Bill. The legislation will continue the Australian Barley Board and continue its compulsory delivery powers, thereby maintaining its single-desk exporter status of barley produced in Victoria and South Australia. It will give the board access to the same financial accommodation as it currently enjoys in South Australia.

As I said earlier, the Bill introduces some major new initiatives in the Bill as well as rolling over those provisions. It provides for direct sales of barley for domestic purposes between producers and end users. The board is able to market on a voluntary basis all grains grown in Victoria and South Australia. This will increase the board's efficiency by complementing its barley marketing activities with marketing other crops such as cereals, grain, legumes and oilseeds.

The accountability of the board has been brought into line with contemporary policy. It will be accountable to growers and will certainly be accountable to government. It will be required to develop a rolling five-year corporate plan with annual reporting to growers against indicators to be agreed upon. The legislation increases the board's operational flexibility by allowing it to create financial reserves and to pool grain on a range of criteria. This will allow the board to optimise returns to growers for grains of a specified quality.

The skills composition and method of appointment of certain board members has been altered and a consultative committee will be established to provide the board with grassroots advice on industry matters. No doubt that will include financial reserves.

I shall comment briefly, although I will not go through the Bill clause by clause as did the honourable member for Morwell, on some of the more significant features of deregulation of the domestic market. The first is the introduction of licences and permits enabling the grower to sell his or her barley to an end user or processor.

Mr Hamilton — His or her!

Mr BILDSTIEN — I know there is an increasing number of women in agriculture, and rightly so; they are becoming involved at a high level in rural sector organisations.

The previous legislation provided for total compulsory acquisition by the Australian Barley Board. New arrangements will provide an alternative marketing pathway for both producers and end users while at the same time introducing a desirable element of competition into the board's domestic marketing operations. Maltsters will be able to contract directly with growers as of right, subject to a deed of arrangement with the board. The deed of arrangement applies only to volumes and varieties. It specifically excludes price and contract
conditions, which are negotiated directly between grower and maltster. The board has a say only in the volume and variety through the deed of arrangement.

Mr Hamilton interjected.

Mr BILDSTIEN — Because of the integrity of the system in supplying high-quality barley as required, maltsters strongly supported the notion of the board supplying their mainstream malting requirements.

The Bill continues the present requirement that the board must have regard to the reasonable requirements of domestic maltsters before it exports malting quality grain. I do not think the honourable member for Morwell would argue with that.

Maltsters in South Australia and Victoria supported this concept. They felt that total deregulation of the domestic market had to be accompanied by deregulation of grain storage, handling and transport. That is where significant savings will be made; it will give all barley marketers and buyers access to the same least-cost path for moving grain.

Permits to purchase barley directly from growers for stockfeed purposes will be available as of right. Unlike the legislation it replaces, the Bill clearly and specifically states the powers, functions and objectives of the board and the board will have the ability to market grains other than barley.

Provisions requiring declaration of pecuniary interests of board members and specific planning and reporting requirements, obligatory on the board, will be introduced. The board’s flexibility in marketing grain is a key element and will be widened by enabling it to engage in joint ventures and to operate delivery pools for such grains on a range of criteria, including time, quality or place of delivery and the variety being delivered. A consultative committee will be introduced to provide feedback from the industry to board members. That is important. As I have moved around my electorate I have spoken with a wide cross-section of barley growers and they are not universally in agreement with the legislation. The consultative committee will allow them, through the proper channels, to make sure their voice is heard at the board level.

The Australian Barley Board will continue to have the borrowing, investment and financial powers, which are now conferred on it by the South Australian Barley Marketing Act and the Public Finance and Audit Act. This continues the existing practice of all the board’s financial accommodation being arranged not in Victoria but across the border in South Australia. The South Australian government is the sole guarantor of the board’s borrowings.

As the Minister said in his second-reading speech, the legislation will better position the barley board to adapt and respond to the industry and to make a significant contribution to the efficiency of that industry. That is not to say it is not already a highly organised and efficient industry. There are currently about 9000 grain growers in Victoria. Many of them grow barley in rotation with wheat and legume crops. As I said earlier, the Wimmera and Mallee are the two main producing areas of the State.

Barley production in Victoria has increased steadily, as have returns, which have been relatively better this year than in recent years. This year barley production in Victoria is estimated to be in excess of 1 million tonnes. That is a record harvest. To date — and this is my advice of just a few days ago — about 90 per cent of the barley received by the board has been the higher priced malting grade. That is very significant.

I suppose it is worth noting that the board operates with a turnover that fluctuates between $300 million and $400 million a year, but that depends on crop size and prices. It is a self-funding organisation that derives its funds from a charge against the pools and from the marketing proceeds of other crops.

I was going to deal with some of the issues the honourable member for Morwell raised in his speech in the second-reading debate concerning the Scrutiny of Acts and Regulations Committee, but I will leave that for the Minister to sum up in his comments.

The ACTING SPEAKER — Order! The honourable member for Morwell was heard in relative silence. Could the honourable member for Mildura be given the same courtesy?

Mr BILDSTIEN — And I will finish in half the time taken by the honourable member for Morwell. The Bill has bipartisan support. It requires complementary South Australian legislation with South Australia. Honourable members opposite would be aware that the political colour of the government in South Australia at the moment is that of their own.
An honourable member interjected.

Mr BILDSTIEN — Not for much longer. The Minister for Agriculture has been able to reach agreement with his South Australian counterpart following extensive consultation which, to the credit of the previous government, dates back to 1989. As the honourable member for Morwell said, the previous government had a significant hand in this legislation. It is important that the legislation be dealt with quickly and passed through both Houses so that it is in place when the existing legislation sunsets.

I commend the Minister and his department on their work and wish the legislation a speedy passage.

Ms MARPLE (Altona) — It gives me great pleasure to speak on the Barley Marketing Bill. I have listened with interest to the Minister for Agriculture and to the honourable members for Morwell and Mildura. There is no doubt that among members of the House there is a great deal of knowledge on barley. It has been an excellent product for Victoria and looks like being even better in the future.

It is interesting that the honourable member for Mildura pointed out that he had recently been to conferences of the Victorian Farmers Federation. There is no doubt that among members of the House there is a great deal of knowledge on barley. It has been an excellent product for Victoria and looks like being even better in the future.

One can research subjects but can also draw from life experiences. As the honourable member for Morwell suggested, I have been involved in the racing industry. In my childhood I walked the gallopers to the track early in the morning. From then on I realised that horses were not as wonderful as many girls thought, but they were a part of my life for many years. If people pick up enough horse shit, they will change their minds about horses.

There is a lot of folklore around the thoroughbred industry, as those who have followed it in various ways would know. The breeding of horses is fairly important and many an hour is spent in discussion of choosing the next year's yearlings and their breeding, but there is also the mystery of the secret feed.

I was fortunate to have a talented father who not only handled horses well but also in his later years set up racing stables, which became well known.

Ms MARPLE — I will bring us back to barley, because that is part of the mystique of feeding horses. My mother, who thought she had married a banker, ended up helping to develop this industry. Not only did she send out accounts but also she made sure that the barley and linseed was bought and made part of the program of feed that made those horses winners. As my father used to say, “I think we have a racehorse here, Carole”.

My father and I had very interesting discussions about the use of barley and other feeds. I no longer own any horses because I now have a different picture of the racing industry, which I may allude to — —
Ms MARPLE — As has been pointed out by the honourable members for Morwell and Mildura, barley is an important crop. Given the information exchanged in the House tonight it appears that the agricultural magazines are not as up to date as they claim to be. For instance, honourable members now know that barley is grown in Tasmania. Although Victoria does not produce the largest barley crop in Australia, it runs a very close second. I am sure the honourable member for Geelong North will say barley is also grown in the area he represents. Victoria’s coastal climate is conducive to the growing of barley, which is a high-yield grain.

Barley’s similarity to wheat means it can easily be grown by wheat growers: similar equipment is used, similar fertiliser regimes are employed and weeds and pests are controlled by similar chemicals. Because barley grows in more alkaline soils and has a shorter growing season than most other crops, it provides quick returns. It also grows in districts with lower rainfalls.

I understand 90 per cent of the barley grown in Australia is used in the malting industry. Barley is used in the malting process because of the ease with which it can be converted into malt for alcohol. All honourable members appreciate the importance of the beer industry, especially the shareholders of those companies that have not done well of late. Their obvious enjoyment of the product will ensure that those companies will again do well!

Honourable members will know that malt extract has been used for many years to produce bonny babies — and, I suppose, bonny drinkers. Barley is also used for stockfeed and is often mixed with other grains to produce the sturdy animals our agricultural industry is so proud of.

As has been alluded to by other honourable members, a small amount of the barley produced in this State is used for human consumption, and a great deal of research has recently been undertaken into the benefits of barley for human consumption. Although the benefits of the grain have been known for many generations, the health industry has only recently taken up the issue with gusto. The benefits of the grain are now given more publicity than they were in our grandmothers’ days, when barley water was a part of everyday life.

In 1990-91 the Barley Research Council awarded a grant to examine the use of barley for human consumption. It is important that research is carried out into the ways barley can best be used. I congratulate the council on its willingness to examine new ways to produce, use and sell the grain.

Each year some three-quarters of the Australian barley crop is exported — to Japan, in particular. We all appreciate the need to support Australia’s export industries, which is why it is important that the Bill complements the drive to expand export markets by ensuring that the best quality grain is produced. The honourable member for Mildura and the Minister for Agriculture outlined the measures contained in the Bill to enhance the marketing of the barley produced in Victoria and South Australia. I am sure all honourable members support the measure and hope the grain is marketed in the best possible way.

The Bill also establishes the Barley Marketing Consultative Committee. All honourable members appreciate the need for Australia to improve its performance in the areas of marketing and management. I am sure the Minister and his South Australian colleague will do their best to ensure that the Australian Barley Board and the marketing consultative committee comprise representatives with broad experience not only in production processes but also in marketing. Places may have to be found for people who can look with fresh eyes at how the growing and the marketing of the grain can be improved.

The honourable member for Morwell clearly explained the advantages of the regulatory provisions of the Bill. They are important, especially in an era when we are being invited to consider the benefits of deregulation. I am a member of the school that prefers regulation to deregulation. It is interesting to note that a government that readily waves the deregulation flag has introduced a Bill that deregulates only the domestic market.

I am sure honourable members know the domestic market is only a small part of the Australian barley industry. The opposition will look with interest at the operation of the Bill, because I believe the government has done nothing more than dip its big toe in the water. The Bill is the best way to approach the issue, because Australia’s experience of deregulation — particularly the deregulation of the banking industry — has been less than edifying.

I have a request to make of the Minister. When working with his South Australian colleague I ask him to set an example by examining ways of encouraging more women to become involved in the operations of both the Australian Barley Board and the Barley Marketing Consultative Committee.
The agricultural industry has many boards and committees. A reading of the report of the Grain Elevators Board, for example, is disappointing, especially when one tries to discover whether the board has an equal opportunity employment program. The Grain Elevators Board is one board where the number of female representatives should be increased. Not one female is on the executive. Only 2 of the 19 management positions are filled by women. I ask the Minister for Agriculture to consider that issue when selecting the board. He will discover that the more women that are on those boards, the greater the depth of knowledge. He will be surprised by all the things that had not been thought about before!

The honourable member for Morwell also referred to the Scrutiny of Acts and Regulations Committee, which examines all new Bills and made certain recommendations about the Barley Marketing Bill. I was pleased to learn that the Minister took up the committee's recommendation to delete clauses 7 and 74(1), but I am sorry he did not accept its recommendations on clauses 70, 71 and 73.

Clause 70 permits the board to appoint authorised officers and clause 71 gives those officers power to enter and search premises at any reasonable time when an authorised officer or any member of the Police Force reasonably believes barley may be stored there. I suggest clause 73 may unduly trespass on the rights or freedoms of individuals because it empowers a member of the Police Force to stop and detain a car without the police officer having any suspicion of an offence having occurred.

I do not know whether honourable members have experienced a police raid on premises. I am not about to confess that I have experienced it, but I have worked with young women who have had that experience. Some friends of mine have also had that experience and the home of the father of my daughter-in-law, a God-fearing man who had had nothing to do with the police before the incident, was raided. Less than a fortnight later, as a result of being absolutely overwhelmed by the fact that that could happen to him, he committed suicide. One does not always hear about the repercussions of such incidents, but the people I know who have experienced police raids have all been innocent victims. They say it was an overwhelming experience.

There should have been more consultation with members of the community on the provision. There may have been consultation with people in the industry, but I express concern for members of the community. It is an issue that should not be passed over too lightly. I was disappointed that the honourable member for Mildura stepped aside from discussing those clauses. The power to raid the homes of citizens and to stop and detain cars without any reason being given should be debated not only in this Chamber but also in the community. In any civilised country those powers should not be provided lightly. I have grave doubts about whether the Bill should contain such clauses.

I conclude by summarising some of the important elements of the Bill. Barley is an important crop that will help Australia boost its trade and agricultural industry. The Bill is a step in the right direction and provides a higher profile for the industry, and I am pleased the industry has not been completely deregulated. The Bill will be reviewed over the next five years. In that time we will all learn whether it has worked or whether it should be improved. I look forward to the future selection procedures of Australian Barley Board members by the two State Ministers. I also look forward to more women being appointed to the board and the Barley Marketing Consultative Committee. I hope the Minister will take note of points made by the opposition today, particularly those concerning the powers given to police.

I am sure the Bill will benefit the barley industry and Victoria, and I wish the Minister well in its implementation.

Mr Loney (Geelong North) - I support the Barley Marketing Bill. The honourable member for Morwell referred to my electorate of Geelong North and its relationship to barley. He said some of the highest quality barley is grown close to the Geelong North electorate, but that is not the electorate's only connection with barley. Also in the electorate at the port of Geelong is the Grain Elevators Board facility, which for many years has been of significance to Geelong and the local economy. The transport of grain and the employment opportunities it has generated have been important to Geelong, particularly to its port.

Honourable members may not be aware of other important facilities in the Geelong North electorate. The Corio distillery, which unfortunately is now out of use, had a strong association with the barley industry. Just outside the electorate another barley user, the Geelong Brewing Co., makes a fine product, of which it exports a considerable amount. It also makes a valuable contribution to the Geelong
economy. The Geelong North area has a real interest in the barley industry.

Unlike the honourable member for Mildura — who said he would not go through the Bill clause by clause but managed to miss mentioning very few provisions — I do not intend to debate all of the Bill. Other honourable members have a greater appreciation of the finer points of barley than I.

The Bill will partially deregulate the barley industry and will work in conjunction with South Australian legislation, so in that respect it is a step forward. Work on the deregulation of the domestic industry has been carried out since 1989 under two or three Ministers, and this Bill brings that work to a conclusion. The new arrangements will be in place for five years. During that time not only should the operation of the new arrangements be examined but also a review should be undertaken to establish the future marketing structure required for both domestic and export arrangements.

A number honourable members have tonight commented on industries that have been fully deregulated, and said that deregulation can result in problems for both the producer and the consumer. I am not a great proponent of deregulation, but I agree that the arrangements for the marketing of barley should be continually reviewed. I note that the deregulation of the domestic industry will be subject to conditions.

The Bill has the laudable aim of attempting to introduce strong competition in the marketing of barley. It will provide for direct marketing activity between growers and buyers and assist in promoting competition.

The Bill does not introduce complete deregulation of the industry, so in a sense the Minister is introducing stepping-stone legislation. The domestic arrangements require a permit to buy stockfeed barley and a licence to purchase high-quality malting barley before direct purchasing arrangements are entered into.

The Bill stipulates that the Australian Barley Board should regard the reasonable requirements of the domestic maltsters when making arrangements for exporting barley. Each of those provisions is a step towards creating an environment of opportunity for growers and buyers in the domestic industry, but at the same time protects the users to some degree.

Clause 28(b) sums up the aims of the export arrangements and refers to the efficient and effective marketing of the export operation. The five-year period will provide an opportunity to establish and review strict regulations for the export of barley, because although the Bill is attempting to deregulate the domestic market to some degree and to leave the export markets strictly regulated, the barley industry could be disadvantaged on the world market. That matter should be considered.

