The SPEAKER (Hon. J. E. Delzoppo) took the chair at 10.5 a.m. and read the prayer.

PETITIONS

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

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 sheweth that the removal of the two school buses servicing the district surrounding the town of Heywood is quite unjust.

Your petitioners therefore pray that before any such action is taken thorough investigation be taken into road safety aspects — that is, narrowness of roads for bicycles or walking, road conditions — that the under school age children predictions are taken into account, the lack of alternate transport and the general safety and security of the children.

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

By Mrs Garbutt (344 signatures)

Coode Island chemical storage facility

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

The humble petition of the undersigned citizens of the State of Victoria sheweth that the proposed transfer of the Coode Island chemical storage facility to Point Wilson in the Shire of Corio is not in the public interest and is strongly opposed by the inhabitants of the surrounding areas.

Your petitioners therefore pray that the relevant authorities reject the proposed transfer.

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

By Mr Loney (131 signatures)

School bus service — Heywood and surrounds

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

The humble petition of the undersigned citizens of the State of Victoria sheweth that the removal of the two school buses servicing the district surrounding the town of Heywood is quite unjust.

Your petitioners therefore pray that before any such action is taken thorough investigation be taken into road safety aspects — that is, narrowness of roads for bicycles or walking, road conditions — that the under school age children predictions are taken into account, the lack of alternate transport and the general safety and security of the children.

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

By Mrs Garbutt (344 signatures)

Emergency teachers at Victorian State primary schools

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

Receive the humble petition of the undersigned citizens of Victoria.

Your petitioners request that the House take action to ensure that at Victorian State primary schools, emergency teachers be employed to fill staff absences if all short-term replacement teachers have been allocated in a particular day, thus maximising teaching-learning time and avoiding the cancellation of quality educational programs to which our children are entitled.

By Mr Paterson (410 signatures)

Laid on table.

OVERSEAS PROJECTS CORPORATION OF VICTORIA

Mr GUDE (Minister for Industry and Employment) presented report of Overseas Projects Corporation of Victoria Ltd for year 1991-92.

Laid on table.

FAMILY PLANNING SERVICES

Mr ROPER (Coburg) — I desire to move that the House do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the decision by the Minister for Health to discriminate against the majority of Victorian
women by funding clinical services at only three of the State's family planning services and neglecting the need for the provision of clinical programs at the majority of clinics.

Required number of members rose indicating approval of motion being put.

Mr ROPER (Coburg) — I move:

That the House do now adjourn.

Mr GUDE (Minister for Industry and Employment) — On a point of order, Mr Speaker, this adjournment motion again demonstrates the humbug and mischief of the opposition.

Honourable members interjecting.

Mr GUDE — The opposition knows full well that the issues dealt with in this motion are capable of being revisited, and I am sure will be revisited, by the opposition when the Appropriation legislation is debated in this House in 12 or 14 days.

Last evening we saw another example — this motion is the same thing — of the processes of Parliament being manipulated by the opposition with no care or concern for the forms of the House.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House will come to his point of order.

Mr GUDE — We have seen a process of the opposition contriving — —

An honourable member interjected.

Mr GUDE — I will come to that. We have seen a process of the opposition contriving to manipulate the processes of the House so that the honourable member for Mildura is not able to move his motion today. This matter can, should and will be dealt with at an appropriate time.

I urge you, Mr Speaker, to rule that the motion is out of order.

Mr ROPER (Coburg) — On the point of order, Mr Speaker, the point of order raised by the Leader of the House relates to the issue of other Parliamentary opportunities. I draw to your attention the fact that the other Parliamentary opportunity mentioned by the Leader of the House is the resumption of debate on the interim Budget, which is not set down for this week or next week but for the week after that.

Over time a precedent has been established in this House by Speakers often ruling that if a matter is likely to come on on the same day or if there is an undertaking by the government that a matter will come on either on the same day or within the couple of days following that day, an alternative Parliamentary opportunity exists.

No other Parliamentary opportunity for this matter to come on this week or next week exists. The next opportunity for it to come on is in the week following next week, which I put to you, given the clear statements set out in May and the clear precedents in this House, provides for this motion being in order.

The subject of the motion is an important issue that affects women throughout the State. The motion is in order because there is no other Parliamentary opportunity that fits into the way the House has traditionally dealt with this type of matter.

Mrs TEHAN (Minister for Health) — On the point of order, Mr Speaker, this matter was presented to the House as an urgent matter. A reading of the motion that has been circulated to honourable members on the so-called urgent matter reveals that it is totally incomprehensible and meaningless. It states:

The decision by the Minister for Health to discriminate against the majority of Victorian women by funding clinical services ...

What clinical services — —

The SPEAKER — Order! The Minister for Health must speak on the point of order, not on the substance of the motion.

Mrs TEHAN — The point of order is that if one examines the motion as it is drafted one realises it contains no reference to what clinical services or what State planning services are intended or to what it has to do with health. It is meaningless!

The SPEAKER — Order! I have heard sufficient on the point of order. A number of precedents have been established by rulings of previous Speakers and the issue depends on the opportunity of bringing up a matter. Previous Speakers have ruled that there would be an opportunity if a matter could
be brought on on the following day. In this case, however, it would be some two weeks before the matter could come before the House and I consider two weeks to be too long a period. I do not uphold the point of order.

Mrs WADE (Attorney-General) — On a further point of order, Mr Speaker, in relation to the urgency of this motion I draw to your attention that this matter was raised with me two to three weeks ago, at the beginning of the sessional period, by the honourable member for Coburg.

The SPEAKER — Order! I interrupt the Attorney-General to say that I cannot accept the point of order. The question of urgency is well established in the Standing Orders and in precedent. Urgency is established by 12 members rising in their place. There is no point of order.

The time being 10.15 a.m., under the resolution of the House I interrupt business and await the arrival of members of the Legislative Council.

Debate interrupted.

ADDRESS BY MINISTER FOR FINANCE

State superannuation schemes

The SPEAKER — Order! The sitting will come to order.

Mr ROPER (Coburg) — On a point of order, Mr Speaker: the point of order I raise for your guidance relates to the nature of the activity occurring in this Chamber at this time. I address you in your capacity as Chairman of the meeting rather than as the Speaker.

Mr Chairman, in relation to this matter I believe there is an issue as to whether this is a sitting — —

The SPEAKER — Order! Would the honourable member for Coburg please pause? I ask honourable members to take their seats.

Mr ROPER — Mr Chairman, — —

The SPEAKER — Order! The honourable member for Coburg should address me as Mr Speaker.

Mr ROPER — Mr Speaker, or Mr Chairman, I raise the issue of the status of this meeting which is occurring in the Legislative Assembly Chamber.

Yesterday the Legislative Assembly passed a resolution deferring its business this morning and inviting members of the Legislative Council to attend. We can only assume that all the people in the Chamber are members of the Legislative Council because there was no check as to who they were when they came in.

Honourable members interjecting.

The SPEAKER — Order! I ask honourable members to show some respect for the Chair. It is a difficult task to chair this meeting and I ask honourable members for silence.

An honourable member interjected.

The SPEAKER — Order! The Standing Orders of the Legislative Assembly still prevail, sir, and I will take action against anyone who is out of order.

The honourable member for Coburg is raising a point of order and I ask honourable members to listen to him in silence.

Mr ROPER — I very much appreciate the comment you have just made, Sir, when you talked about your difficulty in chairing this meeting — that is the very purpose of my point of order.

Yesterday the Legislative Assembly asked members of the Legislative Council to come to this place to hear an address in this Chamber. In no way was it suggested that this was to be a joint sitting of the Houses or that, in the traditional way, the sitting was to be conducted in the form of a debate as a formal joint sitting provides or in the normal course of events as a joint sitting of the Houses in the Legislative Assembly Chamber would be conducted.

This sitting is simply a meeting in this Chamber of a group of people defined by the resolution to meet in this Chamber, chaired by you, Mr Speaker — and you emphasised the word “meeting” — and addressed by one member of this group of people gathered here.

If one looks at May the question of privilege constantly talks about the importance of debate and the privilege that stems from a debate, and the way in which either the House of Lords or the House of Commons is constituted for that debate.

Chapter 6 of the 21st edition of May provides privilege for reports printed in Hansard. If this is simply a meeting, Mr Speaker, it raises the issue of
the status of the privilege of any Hansard report, this not being either a meeting of the Legislative Assembly in a normal sense nor a joint sitting in the normal sense.

Mr Speaker, one of the issues I ask you to consider in making your chairman's ruling on this issue is the situation if during the course of this address a point of order is taken alleging malpractice against some member of this place for double dipping or some other particular matter, and whether the member of the Upper House or the Lower House who raises the matter is covered by the privilege that would normally occur to a Hansard report under chapter 6 of May.

We are creating quite new rules about the issue of privilege.

Honourable members interjecting.

Mr ROPER — Honourable members opposite believe because they had the numbers in this place yesterday they can ignore hundreds of years of Parliamentary tradition which has grown up in the United Kingdom and the way in which the privilege of the various systems under the Westminster system were established. It may well be that the courts in the end are called upon to determine whether something that occurs here — particularly about remarks made during the meeting that you mentioned you are chairing — would have privilege attached.

Your ruling as to the nature of this meeting, the nature of the report made by Hansard as opposed to the Hansard report, and the privilege that attaches to this meeting will set a precedent that could affect the operation of Parliaments not only in Victoria but around the Westminster Parliamentary systems.

I ask you to clearly set out your views and your ruling as chairman of this meeting, as to the nature of the meeting, the nature of the privilege that attaches to all matters raised during the course of the meeting, and the way in which the report that has been taken by officers of Hansard who would normally be here to service the Legislative Assembly would be treated in any court matter that subsequently occurs.

Mr KENNNETT (Premier) — On the point of order, as you well know and previous members of both Houses know, this House has the authority — —

Mr Leighton — Not "this House"!

Mr KENNNETT — This House has the authority to determine its own practices. Yesterday it extended to those in another place the opportunity to participate in what is perhaps one of the most urgent matters confronting all public servants in Victoria at the moment.

For some time Parliament has been subjected to claims of irrelevance, yet what the government has sought to do here, and what Parliament decided, is to address this most fundamental issue of superannuation.

Hon. B. E. Davidson interjected.

Mr KENNNETT — Paragraph 5 of the resolution states:

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.

The answer to the questions put by the honourable member for Coburg is simple: this House continues to meet but has suspended normal activities for this address to be delivered by the Minister for Finance.

If the opposition opposes such activity after this House has decided on its function, and what to do today, one can only suspect, as always, that those opposite are simply not prepared to act in a constructive way to try to address this most fundamental issue. I imagine most public servants in this State would want to know the facts and would want — —

Hon. D. A. Nardella interjected.

The SPEAKER — Order! I do not know whether the honourable member from the Upper House wishes to go down in history as the first member to be ejected from a joint sitting.

Honourable members interjecting.

Mr KENNNETT — I suggest this House, according to its Standing Orders, did resolve the matter and sent an invitation to members of the other House, who have attended. If those honourable members opposite wish to totally disrupt these proceedings on what is a most vital matter the public will come to judge them for what they are.
ADDRESS BY MINISTER FOR FINANCE

Wednesday, 7 April 1993

Honourable members interjecting.

Mr KENNETT — There is no doubt that this is one of the most important issues confronting this State and the security of those who are and those who are not public servants in Victoria.

The SPEAKER — Order! On the point of order.

Mr KENNETT — The resolution passed yesterday quite properly stands. I suggest you, Mr Speaker, can easily rule on this issue by upholding the stance this House took yesterday on this issue.

Hon. D. R. WHITE (Doutta Galla) — Further to the point of order, because this is not a joint sitting of both Houses, and because we are not operating under Joint Standing Orders, I seek your assistance, Mr Speaker, in clarifying the position about my members from the Legislative Council, and their status here.