The honourable member for Morwell referred to the importance of Asian countries to the sale of barley. The are huge potential markets in Asia, particularly China, which is a growing market for Australian products. Japan already buys a significant amount of barley from Australia and is an important market. The demand in Asia arises largely because of the quantity of beer produced in those countries, and I am concerned that strict regulation of the export market will restrict Australia's potential to supply that market.

Evidence shows that the failure to protect the access of the buyer to the grower is affecting the ability to fully capitalise on markets, particularly the Japanese market. Although inherent problems lie in deregulation, it would be wise of both the Victorian and South Australian Ministers to consider future scope for some deregulation of the export market. They must also consider the protection of the income of both the buyer and the grower and the need for a reasonable return to the grower. I impress on the Minister the importance of the final solution achieving a balance between the competing interests. He will certainly need to regard competing interests.

The shadow Minister and the honourable member for Altona referred to what are broadly called the policing provisions contained in clauses 71 and 73. The Minister should heed the comments of the very active Scrutiny of Acts and Regulations Committee. It is important that its comments about clause 71, which grants power to enter and search premises on reasonable belief without a warrant, be considered. Clause 73 empowers the police to stop and detain a vehicle if they suspect an offence has occurred or if they believe the vehicle contains illegal barley or documents relating to such barley.

One would not find those powers in too many pieces of legislation. As the Scrutiny of Acts and Regulations Committee has said, those provisions may well trespass on people's rights and freedoms.
Rights of this type are normally overridden only in the most exceptional circumstances.

I note the Minister’s comments in response to the comments made by the Scrutiny of Acts and Regulations Committee and his commitment to the powers conferred by clauses 71 and 73, but I fail to understand either from the second-reading speech or the Minister’s comments to the committee what is exceptional in this case.

The powers conferred by the Bill are not new and date back to 1958. It could be said that these provisions are more in line with attitudes and beliefs about how the market operated in 1958 than with attitudes that are relevant in 1993. Consideration should again be given as to whether the provisions really are required to achieve orderly marketing in the barley industry. Most reasonable people would consider those powers to be above and beyond any that may be required. Perhaps the Minister could deal with the issue of what is exceptional in the barley industry and the marketing of barley that makes it necessary to retain those provisions in the Bill.

I welcome the Minister’s withdrawal of clause 74, which reversed the onus of proof so that an accused person had to prove that he or she was not guilty rather than the prosecution having to prove guilt. That sort of provision has no place in our system of justice and the Minister has acted correctly in withdrawing the clause.

Barley marketing in Australia and the way we go about it are important issues, especially if this Bill sets a precedent for what should happen with other legislation concerning grain or agricultural products. I hope the arrangements that are being put in place in this legislation will be the subject of continuing review over the next five years. Perhaps the establishment of the Barley Marketing Consultative Committee and the composition of the Australian Barley Board will ensure that that review process is undertaken in greater detail than has happened in the past.

The opposition does not oppose the Bill. I hope the Bill will be of benefit to barley growers and users throughout Australia, and I wish it a speedy passage.

Dr COGHILL (Werribee) — I am delighted that the honourable member for Swan Hill has come into the House — —

The SPEAKER — Order! The honourable member for Werribee will confine his remarks to the Bill before the House.

Dr COGHILL — No doubt we will hear from him later in the debate. I represent an area where crops are grown and I come from a family that has been involved in growing crops for some time. However, it is not in respect of either of those two matters that I desire to comment on the Bill; it is rather because of my involvement in the Scrutiny of Acts and Regulations Committee of this Parliament.

Reference has already been made to the work of the committee on this Bill. The matters of most concern to the committee are clauses 71 and 73. I will read those clauses into Hansard to ensure they are adequately on the record. Clause 71 is headed “Powers of authorised officers” and states:

An authorised officer or any member of the police force at any reasonable time and with any necessary assistants —

(a) may enter and search any premises, other than premises used mainly as a residence, that the officer or member of the police force reasonably believes are used for or in connection with the storage or sale of barley;

(b) may search for, inspect and make copies of any documents relating to the storage or sale of barley;

(c) may require the occupier of premises entered and searched under this section to produce any documents relating to the sale of barley and answer questions.

Under the heading “Police may detain vehicles” clause 73 states:

A member of the police force may, for the purposes of exercising any of the functions under section 71 stop and detain any motor vehicle in a public street or public place in which the member has reasonable grounds to believe there is any barley or any documents relating to any such barley.

The precise wording of that clause becomes important when one refers to the section of the First Cumulative Report of 1993 of the Scrutiny of Acts and Regulations Committee dated 30 March 1993 that deals with the Barley Marketing Bill. At page 4 of the report the committee states:

Clause 70 permits the board to appoint “authorised officers” who are persons granted by clause 71 power to enter and search premises at any reasonable time in
which the officer or any member of the Police Force reasonably believes barley may be stored. No warrant is required to enter the premises and the Committee draws this to the attention of the Parliament as a breach of section 4D(a)(i) of the Parliamentary Committees Act 1968, because it unduly trespasses on rights or freedoms.

The Committee notes that clause 73 may also breach section 4D(a)(i) of the Parliamentary Committees Act 1968 by unduly trespassing on rights or freedoms because it empowers a member of a police force to stop and detain a car without the police officer having any suspicion of an offence having occurred.

There are some minor variations between the wording in the Bill and the wording used in the report. The Bill refers to a motor vehicle rather than to a car, but the committee in its report refers to a car in the broad sense of a motor vehicle.

The process the committee follows when it has concerns about a Bill is to contact the relevant Minister and to seek a response. In this case the committee received correspondence dated 19 March from the Minister for Agriculture:

The committee's comments on clauses 71 and 73 have received careful consideration, but, on balance, it is my view that these provisions are important in ensuring that the purposes of the Bill are achieved and that they should remain in their current form.

Clauses 71 and 73 are provisions of a type commonly included in legislation having similar purposes to this Bill, such as the Murray Valley Citrus Marketing Act 1989 and the Dairy Industry Act 1992.

I note that the Minister does not appear to be at all interested because he has left his place at the table. The Minister's letter to the committee further states:

These provisions are intended to enable the Australian Barley Board to enforce its important role as the sole marketing authority for barley. Without these powers the board would be unable to enforce compulsory delivery of barley to the board. Compulsory delivery of barley is central to the marketing arrangements which this Bill and the complementary South Australian Bill seek to put into place.

Clauses 71 and 73 are quite limited in their scope. Under clause 71, powers of entry must be exercised at a reasonable time, apply only in relation to documents relating to the storage and sale of barley, and do not extend to premises used mainly as a residence; powers to require answers to questions, to require production of documents and to copy documents are confined to documents and questions relating to the sale of barley.

The power to stop and detain vehicles is necessary because all barley at some stage of the production chain is moved by road. It is most likely that barley which is being illegally marketed will be transported by road. Powers under clause 73 may be exercised only by a member of the Police Force in a public street or public place, and only where the member has reasonable grounds to believe there is any barley or any documents relating to barley.

A number of mistakes, presumably by the Minister about his understanding of the legislation, are included in his response to the committee. He certainly has not addressed the substantive concerns raised by the committee as a result of the terms of reference given to it by Parliament. For example, the Minister says that the powers of entry "do not extend to premises used mainly as a residence" but that is not what the Bill says. Clause 71(a) deals with limitations "for or in connection with the storage or sale of barley". It does not exclude premises where documents relating to either the storage or sale of barley may be held, and it imposes no restriction on the questioning of an occupier.

Either the Minister has misled the committee — which would be a serious matter — or, as I suspect is more likely, he does not have a grasp of his portfolio. I suspect he does not understand the issues raised with him by the committee.

Mr W. D. McGrath — Now we are hearing from an expert.

Dr COGHILL — The Minister can babble on by way of interjection but he does not dispel the notion that he does not understand the effects of the Bill. He does not understand the issues raised with him by the committee nor does he understand the response he has provided to the committee.

Putting aside those apparent misunderstandings of the Minister's Bill, I turn to the substantive matters about why such powers should be available in any event. I thought it prudent to try to trace the history of this subject in Victoria. With the assistance of the Parliamentary Library I have been able to find the first instance of compulsory marketing legislation being passed by the Victorian Parliament. I should add that the legislation was passed some years after the first attempts by the then government, but in
May 1935 the Marketing of Primary Products Bill was before this House.

Hansard contains some very illuminating recording of the debate on that occasion. One of the most fascinating asides was in the contribution of Mr Kent Hughes, as he then was, a gentleman whom I recall was still active in political life during my younger days.

Mr Cole — When was that — 1810?

The SPEAKER — Order! Reflections on the honourable member's age are disorderly and I ask the honourable member for Melbourne to desist.

Dr COGHILL — I am quite prepared to excuse the excesses of youth! It is interesting that by that stage of policy development the whole idea of compulsory statutory marketing had some degree of support across both sides of the House, having been well developed in other countries. The debate contains extensive references to the situation in the United Kingdom and in the United States of America. Reference was made to whether those types of provisions were of a socialist nature.

Mr Kent Hughes, of all people, states:

I am not frightened by the bogey of socialism.

That statement would surprise many who recall Mr Kent Hughes's later political views on the excesses in the cold war era.

What worries me about the legislation and the Minister's response to the committee is that the Bill preserves the powers that these days ought to be regarded as Leninist provisions; they have no place in a democratic society. They may have been quite acceptable in the socialist ideals of 1935 and the observations of people in that period of what was happening in the then Soviet Union, at the stage when it certainly had not been discredited to the level it was during the cold war period, and particularly during the past few years.

Those sorts of Leninist provisions have no place in a modern democratic society such as Australia. I find it incredible that the National Party, no doubt after some interesting debate in the party room and in the Cabinet room, now seeks to preserve the harshest and most authoritarian sorts of measures to be found anywhere. I would be most surprised if the Russian legislature still had this sort of legislation on its statute book, particularly in light of the events of the past couple of years. Such provisions, having now been dispensed with, would be regarded as absolutely repugnant to the primary producers of the former Soviet Union. I am sure such provisions would have been dispensed with in the eastern part of Germany since the German reunification, and similarly in Eastern and Central Europe, which have thrown off the yoke of what they euphemistically referred to as socialism.

There is no justification for having such extraordinary powers available to officers, particularly when one remembers that we are not talking about police officers but about any authorised officer of the Barley Marketing Board. Without wishing to denigrate any of the officers of the board, I point out that they do not have the same level of training as the police in the exercise of discretionary powers as extraordinary as those contained in the Bill, that is, the right to enter someone's house, to question that person and to seize and copy documents.

Every other area of legislative power in Victoria which enables one to search and seize, and to question — other than the primary product marketing authorities — has strong and proper statutory protections against this sort of authoritarian action.

The Crimes Act contains very proper provisions limiting the searching of premises. For example, section 465 of the Crimes Act 1958 contains an extensive provision relating to the way in which a search warrant may be issued. In normal circumstances, without such a warrant, the police do not have the authority to enter premises — someone's home, factory or farm — to search for goods or documents they believe may relate to an offence. The time for this sort of authoritarian provision in primary produce statutory marketing has passed. It is time the National Party woke up to the fact that such a power, which is undemocratic, can be subject to abuse.

One has only to think back to a report of the past few days to realise just how easily powers such as these can be abused, to the gross cost of people who are legally going about their normal business activities. I refer to a report on a program last Sunday concerning the Midford clothing company, which was subject to persecution and harassment by customs officials. There was a recent Federal Parliamentary report on the issue. Some officers got it into their heads that the company was breaching customs regulations and that, as a result, it had to be pursued and prosecuted. It became so much of an
obsession that the company was virtually driven out of business. Midford was once a strong and prosperous company that produced a widely respected product — mostly children’s clothing and school wear — but the principals, the family that owned it, had to sell out just to escape the harassment and persecution they were suffering.

Mr W. D. McGrath interjected.

Dr COGHILL — I am amazed that the Minister seeks to divert attention from the draconian powers in his Bill by introducing an irrelevant matter. I should be delighted to debate the issue the Minister wants to introduce, and I would probably find myself advocating the same position; however, his own legislation does not offer the same protection for the rights of individuals. He says it is someone else's action that ought to be scrutinised and that person should be brought to account. There is absolutely no excuse for the National Party's persistence with the draconian powers contained in the Bill.

I return to the response the Minister provided to the Scrutiny of Acts and Regulations Committee, which is recorded on page 4 of the committee's first cumulative report. The Minister is quoted as saying:

Without these powers the board would be unable to enforce compulsory delivery of barley to the board.

What absolute nonsense! Where is the slightest shred of evidence that the board requires these sweeping and draconian powers to enforce the compulsory delivery of barley to the board, and why should it not be subject to the same sort of search warrant protections that other sections of the community are subject to under section 465 of the Crimes Act 1958?

The Minister gave the committee no explanation of why such democratic safeguards ought not to be written into the legislation. If the Minister were as diligent and competent as other Ministers, he would have taken seriously and addressed the concerns of the committee and he might have agreed to amend the Bill to introduce modern provisions and safeguards by way of amendment. However, in response to the committee’s concerns, this Minister is not prepared to take the responsible action his Liberal colleagues have taken. I commend the Attorney-General and the Minister for Conservation and Environment in another place for their very cooperative responses to matters the committee has raised. Perhaps because of a lack of intellect or an ideological blind spot, the Minister failed to respond substantively to the issues raised by the committee and to explain why these sorts of safeguards are not appropriate when it comes to a statutory marketing authority.

The reality is that with those safeguards the board would still be able to enforce compulsory delivery to the board. None of the safeguards included in section 465 of the Crimes Act would prevent the board from searching premises for evidence of the storage or sale of grain or for documents relating to it.

Mr Cole — It’s worse than heroin!

Dr COGHILL — Indeed it is. If it were heroin, safeguards would be in place, but the Minister is treating the marketing of barley as if it were more serious than the illegal trade in heroin and subject to the sorts of safeguards that exist in that case. The Minister has given the committee and this House no justification for the way in which he has acted.

Similarly, one would have thought that, firstly, there would be a requirement for police officers to obtain a search warrant in order to stop and search vehicles. Also, one would have thought that a second, absolutely essential element would relate to the sorts of safeguards that surround the issue of search warrants — that is, that police officers would have to have a reasonable suspicion that an offence had been committed. No restriction of that sort is contained in clause 73. If the Minister were really concerned, as some other members of the government are, about providing police with their due in the protection of human rights and reasonable liberties and freedom, he would have ensured that this clause provided the sort of safeguard that is contained in other legislation on the Victorian statute book; that is, a search warrant would be required before a vehicle could be searched. Such a warrant is easy to obtain. The police have no trouble in obtaining search warrants when they want to search premises for weapons, heroin, pornography or evidence of paedophilia, and I am sure they would have no trouble in obtaining a search warrant to stop and search a vehicle they believed to be carrying grain or documents relating to the illegal storage, sale or transport of grain.

The police are used to provisions in other legislation that require them to have a reasonable suspicion that an offence has occurred before they carry out a search. Instances have been brought to my attention
of alleged undue harassment where the police have stopped people and searched them and their vehicles, but at least the police action in most cases is based on some reasonable suspicion — for example, the suspicion that a person may be carrying an offensive weapon.

By giving board members the unrestricted powers of clause 71 and the police the unrestricted powers of clause 73 the Minister is inviting the sort of unfortunate episode to which I referred earlier in the case of the Australian Customs Service and the Midford clothing company.

The honourable member for South Barwon, who is out of his place, says by interjection that farmers are not worried. I assure the House that farmers have been adversely affected by action taken by individual officers or groups of public servants who genuinely believed they were onto an offence. That can develop into a vendetta. Safeguards exist in other legislation, such as section 465 of the Crimes Act, under which a magistrate is asked to consider the evidence before approving a search warrant. Under such a provision officers of the Barley Marketing Board would have to put their case before a magistrate as to why a search warrant should be issued. If a substantive case did not exist the magistrate would soon wake up to it. That would act as a discipline on the officers of a statutory marketing board or any other authority that wanted to carry out searches. The safeguard is officers knowing that they must prove their cases before a magistrate. The request for a search warrant would be denied if a magistrate found a hole in a case.