Clearly, the tradition since 1856 has been that if invited to a joint sitting of the Houses, Joint Standing Orders apply. For the first time since 1856 we have a circumstance where honourable members do not have the protection of Joint Standing Orders.

I ask you, Mr Speaker, to clarify the rights of the members of the Legislative Council in respect of these deliberations, and particularly in relation to the issue of their privileges. If statements are made in this House about double dipping or any other such matter I would like to know whether the normal privileges that apply in the Legislative Council or to the deliberations of the Legislative Assembly or of a joint sitting have application to members of the Legislative Council; whether privilege extends at this meeting — a unique meeting of the Parliament since 1856 — to members of the Legislative Council during the course of these deliberations.

Hon. M. A. BIRRELL (Minister for Conservation and Environment) — On the point of order, Mr Speaker, as you would be aware, yesterday the Legislative Council was invited upon a motion of the Legislative Assembly to attend in this Chamber to hear the important address by the Minister for Finance. Following receipt of the invitation the President ruled on the rules that would apply in this Chamber.

Honourable members interjecting.

Mr I. W. SMITH (Minister for Finance) — The cost to the Victorian community of providing superannuation benefits for its public servants has reached a level that cannot be ignored by any responsible government.

The longer action is put off the more critical the situation will become and the greater will be the adjustment eventually needed to restore sustainable superannuation cover for the State’s employees. What is needed is a soft landing, and the sooner one is put in place the more likely it is to succeed.

The focus so far has been on Victoria’s present $19 billion unfunded superannuation liability. There is every reason for concern — —
Honourable members interjecting.

Debate interrupted.

NAMING AND SUSPENSION OF MEMBER

The SPEAKER — Order! I name the Honourable Burwyn Davidson, who is being disorderly, and I ask the Leader of the House to take the appropriate action.

Mr GUDE (Minister for Industry and Employment) — I move:

That the Honourable Burwyn Davidson be suspended from the service of the House.

Mr ROPER (Coburg) — Mr Speaker, the motion moved by the Leader of the House absolutely reinforces —

The SPEAKER — Order! There can be no debate on the question. It has to be put forthwith.

Mr ROPER — On a point of order, Mr Speaker, the matter I raise concerns the status of members of this place in respect of any motion moved by the Leader of the House to have them expelled. You, Mr Speaker, have named the Honourable Burwyn Davidson for reading a report in the Chamber. I do not intend to refer to the issue that was raised by the report or say whether I think it is appropriate for you to name the honourable member. I raise the nature of the motion moved by the Leader of the House because he has asked the House to discharge Mr Davidson from its service. However, Mr Davidson is not in the service of this House.

In your previous ruling you made the point that this is not a joint sitting. The rules of this House may well apply, according to the resolution passed yesterday. That does not mean that a motion to discharge Mr Davidson from the service of this House is appropriate. If the Leader of the House took your view that Mr Davidson should be removed from this meeting — this is not a joint sitting — the normal Standing Orders of a meeting would apply. Of course, under common law the chairman has some capacity, and I would have to say that the opposition does not agree with the way in which that capacity is used, but the motion to discharge Mr Davidson from the service of this House ignores the nature of the meeting and the fact that Mr Davidson is not in the service of the House in the first place. It relates very much to any matters that come before the House in relation to double dipping or anything similar.

Mr KENNETT (Premier) — On the point of order —

Mr Baker — Having a good day?

Mr KENNETT — This day will be seen to be important for the majority of the community, but they will not judge the opposition very well at all! This is a very important moment because it is clear that some in this House are not prepared to act as adults or to put the interests of the State to the fore. Some are not prepared to assist the 400,000 public servants who are recipients or potential beneficiaries of superannuation to participate.

Mr Davidson has performed in an unacceptable manner, whether he is in this House or in another place, but the opposition has also used this moment to behave unacceptably.

If the members of the opposition are not prepared to put the interests of the community first and are not prepared to have this major address put forward, I am quite happy to suggest to the Leader of the House that the Sitting be discontinued.

Mr Baker interjected.

Mr KENNETT — You should not have destroyed superannuation! The Leader of the Opposition indicated that he —

The SPEAKER — Order! If the level of interjection continues at its present height I will suspend the sitting for 5 minutes until tempers cool down.

Mr KENNETT — The Leader of the Opposition said he wants to debate this issue. The government is prepared to facilitate the debate so that it is no different from a second-reading speech where the debate will be adjourned to a future date.

Mr KENNETT — The Leader of the Opposition said he wants to debate this issue. The government is prepared to facilitate the debate so that it is no different from a second-reading speech where the debate will be adjourned to a future date.

The SPEAKER — Order! There might be some doubt about the Chair acting against Mr Davidson, but the Chair has no doubts about acting against the Leader of the Opposition. I ask the House to come to order.

Mr KENNETT — The government will make time available on the Friday of the first week of sitting when Parliament resumes after Easter, as it
would for any other major issue brought up in this place.

If the Labor Party is going to continue to perform in this absolutely idiotic and juvenile manner I will have no hesitation at all in recommending that Parliament —

*Honourable members interjecting.*

The SPEAKER — Order! I will resume the chair shortly.

Sitting suspended 10.43 a.m. until 11.10 a.m.

The SPEAKER — Order! I have heard argument from both the government and the opposition about this sitting and the way it has been conducted. I am of the opinion that no guarantees can be given that order will be maintained and respect given to the Chair. With those thoughts in mind I have no hesitation in suspending this meeting. The chair will be resumed at 11.30 a.m. for normal Legislative Assembly business.

Sitting suspended 11.11 a.m. until 11.34 a.m.

**FAMILY PLANNING CLINICS**

Debate resumed.

Mr MACLELLAN (Minister for Planning) — On a point of order, Mr Speaker, the record of Hansard will show that the honourable member for Coburg did not move the motion that has been circulated and is in the hands of honourable members. The motion circulated and in the hands of honourable members refers to the State's planning services, which seems to raise a matter of planning, whereas I understand the honourable member for Coburg sought in the verbal motion he moved to use the words, "State's family planning services".

The motion circulated and in the hands of honourable members is obviously nonsensical in that it seeks to refer to a decision of the Minister for Health to discriminate against the majority of Victorian women by funding clinical services at only three of the State's family planning services.

That nonsensical motion which has been circulated and is in the hands of honourable members will need to be corrected by leave — and I anticipate that leave will be refused in the circumstances — or the honourable member for Coburg will be required by the Chair either to move the motion that is in the hands of honourable members or conversely, having moved a different motion verbally, to circulate to honourable members a copy of the correct motion to enable debate on the matter to proceed.

Mr Speaker, I ask that you make a ruling on the matter.

The SPEAKER — Order! What did the honourable member for Coburg move?

Mr ROPER (Coburg) — The wording of the motion that I moved was:

The decision by the Minister for Health to discriminate against the majority of Victorian women by funding clinical services at only three of the State's family planning services and neglecting the need for the provision of clinical programs at the majority of clinics.

Because of the significant pressure placed on this place and on the staff, which is enormous at present —

*Honourable members interjecting.*

Mr MACLELLAN (Minister for Planning) — On a further point of order, Mr Speaker, I now believe that either the motion, if there is a motion before the House, should be dealt with immediately or the House adjourned or at least recessed to allow for the production of the necessary notice of motion to be handed to honourable members or, alternatively, for other business to proceed. I suggest that the next item of business be called.

Dr COGHLIN (Werribee) — On the point of order, Mr Speaker, my understanding is that the document has been circulated to honourable
members as a courtesy and does not have any formal standing in the proceedings of the House. The formal proceedings of the House are the words used by the honourable member for Coburg when he moved his motion. The fact that the document circulated contains slightly different wording — a variation of one word only — is irrelevant to the House proceeding with the motion moved by the honourable member.

Mrs TEHAN (Minister for Health) — On the point of order, Mr Speaker, the matter that honourable members seek to debate has to be in a form that they can see and is precise. It refers to "a definite matter of urgent public importance". The word "definite" is obviously an intrinsic part of the motion.

The basis of the motion is incomprehensible, incoherent and nonsensical. The wording of any motion debated in the House is very important. The motion being circulated is not comprehensible and to my mind is not the basis for any adjournment debate.

The SPEAKER — Order! The precedent of the House and the Standing Orders indicate to me that there is nothing to prevent the honourable member for Coburg from proceeding with his motion.

Mr GUDE (Minister for Industry and Employment) — On a further point of order, there appears to be some confusion on this matter. Although I am in no way saying that the honourable member for Coburg did not say what he now tells the House he said, it is certainly not my recollection. I am not sure whether it is your recollection, Mr Speaker. My suggestion is that the House — —

Honourable members interjecting.

Mr GUDE — Are you ready?

The SPEAKER — Order! Enough is enough.

Mr GUDE — My suggestion to you, Mr Speaker, is that you take advantage of listening to the tape to assure yourself that the honourable member did say what he is now purporting to have said some time ago, and that the House be suspended while you acquaint yourself with the exact words used at that time. If you satisfy yourself that the honourable member used those words, perhaps this proceeding can continue.

Mrs WADE (Attorney-General) — On the point of order, the motion that has apparently been moved by the honourable member for Coburg is said to be on a matter of urgent public importance, and for a ruling to be made on that a number of matters have to be taken into account.

The SPEAKER — Order! I have to interrupt the Attorney-General. I have already indicated to the House that under the Standing Orders a matter of urgency is settled by 12 members rising in their places in support of the motion.

Mrs WADE (Attorney-General) — On a further point of order, on the question of the form of the motion that is said to have been moved by the honourable member, in order to determine whether the matter is of urgent public importance I refer you, Mr Speaker, to the rulings of former Speakers as to whether a matter was recently occurring and should be raised without delay.

It is important to know the exact form of the motion put, otherwise it is impossible to rule in accordance with the rulings on a number of occasions of Speakers Christie, Wheeler and Plowman as to whether a matter was recently occurring and should be raised without delay. That is important in relation to the motion before the House.

The SPEAKER — Order! I have already ruled on the question of opportunity. Fair copies of the motion of the honourable member for Coburg are in the hands of honourable members at present. I am advised that according to the precedent of the House the honourable member for Coburg is quite entitled to proceed with his motion.

Mr ROPER (Coburg) — It demonstrates the sensitivity of the government that it is concerned to avoid a debate in this place on family planning services. One might say that is not the only issue the government is sensitive about. Its sensitivity certainly relates to its actions in cutting family planning services in the State and, as is stated in the motion, discriminating against all areas that are not to have clinical services.

In moving the motion I point out to honourable members the way this cut in a major public health area, which particularly affects women, was made by stealth. The government did not formally announce that this major service, which is so important to the women of the State, was being terminated. Rather, a member of staff of one of the clinics inquired about her leave arrangements and
was told that they did not apply after the end of April. Indeed, at each step it has been the people running the clinics who have winkled out what the government intends and how it intends to do it. There is still no certainty about what the government will finally do.

It is important that we consider how the announcements about the termination of services have been made. In the Progress Press of 17 March a government representative, Ms Fiona Gillies, when asked by a local journalist about this matter confirmed that funding had been halved. Significantly, she said:

We don't believe family planning will suffer ... because we believe doctors can provide the same medical services as family planning services can.

Statements about what is occurring in family planning were made by the Minister's representatives. The way family planning services are to operate needs to be addressed.

Family planning services were introduced into the State in the 1960s. Over that time they have grown in importance for the up to 40 000 Victorian women who seek them each year. Family planning services enjoyed the support of both Liberal and Labor governments. It was my great pleasure when I was Minister for Health to extend the services to a number of country municipalities. I always believed it was a very effective program.