I come back to my basic point: this sort of legislative measure may well have been good in 1935 a few years after Lenin died, when it found wide currency in the United States of America, Britain and other advanced countries. However, it has no place in 1993 in a modern, sophisticated democracy like Australia. It is time the Minister and the National Party accepted that. It is time the Liberal Party had the courage to stand up to the National Party and say that this legislation may well have been acceptable back in the 1940s when the National Party led minority governments but it is no longer appropriate in Australia.

Mr BAKER (Sunshine) — I have resisted the temptation to hang over the shoulder of the new Minister for Agriculture because people should have an opportunity to develop their own style in a portfolio. I also believe people who have been involved in a specific area and have moved on to other areas should be prepared to give up the past and focus their attention on the present. I have resisted that temptation and I intend to adhere to that position. However, in this case I have had some modest involvement in the development of the legislation, and it is not particularly new. It was developed and designed before my time as the responsible Minister and before the time of the current Minister.

I support the legislation almost wholly — with the sole exception of the childish and pathetic proposition that people should have their cars searched in the quest for barley. That proposition is ridiculous. I shall make some observations about it; I hope the Minister will take them up and that the coalition parties will sort out the matter while the Bill is between here and another place. The proposition is ridiculous from any perspective and on any logic. As the honourable member for Werribee indicated, it defies the basic standards that have been established for legal searches with regard to far more serious matters.

The Bill indicates a change and a realisation that Australian agriculture has to urgently confront the challenge of what is described rather cutely as globalisation, a contracting world or, put more specifically, free market trading that is emerging regardless of whether we and the ghosts of our ancestors like it or not. The speed of change is rapid and I fear our institutions, including Parliament, are not attuned to it.

If I remember correctly, there is not and has not been a national coarse grain marketing board. The reasons for that are jealousies which transcend State boundaries — of which I am sure the Minister is aware — and which are sometimes localised to particular State boundaries.

Among the grain growing families that I was brought up in Western Australia there was a notion that you had a couple of options when selling coarse grains. One of those notions included what was delicately described as private buyers. They were not liked much but growers preferred the option of selling to private buyers if they felt they could pick up a better price. There is nothing wrong with that. As much as 25 to 30 per cent of coarse grain is sold through that system at the farm gate in Western Australia and some of the Texas-style States.

There has been hostility at a national level for reasons that people in the farming community will understand: a sense of order and of pooling or
spreading the risk, being able to focus on a central marketing approach and focusing on creating quality that will result in produce being sold for premium prices. All those things are ravelled in our history and in the development of agricultural marketing in this country.

Victoria and South Australia have barley growers of distinction because of the climate, the soil, their competence and their expeditious uptake of agricultural science. Traditionally they have had high yields of premium quality barley. Some years ago it was decided that the growers from the two States would get together regardless of the interests and traditions of other growers in Australia, whom I described earlier, and the former barley marketing board. The Bill rolls over that agreement with some exceptions and with negotiation about the style and manner of the representation of the Australian Barley Board.

I have no criticism of the way in which the board has operated, and I am pleased to have played a role in it, given that the malsters came to see me in an endeavour to ensure that the Bill would give them some flexibility to deal directly with growers who are developing specific types of grain for specific markets.

Australia must become involved in specific marketing, which offers opportunities for its agricultural produce. The expanding Asian market provides an opportunity for Australian produce that has the safeguard of endorsement by the Australian Barley Board, which is more sophisticated than some of the other statutory marketing authorities in rural areas.

The Bill is the first step along the road to freeing up the market to ensure that this State gains the advantages that are offered. It may be slow, and I sound a note of caution. When I was the responsible Minister I almost insisted that the department take a certain course. The department reflected the nature of its base constituency, as all good departments do, and appeared to be a little off the pace when there was a need for rapid change. I tested it sorely on this, but ultimately I took the department's advice because it employed experienced and well-qualified people.

The Australian Barley Board should provide flexibility for direct one-on-one trading between malsters who want to deal with growers to develop associations or joint ventures that dictate the way in which particular types of barley varieties are grown to fit specific requirements. That is particularly important because of the developing or changing tastes of markets to the near north where the consumption of alcohol and beer-drinking habits have changed dramatically.

Association is the most important ingredient for developing trade. Those honourable members who have spent some time travelling around the Pacific Rim and Asia Minor - I encourage honourable members to spend a lot more time travelling around those areas because that is where our future lies - will know that those countries now have their own breweries. They produce beers similar to the German-type beers that Australia produces and they are casting a keen eye on the guarantee of a regular supply of environmentally pure, well-designed genetic barley produced for particular base malting products. The opportunity is there to pick up that market and to do extremely well.

The consumption of beer in countries like Indonesia, Korea, Taiwan, southern China, Singapore, Vanuatu - which has a brewery - and Fiji has increased in the past decade by the power of 5, 6 or 7. I did not refer to Japan because its people have been drinking beer for a long time. There is a big market for Australia if the product is right, if it can be delivered on time and if the price is right.

Problems exist because of this country's traditionally strict controls across a range of produce by statutory marketing authorities that are representative of growers. Those authorities protect the growers against the traders, the middlemen and the processors; they negotiate the minimum price of the product to provide a guaranteed price for growers. Those on my side of politics have no quibble with that as a basic principle to be upheld, but it involves a cost.

Other benefits associated with statutory marketing authorities include a guarantee of regular supply and a regular channel through which the products are marketed in other countries with a guarantee of quality and freedom from disease. Customers know when they buy an Australian product guaranteed by a statutory marketing authority that it will be of excellent quality and will meet their specifications.

The world has changed dramatically. These days one cannot export grain, barley, tomatoes, apples, bananas, sheep or potatoes from Australia simply by stating that it is marketed through a statutory marketing authority. Other countries are now doing it differently, especially our competitors in New
Zealand, who have got into brand marketing — clever and slick marketing. We must improve our flexibility, even though it may hurt.

Sitting suspended 12 midnight until 12.33 a.m. (Wednesday).

Mr BAKER — Prior to the suspension of the sitting I referred to the need to loosen up Victoria’s statutory marketing arrangements to meet the demands of globalisation, particularly globalisation to Australia’s near north.

Most of the countries to which I referred have centralised buying authorities which, due to the negotiations on the General Agreement of Tariffs and Trade (GATT) and developments in their own countries, set a premium price and a premium cost. The utilisation of land and the inability to produce food at a cost that returns the investment value of the land for agricultural produce returned by more sophisticated forms of land utilisation means there are marvellous opportunities for Australia.

I have never been one to advocate that Australia should, childishly and pathetically, open up the agricultural or industrial sectors to overseas products. Nevertheless, we need some balance. There will inevitably be some loosening up of the free trade arrangement to ensure that Australia maximises its opportunities to export to these markets.

Mr Richardson interjected.

Mr BAKER — I have done my shift on a harvester. The honourable member may wish to tell us about how he milked Daisy. If he continues with his hostility he may find he is in for a long night.

Honourable members brought up in country Victoria have an Uncle Bert, an Uncle Alf or an Uncle Tom who has been on a statutory marketing board and who has had or is waiting for “the trip”. I do not want to moralise about that; I am not bothered by it. If people are elected to those positions by constituent growers, they need to further their knowledge in formal and informal ways by travelling to foreign lands. However, the time has come when we can no longer entrust the marketing of our products to Uncle Bert, Uncle Alf or Uncle Tom. They would not allow a sophisticated Madison Avenue marketing executive to run the farm, save for having some fun at his expense, and nor should they believe they have the capacity, in a modern world, to produce the brands, the marketing slogans and the product design that will ensure Australia can export to the markets to its north.

I read recently in the Economist that Japan is a net importer of $30 billion worth of food a year. The article said that Japan imported $45 billion worth of products, which is an extraordinary figure. Australia’s share of the market is minuscule — barely a couple of percentile points. I was informed by a senior partner at KPMG Peat Marwick that Hong Kong imports $9 million worth of fruit and vegetables a year and again Australia’s percentage of that market is minuscule.

The Minister and government members would be aware of a statutory marketing authority that was run by a Western District version of Uncle Bert, Uncle Alf and Uncle Tom who blew it; they cranked the price up to the point where the rest of the world went missing and has not come back. We need a sophisticated marketing direction and business skills to help this State move again. It is a serious problem and it is difficult for honourable members representing country constituencies to go back to their constituencies and tell them that the game is up and they have to get some skills; they have to form collectives or cooperatives. The old notion of the cooperative has a modern version to it and most countries where trade opportunities are emerging have a tradition of cooperatives with which they like to trade. We must loosen up the way in which cooperatives are structured to allow people other than those who are purely farmers to come in and apply their business skills to getting some brand names up and some effective marketing in place. In the case of strawberries in Japan — —

The SPEAKER — Order! The honourable member will be aware that we are talking about barley, not strawberries.

Mr BAKER — In the case of barley this State produces some 11 per cent of the nation’s grain and that is partly because we have high-yield rates and top-class farmers, especially in the Wimmera area where some of the farmers produce 25 or 30 bags to the acre.

Good barley growers are an example of the sort of opportunity I have been talking about and it is important that they are encouraged through good marketing opportunities to match up with the huge brewing companies that are looking for a top quality product that meets their demands. Included in that are companies such as the Oriental Brewing Company which hangs off the huge multinational
company, Doosan. I met the chief executive when I was in Korea about this time last year and some two or three months later the company expressed interest in establishing malting barley operations in Australia because of the quality of our barley. With the flexibility it offers in the short term the Bill may provide the hook to encourage overseas companies to establish here.

I suspect that honourable members will have to come back from time to time to debate the provisions of the Bill. If the Minister has a brave heart and wants to show leadership he will have to take these matters on board. It is much more difficult for him to go off to his base constituency and say that something must be done about the statutory marketing authorities.

The Bill is the first step. The Minister has allowed some flexibility and I give him credit for that in difficult circumstances. I urge him, firstly, to consider the long term and be prepared to do the necessary work to encourage the loosening up that I have described as being so essential and, secondly, to take out the ridiculous requirement that allows a person to search a car to see whether the owner has any barley on the floor. It is one of the most absurd provisions I have ever seen.

Mr Hamilton interjected.

Mr W. D. McGrath (Minister for Agriculture) — You are right. I would love to achieve that in my term as Minister. Perhaps we will not have one barley board for Australia but an eastern seaboard barley marketing board which covers Queensland, New South Wales, Victoria and South Australia. That idea has potential. Perhaps the former Minister for Food and Agriculture tried to introduce such a board to enable single-desk selling in overseas markets.

The honourable member for Morwell spoke about research. Australia has lost some of its barley market to Japan and China because the quality of our malt is not sufficiently high to produce beer with a clear enough texture. Part of the market has also been lost to France and Canada, which have better quality barley. A joint research program is being supported by the Grains Research and Development Corporation. That research is being undertaken by a number of organisations and departments, and about $500 000 has been allocated for a program to improve the quality of the malt that comes from the barley varieties that I hope will be in the marketplace in the next three to five years.
Mr W. D. McGrath — It is the variety of barley, not the process. Metropolitan members focused on the value of the malting industry and the jobs it creates around the city because the barley is brought into the city and made into malt for the domestic and export markets.

I believe honourable members from both sides of the House support the barley industry and the agricultural sector. I appreciate that and believe the farming sector would agree. I thought the former Minister for Food and Agriculture should have been a little more careful in raising the matters he did, but he fell into some traps.

The honourable member for Werribee undoubtedly tried to justify his position on a committee to which he has been appointed. It must be a great disappointment for him not to be sitting on the front bench. He referred to clause 70 of the Bill, which states:

The Board may appoint persons as authorised officers for the purposes of this Act.

I obtained a copy of the Dairy Industry Bill that was introduced by the former Minister for Food and Agriculture. Clause 65(1) of that Bill states:

The Authority may appoint a person to be an authorised officer for the purposes of this Act.

It is virtually the same wording.

I went a little further and obtained a copy of the Companion Animals Bill that was introduced by the former government. Clause 88(1) states:

An authorised officer may take any action which is necessary to find out whether the provisions of —

(a) this Act; or

(b) the regulations; —

are being complied with. Clause 88(2) states that an authorised officer may:

(c) inspect equipment, machinery, implements, plans, animals, enclosures or other goods; or ... 

(e) seize, examine or take copies of, or extracts from documents;

Dr Napthine interjected.

Mr W. D. McGrath — I should have thought that the former Speaker, who tonight tried to demonstrate that he has the ability to scrutinise legislation, would have picked that up when he was Speaker rather than now trying to be a vindictive member of the Scrutiny of Acts and Regulations Committee. I am not a vindictive person; I am prepared to examine his request while the Bill is between here and another place. I cannot give any guarantee because the legislation as outlined is complementary legislation with South Australia, which has a Labor government. The Bill has been passed by the South Australian Parliament. It may be too late to make amendments to the South Australian legislation. It is necessary to have uniformity. The honourable member should check his records first; he should have checked the Dairy Industry Bill and the Companion Animals Bill before he made his statements. Clause 67(1) of the Dairy Industry Bill states:

...the authorised officer may require at any reasonable time of the day or night —

(a) enter, inspect and examine any dairy premises or any other premises on which —

(i) dairy produce is manufactured, tested, graded, stored or packed; or

(ii) there is conducted a business in respect of which this Act requires the holding of a licence —

It is almost identical wording to that in the Barley Marketing Bill. The honourable member tried to give a recitation of how pure he is. He has just shown how naive he is in his understanding of the legislation. He supported the legislation when he was Speaker, yet he delivered verbal abuse for 30 minutes, saying that I did not have the guts to look at it and I had to cop it sweet about what I should do.

Dr Coghill interjected.

Mr W. D. McGrath — I may not be as articulate as the honourable member, but at least I am not hypocritical or vindictive; I try to do my job as honestly as I can.

I thank other honourable members of the opposition for their contributions to the debate on this worthwhile industry.

Motion agreed to.

Read second time.

Committed.
Committee

Clauses 1 to 5 agreed to.

Clause 6

Mr W. D. McGrath (Minister for Agriculture) — I move:
1. Clause 6, line 2, omit "(1)".
2. Clause 6, lines 6 to 10, omit sub-clause (2).

Clause 6(2) states:

It is also declared that it is the intention of the Parliament that this Act not be amended in any manner that may affect the operation of the joint Scheme except on the joint recommendation of the Minister and the South Australian Minister.

The government believes it would be sensible to omit that subclause.

Amendments agreed to; amended clause agreed to.

Clause 7

Mr W. D. McGrath (Minister for Agriculture) — I move:
3. Clause 7, omit this clause.

Clause 7 relates to delegation by the Minister. The government believes the Minister should not delegate power. The Minister should hold his right to exercise power.

Amendment agreed to.

Clause negatived.

Clauses 8 to 10 agreed to.

Clause 11

Mr Hamilton (Morwell) — I seek clarification from the Minister on clause 11. I do not object to the clause at all, but under clause 11(1)(f) it is stated that one board member shall be a person nominated by the selection committee with a range of expertise.

First, does the Minister intend that that range of expertise will be exhibited by other members of the board, and will this clause be used to appoint someone to cover any expertise which happens to be missing? Second, does the Minister have some way of ensuring that the other members of the board, as selected according to the other subparagraphs, will be able to cover that range of expertise?

I am worried that, for example — and I do not mean this in a derogatory way — the board could end up with all members being grain growers except for one person who has to cover the other specified areas of expertise. I appreciate that that is a hypothetical case, but I ask the Minister to remark on that.

Mr W. D. McGrath (Minister for Agriculture) — The honourable member for Morwell asks a reasonable question. It comes back to the overall selection of the selection committee and of the South Australian Minister and me. It will be up to the selection committee to make sure that those requirements — business management, finance, exporting, product promotion and so on — are well canvassed across all members.

As is pointed out in the Bill, two people are to be nominated by whom or on whose behalf barley is grown in South Australia and one is to be nominated by whom or on whose behalf barley is grown in Victoria. One person is to be nominated by me and one person is to be nominated by the South Australian Minister. I give an undertaking that members will not all be growers but will be people with a wide range of skills that will be of benefit to the barley industry.

Clause agreed to.

Clause 12

Mr W. D. McGrath (Minister for Agriculture) — I move:
4. Clause 12, line 6, after "4 persons" insert "(who may, but need not, be members of the South Australian Farmers Federation Incorporated)".

This amendment was put into place by the South Australian Parliament. I have been asked to facilitate it so that there will be continuity within the Act. I have moved this amendment at the request of the South Australian Minister for Agriculture.

Mr Hamilton (Morwell) — The obvious question that arises is whether there should have been a similar insertion in the Victorian equivalent. My reading of the clause suggests that that is not needed because members can be picked from anywhere else and in any way, but there was the
I would like to raise a couple of other queries with the Minister. First, I refer to the term in subclause (2), "a body referred to" — that is, the selection committee to be set up for such a period as the Minister in South Australia may request. How long will this selection process take? I assume that the selection committee will not be in place forever.

Second, is the Minister able to give some indication of the terms of the initial appointment of the selection committee, including allowances? The Minister may want to nominate the allowance. Does the Minister see the selection committee being set up as a full-time committee over a period of two or three months or would it be a part-time one? I am looking for information on the selection committee because it is an important body.

Mr HAMILTON (Morwell) - I hope the Minister will forgive my inexperience; I am a quick learner. I know the Minister has taken those questions on board. I guess the selection committee may engage consultants. Could the Minister indicate why the selection committee would have to engage consultants, given that it is a fairly select committee in the first place? The Minister may need to get information on that.

I understand that under subclause (8) all of the costs of running the selection committee process will be borne by the board as part of its expenditure. Could the Minister comment on those points?

Mr W. D. McGRATH (Minister for Agriculture) — Because the Barley Marketing Act will be repealed at the end of the financial year, it will be necessary to put in place new arrangements at the earliest available opportunity to enable the board to continue its operations.

By the time the legislation is passed and proclaimed, it may be at least two months before the selection committee is established. Nominations will be forwarded to the South Australian Minister for Agriculture and me within four to six weeks following the proclamation of the legislation, after which the selection committee will be established.

Amended clause agreed to; clause 13 agreed to.

Clause 14

Mr HAMILTON (Morwell) — I ask the Minister for Agriculture about the length of appointment of the Chairperson of the Barley Marketing Board. The suggestion has been made that over the life of the board the position be shared in turn by Victorians and South Australians. Is it the history of the board that one person remains the chairperson for some time? In other words, can a South Australian serve for a certain time, to be followed by a Victorian, or are such appointments coincidental?

Mr W. D. McGRATH (Minister for Agriculture) — Traditionally the chairperson has been a South Australian, simply because that State produces twice as much barley as Victoria — even though most of the South Australian barley is used for stockfeed while, in the main, this State produces better quality malting barley.

I cannot give the honourable member for Morwell a definitive answer. The present chairperson of the board is a South Australian.

An honourable member interjected.

Mr W. D. McGRATH — As is suggested by interjection, he is likely to remain the chairperson for some time. I shall take note of the honourable member’s comments. It may be that a Victorian could serve as the chairperson for a time, which would be a compliment to the Victorian industry.

Clause agreed to; clause 15 agreed to.

Clause 16

Mr HAMILTON (Morwell) — I ask the Minister not so much about the level of remuneration as about the workload of the members of the board. Are the workloads equivalent to part-time or full-time jobs? Does the board meet on the same basis as the boards of many corporations, which meet regularly but not frequently and the work of which is done by the boards’ officers? I note that the Australian Barley Board may employ officers to assist it.

Mr W. D. McGRATH (Minister for Agriculture) — The members of the board work part
time. I understand the board employs a chief executive officer as well as support staff. As I recall, the Chairperson of the Australian Barley Board receives $22,000 a year as well as an amount for expenses. I also understand each board member receives $12,000 and expenses of a little under $1000.

Clause agreed to; clauses 17 to 19 agreed to.

Clause 20

Mr COLE (Melbourne) — I note that the clause requires members of the board to declare pecuniary interests at meetings. I ask the Minister whether the provisions are intended to cover discussions with officers prior to meetings, as well as debates or anything else of that nature. I wonder whether the provision covers discussions with board members prior to meetings held to effect decisions of the board.

Mr W. D. McGRATH (Minister for Agriculture) — I am not sure about discussions held prior to meetings. Clause 20 requires a board member who has a pecuniary interest in a matter being considered by the board to disclose that interest, which is subsequently reported in the minutes.

The board member making the disclosure must not be present at any relevant meetings held to consider the issue nor take part in any decisions reached on the matter.

Mr HAMILTON (Morwell) — More than one member of the board may have a pecuniary interest in the matter under consideration. What happens if a quorum cannot be achieved because too many members of the board have pecuniary interests in the matter being discussed? Although I do not know a great deal about the operation of statutory boards, situations such as those often occur in local government, which can be a bind.

Mr W. D. McGRATH (Minister for Agriculture) — I cannot answer the specific question, but I shall respond to the honourable member as soon as I can.

Clause agreed to; clauses 21 to 23 agreed to.

Clause 24

Mr HAMILTON (Morwell) — Again I ask the Minister about the history of the operations of the board. In particular, I ask how many members of the Department of Agriculture or other public servants have been made use of by the Australian Barley Board. I note that public servants can work for the board, presumably on secondment. Is that common or uncommon?

Mr W. D. McGRATH (Minister for Agriculture) — That is an historical practice. Brian Bailey, an officer of the Department of Agriculture, was a member of the barley board for many years. I understand that Bill Fisher from the Department of Agriculture may be considered by the new board as a suitable applicant. In our discussions the South Australian Minister and I may consider whether to continue that practice.

Clause agreed to; clauses 25 to 27 agreed to.

Clause 28

Mr HAMILTON (Morwell) — The clause deals with the functions of the Australian Barley Board, which, from my reading of the Bill, concern the selling and marketing of grain and not value adding, which is a critical part of the industry. I ask the Minister whether, during discussions on the Bill, he and his South Australian counterpart have given any consideration to widening the board's powers to enable it to operate in other areas. Given that the board has responsibility for the exporting of the grain as well as its use in the malting industry, I wonder whether the Minister will consider broadening the board's powers to enable it to play a role in the value-adding side of the industry.

Mr W. D. McGRATH (Minister for Agriculture) — No, that has not been considered. The proposed legislation has been derived from the consultative processes in the various departments of agriculture and the industry. Grower representatives have not requested that they go outside their normal marketing arrangements other than to provide for malting and feed barley and associated grains that can be stored from time to time.

Clause agreed to.

Clause 29

Mr HAMILTON (Morwell) — The Minister answered my query on this clause in his response on the previous clause.

Clause agreed to; clause 30 agreed to.

Clause 31
Mr HAMILTON (Morwell) — The clause empowers the Australian Barley Board to impose fines for certain breaches, and the current penalty of 20 units represent $2000. If the board requires information from a grower or person in the industry with whom it is not happy, are such powers necessary to prevent what has been, is or could be illegal trade in barley, particularly feed barley, which may be traded illegally by people buying at the farm gate without telling anyone? Is that the purpose of the clause and the powers provided to the board?

Mr W. D. McGrath (Minister for Agriculture) — If the honourable member were to read the body of the clause he would see that the board may:

... require the person to give to the board, in writing, within the time specified in the notice, such information relating to barley, barley products or substances containing barley as is specified in the notice.

Every now and again, perhaps because the Grain Elevators Board in many cases is the receiving agent, if proper inspections are not made someone may try to put an inferior quality or different variety of barley through the system and contaminate the quality of the cell. I suggest the provision allows the board to obtain the information from the person to overcome the various problems.

Clause agreed to; clauses 32 to 41 agreed to.

Clause 42

Mr HAMILTON (Morwell) — Clause 42(2) provides:

An application must be accompanied by such reasonable fee as is set by the board.

Will the Minister advise the Committee on what historically has been a reasonable fee?

Mr W. D. McGrath (Minister for Agriculture) — My understanding is that basically very little, if any, fee will be charged for the application. The permit relates to the purchase of barley for stockfeed. It will free up the market. It is mandatory for the board to provide a permit when someone requests it. If any fee is charged it will be purely for the cost of administration — no more than that.

Clause agreed to; clauses 43 to 49 agreed to.

Clause 50

Mr HAMILTON (Morwell) — In the second-reading debate I raised a similar point about the auditing operation of the Australian Barley Board. Does the Victorian Auditor-General have as-of-right access to the board’s accounts or can the board bypass the Auditor-General and have its accounts properly audited elsewhere? I am not accusing the board of any improper conduct, but is it able to bypass the Auditor-General who has commented on the auditing procedures of other statutory authorities? I am attempting to clarify the functions of the Victorian Auditor-General in auditing the board’s operations.

Mr W. D. McGrath (Minister for Agriculture) — It is my understanding that historically the South Australian Auditor-General has always carried out the auditing function. I imagine that has arisen because South Australia produces twice as much barley as Victoria. If there were an agreement between the South Australian and Victorian Auditors-General it would be possible for the Victorian Auditor-General to perform the audit, but historically the South Australian Auditor-General has always done it.

Clause agreed to; clauses 51 to 60 agreed to.

Clause 61

Mr HAMILTON (Morwell) — The query I raise relates more to the consultative process of the Barley Marketing Consultative Committee, which comprises five members. As there are 4000 barley growers in Victoria and probably twice as many in South Australia, how will the committee undertake its consultation with producers and other elements of the industry, including those associated with malting and transport? As the five members of the consultative committee will have an enormous job, I wonder how the Minister will give them arms and legs.

Mr W. D. McGrath (Minister for Agriculture) — I prefer to view it as an advisory rather than a consultative committee to the Australian Barley Board. Earlier the honourable member referred to the research program. It would be left to the committee to say to the board, “We believe you should be putting money from those reserves into a research program or into a minimum tillage trial program”. That process will improve the
overall industry, whether from a producing or value-adding point of view. I suggest the committee is purely an advisory rather than a consultative committee to the board.

Clause agreed to.

Clause 62

Mr W. D. McGrath (Minister for Agriculture) — I move:

5. Clause 62, line 13, after “4 names” insert “of persons (who may, but need not, be members of the South Australian Farmers Federation Incorporated)”.

The amendment is the result of a request from South Australia. A similar amendment was moved to clause 12. It provides for a South Australian who is not a member of the farmers federation in South Australia to be elected to the board.

Amendment agreed to; amended clause agreed to; clauses 63 to 70 agreed to.

Clause 71

Dr Coghill (Werribee) — I am delighted to have the opportunity of obtaining further elaboration from the Minister for Agriculture on the clause. I must say that in his closing remarks at the end of the second-reading debate I was disappointed that the Minister resorted to personal attack rather than providing a considered response to the substantive issues that had been raised.

The Minister should explain the absence of the normal safeguards that apply to virtually all other search and entry cases for which search warrants are issued by magistrates or judicial authorities. The Minister drew a number of analogies and referred to recent history, but it does not matter whether the same mistake was made in 1992, 1989, 1976 or 1869, the mistake is apparent in legislation for which this Minister is now responsible. That is what the Minister must address. There is no point in the Minister saying it is hypocritical.

In case the Minister does not understand — his remarks suggest that he does not — it is not the role of the Presiding Officer now or in the past to intervene in the drafting of legislation. Yet the Minister seemed to think the Chair should have taken a part in these matters in the past. That has never been the case under the system of Parliamentary democracy that I understand operates in Victoria. It may be different in Horsham, but at Spring Street that has never been the case.

The legislation needs to be examined in the light of the current values of the Australian community. I am delighted to see the Minister for Small Business sitting beside his colleague and showing support for statutory marketing!

The Minister for Agriculture referred to equivalent sections of the dairy legislation but condemned the analogy as inappropriate because the dairy legislation refers to licensed premises. Perhaps the Minister can correct me, but as I understand it the Bill has no provision for licensing growers, premises, crops or land on which crops are grown, which could be described as being analogous to licensing provisions in the dairy legislation.

The Minister’s analogy was inappropriate. He should not address whether the same mistake has been made in past legislation — which the Scrutiny of Acts and Regulations Committee and I unanimously believe — he should provide reasons for the safeguards not being incorporated in this type of legislation, which affects statutory marketing bodies.

I have directed the Minister’s attention to an example of the abuse of statutory powers which appears to be innocuous and which everyone believes will not be abused. I have questioned the recent abuse of power by customs officials in the Midford case. I will not go through the details of that case again because they are in the report of the Federal Parliamentary committee, but that case is a prime example of how legislative provisions, which generally seem innocuous to the overwhelming majority of people who are subject to their provisions, can be abused, sometimes innocently, by officers pursuing obsessively what they believe to be their statutory responsibilities.

The Minister should explain why the legislation has been introduced in this form. If he understands that, he should be prepared to amend the legislation either tonight or at a later stage in another place so that it reflects contemporary values.

The Minister said the legislation complements South Australian legislation. I understand why some of its provisions should be identical to the South Australian legislation, but I do not understand why an authorised officer or member of the Police Force acting in Victoria is not subject to the prevailing Victorian policies on the proper respect to be shown
to human rights, freedoms and liberties. I am sure there are many examples of policies controlling activity in more than one State — in fact not only across two States but across all States of the Australian Federation.

Many of the matters raised by the Scrutiny of Acts and Regulations Committee have not been reported to honourable members. That leads me to believe the legislation is not uniform in Victoria and South Australia and that the Minister should now be prepared to make further amendments to ensure that the legislation is not identical to the legislation in South Australia. It has not been suggested that differences in the Victorian and South Australian legislation will upset the operation of the scheme. I cannot understand how anyone operating in Victoria under the authority of a legislative decision made by the Victorian Parliament can in any way be concerned that he or she is not protected by safeguards provided in other Victorian laws.

If someone is carrying out their responsibilities in Victoria according to clause 71 of the Bill they should seek a search warrant and go through all the proper processes for obtaining a search warrant. No additional burden would prevent the compulsory delivery of barley to the board. Those matters would continue to operate satisfactorily. The Minister should explain why the provision has been included in the Bill.

Dr NAPTHINE (Portland) — The honourable member for Werribee is renowned for referring to the precedents and traditions of the Parliamentary system. Even in his comments on this clause the honourable member for Werribee referred to other types of legislation and the need for model legislation. I refer the honourable member for Werribee to section 6(1) of the Stock Diseases Act of 1968, with which he should be familiar and which states:

An inspector of stock shall have power —

(a) to enter at any time into an aircraft vehicle or vessel or any land road or place or into any premises other than a building being primarily used as a dwellinghouse for the purpose of inspecting stock ...

The provision goes on to give a number of other powers to inspectors of stock. In relation to animal diseases significant powers are given to inspectors of stock to enter and carry out inspections. Those powers are similar to the powers in proposed clause 71.

The Stock Diseases Act was enacted in 1968 and it is appropriate to look at what has happened in recent years. In his response to the second-reading debate the Minister referred to a number of examples of the Labor government attempting last year to pass legislation containing similar powers. One that springs readily to mind is the Companion Animals Bill, clause 91(2) of which states:

For the purposes of sub-section (1) an authorised officer may —

(a) at any reasonable time and by any reasonable means and with any assistance which the authorised officer requires enter land, buildings not occupied as places of residence or vehicles; or

(b) search any land or buildings or any part of any land or buildings not occupied as places of residence or vehicles; or

(c) inspect equipment, machinery, implements, plans, animals, enclosures or other goods; or

(d) ask questions; or

(e) seize, examine, or take copies of, or extracts from documents; or

(f) seize and remove any companion animals in circumstances where he believes the owner of the animal may be guilty of an offence under this Act; or

(g) request a person to give his or her name and place of residence.

Those were the powers the former Labor government proposed to give to inspectors under the Companion Animals Bill. The power to request names and addresses is more stringent than the power the former government was prepared to give police officers investigating major crime.