The general issue of cuts to family planning services — not the discrimination the government has now introduced — has been raised in the House. On one occasion the Minister responsible for Women's Affairs told the House that family planning services were introduced as a joint Commonwealth-State program and that the Commonwealth had withdrawn funding. If she had bothered to talk to the women involved in family planning services, she would have known that the Commonwealth spends far more on family planning services in this State than does the State government because of the Commonwealth's subsidy of over $1.5 million to the Family Planning Association of Victoria. That association's very effective services assist about 30 000 people a year.

The other half of the expenditure was, through the Department of Health and Community Services, allocated to family planning clinics throughout the State. It is important to recognise the breadth of the services and areas they cover. A Community Services Victoria document sets out the areas where the services are provided. Country areas include Portland, Stawell, Wangaratta, Hastings, Hamilton, Traralgon, Morwell, Moe — Moe is in your electorate, Mr Speaker, where the service provided is most effective — Colac and Churchill. Tens of suburbs around Melbourne also have such services, as have Warrnambool, Horsham and Wodonga. I understand that some 1000 Bendigo women receive excellent service each year.

The government's policy is to withdraw the clinical services from 30 April, but it has been selective about which of the clinical services will be withdrawn. The government has consistently said that clinical services can be provided elsewhere but that educational and counselling services will continue to be provided. I shall explain to the Minister and other honourable members opposite what the issue is about and why women attend family planning clinics.

Victorian women attend family planning clinics not so much for education and counselling, which are ancillary services, as for clinical services such as family planning advice, pap smears and advice on sexually transmitted diseases. Those are the principal reasons why women attend the clinics, after which they are offered the benefit of the excellent educational and counselling services that are available.

I stress the point that the great majority of women attend family planning clinics for clinical reasons. The Minister's suggestion that women can go elsewhere to obtain those services is misdirected, and I shall outline the reasons why. Women gain many benefits from the services offered by family planning clinics. Yet the Minister told the House on 18 March that women could obtain similar services by visiting public hospitals or general practitioners at no cost to the State. We all know that each year thousands of women attend the clinics because of the specialist services they provide. Victorian women do not necessarily believe all general practitioners are the best people to provide the services they seek.

The Minister also told the House that women could be bulk-billed for those visits to general practitioners. At the same time as the Minister was expounding that view she was campaigning in the wider community against bulk-billing. Prior to the Federal election she publicly endorsed the Federal coalition opposition to bulk-billing, despite suggesting to the women of this State that one of
their alternatives was to attend general practitioners, who could bulk-bill those patients.

The Minister well knows that the helpful, community-orientated services offered by family planning clinics are being wiped out because of budget cuts by the Minister's department. Instead of being increased, services are being withdrawn.

On 18 March the Minister also suggested that women attend 24-hour clinics to seek the advice previously offered by family planning clinics. In other words, she told the women of Victoria that the personalised and sensitive services offered by family planning clinics could be obtained at 24-hour clinics, where, one has to say, service tends to be rushed, personal contact is difficult to maintain because patients may see different doctors on different occasions and ancillary educational and counselling services are not available.

The opposition believes the Minister is wrong in suggesting that the levels of services offered by family planning clinics are available at 24-hour medical clinics — and it is not alone in that view. The Family Planning Association has told me it believes the government's decision gives rise to concerns not only about the availability of alternative care, which I have referred to, but also about whether all general practitioners are able and willing to offer services similar to those offered by family planning clinics. Many general practitioners have neither the training nor the inclination to offer specialist services such as those.

If the Minister had bothered to consult with the family planning clinics and the women of Victoria she would have discovered that many of the referrals to family planning clinics are made by general practitioners, a clear indication that general practitioners cannot be counted on to provide the services.

Further, why should rural women in particular be denied access to the excellent, non-judgmental and free services which they have traditionally enjoyed and which other women can count on? They are the sorts of issues the government should consider.

The Minister has also suggested that women attend public hospitals to obtain the services previously offered by family planning clinics. A woman who goes along to the Royal Women's Hospital and is prescribed the morning-after pill, will, under the system that operates at the hospital, have to pay at least $13 or $14 for the prescription — and she will not necessarily receive a speedy service because of the pressures under which the hospital is operating.

As well as the question of losing access to the excellent services provided by the family planning clinics, experts in the field have commented on other likely consequences of the government's decision. Dr Ian Denham, the Chairman of the Venereology Society of Victoria, has said, as reported in the Age of 24 March:

"The health Minister, Mrs Tehan, should either reconsider this short-sighted and ill-advised decision or accept the responsibility for creating a new group of disadvantaged women at increased risk of STDs and HIV infection."

Dr Denham makes the point that the health of Victorian women will be put at risk by the closure of the clinics.

As reported in the Age of 17 March Dr Johanna Wyn, a researcher at Melbourne University, makes the point that the closures of the clinics may result in increased rates of AIDS infection. She makes it clear that in her studies she has found that young women, particularly in rural areas, were loath to visit doctors:

"Many GPs are not wised-up enough in how to treat young women," she said. "They have a moralistic attitude".

That is consistent with the attitudes displayed by the Minister for Health and the Minister responsible for Women's Affairs. Cuts in family planning services are being made not only for financial reasons but also because of those Ministers' ideological commitments to the private health sector and their moralistic views on sexual issues, which is recognisable in other areas of their portfolio responsibilities. One should have thought that a serious-minded Minister for Health would take into account the risk of increased levels of sexually transmitted diseases before making a decision to close family planning clinics.

Since the Minister's decision was announced a number of groups throughout Victoria have written to the Minister and to me making clear their views on the effects of the reduction in services. It is important that the Minister, whom I suspect does not always read her correspondence, and the absent Minister responsible for Women's Affairs, who was happy to raise points of order to try to prevent the motion being debated but unwilling to stay in the Chamber to listen to the debate, as well as all
honourable members opposite, take note of the views expressed by organisations such as the Maternal and Child Health Nurses of the Hume-Upper Murray region, which is based in Myrtleford. In a letter to the Minister dated 30 March, the secretary of that group of women working in northern Victoria, Ms Barbara Ridley, states:

We are upset and appalled at this announcement for these reasons:

1. Many women attend these centres because the staff are far more thorough than many general practitioners, who often present a prescription to the client without any gynaecological assessment whatsoever.

2. Confidentiality. In small country towns where everyone knows everyone else, doctors' waiting rooms are very public places from where town gossip frequently initiates. And so some women travel to their nearest F. P. clinic.

3. Women who attend these clinics are well informed, they are given choices, as well as having regular tests and examinations.

So the clinics provide not only education and counselling but also real clinical attention. That is why they are important. Ms Ridley continues:

4. These clinics play a large part in health promotion, i.e., Pap-tests; breast examination, thus reducing hospital costs in the long term.

During the election campaign the Minister constantly referred to health promotion and her desire to reduce the incidence of cancer in the community. But her decision on these clinics will damage health promotion. Ms Ridley then asked the Minister:

5. And lastly, did you realise that some women use these clinics to consult re menopausal health, because their own practitioners are too casual about this medical issue?

The Minister and her Parliamentary secretary, who represents one of the areas in which the service is being closed — which perhaps reflects on his capacity to represent his constituents — should take note of those comments.

The letter from the Maternal and Child Health Nurses organisation is good and sufficient reason for the government to reconsider its position on family planning clinics throughout the State. However, I believe the Minister requires additional advice to assist her in making that decision.

Dr Anna Lavelle of the Family Planning Association of Victoria wrote to a number of family planning clinics and obtained information on what they are doing and how women in their areas will be affected. In its response the Frankston Family Planning Clinic, which operates four weekly sessions, one in Seaford and three in Frankston, states:

We have more than 1000 client cards for the last two years, with 250 new patients each year. The vast majority come back for two or more visits.

Currently the clinic is extremely busy.

Dr Napthine interjected.

Mr ROPER — The honourable member for Portland suggests that they can go off to private practice. That is exactly the suggestion that was first put forward by the Minister responsible for Women's Affairs, who said that people could go off to their general practitioners. The Minister for Health was even more direct in suggesting that they could go off to 24-hour clinics. If the honourable member for Portland understood what services were available in metropolitan and country areas he would not make such interjections.

What else did the Frankston clinic say in response to the Minister's decision, a decision made by stealth in the hope that no-one would notice? It said:

The impact is devastating for the City of Frankston and the surrounding area. There is no public hospital and no community health centre operating a similar service. Does that not give the lie to what the Minister has said on a number of occasions? In Frankston no public hospital or community health centre operates that service. The service has been provided through the family planning clinic. The response continues:

The sexually transmitted disease clinic at the hospital is booked out and it's for 2 hours only once a week.

That refers only to one aspect of the work of the family planning clinic. It continues:

The Brunswick Family Planning Clinic offers a similar service in the area I represent. In its response it states:

I can't stress what a tragedy this closure will mean to this area. People will not go to the city unless desperate.
Figures for two years—1222 visits, 260 new patients.

State funding for staff salaries only—local council pays running costs.

Again that matter does not seem to be understood by the Minister. The government should recognise the extent of local government involvement and interest in the service. There is a strong financial and in-kind contribution to this important service for women. The letter continues:

We have not had any communication from the health department—either written or telephone.

The Minister also has a responsibility to answer this question: what happens to those staff who lose their jobs on 30 April? No redundancy arrangements have been made to date. The clients of the clinic are the constituents of my colleagues the honourable members for Richmond and Melbourne and me. The letter continues:

Clients are very upset and some services— IUDs and diaphragms and counselling—may not be available locally and women practitioners are valued by migrant families.

Again that issue does not seem to be understood by the Minister. Comments similar to those made by the Myrtleford group and the Frankston and Brunswick clinics have been repeated in letters from clinics in Sandringham, Seaford, Richmond, Mordialloc and Cheltenham.

If that is not sufficient to change the Minister’s mind, perhaps she will listen to groups that are not directly associated with the clinics. One women’s group not involved in the provision of family planning services has expressed concern about the issue. I refer the House to a letter to the Minister from the United Nations Association of Australia, a body that does not normally enter political debate, which makes it clear that the Minister should reconsider her decision. In that letter Diane Alley states:

To remove this service could lead to an increase in sexually transmitted diseases (STDs) and possibly even AIDS. There are 57,000 unmarried mothers in Australia.

The situation could become worse with the ending of the family planning services. The letter further states:

The cost of abolishing the family planning clinics could lead to unwanted pregnancies with possible eventual increased costs on community services. Services provided by GPs are partially or totally subsidised by Medicare.

It then points out that the State government is simply transferring its costs to the Commonwealth, which is totally outside the spirit and letter of the Medicare agreement.

But that is not the most important point. The government is miserable when it comes to providing funds for public health services. It is destroying a sensitive service provided for 30 years to hundreds of thousands of Victorian women, which, with government support, would have continued.

The motion refers specifically to discrimination against the majority of Victorian women. I learnt of a press release the Minister circulated on the quiet in Warrnambool, Wodonga and the Wimmera, which promised maintenance of the clinical services in those three areas. A newspaper article accompanied by a picture of the Minister at a much younger age—or at least she appears much younger, and that happens to all honourable members at some time—states that the State government has pledged its financial support for local family planning services in Warrnambool.

If the clinical services are to be maintained in those areas, why are they not being maintained in other areas? I hope the Minister will admit that she is wrong and does not understand the importance of family planning clinics. I hope she promises to maintain the services not only in Warrnambool, Wodonga and the Wimmera but in other areas. Family planning clinics should be integrated with other services, but that vital service for women should not be lost for ideological reasons.

Dr Naphthine—Those services have not been lost.

Mr ROPER—The member for Portland may say that, but the Minister should confirm that the services will not be lost. I hope she admits that the government has made a mistake and will show that it understands the health needs of women by restoring funds for clinical services. The women of Victoria have expressed their concern about this matter. They want to hear the Minister say that these important and sensitive caring services must survive.