For opposition members, and the honourable member for Werribee in particular, to question the power of authorised officers under the Barley Marketing Bill is hypocritical to say the least. Clearly precedents have been set and the provisions have been operating in a range of legislation concerning agricultural matters, stock diseases, companion animals and fisheries. The honourable member for Werribee should know that the Stock Diseases Act 1968, which was preceded by the Stock Diseases Act 1958, contains similar powers but has not led to a loss of civil liberties for Victorians because the powers are exercised by officers judiciously and in the best interests of the community.
The powers outlined in the Bill before the House are similar to the powers that exist in a range of legislation. Those powers are in the best interests of the community and the administration of the legislation, and they will not be abused. I support the clause.

Mr COLE (Melbourne) — I take up the point made by the honourable member for Werribee that the power proposed in the Bill is extensive and even broader than the provisions mentioned by the honourable member for Portland. In particular, the requirement to hand over documents not just to an authorised officer but also to a member of the Police Force and the power for a member of the Police Force to search any premises other than a premises used mainly as a residence if the officer reasonably believes they are used for or in connection with the storage or sale of barley makes barley more important than heroin. If the police wish to search for heroin they must obtain a search warrant; if they wish to search for barley they can barge straight in! I do not desire to take the matter too far, but it seems to me that if we are going to get into a general discussion about powers that discussion ought to be broader than just a discussion of the Barley Marketing Bill.

On the argument put by the honourable member for Portland, although there is some merit in giving authorised officers the power to enter particular places to inspect stock that may be diseased and so on, the reason for giving the power in this case is marketing. The Bill provides for a regulated market, which does not seem to fit consistently with the policies of the conservative parties on most things these days. The government is prepared, in regulating the sale of barley, to give police officers powers greater than they currently possess in much more important areas. If the officers involved require answers to questions or the production of documents or wish to copy any of those documents, their powers are confined to questions and documents concerning the sale of barley. As the honourable member for Portland said, the Labor government introduced legislation that contained similar —

Mr BILDSTIEN (Mildura) — Contrary to what has been put to the House by the honourable member for Melbourne — that this is an extensive and excessive power — the clause is really quite limited in its scope. It provides that the powers of entry must be exercised only at a reasonable time, apply only in relation to documents concerning the storage and sale of barley and do not extend to premises used mainly as residences.

If the officers involved require answers to questions or the production of documents or wish to copy any of those documents, their powers are confined to questions and documents concerning the sale of barley. As the honourable member for Portland said, the Labor government introduced legislation that contained similar —

Mr Cole interjected.

Mr BILDSTIEN — If the honourable member for Melbourne will examine the Murray Valley Citrus Marketing Act 1989 — —

Honourable members interjecting.

Mr BILDSTIEN — Opposition members should look at the statutes. They will see that these sorts of powers are contained in legislation the former government brought before the House. When the honourable member for Morwell was speaking in the second-reading debate he said that the opposition would not oppose the legislation. The legislation is about continuing orderly marketing arrangements for barley in this State.

If it is perceived that barley is more important than heroin or anything else, we should get on with it now. The simple reality is that these provisions go too far — a view held by the Scrutiny of Acts and Regulations Committee! The sorts of rights involved in this matter should not be given away. If the government also chooses to give those rights away in relation to other issues we should have a general discussion about that, but such a broad power should not be confined only to protecting people who happen to trade in barley.

This issue is a major problem that ought to be reviewed immediately. Agreement should be reached while the Bill is between here and another place that an authorised officer or member of the Police Force must obtain a search warrant before looking for barley.

If the House were to compromise the powers of enforcement of the Australian Barley Board — the removal of clause 71 would seriously undermine the orderly marketing of barley in this State — the effectiveness of the legislation in both Victoria and South Australia would be reduced.

Opposition members should not forget that this is complementary legislation. As I said earlier, the South Australian government, which is a Labor
government, has agreed to include this clause in the legislation.

Mr W. D. McGrath (Minister for Agriculture) — For the purposes of discussing clause 71 it is necessary to go back to clause 70, which states:

The Board may appoint persons as authorised officers for the purposes of this Act.

The board has had that power since the principal Act was first introduced about 40 years ago, and the number of times the board has had an authorised officer work for it could be counted on one hand. The provision clearly says the board “may appoint persons”; officers “may enter and search” and they “may require”. It is all about “may”, not “will” or “shall” or “must”. The opposition has overreacted and become paranoid about a matter of little significance.

Mr Hamilton (Morwell) — The Minister’s remarks have put this argument into context. The powers, as they appear in the Bill and in other Acts, are draconian. They have not been used more than once in the past 40 years under other Acts because of their complexity. The Committee should exclude these powers, which are anachronistic, from the Bill. We should treat this provision as Parliament recently treated the Sheep Owners Protection Act, which it repealed.

Clause 71 may have been appropriate many years ago when the available technology was not as advanced as it is today, or when less accurate means of maintaining records were available. The provision almost has some connotation about prohibition and the only reason the clause should be retained is if the government wishes to establish a prohibition against the use of barley in alcohol production.

The powers should be thrown out. The deletion of the clause will not detract from the operation of the legislation.

Dr Coghill (Werribee) — I return to the central point of the argument, that this sort of Leninist provision is inappropriate in 1993. I draw the Committee’s attention to the more recent expression of opinion on this matter by the Scrutiny of Acts and Regulations Committee and its particular reference to the amendment of section 4D of the Parliamentary Committees Act. That committee’s terms of reference state, in part:

... to consider any Bill introduced into a House of the Parliament and to report to the Parliament as to whether the Bill, by express words or otherwise —

(i) trespasses unduly upon rights or freedoms...

It then lists four additional points. In that context the committee has made a unanimous report that has been referred to extensively tonight.

I direct to the attention of the Chamber the composition of the committee, in case the fact that the committee has a majority of government party members has been lost on honourable members opposite. The committee members are: the Honourable Louise Asher; me; the honourable member for Murray Valley; the Honourable J. M. Brumby, who has been appointed to the position occupied by the former honourable member in another place, the Honourable Bill Landeryou; the honourable member for Doncaster as chairman; the honourable member for Coburg; the Honourable B. A. E. Skeggs as deputy chairman; the honourable member for Sandringham; and the honourable member for Albert Park. Those members are broadly representative of the Victorian Parliament.

The Scrutiny of Acts and Regulations Committee believes clause 71 offends against a term of reference given to it and persists with that view in light of the Minister’s response. It is simply that search warrants should be required if searches are to be carried out. The Minister says that a search is a rare event; presumably no onerous would be burden placed on the board by requiring it to obtain a search warrant prior to the issuing of any warrant.

The safeguard, which is increasingly prevalent in all sorts of searches, should apply under this legislation as it should apply in the other examples referred to tonight, whether they be related to stock diseases, citrus marketing, the dairy industry or anything else.

This type of Leninist provision is out of date. It may have been acceptable two or three years ago in what was then the Soviet Union but it would not be acceptable there now. It should not be acceptable in 1993 in a democratic Parliamentary system such as ours.

The opposition seeks an undertaking from the Minister that the government will review this provision either before the Committee proceeds further or while the Bill is between here and another place. It requires the government to study the safeguard mechanisms involved in obtaining a
Clause agreed to; clause 72 agreed to.

Clause 73

Mr COLE (Melbourne) — I cannot understand why the power contained in this clause is being given to the Police Force and is not confined to authorised officers. The provision is of a general nature because any default in the marketing of barley should not involve the police searching vehicles. It is probably better for the police to be searching vehicles for criminals rather than being concerned with barley!

The power could be confined to authorised officers rather than have the police searching cars to detect the illegal carriage of barley in suburban Melbourne. I ask the Minister to amend this clause and remove it from the Bill; alternatively, the power should be handed to an authorised officer rather than to the police. For the reasons I advanced earlier it is inappropriate to have the Police Force given such broad powers for the apprehension of those illegally in possession of barley.

The police have better things to do with their time than travel all over the countryside checking every second car that drives down the road for bits of barley. The opposition accepts that the government is making a dramatic move to the left by supporting this Bill and that it is forsaking its free enterprise principles about selling to the highest bidder — even if it is the Japanese, who get their act together too often — but it is an odd marketing exercise and not something with which we need to entertain ourselves. I would prefer the police to be occupied with things other than looking for barley.

I wonder whether the already extensive power should be broadened to include searching motor vehicles for barley or documents relating to barley. I ask the Minister to exclude clause 73.

Mr W. D. McGrATH (Minister for Agriculture) — The honourable member used the word "car", but the terminology in the Bill is "motor vehicle", which refers to trucks rather than cars. If you are driving malt to a malting company, the company needs the deed or the licence arrangement and if you do not have it and you are not driving to a Grain Elevators Board site you could be regarded as trading illegally. Under this provision it would be necessary for the police to be able to stop a vehicle — not necessarily a car — for the purpose of determining whether a substance was barley and whether the driver had complied with the deed or licence arrangement in, for example, the case of malting quality barley.

Mr COLE (Melbourne) — A motor vehicle could be anything. The term could apply to trucks. The provision is too broad. If that is what the Minister is concerned about, he should define it so that we do not have this broad power which can be used and abused. A motor vehicle is a motor vehicle; it is not just a truck. It could be any number of things. My car is a motor vehicle — it is not a good one but it is still a motor vehicle — and when I am driving home tonight I could be pulled over by somebody looking for barley. It is certainly not a truck.

I am trying to make the point that the provision is far too broad. This is not a matter for the police. If we want to give powers such as these to the police we should discuss that issue; we should not debate it within the confines of this Bill. It is possible and probable that the provisions of the clause could be abused and that they will not apply in the way the Minister says they should apply. I am sure he has the best of intentions, but it is not true that the provisions of the clause apply only when a truck is on its way to Carlton and United Breweries or anywhere else. The clause is so broad that it could apply on any occasion and, it is reasonable to assume, to any documents relating to barley. Paper in the back seat of the car might be said to be a document relating to barley, and therefore the driver can be pulled over.

Mr W. D. McGrATH (Minister for Agriculture) — I give the honourable member for Melbourne a commitment that I will examine the clause while the Bill is between the Houses.

Committee divided on clause:

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Mr W. D. McGRATH (Minister for Agriculture) — I move:

6. Clause 74, lines 15 to 20, omit sub-clause (1).

7. Clause 74, line 21, omit “(2)”.

Amendments agreed to; amended clause agreed to; clauses 75 to 78 agreed to.

New clause AA

Mr W. D. McGRATH (Minister for Agriculture) — I move:

8. Insert the following new clause to follow clause 6 —

“AA. Joint Scheme not to be altered without consent of Ministers

It is declared that it is the intention of the Parliament that this Act not be amended in any manner that may affect the operation of the joint Scheme except on the joint recommendation of the Minister and the South Australian Minister.”

New clause agreed to.

Reported to House with amendments.

Report adopted.

Passed remaining stages.

SHOP TRADING (FURTHER AMENDMENT) (AMENDMENT) BILL

Committee

Resumed from 1 April; further discussion of clause 1 and Mr LEIGHTON’s amendment:

1. Clause 1, line 7, after “1991” insert “and amend the Shop Trading Act 1987 in relation to employment on Sundays”.

Mr MILDENHALL (Footscray) — I support the amendment moved by the honourable member for Preston, which seeks to amend the Shop Trading Act in relation to employment on Sundays. The honourable members for Frankston, Mordialloc and Murray Valley questioned the qualifications, validity and calibre of speakers from the opposition by suggesting they were not small business proprietors.

It is absurd for government members to apply that sort of logic; if that were the case the Minister for Education should be a teacher, the Minister for Health should be a doctor or health professional and the Treasurer should be an accountant. The Treasurer has confessed to lacking a sense of humour, but because during the past six months he has made two attempts to introduce Budgets, perhaps that trait would not have gone astray.

It is not inappropriate for any member of the House to speak on issues of this nature. It is a skill that all members should develop; it is their responsibility to scrutinise all subjects dealt with, and they should ensure that their skills are appropriate to do so.

I shall also examine the issue of rights. The amendment provides that employees have the right to be free from coercion. During the spring sessional period the government introduced legislation that caused great stress throughout the community. Many employees were forced to move out of industrial awards and negotiate employment contracts. The government argued that employees...
would need to sign employment contracts that would operate after the awards were abolished.

The opposition took a consistent approach to central issues in the Bill. The government agreed that lessees in large shopping centres should not be forced to open on Sundays because of the hardships that opening for long hours seven days a week would impose upon them. That provision was included in the Capital City (Shop Trading) Bill.

The government will oppose the amendment moved by the honourable member for Preston. It does not support employees who resist that sort of coercion and its double standards should be examined. Honourable members have heard evidence of the attitudes that are taken towards individual employees who assert themselves and who are active in industrial organisations. They are probably the most vulnerable employees in the workplace.

Examples have been given of the employment contracts used by Speeds Shoes Pty Ltd, which included under the heading Hours, the words “Monday to Sunday”. The Westco Jeans employment contract and schedule provided that the director, manager or area supervisor could designate working hours in accordance with shop trading hours — which relates to shopping centre trading hours. Clearly that provides an opportunity for the coercion of employees, particularly junior employees. Another example of an employment contract is that of Worths Pty Ltd, which trades as Alexanders. Its contracts provide that employees should work 38 hours a week or 76 hours a fortnight for an average of five days from Monday to Sunday with a maximum of six days in any one week.

The government is concerned about the long hours that retailers might experience — and it was prepared to address that issue. But the rights of employees are another story; they must look after themselves. The government is not prepared to accept the amendment.

Coercion is a possibility in the retail area. Businesses such as jewellers, pharmacies and so on — as the honourable member for Frankston reminded honourable members the other day — have difficulty hiring staff for one extra day.

Mr Gude (Minister for Industry and Employment) — On a point of order, Mr Chairman, the Committee is debating the proposed amendment to clause 1, yet the honourable member is making a second-reading speech. The purpose of the clause is to repeal the provision for the expiry on 30 June 1993 of the amendments to the Shop Trading Act 1987 and the Liquor Control Act made by the Shop Trading (Further Amendment) Act.

The honourable member is canvassing a range of issues and is straying far from the point. I ask you, Mr Chairman, to direct the honourable member to the amendment and the clause.

Mr Leighton (Preston) — On the point of order, Mr Chairman, the Leader of the Chamber correctly says that the honourable member for Footscray should be debating clause 1, but the clause invites wide debate because it is the purpose clause.

The honourable member is entitled to refer to other Acts of Parliament because not only does the Bill refer to three other Acts, but in doing so amends the Shop Trading (Further Amendment) Act and related Acts. The honourable member is also entitled to refer to the Employee Relations Act because in dealing with amendment No. 1 the Committee is dealing with the direct consequences of the Employee Relations Act. The clause relates to employee relations issues and for that reason the honourable member needs to canvass widely in order to address the amendment.

The Chairman (Mr J. F. McGrath) — Order! I partially uphold the point of order. Debate on the proposed amendment does not allow the honourable member to make a second-reading speech. I ask him to confine his remarks specifically to the proposed amendment of clause 1 and not to make a second-reading speech.

Mr Miledhall (Footscray) — The amendment proposes an amendment to the Shop Trading Act in relation to employment on Sundays and the issues I raise relate to Sunday employment and the likelihood of employees being coerced to work on Sundays.

Additional pressure could be placed on employees to work on Sundays because employers have difficulty in finding experienced people to work on that day. Sunday is a special day of the week, and much has been said about the attitude of the community to working on Sundays. The churches and significant community groups have voiced concern about the extension of shop trading hours to Sundays.

Many people now work on Saturdays because of extended shop trading hours and more sporting
events and community activities now take place on Sundays than occurred previously. During the period that this issue has been debated the Australian Football League has introduced Sunday football. Sunday racing is now prevalent and many of the festivals that Melbourne and Victoria are famous for are held on Sundays.

The honourable member for Pascoe Vale spoke eloquently about the significance of Sundays to the wider community and suggested that perhaps the Committee and the community should examine their values with the spread of shop trading hours and the ever-increasing demand for market share and money.

Some protection should be afforded to those who are least able to defend themselves. The one special day of the week is now being intruded on. The government should have a consistent approach to the rights of individuals and should agree to the amendment.

I believe that the value of the traditional Sunday with its basis on church is no longer considered important by the community at large. To me this is most disappointing. Certainly, many changes and much legislation are removing Sunday from its place in the calendar. However, that can in turn strengthen the resolve of those who wish to retain the value of Sunday in their lives to keep it a holy and special day.

Those were the beliefs of the Minister for Agriculture at that time. We should respect those beliefs and we should not seek to force people to work against their beliefs. Obviously the churches would support those views and I shall refer to people speaking on behalf of two of the churches. I refer firstly to the Catholic Archbishop of Melbourne, Sir Frank Little, who in referring to a previous Bill about Sunday trading in the central business district was reported in the Herald-Sun on 6 November 1992 as saying:

Workers have every right to resist the inroads being made by government and by businesses on this day of rest and family life.

Mr HEFFERNAN (Minister for Small Business) — On a point of order, Mr Chairman, during the second-reading debate I had to put up with having all these letters from the archbishop being read out, and the honourable member for Bundoora is going through them all again. Can we come back to the amendment? The honourable member has not mentioned it once, but she has been speaking for at least 4 minutes. I think she is starting to wander off like the previous speaker did. This is becoming a repetition of the debate of previous days.

Mr LEIGHTON (Preston) — On the point of order, Mr Chairman, as I recall when this matter was last before the Committee and I started speaking to my first amendment you correctly ruled that at the same time I could debate the substance of the second amendment standing in my name because the first amendment relates to the title and accommodates clause 2. Unless one speaks to the substance of clause 2 one cannot explain why it is necessary to amend clause 1 in the way my amendment proposes. You, Sir, in fact ruled that way. The honourable member for Bundoora has been canvassing the situation that exists on Sundays for churches and shop assistants, and that goes to the heart of the second amendment standing in my name.

The CHAIRMAN — Order! I do not uphold the point of order at this time but I say, as I did when
calling the honourable member for Bundoora, that
this is not an opportunity for repeating matters
canvassed during the second-reading debate. She
can certainly canvass the second amendment
because if the first amendment is lost, naturally the
second amendment is also lost.

Mrs GARBUtt (Bundoora) — I was referring to
the attitude of the churches on this issue and giving
reasons why the amendment moved by my
colleague is important. It will give a choice to any
shop assistant who is asked to work on a Sunday.
Shop assistants should not be required to work if
they do not wish to.

The second reason why that choice is important is
because of family commitments. I do not have
figures but I believe the majority of shop assistants
are women. Many of them choose to undertake
part-time work because they want to fit in with
family responsibilities such as being at home when
the children come home from school, and of course
Sundays present specific difficulties for those
women who are trying to adjust their work time to
suit their family time. To be forced to work on a
Sunday when they do not wish to may lead to many
family problems, and I shall not go into those
problems now.

I also refer to single parents, either men or women,
who would find Sundays a particular problem
because although their children may have
commitments with sport and so on on a Saturday,
Sunday may pose child-care problems if an
employee has no choice about working. I urge the
government to consider retaining that choice for
workers. The government has chopped away most
of the safety nets that were available to workers in
the employee relations area and the only safety net
remaining is that workers do not have to work on
Sundays if they choose not to.

Of course there is no reason why workers who
choose to work on Sundays cannot do so, but
because of a church base being firmly embedded in
our culture what we do on Sunday is of specific
importance. I believe workers should not be told to
front up on Sunday or face the consequences. I
mentioned earlier in the debate the experience of
workers in my electorate who were presented with
contracts and told that things would be most
unpleasant for them if they did not work when
required. In fact they were punished with loss of
hours and rearrangement of shifts because they
spoke up against the contracts they were told to
sign. Some workers will be given no choice about
working on a Sunday and will have to sign contracts
to that effect.

Other honourable members have quoted such firms
as Alexanders clothing stores and Westco Jeans
(Aust) Pty Ltd asking workers to sign contracts that
include Sunday as if it were no different from any
other day of the week when clearly the community
recognises Sunday as being different. It has always
been different, and many people want to retain that
special identity and would find it difficult for family
or religious reasons to have to work on a Sunday.

The amendment goes to that point and it will give
people that protection, which obviously not
everyone will want to exercise. I hope the
government will consider and adopt the amendment
to protect shop assistants.

Mr LONEY (Geelong North) — I do not wish
to revisit the issues I raised during the second-reading
debate. I shall examine clause 1 of the Bill and refer
to what it is amending. Clause 1 aims to repeal the
principal Act, which included a sunset clause that
would have limited the number of 10 Sunday
trading days a year to one year only. That legislation
was introduced because of problems that arose over
a period when aspects of Sunday trading were out of
control.

Legislation was passed to bring some order into
what had become a chaotic and confused Sunday
trading market. Since then other legislation has been
introduced to enable shops in the Melbourne central
business district to trade at any time on a Sunday
throughout the year. The problem with extended
Sunday trading in the CBD is that companies or
shops in other areas are in conflict because the CBD
can do what other areas cannot do. That goes to the
heart and purpose of the Bill.

There are particular problems for provincial areas in
Victoria such as the electorate I represent and the
effect Sunday trading can have on retail trading
areas in places such as Geelong. That is well
documented and has been the subject of surveys in
the City of Geelong. Sunday trading in the CBD in
Melbourne has had a negative effect on places such as
Geelong. The Act and the Bill are in conflict and
should be examined together rather than separately.

The Bill gives greater choice and service to
consumers and allows shopkeepers some choice
when they can remain open. The original aim of
Sunday trading was to give greater choice and
service.
In reviewing the Shop Trading Act, one should also review its purpose and the cost of extending Sunday trading. One of the costs will be the direct opposite to what we are aiming at, particularly with the CBD; it will increase monopoly rather than reduce it; it will decrease choice rather than increase it for the consumer. Many small business people with whom I have spoken fear that repealing the sunset clause without review will dramatically affect them, particularly when it is accompanied by another Act which allows for 24-hour-a-day trading in the Melbourne CBD. Sooner or later it will lead to open-slabber Sunday trading throughout the State.

That is the fear of small shopkeepers in my electorate who believe open-slabber Sunday trading is not in their best interests. Most of the shopkeepers who have contacted me, particularly those with one or two-person businesses, have said that they are working six days a week and the seventh day, a Sunday, is simply too much for them because they have too much work to do at home on that day.

Dr NAPTHINE (Portland) — On a point of order, Mr Chairman, you have ruled previously that clause 1 allows a narrow debate on whether the purpose as outlined accurately describes the Bill. That is what the debate should be about. It is widened in the case of the amendment moved by the honourable member for Preston, but it does not give the honourable member for Geelong North carte blanche to revisit his second-reading speech about the merits or demerits of Sunday trading in general, the effects of other Bills and what impact they will have on small shopkeepers in the Geelong area.

However interesting that may be, it is not relevant to clause 1 or whether the proposed amendment should be agreed to. It is a narrow debate on which you have ruled, Mr Chairman. I ask you to rule the honourable member for Geelong North out of order; he should come back to clause 1.

Mr LEIGHTON (Preston) — On the point of order, Mr Chairman, I suggest that the debate is a little wider than the honourable member for Portland argues. I have been listening carefully to the honourable member for Geelong North over the past few minutes and I believe he has been relating his remarks directly to the provisions of the Bill.

The honourable member for Geelong North has been discussing the purpose of clause 1, which is to repeal the sunset provision. He was outlining the concern of some businesses that the sunset provision was being repealed without review. The sunset clause was inserted by the then opposition, which canvassed the need for review and said that the review was the reason for inserting the sunset clause. The honourable member for Geelong North has been talking about the repeal of the sunset clause and the concern of some businesses about the effect of that repeal and whether it should be linked with some sort of review. I see his comments as being directly related to clause 1.

The CHAIRMAN — Order! The Chair finds itself in a difficult position because clause 1 concerns the purpose of the Bill. In debating amendment No. 1, we are also testing amendment No. 2, which is somewhat wider and is not restricted specifically to the very narrow interpretation of clause 1. The Chair finds it extremely difficult to rule harshly on a wide-ranging debate but reminds the Committee and the honourable member for Geelong North that they should not revisit the debate on the second reading and should restrict their remarks to the two amendments being canvassed.

Mr LONEY (Geelong North) — I had in fact concluded my remarks on that aspect of the clause, but I would like to go to what has just been referred to by the honourable member for Portland — namely, employment. He said it was relevant. I suggest that the Bill, in restricting shop trading to only 10 Sundays a year, would be clearly recognising that there is something special about Sundays in our society; that Sunday is different from the other six days of the week for most people. It is different for a number of reasons that have been well canvassed over the debate and they can be divided into three categories: religious, recreation and family. They are the three major reasons why Sundays are seen to have a special nature in our community. We recognise that it is a day of special value. For that reason, the opposition supports the proposition that people should not be forced to work on a Sunday.

Mr Weideman — They should not be forced to work any day.

Mr LONEY — Some may well say that. If the honourable member wishes to do so he might move an amendment, but at the moment we are discussing being forced to work on a Sunday.

I suggest that the only way to ensure that people are not forced to work on a Sunday is to give them legislative protection. That is what the amendment moved by the opposition seeks to do.
The amendment recognises that, for all sorts of reasons, it is difficult for many employees to stand up to the subtle and not so subtle pressures that can be applied in the workplace to force them to work at a time when they may not wish to do so. The force that is greater than others is the fear of losing a job. That is a very real fear in some cases.

The amendment is about free choice for employees in deciding whether they will work on Sundays in the same way that shop owners or operators can choose whether to open. They can exercise their free choice to operate just as an employee should be able to exercise his or her free choice whether to work. That is what the amendment is attempting to do.

I hope the Minister will see the amendment as an attempt to give free choice to employees and give it the same support as the opposition has given to it.

Mr MICALLEF (Springvale) - I support the amendment to clause 1 of the Shop Trading (Further Amendment) (Amendment) Bill moved by the opposition; however, I do so under protest. It is ridiculous — crazy — that we are sitting at 3.5 a.m. The decision to debate this Bill at this hour should not cut across members' rights to take part in debate. Hours of sitting are in the hands of the government and it is disgraceful that we are debating the legislation at this time of the morning, but I still acknowledge the right of members on both sides of the House to take part in debate. It is important for members to take part in debate and it is a shame that members were not given time to explore the issues when considering other pieces of legislation.

When debate on Sunday trading started the position taken was, “Never on a Sunday”. We then went to occasional Sunday trading. Some people wanted to have compulsory Sunday trading. The position the Labor Party came up with was a move by the opposition; however, I do so under protest. It is ridiculous — crazy — that we are sitting at 3.5 a.m. The decision to debate this Bill at this hour should not cut across members' rights to take part in debate. Hours of sitting are in the hands of the government and it is disgraceful that we are debating the legislation at this time of the morning, but I still acknowledge the right of members on both sides of the House to take part in debate. It is important for members to take part in debate and it is a shame that members were not given time to explore the issues when considering other pieces of legislation.

The Employee Relations Act is disgraceful because it adversely affects the rights of people to pursue activities on Sundays. The amendment will give shop assistants the choice of working on Sundays. Tenants and lessees in major shopping centres have the right to decide whether to open on Sundays, so it
is important for the reasons I have given that that right be extended to shop assistants.

Conservatives claim to believe in the importance of family life. The hypocrisy of that position is exemplified by the fact that the Premier is unable to contain himself even at this hour of the morning! As someone who comes from the advertising industry and who champions the cause of small business he should understand the reasons why some shopkeepers choose not to open on Sundays. He should also understand the need to extend that right to the employees of small businesses, a notion that should be supported by all honourable members.

Some of the large retailing chains have entered into enterprise agreements that safeguard the rights and interests of their employees. The agreements enable those who want to work a spread of hours over a week to do so, protected by conditions similar to those contained in awards that have safeguarded and continue to safeguard the rights of Australian working people. For those reasons I support the amendment.

It is absolutely crazy that we are debating the Bill at 3.15 in the morning. We should all go home and get a good night's sleep. After reading the good news for the Premier and his government in tomorrow morning's newspapers, we can return refreshed to debate this and other Bills and to make sensible decisions, which is what we are paid to do.

Mr THOMSON (Pascoe Vale) — I am sorry to detain the honourable member for Springvale and other honourable members, but the debate is important. I support the amendment moved by the honourable member for Preston because it challenges the government's supposed commitment to freedom of choice. The amendment says that shop assistants cannot be required to work on Sundays in the shops in which they are employed.

In debates on shop trading hours much is made of the enhanced opportunities for choice offered by Sunday trading. If we are to be fair dinkum we must also extend that choice to shop assistants and other employees. If the amendment is not supported members of the community will be given the unfortunate impression that Parliament believes it legitimate for shop assistants and other employees to work on Sundays. That is not my view — and it would be unsatisfactory if Parliament were to give that impression to the people of Victoria.

The extension of shop trading hours can create a climate for the growth of retailing monopolies rather than the proliferation of small shops, which is why I am disturbed by the trend to deregulate shop trading hours. But if that trend continues it is important that Parliament respect the rights of shop assistants. Because the amendment draws attention to the issue, it deserves the full support of members on both sides of the Chamber.

Many employees regard Sundays as sacrosanct. I do not subscribe to the view held by John Howard and others that the country should be open for business 24 hours a day, seven days a week, that no one day is more important than any other and that no particular hour of the day is more important than any other — notwithstanding the hour of the morning at which we are working. That would not be an appropriate way in which to order the working lives of Australians.

The amendment is on the right track because it highlights the need to give employees freedom of choice. For that reason I urge all members of the Committee to support it.

Ms MARPLE (Altona) — I support the amendment moved by the opposition. It is important for all members to have the opportunity of speaking on such an important amendment. Many opposition speakers have referred to issues the opposition believes are important. Some referred to the fact that the significant majority of workers in shops are women.

Mr Richardson — That's a very pretty scarf!

Ms MARPLE — I am glad you like it. My husband bought it for me.

The CHAIRMAN — Order! The honourable member for Forest Hill!

Ms MARPLE — It is important to acknowledge the work of shop assistants. Large and small businesses are ably supported by their employees so that, as government members continually point out, they can make a profit. However, those profits should not be at the expense of the workers.

For religious and historical reasons it is important that Sunday is regarded as a special day. It should not be changed at the expense of a certain group in our society. It is a human right for workers to say whether they are available for work on Sundays. Our family lives revolve around Sunday. People can
still put aside Sunday for family activity even if they no longer go to church or regard it as a religious day. The honourable member for Bundoora told honourable members that single-parent families often use Sunday as the day for children to visit the other partner. It is difficult for single parents to arrange child-care if they are required to work on Sundays.

Shop assistants must have the right to say, “No, thanks, I don’t want to work on Sunday” and know they will not be given the sack. Today, now that jobs are scarce, workers are often put under pressure. The results of a study issued last week revealed that small business has a poor record with regard to taking into account family needs. If the Committee carries the amendment it will be a signal to small business that the government and the opposition do not believe small business should continue to ignore the needs of families. It would demonstrate that our society expects people to have the right to participate in family activities and say, “I am not able to work on Sunday” and know there will still be a job for them on Monday, Tuesday, Wednesday, Thursday, Friday and even Saturday”.

Mr Richardson — It goes on and on and on!

Ms MARPLE — That is right, work usually does!

Mr Weideman — Why should you be forced to work any day?

Ms MARPLE — The honourable member for Frankston should be quite clear on the issue, but seeing that he is not —

Mr Weideman — Tell us why you should be forced to work any day?

The CHAIRMAN — Order! The interjections of the honourable member for Frankston are provocative and he should restrain himself.

Ms MARPLE — The amendment will send a clear message not only to employers but also to the remainder of the community that Parliament believes Sunday is still an important day for all activities and that shop assistants have the right to say no to working on Sundays.

Mr KENNETT (Premier) — I have never heard so much crass hypocrisy in all my life as that from the rabble on the other side of the Chamber. Numerous opposition speakers have exercised their so-called democratic rights. They have all said exactly the same thing: they have all deliberately wasted time and they are all crying foul that we are still here at this ungodly hour of the morning.