Mrs TEHAN (Minister for Health)—The motion, which calls on the House to discuss a definite matter of urgent public importance, was drawn up so hastily and so poorly that it did not make sense and
The motion includes the words "the decision by the Minister for Health to discriminate against the majority of Victorian women". In his address the honourable member for Coburg referred to the 40 000 Victorian women who use the service every year. The honourable member for Box Hill researched the figures prepared by the Australian Bureau of Statistics and found that in Victoria there are 1 460 888 women between the ages of 15 and 64 years — the people who may avail themselves of family planning services. The 40 000 Victorian women referred to by the honourable member for Coburg represent only 2.74 per cent of that number. The suggestion that the government is discriminating against the majority of Victorian women reveals the ridiculous and exaggerated nature of this appallingly argued and presented motion. The honourable member for Coburg referred to only 2.74 per cent of the female population of Victoria who are in the appropriate age group.

The government fully supports family planning clinics and will preserve them provided they are paid for by the arm of government that is responsible for providing clinical services. The Australian Constitution and the Medicare agreement state that primary clinical services that are independent of hospitals are to be provided for by the Commonwealth. The Commonwealth pays general practitioners and sets their fees, and it decides on the medical benefit schedule setting out the services for which recompense is available. Family planning clinics come fairly and squarely in that area. It is a Commonwealth responsibility.

The establishment of family planning clinics in the 1960s was at the behest of and as a result of funding being made available by the Commonwealth. The Commonwealth paid for the establishment of the clinics. The State always provided an information, counselling and educative component that was consistent with the State's responsibility for health promotion and disease prevention. But since then the Commonwealth, not unpredictably, has progressively withdrawn its funding for those clinical services: it set the clinics up and started paying for them but over the past 25 years has withdrawn its funding. The Commonwealth does not now contribute in any way to the services. Yet the State, having accepted its role in the provision of health services, continues to provide them. Now every single dollar of the State's finances is spoken for.

The government must address two things: firstly, the need to get the State back on a sound financial basis so it can address the absolutely appalling debt situation it has inherited; and secondly, the need to reduce debt servicing costs, which currently take 29 cents of every Victorian dollar raised. The government is trying to make the health dollar go as far as possible, but it must get Victoria back on a sound financial footing by reducing debt and debt servicing costs while continuing to provide quality services. That was much easier before 1982. Ever since then debt has escalated, debt servicing costs have blown out and service provision has been neglected.

The arms of government that are responsible for providing services must accept their responsibilities. The State has continued to do what it was meant to do. It was to meet those objectives that it was decided that the State would say to the Commonwealth, which had historically funded family planning clinics, "The State can no longer fund these services. They can be maintained, but you cover them, you bear the cost".

We are talking about the 2.74 per cent of the Victorian population of women who use the services each year and the 29 agencies that provide 59.5 sessions each week. A session lasts roughly two and half hours, so we are talking about 60 sessions each week across Victoria. Most of those 29 agencies operate under the auspices of local government bodies. The cities of Wangaratta, Altona, Brunswick, Melbourne, Fitzroy, Keilor, Melton, Sunshine and Werribee each provide sessions, and in many cases it is one session a week. Wangaratta provides one session a week. Altona provides 0.5 of a session each week and the service operates once a fortnight for half a day.

Usually general practitioners go to the local maternal and child welfare centre or infant welfare centre, remain there for half a day a fortnight and collect their fees from the State — for providing in that building exactly the same services they would provide in their own private clinics or rooms. That is the practice which has been questioned and which the government proposes to terminate.

The example of half a session a week or one session a fortnight is a classic. When those sessions were added up they totalled 59.5 sessions and were costing the State about $450 000. The government
suggests that rather than doctors going to local maternal and child welfare centres or infant welfare centres the women who require the services can go to the rooms of the doctors who normally provide the services and get exactly the same information and educative or clinical services from the same practitioners. If that seems unreasonable I do not know what reasonableness is!

Conversely, in some of the larger areas such as the City of Hawthorn, two and half sessions are held each week. In that situation the doctors attend the same facility at the same hours each week and can bulk bill the clients under Medicare. As a result the State will save almost $500 000 that can be put into other services, and the Commonwealth will pick up the cost of the clinical services.

The honourable member for Coburg suggested that the decision is being implemented by stealth. I resent that implication and ask him at some time to apologise. In saying that, he implies that there is something underhand or sneaky about the way it is being done or that the government is not prepared to be up front about it.

The honourable member for Coburg may realise that the decision will not be implemented until 30 April. The decision was made in January so that the appropriate planning, letters and consultation and the necessary arrangements for the transfer of medical records to ensure a smooth transition could be agreed on over a period of about three months. There was no underhandedness or lack of openness — and there was no stealth. The government has nothing to be ashamed of. It made a perfectly sensible, suitable and positive decision to enable $400 000 in health funds to be used more effectively while ensuring that the service is maintained and the Commonwealth picks up its responsibility of prime care.

I will use the figures given by the honourable member for Coburg, who talked about up to 40 000 women using the services, in pointing out that the 2.74 per cent of women in Victoria who attend the programs at the 29 agencies — I am happy to spell out for the record which agencies they are — will have the same services available to them, although they will be delivered in slightly different facilities.

The government will continue to provide the $625 000 grant component paid to agencies for education and information services. Given the improvement that has taken place in family planning services and procedures over the past 30 years, the vast majority of women who use some form of contraception use the simple contraceptive pill, for which they need only prescriptions and visits to pharmacists. If, however, a wider of range of services needs to be discussed or if there are problems with one form of contraception as opposed to others, more funds than were designated by the State for clinical services are still available to fund those agencies, as well as education, information and counselling services.

Women who wish to receive family planning information or clinical services or both can go to their general practitioners — there is an excellent network of general practitioners throughout Victoria. For the honourable member for Coburg to imply that general practitioners are not able to provide the standard of medical expertise required in this area is a slight on the medical profession and is typical of the sort of Labor ideology that says that professional people like doctors are not able to do things.

Women can go to general practitioners; to the more than 12 community health centres spread around the State; to any of the women’s health services that are spread throughout the metropolitan and country areas; and to doctors at public hospitals. It is an insult to the women of Victoria for this Parliament to be asked to say that as a matter of urgency the government should be condemned for taking away family planning services from the 2.74 per cent of women who currently use them.

An excellent network of services exists for women. There is an ongoing network of education, counselling and information services paid for by the State. An extra $500 000 is available to be allocated to needed services, with the Commonwealth picking up its rightful responsibility to provide the primary care clinical services for which it is constitutionally responsible.

Unless the honourable member for Coburg has more important factual information and is able to present it in a motion that is more precise than the one currently before the House, he ought leave motions of this sort to other people. The motion has no relevance to this House or to the services that are provided across the State health system, which provides an excellent service to the women of Victoria.

Mrs GARBUt (Bundoora) — I was disappointed with the contributions of the Minister for Health and the Minister responsible for Women’s
Affairs on this issue today. In an attempt to stop the debate both Ministers moved most outrageous technical points of order based on grammar rather than considering — —

Mrs Tehan interjected.

Mrs GARBUIT — They moved points of order based on the written construction of the motion when it was quite obvious the honourable member for Coburg said exactly what he intended. Both the Minister for Health and the Minister responsible for Women's Affairs picked up that small matter and proceeded to try to stop the debate on that issue. They failed in that attempt, as they should.

In her contribution the Minister for Health has denigrated services and minimised their importance, preferring instead to have women attend their general practitioners.

Dr Napthine — What's wrong with GPs?

Mrs GARBUIT — At least she made a contribution. The Minister responsible for Women's Affairs tried to stop the debate and then left the House. She has made no contribution to the debate. She did not recognise the considerable and urgent importance of the government's decision on Victorian women. On behalf of other female honourable members and Victorian women, I am most disappointed in her behaviour.

The decision to close the family planning services was not announced but emerged by accident when a member of staff telephoned to inquire about her leave entitlements. The decision has taken on many characteristics of "Being Jeffed"!

"Being Jeffed" is becoming well known throughout Victoria because it involves decisions made without consultation, in the way this decision certainly was taken. The Minister for Health said she thought there would be consultation but I doubt it. Staff had to find out about it by accident. The decision was not planned properly.

Victorians have seen a number of backflips, slides and partial justifications for the decision but the bottom line is there was no adequate planning. The Minister may talk about saving $500 000 but the decision is false economy because the Minister will probably need to pick up that cost many times over in the next year or so through the provision of substitute health services.

This decision is mean-minded and penny-pinching. I well remember using those words about the decision of this Minister on her funding cuts to the Family Care Sisters, usually known as the Grey Sisters. The two decisions have a lot in common!

Another characteristic of "Being Jeffed" is the blaming of someone else; the Minister for Health has blamed the Federal government but neglected to say that it pays $1.5 million to the Family Planning Association of Victoria — much more than the contribution from the State government for family planning.

The debate on the motion has amazed me because of the narrow definition of "services" and the difference between the terms "counselling" and "clinic roles", as used here today. The argument from the other side is nonsensical! What are women supposed to do — go to their GP, walk back down the street to see a counsellor, and then return to the GP if something extra is needed? Women want the family planning services, as is evident from an overwhelming number of cries from those who have used the services.

I refer to a letter to the Age of 24 March from Ian Denham, Chairman of the Venereology Society of Victoria:

The State government's decision to close its network of family clinics presumably results from a lack of understanding of the role and importance of these clinics. They offer not only contraceptive advice but also provide counselling, testing and treatment of STDs and HIV infection, as well as expertise on other sexual health topics such as pregnancy and menopause.

A division of those roles is nonsensical and presumably is based on the Minister's lack of understanding about the issue. She constantly says, "Women can go to the GP". She should listen to what women say because Victorian women appreciate the service provided by family planning clinics. That fact is exemplified by a statement of Dr Johanna Wyn.

Mrs Tehan interjected.

Mrs GARBUIT — But you don't have the message, you haven't taken it in!

The SPEAKER — Order! The honourable member for Bundoora will address the Chair and the Minister will cease interjecting.
Mrs GARBUt — An article in the Age of 17 March 1993 states:

Young Victorian women will be in greater danger of catching sexually transmitted diseases, including AIDS, if the State's family planning clinics are closed ...

And a study by Dr Wyn has found that young women, particularly in rural areas, were loath to visit doctors. "Many GPs are not wised-up enough in how to treat young women" she said. "They have a moralistic attitude".

Mrs Tehan — Do you believe that?

Mrs GARBUt — I listened to your contribution, you listen to this! The article reports Dr Karen Berzins of the Flemington family planning clinic as saying:

Migrant families would also be seriously disadvantaged by the closures. She said the clinic was the only centre in the area to have interpreters and women health practitioners.

Many women who have used the clinics have commented about the service. Some of their comments were included in an article in the Age of 12 March, which states, in part:

Birsen Baser, a Muslim, wants treatment and advice from a woman doctor and the clinic provides the only female practitioner in the area. The service is at her doorstep and open in the early evening when she is able to attend.

Like 80 per cent of the clinic clients, Pham Thi Tung and Ngo Huynh Thi Tanh rely on the clinic's interpreter to make sure they get their message across and understand the doctor.

A number of problems are raised in those comments, including difficulties with language and accessibility, the need for female doctors and the hours at which clinics are open. Women say they prefer the family planning clinics for those reasons.

I refer to the Progress Press article of 17 March 1993, which quotes the Chief Executive Officer of the Richmond Community Health Centre, Mr Ross Hansen:

A lot of GPs do provide a service but a lot of GPs have no interest in providing this service or are not the appropriate sort of doctor to provide the service.

It is going to make it much more difficult for young women to obtain professional contraceptive advice as many do not want to go to their family doctor.

That advice was from women and from those who provide the service across many suburbs. It was directed at the Minister, but she has not listened. The letter from Diane Alley, the National Convenor of the Status of Women Committee, United Nations Association of Australia echoes the sentiments of many others when it says:

Seeking the advice of a local GP is satisfactory for some but not for all. Some women wish to have confidential and non-judgmental advice in this area from someone whose major expertise is in contraception, as opposed to a GP who has many concerns and may not have had appropriate training.

The comment that some women want the choice of attending a family planning clinic and not to be pushed off to doctors is most noteworthy because it recognises the special needs of ethnic, rural and young women. It behoves the Minister to listen to those comments from women, and to take them on board.

Many people have spoken about the consequences of the government's decision, and I will deal with its false economy — something that is often apparent in the decisions of this government. In her contribution to an earlier debate on mandatory reporting of child abuse the Minister for Health commented on a range of networks available for families. She was concerned about the role of the family in a person's development, and in avoiding the sorts of problems leading to child abuse. They are the very problems people are pointing to as a consequence of this decision. I refer again to the doctor at the Flemington Family Planning Clinic, who is quoted in the Age as saying:

Without adequate contraceptives there would be more unplanned pregnancies, more strain on financially struggling families, marital problems and child abuse.

That is the sort of comment people are making, and the doctor is not alone. In a letter Diane Alley of the United Nations Association of Australia mentions problems such as unplanned pregnancies. The Minister for Health will have to fund the consequences of this decision in the coming months and years. This is why I call it false economy.

A whole series of decisions have been made which affect women and their families and which can be
traced to the November mini-Budget. Decisions were made concerning groups that offer services to women or their families or both. I refer particularly to the Grey Sisters because there are similarities between that example and the examples I have just mentioned. In the case of the Grey Sisters, $45 000, which is not a vast amount of money, had to be found in a Budget of more than $800 million. Once again an abrupt decision was made, without consultation or proper planning. People felt they had been "Jeffed". Then the Minister for Health sailed in and announced that money must be made available for this sort of service. We all thought she was absolutely right. However, the Minister was unable to find the money and we saw the spectacle of a decision based on false economy, whereby a service that was providing a preventive program for mothers was facing cutbacks that would lead to a serious crisis in health further down the track.

Decisions were made affecting groups such as Stillbirths And Neo-natal Deaths (SANDS), Sudden Infant Death Syndrome Foundation (SIDS) and the Nursing Mothers Association and also the Playgroups Association, all of which had their funding cut. They were all "Jeffed". Those services were part of a network of womens services including Neighbourhood Houses, community health services and child-care which the Labor government started and which were a great success. I wonder whether the men of the government even know about them and their value and importance to women. The situation underlines the disgraceful behaviour of the Minister responsible for Women's Affairs, who is not here and is not doing her job of telling the government how important those organisations are to women. This government does not recognise that fact, which leads it to make these sorts of decisions which disadvantage women. The Minister responsible for Women's Affairs has a lot to answer for because she has not persuaded her colleagues of the importance of the services.

Dr NAPTHINE (Portland) — This debate provides honourable members with the opportunity to congratulate the Minister for Health for the correct and proper decision that was made in respect of funding for family planning clinics. We have been able to produce a result for the people, particularly the women of Victoria. The services will not be the same; they will be even better under the new arrangement. At the same time this government has ensured that funding will continue for the education, counselling and advice provided by the programs and that the costs will be distributed to the appropriate authorities. This means that the $440 000 that previously came out of the State Budget will be paid by the Commonwealth government, as it should be under the Medicare arrangements for funding clinical services.

This outcome is a win-win situation for Victoria: it is a win for Victorian women and a win for the Victorian economy. I shall not elaborate on the need to drive every financial inefficiency out of Victoria as a result of 10 years of mismanagement and misappropriation under the previous government. We need to examine in detail what we mean by family planning services. The contributions of opposition speakers indicate that the opposition fails to understand what family planning organisations are all about. There are two components to family planning services. The first is education and counselling, in which family planning organisations play an important role. The government funds 34 agencies to provide services to the people of Victoria, and the funding totals $625 000, which will remain the same because it is a State government responsibility to provide information and to promote good health.

The advisory program consults with individuals and groups and identifies target audiences, whether they be members of the ethnic community, young women seeking advice about family planning or older women seeking advice on menopause. The 34 agencies will continue to provide the service. They are funded quite properly by the State; the provision of information, advisory services and education is a State responsibility.

The second component is the clinical service, which is the subject of the debate. Clinical services are provided directly to individuals. I do not like calling people who visit clinics "patients" because the people seeking advice on family planning are not really patients. A change of attitude is needed. For example, childbirth is not an illness. People should not be considered to be patients if they are merely seeking advice and assistance from the medical fraternity. After 30 April State funding for the service will be discontinued. However, it is important to remember that the service itself will continue to be provided to the people who need it but in a different way. In some cases it can be provided by the same doctors in the same building and in the same hours but will be funded by the Commonwealth Medicare scheme, to which the bill belongs under the Medicare arrangement. People can go to the same doctor and receive the same service and the cost is appropriately distributed. The service may even be expanded.
What would happen in this situation? Instead of the doctor moving from his traditional clinic, where he has a range of facilities, to a community health centre or a council-owned building and establishing a clinic — which, in some cases, is just four walls and a desk — he is providing advice and a clinical service. In fact, he can provide a better service. He can make arrangements for cancer screening and Pap smears. He can say to people who seek advice on family planning, "When did you last have a Pap smear? You should have one every two years. Are you on the cervical cancer register? What about breast examination?" Those important issues can be addressed by the changed approach to the service.

Instead of doctors sitting behind desks at family planning clinics writing out scripts for the pill they will provide a full range of services to women in their own surgeries. The cost of that can then be attributed to the Commonwealth government.

Contrary to the disgraceful claim made by the honourable member for Coburg that she has acted in stealth, the Minister for Health has acted appropriately in allowing sufficient lead time for agencies to make certain arrangements. The clinics have been told that State funding will cease on 30 April, and many of the clinics are taking the opportunity to make alternative arrangements for the people they have been servicing. I suggest that suitable alternative arrangements will be made for all family planning clinics, and in some cases they will be better.

Family planning clinics and services were set up in the 1960s, more than 30 years ago. Clinics were established at a time when the contraceptive pill was new and novel and when there were concerns about the risks involved in taking the pill. Mini-dose pills were not available and women did not have the advantage of other methods of contraception. Different moral standards applied throughout the community in the 1960s. General practitioners were not aware of many of the family planning services and they often adopted a paternalistic approach to the subject. At that time there were also fewer female general practitioners than there are today. The House will be interested to know that the majority of graduates from medical schools today are females and that a significant proportion of female general practitioners are at the forefront of providing services for women.

Times have changed after 30 years, as have attitudes, the education of general practitioners and the services they are able to provide. They are well placed to provide those services. It is important for the House to know that under the current system general practitioners actually provide the clinical services at family planning clinics. They are the same general practitioners the opposition would have us believe are not appropriate to provide those services. Those doctors operate in their own practices and are then paid sessional fees by the State to provide family planning services. The current arrangement involves ludicrous duplication and does not apportion the costs correctly.

The government has made appropriate changes to family planning services to solve the problems. The government has provided better services to the people of Victoria and has apportioned the costs more, resulting in a saving to the State of $440 000. That money can now be better used to provide health services in Victoria.

When the clinics were established in the 1960s under State and Federal liberal governments the Commonwealth contributed a major portion of the funding. Over the ensuing 30 years that funding has been withdrawn and the State has been left to carry the costs of the services. That is a totally and utterly inappropriate situation.

The Labor Party was in government for 10 years and had the opportunity of solving the problem; it had 10 years in which there were Federal and State Labor governments and during which the Medicare arrangement clearly provided that clinical services should be funded by the Commonwealth. Despite that the Labor government in Victoria failed absolutely to ensure that costs were appropriately apportioned.

The then Labor government cannot claim that it acted out of ignorance because it conducted a number of reviews of family planning services. When it was in government the Labor Party made an art form of spending taxpayers' money on reviews, surveys and polls. Despite that the former government invariably failed to act in the best interests of the people of Victoria even after it had acquired all that information.

In 1988 and 1991 the previous government undertook specific reviews of family planning services, both of which strongly recommended that the State should concentrate on education and advisory services and that the cost of clinical services should be shifted to the Commonwealth. Those reviews were undertaken by properly qualified people, but notwithstanding that and the
fact that the former Labor Minister for Health received two reports in three years the former government failed to act in the best interests of the women of Victoria and the Victorian economy.

The motion moved by the opposition has put it in a precarious situation because it has provided me and the Minister for Health with an excellent opportunity of informing the community about these issues. Much of the information being perpetrated on the community by the opposition and vested interest groups is wrong because the facts are that the coalition will provide the same if not better services and the costs will be apportioned appropriately.

The motion moved by the honourable member for Coburg suggests that the majority of Victorian women will be discriminated against by the supposed closure of the family planning clinical services. The government knows that when the member for Coburg was the Treasurer he had great trouble with figures, and it is clear that he has not improved since that time. The honourable member for Coburg said the majority of Victorian women have been discriminated against, and yet he also informed the House that up to 40,000 women use the family planning services. According to the honourable member the figure is anywhere from zero to 40,000!

I am sure a number of women use the services. If the honourable member for Coburg’s maximum figure of 40,000 is correct and taking into account the number of women in Victoria between the ages of 15 and 64 — I would suggest that some girls as young as 12 and 13 years would benefit from the education advisory system — the family planning services are used by only 2.74 per cent of Victorian women. That is hardly discriminating against the majority!

Mrs Garbutt interjected.

Dr NAPTHINE — The member for Bundoora, the refugee from Greensborough who could not hold on to her own seat, has interjected.

Ms Kirmer — Just wait until next time!

Dr NAPTHINE — I will never desert my people in Portland. The honourable member for Bundoora has not listened or understood. Although those 2.74 per cent of women do not constitute the majority, they are important, and that is why the government has made positive decisions to ensure that they are provided with the same if not better services. The government has gone out of its way to ensure that the services provided to Victorian women are of the highest quality and are provided by doctors who care for them.

The government needs to ensure that the services provided meet the needs of the people and it has the ultimate responsibility of making sure that the costs of those services are appropriately apportioned. The Commonwealth government should pay for the clinical services.

Ms MARPLE (Altona) — There is no doubt about how the women of Victoria will regard the present government. The government views women only in terms of dollars and cents. After today’s debate the women of Victoria will see that they are being treated as people who can be pushed aside at any time. They will also see that the government does not understand how family planning clinics have been a great support service for women and how they have changed attitudes in the community and continue to do so.

It does not matter if family planning clinics are open for only one day a week or once a fortnight; those clinics have saved the lives of women, and that is important. Those clinics have been able to direct health care to women so that they can lead full lives free of worries and concerns.

The SPEAKER — Order! The time being 1 p.m. I must interrupt the debate. The honourable member for Altona will have the call when the matter is next before the House.

The chair will be resumed at 2 p.m. when questions without notice will be called.

Debate interrupted.

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

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the House that the Minister for Small Business will be absent during question time.
QUESTIONS WITHOUT NOTICE

SALVATORE EGG FARM

Mr KENNAN (Leader of the Opposition) — I refer the Minister for Industry and Employment to a statement released today by Messrs Nick and Dino Salvatore, the proprietors of the Salvatore Egg Farm at Wallan, in which they state that during a recent industrial dispute a senior officer of the Minister's department, Mr Greg John, encouraged the company to prolong the dispute and also failed to honour an undertaking to intervene in proceedings before the Employee Relations Commission. Is it correct that the government and the Minister's department set up the company as the company now alleges?