I place on record now that we will stay here until we finish debating the Bill. If that is the way the opposition wants to behave, we will return tomorrow and the next day and do exactly what the opposition did when in government. The government does not want to keep the Parliamentary staff working until the early hours of the morning, but the legislation will be passed. The opposition must understand that there is more to participating in the operations of Parliament than simply filibustering. It must recognise that other people should be considered.

If the opposition wants to participate in proper and meaningful debate the government will accommodate it, but it will not tolerate the abuse of this Chamber by a party that could not even win 30 seats at the recent election. The opposition does not even have its full complement of members to debate what it says is an important issue. What hypocrisy! What a crass performance!

My contribution will cover two main points. Firstly, the measure puts into place and gives life to what the opposition proposed when it was in government: 10 Sundays a year will be available for trading. It is ridiculous for opposition members to say that Sunday should be kept safe and sacred for family, church and other activities.

Mr Leighton — And for shop assistants.

Mr KENNETT — Who started it? Who put the 10 days into the Act in the first place? It was not the former opposition. It was your lot in government! How hypocritical of the opposition. I have often been asked whether there is an opposition in this State any longer. Obviously the answer is no. You are irrelevant. You have no consistency and no policies. The Labor Party believes because it has moved from the government benches to the opposition benches it can throw its hands in the air and say it is no longer associated with the government of this State.

Mr Thomson interjected.

Mr KENNETT — I am suggesting that you supported the Bill. Why do you think it is, Bonedome?
The CHAIRMAN — Order! That term is unparliamentary, and I ask the Premier to withdraw it.

Mr KENNETT — I am sorry, Mr Chairman, I withdraw. At least I do not look in the mirror and run a mile.

Honourable members interjecting.

The CHAIRMAN — Order! The Premier should ignore interjections.

Mr KENNETT — I am somewhat confused because of the late hour. If the opposition does not support the Bill, why have so many opposition members said Sunday should be kept free?

Mr Leighton interjected.

Mr KENNETT — The amendment has nothing to do with the number of Sundays.

The CHAIRMAN — Order! The honourable member for Preston is out of order.

Mr KENNETT — The opposition is talking about what it has already put in place. There is absolutely no consistency. The opposition is filibustering for the sake of it. When the opposition was in government it moved to allow 10 Sundays out of 52 for trading.

Honourable members interjecting.

Mr KENNETT — The coalition did not oppose that. In fact, it supported it. At least the coalition is consistent, unlike the rabble on the other side.

The other point I find so absolutely amazing is that the Labor Party introduced poker machines and extended the hours of Tabaret. When are those machines allowed to operate? Seven days a week. What a bunch of hypocrites. Yet you have the gall to come in here yesterday and this morning and cry foul!

The previous Labor government extended trading hours in Victoria. In 1982 it started making those changes by making it legal to buy sex seven days a week, yet people were not able to buy hammers or screws. Ever since, the Labor Party has attempted to deregulate in a range of areas. Now all of a sudden it has had a change of heart. The Labor Party is bereft of ideas and leadership.

The former government did do some good things, particularly when it was not managing the economy. Southbank was one of the exceptionally good changes made by the Labor government. I have admitted that publicly when asked what, if anything, the Labor Party did well. Southbank is a fine addition to Melbourne and credit should be given to the Labor Party. The people it attracts are its strength. But they want to visit Southbank on the weekend with their wives, husbands and children. Southbank has the most Parisian aspects of this magnificent city.

Mr Roper interjected.

Mr KENNETT — I know the honourable member for Coburg goes up to Hong Kong to buy grog and a lot of other services.

The CHAIRMAN — Order! The Premier should address the Bill.

Mr KENNETT — When the government first came to office it allowed the central business district (CBD) to open seven days a week; I do not apologise for that. It has boosted business among a range of small traders and provided jobs — jobs that the honourable member for Altona said she was so concerned about.

The shop trading hours of businesses outside the CBD will not be extended unless municipalities agree and request extensions from the responsible Minister. Approximately 46 municipalities out of 210 have asked for extended trading hours of one sort or another, but the choice is up to the local communities. The government wants to create jobs.

In this day and age there is no way that employers will force people to work, and the opposition knows it. The system provides enough protection.

Honourable Members — Rubbish!

Mr KENNETT — If the opposition has evidence it should make it available. One or two instances have been cited and I accept that in a society as large as ours one or two instances can be dealt with by normal legal procedures. The main goal is to give people the opportunity to work. Most young people today are prepared to work on Sundays. Women want to work, particularly in these economic times.

Ms Marple — They want the right to say no.
Mr KENNETT — There is no question about that and the honourable member for Altona knows it.

Ms Marple interjected.

Mr KENNETT — For goodness sake! It is a sad day when a female representative of the Labor Party is so out of touch with the needs of females in the community. People want the opportunity to work. Unfortunately, many need to work for economic reasons. Many who are offered the opportunity of working on Sundays take it with both hands. It gives them an opportunity to provide just a little extra for themselves and their families.

The amendment proposed by this miserable opposition is an absolute waste of time. It is not relevant, lacks commonsense and does not represent the majority view. As I said, 1, 2 or even 50 people may be forced by their employers to work on Sundays, but I challenge the opposition to provide the names of people who are forced to work on Sundays. I ask the honourable members for Springvale and Altona to give me a list of the names of people who have been genuinely threatened to work on Sundays or face losing their jobs. I will give those names to the relevant Minister and ask him to investigate, but they must be people who have been genuinely threatened. The government will match those figures against the number of people who voluntarily accept employment on Sundays.

Mr Leighton — What about when they start to come forward?

Mr KENNETT — As the honourable member for Preston knows, the law provides protection against unfair dismissal. The amendment should be rejected because it goes against the spirit of the legislation the former Labor government introduced. The Minister is seeking to remove the sunset clause so that that legislation can be extended to give security to big and small businesses.

Every time members of the opposition get together we witness a political party in a state of chaos. The Labor Party simply does not believe in anything any more.

Only a few months ago the Labor Party was in government and was passing the rules and regulations. Now it is saying, “Away with this and that”. It introduced pokies and decriminalised prostitution. The Liberal Party supported those moves, yet tonight honourable members are here at 3.38 a.m. not because the Labor Party is offering something new but because it wants to filibuster. It no longer has anything constructive to say in the debate; and that is the same for other matters. If the opposition wants to be relevant it must prove that it is relevant.

Mr Leighton interjected.

Mr KENNETT — I am saying that the opposition is irrelevant. It does not have enough votes in this Chamber to get 3 times 10. The Labor Party is no longer a reputable force with a vision for the policies it introduced when in government.

Mr LEIGHTON (Preston) — The Premier complains about the lateness of the hour but he should understand that he has broadened the debate and raised a couple of important issues, particularly why the Labor Party is proceeding with the amendment.

I am happy to take up the challenge of the Premier about whether shop assistants are being coerced to work on Sundays. Perhaps if he and some of his colleagues had been in the Chamber they would have heard me refer to three particular employment agreements, all of which require shop assistants to work every day of the week including Sundays. Those agreements concern companies such as Worths, trading as Alexanders Clothing Stores, Westco Jeans (Aust.) Pty Ltd and Speeds Shoes Pty Ltd.

Mr KENNETT (Premier) — On a point of order, Mr Chairman, the honourable member for Preston has referred to three documents. Will the honourable member make copies available and supply the names of people who have been threatened with losing their jobs if they do not work on Sundays?

The CHAIRMAN — Order! The latter part of the request is not within the scope of a point of order. The request for documents is within the scope of a point of order. Is the honourable member for Preston happy to table the documents?

Mr LEIGHTON (Preston) — I shall be delighted to table the documents. I will make the documents available and ask the Premier and the Minister for Industry and Employment to provide specific responses to them.

The CHAIRMAN — Order! Will the honourable member for Preston table the documents?
Mr LEIGHTON — Yes. I have only one copy of the documents. I will hand them to the Clerk.

The Shop Distributive and Allied Employees Association has stated that every time a shop assistant sticks his or her head out and insists on protection — the award still contains protection against being forced to work on Sundays — the employer is quick to say that the reason for dismissing the employee has nothing to do with the fact that the shop assistant is insisting on his or her entitlements but that work is suddenly not available or that disciplinary matters suddenly arise. Those are the sorts of intimidatory tactics used by the Premier. Just as earlier — —

Mr Perton interjected.

The CHAIRMAN — Order! The honourable member for Doncaster is out of order.

Mr LEIGHTON — It is necessary for the opposition to proceed with the amendments, particularly amendment No. 2 standing in my name, because the 1991 Act from which the sunset provision is to be removed is no longer the Act the former government introduced and processed through Parliament.

The 1991 Act provided protection for shop assistants so that they could not be forced to work on Sundays. That protection was removed by Schedule 6 of the Employee Relations Act introduced by the current Kennett government. The 1991 Act has also been amended by the new government's Capital City (Shop Trading) Act. The effect of that Act and the Employee Relations Act on the Shop Trading Act is that it is no longer the Act that the Labor government processed through Parliament, which is why the opposition has moved the amendment.

The Minister for Small Business last week in his closing remarks in the second-reading debate said that because the amendment was new to him he needed to take it on notice and needed time to think about it. Perhaps the Minister thought that the debate would conclude on Wednesday or Thursday of last week.

The Minister has had a further week to examine the amendment and, more importantly, the proposition in the amendment is not new to the Minister. Perhaps the Minister has had trouble following the debate but the principle in the amendment is the same as that in the amendment I moved to the Capital City (Shop Trading) Bill in November last year, which was rejected by the government. The Minister has been exposed to this proposition and the arguments surrounding it since November last year. It was incorrect for the Minister in his closing remarks in the second-reading debate to say that he had just received the amendment and needed time to respond to it.

I also point out that the Minister for Small Business has used inconsistent arguments to refute the amendment. In the debate on the Capital City (Shop Trading) Bill the Minister was happy to provide protection for shop traders so that they could not be forced to open on Sundays as part of a lease, yet the moment it comes to debating protection for shop assistants he says it is not an area in which the government should be involved, that the government should not regulate this sort of thing. Individual shop assistants have far less power or capacity than shop traders to look after themselves. Shop assistants are the weaker party in the exercise but it seems that the Minister is happy to leave the situation to market forces.

I ask the Minister to seriously consider the amendment.

Mr HEFFERNAN (Minister for Small Business) — The Act is the former government's legislation but the debate goes on and on. In relation to clause 1 of the Bill, I indicated to the shadow Minister that no-one from the union, including Mr Reed, had approached me about the Bill or any problems with it. Secondly, no-one from outside the trade union movement has drawn any concerns to my attention.

The shadow Minister said he expected the government to review the Act in the short term. I have said there will be no review in the short term but that in the longer term the government will work through the Act. I have also said that at that stage I will consult with Mr Reed, for whom I have great respect and with whom I am on good terms, and work with him on the review.

I will also consider everything the shadow Minister has said and ask him for a submission, yet he has again seen fit to be a smart alec and hold up the debate in the Chamber for three days in dealing with a small issue such as this. This is the sort of thing that holds the Parliamentary process up to ridicule.

When the Act is reviewed, and I will take action on that matter soon, I will be in constant contact with the shadow Minister to obtain his views.
The CHAIRMAN — Order! The question is that the expression proposed to be inserted be so inserted. Honourable members supporting the amendment proposed by the honourable member for Preston should vote yes.

Committee divided on amendment:

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Amendment negatived.

Clause agreed to; clauses 2 and 3 agreed to.

Reported to House without amendment.

Passed remaining stages.

ADJOURNMENT

Mr GUDE (Minister for Industry and Employment) — I move:

That the House do now adjourn.

St Bernadette’s Primary School

Mr LEIGHTON (Preston) — I direct to the attention of the Minister for Roads and Ports St Bernadette’s Primary School in West Ivanhoe and cutbacks to funding for supervisors of the school crossing. As the school council points out in correspondence to city councillors, in January one of its parishioners was killed on Oriel Road, which children must cross every day.

Perhaps naively, the school community wrote to the honourable member for Ivanhoe and sought his assistance. The letter they received dated 1 March 1993 states:

This is a joint operation between the State and local governments and, in this issue, I believe it is time the local council got its priorities right ...

The City of Heidelberg recently appointed an executive officer at an estimated annual cost of $100 000. They have increased rates 5.9 per cent, built a $1 million community service office at Rosanna and then have the audacity to say there are no funds available to take up the shortfall in the subsidy for crossing supervisors.

Your lobbying ought to be directed to the council, who are becoming increasingly isolated from the needs of the community.

Members of the council met last night and were distressed to see the letter the honourable member for Ivanhoe had sent. They resolved by a vote of nine to four, including councillors who are members of the Liberal Party, to write back to him — and the honourable member for Ivanhoe will probably receive the letter tomorrow. It states:

To say the least, council is extremely disappointed at the tone of your letter. By way of response, we would point out ...

The letter mentions a number of issues and concludes by saying:
Finally, we would emphasise that we strive to have a productive relationship with other governments, irrespective of their political persuasion. We do not believe the comments in your letter of 1 March assist that process at all.

The honourable member for Ivanhoe has only inflamed a sensitive matter. He has been very insensitive towards the needs of one of the schools in his electorate. Instead of slanging off at the local council and inflaming the matter, he should have discussed with the school council ways of obtaining funds for the school crossing supervisors. He has taken a cheap shot at the council. I believe this letter speaks for the whole of the community.

Melbourne Hovercraft Club

Mrs ELLIOTT (Mooroolbark) — I raise a matter for the attention of the Minister for Natural Resources. I have been approached by a constituent who is the President of the Melbourne Hovercraft Club. It seems that Melbourne Water imposes an 8 kilometre an hour speed limit on craft using the Yarra River between Dights Falls and Ivanhoe. The hovercraft assists the State Emergency Service with rescues, and to my knowledge members of the club have rescued six stranded kayakers, four cows and one sodden sheep.

The hovercraft skims above the water, so it can reach places that conventional craft cannot reach. This is a family group; the club members are not hoodos. Perhaps if they cannot use the Yarra River they can be provided with a venue for weekend activities.

SELF-BUILD SCHEME

Dr COGHILL (Werribee) — I direct to the attention of the Minister for Housing in another place the operation of the group self-build scheme, of which honourable members may be aware. It is an excellent scheme whereby groups of potential home owners get together and work on the construction of their houses. Some of them may be skilled at carpentry, others at electrical wiring and so on; they pool their skills and cooperate with each other in the construction of their houses. They contribute what is known colloquially as sweat equity thereby reducing the cost to them of the houses they build.

One such group is based in my electorate, although a couple of the houses are actually outside the electorate in neighbouring communities. Until recently the scheme has worked very well except for a few bureaucratic hiccups. Because of the country's current low inflation rate, the financing of the scheme is seriously disadvantaging people on low incomes.

The contracts provide for a 6 per cent increase each year in repayments. That is not a problem if the inflation rate and increases in earnings are 6 per cent or more, however, in the current environment where earnings are practically static and where interest rates are low, the provisions of the contracts are having a crippling effect. As a consequence a number of the families involved in the group self-build scheme are in danger of losing their homes to which they have made enormous personal commitments and in which they have made substantial financial investments.

I ask the Minister for Housing to review the conditions of the contracts relating to the escalation of the rates of repayment and the interest rates that apply having regard to the current low inflation rate. I ask him to inquire whether he can assist the people involved to retain possession and occupancy of their houses.

Victorian Plantations Corporation

Dr NAPTHINE (Portland) — I direct to the attention of the Minister for Natural Resources the proposed location and design of the office for the south-west zone of the proposed Victorian Plantations Corporation, the corporation being established by the government to manage Victoria's plantation resources in Victoria, which is an excellent initiative.

There are large plantations, particularly softwood plantations, throughout south-west Victoria. A document produced by the Department of Conservation and Natural Resources proposes that the office of the south-west zone be located at Rennick and that a depot be located between Rennick and Dartmoor. A number of people in the Portland electorate, particularly those in the Dartmoor area, have made strong representations to me suggesting that the better location for the zone office is Dartmoor rather than Rennick.