Mr GUDE (Minister for Industry and Employment) — I thank the Leader of the Opposition for raising this matter. It is about time the Salvatore Egg Farm story was put to rest once and for all.

Honourable members interjecting.

Mr GUDE — When the chooks have stopped babbling I will continue. The fact is that some time ago the company sought to involve itself in an agreement with its employees. The issue was made public on that occasion and I had officers from my department check the detail of the contract. The contract was found to be deficient. The company was advised of the changes needed to effectively bring the standard of any agreement up to that required by the Employee Relations Act. I understand the company subsequently took that action.

As I understand it, an allegation was then made by the Salvatore brothers that an employee of the company had involved herself in seeking to coerce people into union membership.

An honourable member interjected.

Mr GUDE — That is what is now alleged but not what the company alleged in the first instance. As I understand it — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high.

Mr GUDE — As I am advised, the Victorian Farmers Federation became involved in the dispute. I am not sure whether that was as a result of overtures from the Salvatore brothers or whether it came from the Victorian Farmers Federation to them. In any event, a connection was made.

The Department of Business and Employment was requested to advise on the rights of the company in those circumstances. I am advised that the company was informed that it had two alternatives: one was to use Schedule 5 of the Act, which effectively allows the matter to be brought before the Employee Relations Commission for conciliation and, indeed — if both parties agreed — for arbitration.

The other course was for the company to make out a case and seek the government's support for an application, effectively, to the industrial division of the Magistrates Court. In the event, I understand that the company and its advisers chose the course that took them into the Employee Relations Commission conciliation process.

An approach was made by the Victorian Farmers Federation, I assume on behalf — —

An honourable member interjected.

Mr GUDE — I assume the approach was made on behalf of the Salvatore brothers, to determine whether the government would attend at the commission and make a clear statement of the government's commitment to the new employee relations legislation relating to freedom of association. Officers of the department, Peter Hendley and Justin Gamble, gave that assurance. As I understand it, they attended at the proceeding before Deputy President Garlick, who informed the parties concerned — I have sighted a copy of the documentation that Deputy President handed out, which made it quite clear — that it was a private conference between the parties. He indicated that the parties could continue to confer in private off the record or, alternatively, if they wanted the government to intervene, they could take the matter to a public hearing. Deputy President Garlick, as I understand it, said that would mean that the press would be invited to be present.

At that stage, again as I understand it, the parties — that is, the union, the Victorian Trades Hall Council, the Victorian Farmers Federation and the Salvatore
brothers — chose to remain in private conference. While that was going on, officers of the department remained in attendance in case the matter went into open session and they might be invited to be present.

As I understand it, the result of the hearing before the Industrial Relations Commission was that the unions for their part agreed that they would not persist with any process of coercion seeking to force people into union membership. The company for its part agreed to reinstate the shop steward concerned.

I reject any assertion of impropriety by officers of my department. On all the evidence put to me, under no circumstances could that conclusion be drawn by any sensible or responsible person. The Salvatore brothers have done themselves a disservice by allowing their names to be on a document in the way it been circulated. It is likely that they will libel themselves. I believe the allegations they made against an officer of my department are inaccurate and without foundation. If that person chooses to take the matter further it may be a matter on which action can be taken.

The conclusion of the entire affair shows that the process that has been put in place through the legislation has worked in the sense that it has enabled the parties in conflict to come together to reach a resolution.

At least one of those parties is spitting chips; they chose the course of action, they made their bed and they should lie in it.

**ROLE OF PARLIAMENT**

Mr DOYLE (Malvern) — Will the Premier inform the House of the government’s actions to enhance the role of Parliament?

Mr KENNETT (Premier) — I thank the honourable member — —

*Honourable members interjecting.*

The SPEAKER — Order! I warn the honourable member for Mill Park that if he continues with his present behaviour I will have no hesitation in taking action against him.

Mr KENNETT — Today has been a further learning process, if one wants to put it that way, for new members of Parliament. Those of us who have been here for a long period have also not seen the sort of action that we saw earlier today. It calls on all of us to reflect on the role of Parliament itself.

One of the best definitions of the role of Parliament was given on Thursday, 11 March in this place when one honourable member said, as reported at page 136 of *Hansard*:

Parliament is a forum of the people and should exhibit pluralism and tolerance, which are important values in a democracy.

Most of us would agree with that. The fact that the comments were offered by the temporary Leader of the Opposition makes a mockery of the performance of the opposition earlier today.

I said in this place some time ago that I wanted to extend to the Parliament the opportunity for it to be able to come together and discuss and/or debate matters of what I consider to be urgent public importance. The incident I alluded to was that of trying to bring the Parliament together and on this side in — —

*Honourable members interjecting.*

Mr KENNETT — The opposition is showing its irrelevance and arrogance. What I offered was the example that we may be able to focus — —

Mr Thomson interjected.

Mr KENNETT — I must have missed something. What were the numbers again?

The SPEAKER — Order! The Premier is out of order.

Mr KENNETT — The numbers are 27 to 61.

Regardless of what I consider to have been an appalling performance by the Labor Party this morning, I still think it is important that we attempt to use Parliament as the forum for debates on matters of public importance. Despite the shabby performance of the opposition this morning, the government will try again.

As I have said before, I want to use Parliament as a forum for discussing issues pertaining to the 1994 International Year of the Family. If that international year is to have any relevance, the community will have to start work on the issues as soon as possible. Certainly many families in our community deserve
The government will continue to try to ensure that Parliament has a relevant and meaningful place in the community in the 1990s. I have heard members of the Labor Party say on many occasions over the years that many of Parliament’s forms and procedures are outdated. If Parliament has a purpose it is to be relevant, to address the issues of the day and to participate and be involved in debates on issues of community concern.

Mrs Wilson interjected.

Mr KENNETT — I assure the honourable member for Dandenong North, who is well known for her many contributions in this place, that the government will continue to ensure that Parliament is used in ways that involve Parliamentarians and the general community in debate on the wider issues confronting Victorians.

SCHOOL CLOSURES

Mr SANDON (Carrum) — In light of yesterday’s Budget cuts, does the Minister for Education stand by his promise that there will be no further forced school closures?

Mr HAYWARD (Minister for Education) — No decision has been made about any school closures.

GAS PRICES

Mrs HENDERSON (Geelong) — Will the Minister for Energy and Minerals inform the House whether he has examined the economic and employment implications of gas charges for major gas users in Victoria, and will he explain the current situation regarding contract gas prices?

The SPEAKER — Order! The question is broad. I ask the Minister to cooperate with the Chair by keeping his answer as short as possible.

Mr S. J. PLOWMAN (Minister for Energy and Minerals) — I thank the honourable member for Geelong for her question and for her interest in substantial gas users in her area, such as the cement industry.

The government recognises that the economic health of Victorian manufacturers largely depends on competitive energy charges. The impact of those manufacturers on the State’s economy and their ability to generate employment is significantly affected by gas price levels. Some 45 per cent of sales by volume of the total Bass Strait gas production goes to contract users, who consume more than 10,500 gigajoules of gas each year. In competitive price terms, Victoria, which charges $3.39 a gigajoule, currently trails South Australia, which charges $3.25 a gigajoule. In order, Victorian prices are followed by those of Western Australia, New South Wales and Queensland, which are respectively $4.27, $4.99 and $6.37 a gigajoule.

The government is determined to provide Victorian manufacturers and industry with every opportunity to be strongly competitive both nationally and internationally, thereby maximising their economic impact on job creation in Victoria.

The government has consulted widely with gas users and the Gas and Fuel Corporation. In the past 12 months the Gas and Fuel Corporation has achieved considerable efficiencies and cost savings, all of which will be passed on to gas users. It is clear from those consultations that both the Gas and Fuel Corporation and gas-using manufacturers are concerned about the application of the Federal resources rent tax to Victorian gas users. That tax applies only to Victoria and discriminates against this State. The impact of the passing on of this tax will be $60 million per annum, which will be backdated to the implementation date of 1 July 1991 and will amount to $100 million per annum in five years. That will create an immediate 6 per cent increase in gas tariffs, and an increase by 1995 of 11 per cent.

That tax was meekly accepted by the previous government, to the huge financial disadvantage of Victoria. In negotiations with its Federal colleagues, the former State government received $60 million in two $30 million payments to offset the deleterious effect of the tax on Victoria. The present government now wants to know why the $60 million was not set aside in a special fund to be applied when the tax is passed on to relieve that burden on Victorian gas users. The previous government did not set aside any of that money. It simply misappropriated it and let it be gobbled up by the Consolidated Fund, so Victoria has lost the benefit of the $60 million that was made available by the Federal government to assist gas users.

Gas contracts are due to be adjusted on 1 July, and thereafter each year. Contract customers must be given at least three months notice of any variation in tariffs. After 10 years of Labor government price
hikes for this group of gas users, I am pleased to advise the honourable member for Geelong and the House that the government, in pursuit of its policy of assisting the manufacturing industry and providing jobs, will not increase gas tariffs to contract customers in the next 12 months.

This is a good news story with none of the doom and gloom the opposition is trying to heap on Victoria. There is a real decrease of 3 per cent to contract customers. This decision should send a strong signal to Victorian industry and to businesses contemplating establishing in Victoria that the government is serious about keeping prices to a minimum both now and in the future and is serious about giving industry every opportunity to contribute to economic activity and lasting job creation in Victoria.

TEACHER NUMBERS

Mr SANDON (Carrum) — In the light of yesterday's Budget cuts, does the Minister for Education still stand by his promise that there will be no decrease in teacher establishment numbers in our schools and that no teacher will be stood down?

Mr HAYWARD (Minister for Education) — Expenditure proposals for the next financial year are currently being developed by the Directorate of School Education.

INSTITUTE FOR HORTICULTURAL DEVELOPMENT

Mr LUPTON (Knox) — Will the Minister for Agriculture advise the House of the results of the review by the Department of Agriculture of the Institute of Plant Sciences and the establishment of a new Institute for Horticultural Development in Knoxfield?

Mr W. D. McGrATH (Minister for Agriculture) — The honourable member is correct in that there has been a review of the Institute of Plant Sciences at its four separate locations: Frankston, Burnley, Knoxfield and Toolangi.

Following the review the Department of Agriculture is planning to establish an Institute of Horticultural Development to be based principally at Knoxfield. Staff from Frankston and Burnley will be relocated to Knoxfield, with some transferring to Toolangi, which will become a field station for Knoxfield and where a national potato improvement centre will be established. The potato industry is very important for Victoria and Australia.

Incidentally, Victoria exports 35 per cent of all the horticultural products of Australia. Horticulture is a very important industry for Victoria. At the new institute the department, with the Food Research Institute at Werribee, will focus on product development in four key industry programs: vegetables, fruit, potatoes and ornamentals. The focus on plant health and client and institute services will be most important. They will be advantageous moves for the horticultural industry of Victoria and the early response from horticulturalists has been positive.

The implementation of the recommendations of the review will realise our expectations for the Food Development Authority established by the Premier. The government has seized the opportunity of kicking a few goals for horticulture in Victoria.

SCHOOL CLOSURES

Mr SANDON (Carrum) — My question without notice is directed to the Minister for Education. What process is used to decide which schools will close?

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is far too high and I ask the House to come to order.

Mr HAYWARD (Minister for Education) — No decision has been made to close any school.

COUNTRY FIRE AUTHORITY VEHICLE MANUFACTURING

Mr JENKINS (Ballarat West) — In view of the economic difficulties facing Victoria, will the Minister for Police and Emergency Services advise the House to what extent the Country Fire Authority (CFA) is developing markets off-shore and interstate for products of its vehicle manufacturing facility in Ballarat?

Mr McNAMARA (Minister for Police and Emergency Services) — The CFA is predominantly a volunteer organisation but it has a wide range of expertise. The government is examining a range of commercial opportunities for the CFA, particularly the opportunities for export not only of manufactured products constructed by the CFA but also of its professional expertise.
Asia, where there is a unique mix of rural and urban regions, for which the expertise of the CFA has significant relevance, is a particularly important market. The CFA’s vehicle manufacturing plant in Ballarat is the major fire service in Australia, and a manufacturer in the Southern Hemisphere. The government is examining markets for that product interstate and overseas.

Recently the government established a number of sales of vehicles and of the professional training expertise that is provided by the CFA. The government is in the process of developing some new and exciting markets in Asia and South East Asia.

During 1992-93 the Country Fire Authority either sold or tendered for 120 vehicles both interstate and overseas at a total value of some $21 million. That includes vehicle pumpers and tankers sold to Fiji and all Australian States and Territories, with the exception of New South Wales. The CFA also provided rescue and firefighting organisations, the Department of Conservation and Natural Resources and State Emergency Services of Victoria with equipment manufactured at Ballarat. Tenders have been submitted to the governments of Malaysia, Papua New Guinea, the Solomon Islands and Fiji, as well as for further sales to firefighting organisations in other Australian States.

The CFA is also negotiating the sale to Fiji of its remote automatic weather station technology as part of Fiji’s early cyclone warning program. The authority believes the system will adapt well to the conditions in Fiji. Country Fire Authority officers have been contracted to provide firefighting training in Fiji. It is anticipated that, with the sale of vehicles into Asian markets, training in those areas will also be provided by CFA officers. Some of that training will take place in Asia while other training will also be provided at the CFA training college at Fiskville near Ballan.

The 58 personnel of the Country Fire Authority at Ballarat are to be congratulated for the professional way in which they are promoting the vehicles. They are selling Australian products and Australian technology, and the government realises the significance of that. The CFA is creating many opportunities for exciting expansion in the Ballarat area. It is showing that Victoria can lead the world and that the major provincial city in country Victoria can contribute greatly to the sale of Victorian products and technology.

EMERGENCY SERVICES SUPERANNUATION SCHEME

Mr SERCOMBE (Niddrie) — In view of the excellent work by employees in the emergency services area to which the Minister has just referred and in view of the concern expressed by those workers, will the Minister for Police and Emergency Services assure the House that the government does not intend to reduce any benefits payable under the Emergency Services Superannuation Scheme?

Mr McNAMARA (Minister for Police and Emergency Services) — The matter raised by the Deputy Leader of the Opposition is serious. The way in which the opposition has reacted to the statement the Minister for Finance intended to make today has been unfortunate.

Honourable members interjecting.

Mr McNAMARA — If members of the opposition were prepared to behave more appropriately in this House they would have had the answer to that question.

ADDRESS BY MINISTER FOR FINANCE

State superannuation schemes

Mr KENNAN (Leader of the Opposition) — I seek leave to move:

That the House forthwith debate the paper prepared by the Honourable Ian Smith, MP, Minister for Finance, on public sector superannuation.

The SPEAKER — Order! Is leave granted?

Honourable Members — Refused!

Dr COGHILL — I seek leave to move:

That this House censures Mr Speaker for not allowing the member for Werribee to complete the explanation of his point of order on Tuesday, 6 April 1993 relating to the admissibility of the notice of motion of the Minister for Industry and Employment relating to the suspension of Standing and Sessional Orders to permit the Minister for Finance to address members of both Houses without allowing any opportunity for debate on the address and dissents from the ruling of Mr Speaker on the point of order.

The SPEAKER — Order! Is leave granted?
Honourable Members — Refused!

Dr COGHILL — In that case, I desire to give notice that tomorrow I will move:

That this House censures Mr Speaker for not allowing the member for Werribee to complete the explanation of his point of order on Tuesday, 6 April 1993, relating to the admissibility of the notice of motion of the Minister for Industry and Employment relating to the suspension of Standing and Sessional Orders to permit the Minister for Finance to address members of both Houses without allowing any opportunity for debate on the address and dissents from the ruling of Mr Speaker on the point of order.

Dr COGHILL (Werribee) — I seek leave to move:

That this House condemns the Leader of the House for moving and supporting a motion having the effect of — (a) providing for an unprecedented form of address by the Minister for Finance on Wednesday, 7 April 1993, rather than relying on the established customary practice of a Ministerial statement; (b) denying any other member any opportunity to speak on the address; (c) denying the House any opportunity to debate or otherwise deal with the address; and (d) further eroding the essential privileges immunities and powers of members and the House as defined by the Constitution Act 1975.

The SPEAKER — Order! Is leave granted?

Honourable Members — Refused!

Dr COGHILL (Werribee) — I give notice that tomorrow I will move:

That this House condemns the Leader of the House for moving and supporting a motion having the effect of — (a) providing for an unprecedented form of address by the Minister for Finance on Wednesday, 7 April 1993, rather than relying on the established customary practice of a Ministerial statement; (b) denying any other member any opportunity to speak on the address; (c) denying the House any opportunity to debate or otherwise deal with the address; and (d) further eroding the essential privileges immunities and powers of members and the House as defined by the Constitution Act 1975.

CITY OF GREATER GEELONG BILL

Introduction and first reading

Mr KENNETT (Premier) introduced a Bill to constitute the Greater Geelong City Council, to abolish the Geelong Regional Commission, to repeal the Geelong Regional Commission Act 1977 and for other purposes.

Read first time.

MEAT INDUSTRY BILL

Introduction and first reading

Mr W. D. McGrath (Minister for Agriculture) introduced a Bill to provide for a system of inspection and licensing in the meat industry, to establish standards for facilities and processes used in that industry, to enable the regulation of meat transport vehicles, to establish the Victorian Meat Authority, to repeal the Abattoir and Meat Inspection Act 1973, the Poultry Processing Act 1968 and the Abattoir and Meat Inspection (Arrangements) Act 1987 to repeal or amend various other Acts and for other purposes.

Read first time.

STATE DEFICIT LEVY (AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) introduced a Bill to amend the State Deficit Levy Act 1992 and for other purposes.

Read first time.

TREASURY CORPORATION OF VICTORIA (DEBT CENTRALISATION) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) introduced a Bill to amend the Treasury Corporation of Victoria Act 1992 and for other purposes.

Read first time.

APPROPRIATION MESSAGE

Message read recommending appropriation for Vocational Education and Training (College Employment) Bill.
PAY-ROLL TAX (AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) introduced a Bill to amend the Pay-roll Tax Act 1971 and for other purposes.

Read first time.

CASINO CONTROL (AMENDMENT) BILL

Introduction and first reading

Mrs WADE (Attorney-General) introduced a Bill to amend the Casino Control Act 1991 and the Gaming Machine Control Act 1991 and for other purposes.

Read first time.

LAND (AMENDMENT) BILL

Introduction and first reading

Mr I. W. SMITH (Minister for Finance) introduced a Bill to amend the Land Act 1958 and for other purposes.

Read first time.

INTERPRETATION OF LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 18 March; motion of Mrs WADE (Attorney-General).

Mr KENNAN (Leader of the Opposition) — This is a small technical Bill that in the view of the opposition makes commonsense amendments to the Interpretation of Legislation Act, and we support it.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

Mrs WADE (Attorney-General) — I move:

Clause 4, lines 10 and 11, omit “latest day on which any of the provisions of the Act referred to came, or is to” and insert “first day on or before which all the provisions of the Act referred to have come, or will have”.

This is a technical drafting amendment. Clause 4 is intended to deal with the situation where provisions of an Act come into operation on different days. Normally when there is a reference to the commencement date it is a reference to the commencement date of a specific provision, but on some occasions there will be a reference, either in the Act or in some other piece of legislation, to the commencement of the whole Act.

The purpose of the amendment is to explain that where there is a reference to the commencement date of an Act that has provisions which commence on different days, the Act is deemed to have commenced on the last day on which all those provisions have come into operation.

I am informed by Parliamentary Counsel that they believe that is the existing situation, but they recommended the insertion of this provision to ensure that the matter is made absolutely clear.

In the course of consideration of this clause in another place Mr Guest referred to situations that could exist where the commencement date would change from time to time following the commencement of additional provisions or where a provision had come into and gone out of operation before the rest of the provisions had come into operation. The amendment is intended to cover those circumstances by explaining that the commencement of the Act is deemed to be the first day on or before which all the provisions of the Act referred to have or will come into operation.

Mr KENNAN (Leader of the Opposition) — The Attorney-General has made herself reasonably clear but, having regard to the provenance of the amendment, although I have the greatest respect for Mr James Guest, I want to make sure the matter is made absolutely clear. I understand from what the Attorney-General said that the existing clause 4 of the Bill reflects the existing law and that, where there is reference to the commencement of an Act on a “day or days”, the present law provides that it is the latest day on which any of the provisions of the Act referred to come into operation. However, the amendment reverses that situation.
Mrs Wade — No, it doesn’t.

Mr KENNAN — I must have misunderstood, and it may well be my fault, but the amendment provides for the omission of “latest day on which any of the provisions of the Act referred to came, or is to” come into operation and the insertion of “first day on or before which all the provisions of the Act referred to have come, or will have” come into operation.

I am a little confused by the omission of “latest day” and the insertion of “first day”. Perhaps the amendment may require a more lengthy scrutiny, after which it may all gel together, but, having just been handed a copy of the amendment, I have some difficulty in grasping its effect.

Mrs WADE (Attorney-General) — I regret that a copy of the amendment was only just handed to the Leader of the Opposition. Both the clause and the amendment are intended to have the same outcome. It is intended that where there is a reference to the commencement of an Act, it is the reference to the latest date of commencement of any of the provisions of that Act. However, after the clause was drafted Mr Guest raised the situation of provisions coming into operation on different days and thereby changing the commencement date and also a provision going out of operation because it was repealed prior to the final provision coming into operation.

On the advice of the Chief Parliamentary Counsel, the clause has now been reframed to omit the words “latest day on which any of the provisions of the Act referred to came, or is to” come into operation and insert the words “first day on or before which all the provisions of the Act referred to have come, or will have” come into operation. That is the last day on which all of the provisions have come into operation. It is just a different way of expressing that.

Mr Cole — The first day is in fact the last day.

Mrs WADE — That is absolutely correct. The honourable member for Melbourne has explained much better than I would be able to do that the first day on which all of the provisions of the Act referred to have come or will come into operation is the latest day on which all the then existing provisions have come into operation.

The ACTING CHAIRMAN (Mr Richardson) — Order! I did not understand any of that.

Mr KENNAN (Leader of the Opposition) — I am enormously relieved to hear that at least one other person is having some difficulty equating the first with the last. Perhaps we could put that as a separate clause in the Interpretation of Legislation (Amendment) Bill.

I may glean the substance of what the Attorney-General is saying. The opposition does not propose to say anything more about the amendment. We just ask the Attorney-General for an undertaking to allow us to look at the legislation while it is between Houses. It may well be that what the Attorney-General says is correct when looked at in the cool light of a day on which we did not sit until the early hours of the morning of the same day.

That the word “first” is to be substituted for the word “latest” in clause 4 makes abundant good sense. The opposition may well be happy persuaded on that. I simply place on record that while the opposition can understand that there are some circumstances in which one could use the words “first day on or before which all the provisions of the Act referred to have come, or will have come” into effect, in that context, if it is the first day on which all the provisions come into effect that can be the last day, could there be another day other than the first day on which all of the provisions have come into effect? Could there be a second day?

The amendment may well make sense. The opposition simply raises the question at this stage as to whether it is an improvement on the drafting.

An honourable member interjected.