Rennick is right at the border of South Australia and Victoria, and it is at the very edge of the plantations the officers would have to service. There are in-built inefficiencies if officers are located at the edge of the plantations because they will have to travel long distances to service them, and in most cases they will have to travel through Dartmoor. Rennick is
extremely close to the South Australian border. It is not an actual township, and many of the officers stationed there live in Mount Gambier. Victoria is paying those officers to spend their money in Mount Gambier.

Dartmoor has existing departmental offices for which the Sirex program runs. It is a significant township with a primary school, a kindergarten, shops, sporting complexes and social facilities. It has a large sawmill run by CSR Ltd. Dartmoor is centrally located in the softwood plantation area. Will the Minister reconsider the wishes of the people of Dartmoor and the long-term interests of the management of the softwood plantations? Dartmoor would be a more appropriate and efficient location for the south-west zone than that proposed by the department.

Secondary school sports meetings

Mr MILDENHALL (Footscray) — I direct to the attention of the Minister for Education the future of secondary school sports meetings in Victoria. The secondary school sports competitions have been devastated by the Minister’s November decision to reduce the level of staffing for the Victorian Secondary Schools Sports Association (VSSSA) from 13 to 3 full-time staff members. The secondary school sports competitions are based on a three-tier structure of local groups that are organised around 6 to 12 schools, regional zones and a central office. The November decision wiped out the bottom two tiers of that structure. When the implications of the decision became known there was community outcry. Regional zone secretaries — there are four — were reinstated although some had already been redeployed to the excess pool. They were relocated temporarily to their former jobs until June. A lot of damage has been done between December 1992 and March 1993.

The sporting competitions are run with fees contributed by schools affiliated with the association, which have dropped from 99 per cent of secondary schools to 76 per cent. In my area of the western zone specific sports were badly affected and the number of schools participating in swimming sports dropped from 48 out of a possible 51 to 12.

Summer team sports in the western metropolitan zone dropped from 51 to 7. Football participation in the Herald Cup Shield competition across the State has fallen from 95 per cent of schools to 15 per cent. The Minister announced a review but it is a review that can be likened to keeping an ambulance at the bottom of the cliff. The Minister must complete the review promptly and act decisively so that school sports are returned to a reasonable level.

Protected birds

Ms MARPLE (Altona) — I direct to the attention of the Minister for Natural Resources a matter for the Minister for Conservation and Environment concerning the number of protected birds — not ducks — that were killed by hunters since the opening of the duck season since 20 March. They include rare blue-billed ducks, black swans, corellas and coots. This season 840 protected birds have been killed. Mr Tim Harding, the acting director of the flora and fauna division of the Department of Conservation and Environment, was quoted in the Sunday Age as saying that these species could not be confused with ducks. It appears that deliberate killings have occurred. According to departmental records 270 freckled ducks were shot this year, thus reducing the population by more than a third.

Will the Minister consult with all groups with the aim of reconsidering the regulations that prohibit rescue teams on lakes and developing more stringent licence tests — some people obviously have difficulty appreciating the difference between swans and ducks — so a repeat of this slaughter does not occur next season?

Dangerous dogs

Mr SPRY (Bellarine) — I bring to the attention of the Minister for Agriculture, who is the Minister with responsibility for animal welfare, the dangers posed by some breeds of dogs — especially those bred for fighting — and particularly to children. I received a letter dated 30 March from a constituent who lives in Portarlington describing how an attack by a bull terrier resulted in her having skin grafts and spending 10 days in hospital. The dog that attacked my constituent was destroyed, but she is concerned about the control of vicious dogs in the long term.

Section 22 of the Dog Act provides that a dog may be destroyed at the discretion of the courts where it is believed that the dog is dangerous or has attacked a human being. The Act also provides for a maximum penalty of $500 for the owners of such animals and allows for the recovery of damages.

Pit bull terriers and bull terriers are particularly dangerous. I ask the Minister to implement measures to control those dogs and to investigate
whether heavier penalties should be applied to the owners of vicious dogs that are responsible for attacks on people.

School cleaners

Mrs GARBUJT (Bundoora) — I direct to the attention of the Minister for Education a letter I received from the council of Greenwood Primary School outlining some concerns it has. The council states that it has not received a reply to a letter it wrote to the Minister on 10 December last year regarding school cleaning. It put a number of questions to the Minister to which it has not received a reply.

The council raised the serious issue of a young man who committed suicide on 1 December last year at one of the main entrances of the school. The body was noticed by the cleaner at 5.20 a.m. as he arrived for work. It took almost 3 hours for the police and the coroner to conduct their inquiries and for the fire brigade to clear the site.

No children saw that unfortunate incident. However, now that no cleaner is there at that time of a morning if a similar event were to happen one of the schoolchildren would find the body. The school asks that sufficient counsellors be made available to meet the needs of the school community should a similar event occur.

The other issues are nowhere near as serious but they relate to the safety and wellbeing of the schoolchildren. Windows are often broken when the school is in recess and fragments of glass end up in classrooms. Previously the that sort of work was done by the cleaner but now the cleaner will not do it. The school has 750 external windows and they must all be cleaned, but that is not being done by the cleaner. Previously the cleaner also opened up and closed the school. That takes 20 minutes at the beginning and end of the day and the school council would like to know whether the principal is expected to do that.

People also use the alcoves of the school during the weekend and leave litter behind. That litter often includes fragments of glass and syringes. The cleaner no longer does the cleaning up and no-one seems to know who should do it.

Maccabiah Games

Mr TANNER (Caulfield) — I am sure the Minister for Sport, Recreation and Racing is aware that between 5 and 15 July the 14th Maccabiah Games are to be held in Israel. I know the Minister has been supportive of Victorian and Australian teams in the past, and I ask whether he can make financial assistance available to this team. I understand Australia has a contingent of approximately 300 athletes to attend what is developing into a tradition and is becoming part of the sporting heritage of Australia.

Australians participating in the games have had many successes in the past and those competing this year have gained inspiration from those successes. No doubt future generations of Australians will be similarly inspired. I understand the games will have representatives from approximately 50 countries, and this year's event will probably be the largest ever held. In fact more than 4000 athletes will participate. I am sure honourable members wish the 300 Australians well. Unfortunately no financial assistance has been made available to the Australian participants by any government or semi-government body.

I am aware that the Commonwealth government generally is responsible for supporting Australian teams participating overseas whereas State teams are normally assisted by their respective State governments. Although this is an Australian team no financial assistance has been offered to the athletes proposing to participate, and I ask the Minister whether any assistance can be made available to them. I know the Minister will give the team his best wishes and offer the athletes every moral support but financial assistance is also needed.

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

Tenant information services

Mr THOMSON (Pascoe Vale) — In the absence of the Minister for Fair Trading I direct a matter to the attention of the Minister for Industry and Employment. The Minister for Fair Trading has an opportunity to improve her rating by supporting the continuation of services the Office of Fair Trading presently funds to residents in the electorates of Tullamarine, Broadmeadows and my own electorate of Pascoe Vale. I seek guarantees of funding for the continuation of the Broadmeadows Tenant Information Service.
Information Service, which has some four tenant workers.

That service has only $33,000 which must last until July. It costs some $10,000 a month to run the service and the minimum redundancy payments for four workers would cost $23,000. The service is in the awkward situation in that if the government decides to axe the service at the end of June when present funding runs out it will have no money left for redundancy payments. The service is funded by the interest on private tenants' board money, which is paid into the Residential Tenancies Fund. The Office of Fair Trading administers the fund with some $2 million in interest each year going to Statewide tenancy groups.

The Office of Fair Trading also funds the Consumer Advocacy and Advice Service based at the Broadmeadows Community Health Centre which receives $50,000 a year for one full-time and one part-time worker. The number of consumers using the service between June and December last year was up 40 per cent on the previous year, and I understand that figure is still rising. The service acts as an objective third party in trying to solve disputes between traders, companies, statutory authorities and customers. A Broadmeadows Observer journalist, Angela Fedele, has brought the plight of those services to public attention.

It is important that they plan for the future now that the mini-Budget has been introduced. I seek assurances from the Minister that the services will continue and that decisions regarding the future will be made.

Health department and hospital reports

Mr ROPER (Coburg) — I direct to the attention of the Minister for Health outstanding reports from the Department of Health and Community Services and hospitals for the year 1991-92.

Mr Reynolds interjected.

Mr ROPER — I take up the interjection by the Minister for Sport, Recreation and Racing because it is important that reports that are to be tabled in Parliament are tabled in time to enable the activities of the particular departments to be examined by Parliament and the public. That is also the case with hospital reports.

Since 1983 the annual report of the health department has been tabled in either October or November of each year. The last report of the department was tabled on 26 November 1991 for the 1990-91 financial year. As you would be aware, Mr Speaker, the Auditor-General speedily completes his work on those departmental reports after the end of each financial year.

Not only has the Department of Health and Community Services failed to report to Parliament but also the Minister has failed to ensure that it has. As of this morning some 21 hospitals had not reported to Parliament. They include major hospitals such as the Amalgamated Alfred, Caulfield and Southern Memorial Hospital; the Amalgamated Central Gippsland and Morwell Hospital; the Anne Caudle Centre; the Frankston Hospital, the Bendigo and Northern District Hospital; the La Trobe Valley Hospital; the Mount Royal Hospital; the Queen Elizabeth Geriatric Centre and the Southern Peninsula Hospital.

There are a number of medium sized hospitals, such as the Woorayl District Memorial Hospital and the West Gippsland Hospital, in your electorate, Mr Speaker. That is not an implied criticism of you, Sir, but it is a criticism of the Minister for Health who has not ensured that the reports are tabled in Parliament.

I ask the Minister for Health to make sure that, first, the report of her department, with the important information that it contains, comes to Parliament and, second, the outstanding 21 hospital reports are tabled with all speed.

Responses

Mr COLEMAN (Minister for Natural Resources) — The honourable member for Mooroolbark raised the question of hovercraft operating on the Yarra and the lower Yarra River particularly. She quite correctly observes that the speed limit is between 5 and 8 kilometres an hour. She has raised the possibility of supplying some other waterway with sodden sheep so that hovercraft can continue their activities. I will take up the matter with Melbourne Water.

It is important that the role of the Victorian Hovercraft Club plays in rescue work is recognised. There seems to be some need to take that into consideration, particularly when there has been an extensive study of boating operations on the lower part of the Yarra River.

The honourable member for Portland referred to the establishment of an office for the Victorian Plantations Corporation in either Dartmoor or
Rennick. Information has been circulated to staff in preparation for the corporation coming into existence, and it was proposed that both communities have some continuing role in the management of softwoods in that part of the State. The critical issue so far as the honourable member is concerned is that the economic activities should also be part of Victoria’s gain in the structuring of the corporation.

A major facility at Portland will be established to handle some additional material emanating from the plantations. It is entirely appropriate that there be a review of the location of the zone office in that part of the State.

The honourable member for Altona raised the number of protected birds that have been killed during the present duck season. The critical issue is that extensive wetlands that were not available last year were made available this year. Many birds were shot in other parts of the continent as well as in Victoria. The upshot is that in the last couple of days, because of the number of dead birds that have been discovered, consideration has been given to some further closures, particularly Lake Buloke, where most of the offences seem to have occurred. I will keep the honourable member advised of the outcome.

Mr W. D. McGrath (Minister for Agriculture) — I can quite understand the constituents of the honourable member for Bellarine being a bit upset that a person was confined to hospital for some days and had to have skin grafts to rectify the damage from the attack of a bull terrier. The importation of pit bull terriers to Australia has been banned, but there are still a number of bull terriers about. They are not the only dangerous dogs; a number of other breeds can be dangerous, too, if not properly trained and looked after.

It is necessary that dogs that have demonstrated a degree of aggression to people be kept on leashes and wear muzzles if they are out in public. If they are housed in a person’s residence, especially if children are about, additional precautions need to be taken to make sure that the children do not have access to the dogs because they can very quickly tear the face of a child to pieces.

During the coming spring sessional period the government intends to introduce legislation dealing with cats and dogs to overcome the sorts of difficulties — —

Mr Roper interjected.

Mr W. D. McGrath — It will be a lengthy debate! The Honourable Richard de Fegely heads the committee within my department that is examining the issue.

We must come to terms with the threats caused by dangerous dogs, which will require amendments to the Dog Act. We will also have to come to terms with the dangers posed by stray and feral cats. The introduction of that legislation is certainly on the government’s agenda. I hope the measure will be debated during the spring sessional period and that satisfactory solutions will be reached to address problems such as those highlighted by the honourable member for Bellarine.

Mr Reynolds (Minister for Sport, Recreation and Racing) — The honourable member for Caulfield sought advice and information about assistance for the 300 members of the Australian team travelling to the Maccabiah Games, which will be held in Israel from 5 to 15 July this year.

The games are the third-largest gathering of the world’s athletes, a number exceeded only by the athletes who participate in the Olympic and Commonwealth games. Victoria has a proud sporting heritage, and our athletes have always performed well at those games.

I suggest to the honourable member for Caulfield that he approach the Victorian Health Promotion Foundation for assistance. In the meantime, I shall direct the matter to the attention of the Director of the Victorian Institute of Sport, which sometimes gives assistance to athletes who meet certain criteria. I wish Victoria’s representatives in the team well. I hope they are able to compete to the best of their abilities and that their medal tally is as high as those of previous teams who have represented Australia at the Maccabiah Games.

I point out to the honourable member that all donations to the team are fully tax deductible if directed through the Australian Sports Foundation, a privilege not extended to every organisation. I urge the honourable member for Caulfield to encourage his constituents to direct their donations through the foundation.

Mrs Wade (Minister for Fair Trading) — The honourable member for Pascoe Vale offered me the opportunity to improve my rating with the Australian Consumers Association by guaranteeing
funds to service organisations within his electorate — in particular, the Broadmeadows Tenant Information Service and the Broadmeadows Consumer Advocacy and Advice Service, one of which receives $33,000 a year from the Residential Tenancies Fund and the other of which receives $50,000 from the Consolidated Fund.

I am not sure I would necessarily obtain a better rating from the ACA simply by providing those guarantees. I would be more likely to receive an improved rating if proper assessments of those services were undertaken. The newspapers have carried reports of services being cut back as a result of recommendations contained in the Schilling report. The authors of the report have advised the government that considerable savings could be made by a reassessment of services such as those.

The government does not underestimate the importance or the roles of funded community groups. In any reassessment priority will be given to direct services provided by those groups. The tenant support groups, including the one mentioned by the honourable member for Pascoe Vale, have suggested that as they are funded directly by tenants and not from the Consolidated Fund their moneys should not be cut back in any way.

I advise the House that earnings from the Residential Tenancies Fund have diminished greatly with the drop in interest rates and the interest from those funds is no longer sufficient to meet the calls on the fund. The government has not made any decision on those matters. Individual services will be considered.

I understand the Office of Fair Trading has contacted a number of services about redundancy payments. If the Broadmeadows tenant service has not obtained advice already I suggest the honourable member advise it to do so.

Mr MACLELLAN (Minister for Planning) — The honourable member for Werribee raised a matter for the attention of the Minister for Housing. I will direct it to his attention and ask him to provide a response.

Mr GUDE (Minister for Industry and Employment) — The honourable member for Preston asked about school crossing supervisors at St Bernadette’s Primary School in West Ivanhoe. I will direct the matter to the attention of the Minister for Roads and Ports.

The honourable member for Footscray raised secondary school sports competitions and said that a review had been announced. I understand Steve Moneghetti is either the chairman or a member of the review panel. I believe the honourable member will get appropriate consideration by that panel. He seemed to imply that the panel would not be carrying out the work, but I understand that that is not the case. I will pass on the matter to the Minister for Education.

The honourable member for Bundoora raised a matter of considerable concern about a suicide that occurred at the Greenwood Primary School and some correspondence from the school council about a letter of 10 December 1992 to the Minister for Education and another matter relating to school cleaning. She referred to some problems with broken windows and fragments of glass in the classrooms and to the opening and closing of the school. I will bring the matter to the attention of the Minister for Education.

The honourable member for Coburg referred to some outstanding reports in the health area. I will direct that matter to the attention of the Minister for Health.

Motion agreed to.

House adjourned 4.44 a.m. (Wednesday).