Mr KENNAN — One can speak in Committee indefinitely. The irony is that I had assured the government that debate would be extremely brief. Prior to seeing the amendment I was extremely brief. The opposition has some reservations about whether the amendment is a beautiful piece of drafting. It would like the opportunity to come back to the Attorney-General for discussion before the Bill is finally passed. Perhaps on the day on which the Bill finally is passed by the Legislative Council, it could come back here.

Mrs WADE (Attorney-General) — I can understand the difficulties encountered by the Leader of the Opposition. This was explained to me several times and various propositions have been put to the Chief Parliamentary Counsel. I am assured by the Chief Parliamentary Counsel that the form of words contained in the amendment is
superior to the words originally contained in the Bill. I am sure that I can arrange for the Chief Parliamentary Counsel to provide an explanation to the Leader of the Opposition.

Mr KENNAN (Leader of the Opposition) — We are content with the assurances given by the Attorney-General and will have no more to say on it at this time.

Amendment agreed to; amended clause agreed to; clause 5 agreed to.

Clause 6

Mr PERTON (Doncaster) — I thank the Attorney-General for responding to the concerns of the Scrutiny of Acts and Regulations Committee. The current wording of the Act creates a problem for the committee in dealing with certain subordinate instruments in circumstances where a Minister or agency has failed to table supplementary material required to be tabled with subordinate instruments. The important operating provision of the principal Act is section 32(3), which states:

If a subordinate instrument made on or after the relevant day is authorised or required to make, and does make, provision for or in relation to a matter by applying, adopting or incorporating any matter contained in a document ... whether as in force at a particular time or as in force from time to time, a copy of the matter so applied, adopted or incorporated —

(a) must be laid before each House of the Parliament at the same time as the subordinate instrument ...

(b) must be kept available for inspection during normal office hours ...

It is an important provision because it makes documents that have force of law available to members of the public who are required to abide by those provisions. In many cases, particularly in technical, scientific or health matters, the number of incorporated pieces of material are voluminous and expensive. It would be unreasonable for citizens or corporations to obtain their own copies. In some cases that would amount to thousands of dollars or tens of thousands of dollars.

Now that the matter has been dealt with so speedily by the Attorney-General, at least one subordinate instrument currently before the Subordinate Legislation Subcommittee of the Scrutiny of Acts and Regulations Committee can be dealt with.

I commend members of the subcommittee for their work they did in the early months of government. The honourable members for Sandringham, Albert Park and Werribee, together with the Honourable Bruce Skeggs from the other place, threw themselves into the work required by the subcommittee. Due to the election and the failure of the former subcommittee to meet after August 1992 the new subcommittee had to deal speedily with a backlog comprising some 300 regulations and subordinate instruments.

On many occasions in the past the former Legal and Constitutional Committee was required to place notices of motion on the Notice Paper of both Chambers of Parliament to protect its position. The subcommittee worked hard over the Christmas break, and on its behalf I thank Ministers for their cooperation.

Despite the fact that some 300 regulations or instruments were dealt with and that in many cases the period in which the subcommittee was required to report to Parliament and recommend disallowance was short, Ministers were able to deal with matters speedily and cooperate with the wishes of the subcommittee. I congratulate the Attorney-General, who has been particularly helpful to the committee by responding quickly to its needs for proper resourcing to ensure the improvement of regulations. Although significant attention is paid to Bills and many opportunities are available for individuals to lobby the government on their effects and precise wording, the public has little opportunity to participate in the framing of regulations.

The efforts of honourable members on the subordinate legislation subcommittee often go unnoticed, but I commend them for their work in rewording provisions and for considering the human rights of the community. In conclusion, I again thank the Attorney-General for making the earlier amendment so that the work of the committee can proceed without impediment.

Clause agreed to; clauses 7 to 10 agreed to.

Reported to House with amendment.

Passed remaining stages.
Second reading

Debate resumed from 18 March; motion of Mr COLEMAN (Minister for Natural Resources).

The DEPUTY SPEAKER (Mr J. F. McGrath) — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading of this Bill requires to be passed by an absolute majority.

Mr THOMSON (Pascoe Vale) — The Land (Crown Grants and Reserves) Bill restores the status of land subject to Crown grants and reserves to the situation it was generally understood to be in prior to a decision of the Supreme Court of Victoria concerning an area of land at Barkly Avenue and Burnley Street in the City of Richmond.

The Bill restores that situation by amending section 8 of the Crown Land (Reserves) Act to provide that an Act authorises the sale, leasing or licensing of Crown land that is temporarily or permanently reserved only if the relevant Act makes specific reference to the land or refers to Crown land or reserved land including the particular land or refers generally to Crown land or reserved land. A mere authorisation of sale, leasing or licensing of land is not enough.

The Bill also amends the Land Act by adding a new section that has the same effect. The overall impact of the legislation is to ensure that Crown land cannot be sold without the express authorisation of Parliament. The opposition supports that principle and therefore supports the Bill before the House.

I appreciate the assistance of the Minister for Natural Resources in arranging a briefing to advise me on the implications of the Bill. In fact, a Bill along similar lines with essentially the same effect was introduced in May of last year by the then Minister for Finance in the Labor government, the Honourable J. Harrowfield.

In the second-reading speech the then Minister said:

This Bill also reinforces the long-accepted principle that any decisions to revoke any permanently reserved Crown land and to sell such land properly rest with this Parliament, not with those entrusted with a grant of land for a particular purpose.

In principle the opposition supports the approach being taken in the legislation.

Reservations of Crown land were made from the first settlement of Victoria, which was then known as the Port Phillip District of New South Wales. Those early reservations were mainly in and around the City of Melbourne and were effected under the imperial Acts and regulations then applying to the Australian colonies. That legislation operated until 1860, when the first Victorian Land Act was passed.

The Land Act 1860 empowered the Governor in Council to permanently or temporarily reserve any Crown lands required for any purpose whatever. The first system of passing over control of reserved land was by permanent reservation and thereafter by the issue of Crown land vested in trustees. Generally, trustees were municipalities, municipalities and the Minister for Lands jointly, or individuals. Certain recreation reserves and gardens in the City of Melbourne and reserves set aside for charitable purposes are examples of such cases.

That system of issuing titles to trustees ceased as a general practice in 1898, when statutory provision was made for the appointment of committees of management. Those committees of management could be municipalities, bodies established for a public purpose, or a number of persons being not less than three.

In 1914 a further Act designed to simplify the management of reserves vested in trustees was passed. That, in turn, enabled trustees to delegate their powers to committees of management. The power to make regulations for the care, protection and management of reserves originated in the Land Act 1865, and for reserves vested in trustees, in the Land Act 1889.

That system of dealing with Crown land has had relatively few changes over the years, although there have been several administrative amendments to the law governing Crown reserves. Major amendments have been made in respect of the leasing of reserves for particular purposes, such as racecourses and aerodromes. In 1978 it was said that of the nearly 10 000 Crown reserves more than 3000 were controlled by committees of management.

Although the system of reserving Crown land was reviewed and consolidated in 1978, the legislative framework has remained largely unchanged since 1898. That lack of change reflects the view that Crown land is considered to be of special...
significance and is not to be tampered with lightly. Along Victoria's foreshores and coastal areas in particular, Crown land is regarded as being of immense importance to all Victorians. Special protection of Crown land is needed and that protection should not be dispensed with in any other way than through express legislation.

Crown land is dealt with on a different basis from land dealt with under the ordinary property law of Victoria. For example, section 32 requirements governing the sale of land generally do not apply to Crown land, whether it be vacant land or land on which residential houses or other buildings have been erected. A different system applies to dealing with that land.

The opposition is concerned about one aspect of the Bill that is different from the Bill introduced by the Labor government in 1992. The Bill provides that the amendments will have effect despite the decision of the Supreme Court in proceeding No. 6345 of 1990, in the matter of the Mayor, Councillors and Citizens of the City of Richmond v the State of Victoria. During the Committee stage I will propose a new clause to give effect to the opposition's concern about that change, because the impact of the Bill would be to deprive the City of Richmond of the legal effect or value of the victory it achieved in the Supreme Court.

The amendment is not an attempt to cast doubt on the propriety of the government's decision to ensure that Crown land cannot be sold, leased or licensed other than by express legislation. Nevertheless, a significant time lapse followed the Supreme Court decision and in that time the City of Richmond acted in good faith on the understanding that the decision would not be interfered with. To interfere now is not the proper way for the legislation to go.

I note that the Scrutiny of Acts and Regulations Committee examined the legislation, and it is indicative of the good work of which that committee is capable that it provides honourable members with insight into the effects of various Bills. The committee noted the retrospective operation of the Bill in relation to clause 2. The operation dates from 9 April 1992, the day of the Supreme Court decision.

The committee expressed concern about that and did not recommend that any further action be taken, but during the Committee stage the opposition will move an amendment that will enable the City of Richmond to act on the Supreme Court decision. The opposition does not oppose the Bill at this stage.

Mr PERTON (Doncaster) — I thank the honourable member for Pascoe Vale for his kind words about the Scrutiny of Acts and Regulations Committee. I will address the points he made about retrospectivity and his earlier comment that the Supreme Court judgment had the effect of altering a position in law that everybody had taken for granted. The victory the Richmond City Council won in the Supreme Court was totally unexpected and meant that the council was able to deal with public land in a way not previously thought possible.

In examining the period of retrospectivity, one sees that the issue is that the previous government and this government have the same attitude to the unexpected decision; that is, the interests of the general public rather than the more narrow interest of the City of Richmond should be protected. Therefore, the fact that the last government was in a state of decay at the time of the Supreme Court judgment and there was no subsequent Parliamentary session in which it was able to bring legislation into force is significant.

To my mind, this legislation has been brought in at the very first practical opportunity. The report of the committee, noting the retrospectivity but making no adverse comment on it, means that the Minister is protecting the interests of Victoria in a way the last government would have done; and if the opposition now opposes the clause, which takes away the so-called victory of the Richmond City Council, it is acting on a narrow, sectional interest, probably to suit the personal political interests of the honourable member for Richmond.

This legislation has the best interests of Victoria at heart, and I understand that the reason no appeal was lodged against the decision that was obtained in the Supreme Court was that there was a mistake on the part of the previous Attorney-General and his officers.

The honourable member for Richmond might shake his head but every bit of evidence shows that the former government thought the decision was wrong.

Mr Phillips — He does agree!
Mr PERTON — I thank the honourable member for Eltham for interpreting the body language of the honourable member for Richmond.

This court decision was unexpected and it would have an adverse impact on Victoria. It may benefit a narrow interest and the personal political interests of the honourable member for Richmond, but essentially it is an odd decision and one that was not appealed because the former government failed to adequately protect the interests of the State.

Mr DOLLIS (Richmond) — I note the interests of the honourable member for Doncaster. I did not see the same interests when the Bill was drafted and presented to Parliament prior to the election but I never cease to be amazed by his capacity to interpret the wishes of the previous government incorrectly. To put the matter in perspective, the former government introduced the Bill. The opposition agrees with the government that the people of Victoria must be considered and protected.

I will also explain why the opposition opposes clause 5. In 1890 a Crown grant was issued to the Richmond City Council giving it the right to use the land at the corner of Barkly Avenue and Burnley Street. The land comprised about 7.5 acres and it was set aside for an abattoir and municipal purposes. An abattoir operated on the site from 1890 to 1987 — in the early years as a municipal abattoir and in the last 25 years as a leased abattoir, the last tenant being Smorgon Consolidated Industries. An area of approximately 0.5 acres on the northern boundary was subsumed into the adjacent council depot.

Following legal advice taken after the expiration of the Smorgon lease the council initiated a Supreme Court action to test its powers under the 1890 grant — specifically, the power to sell or lease the land. The affidavit was filed with the court in April 1990 and the hearing took place in April 1992. The court found in favour of Richmond City Council with the clear indication that the council had the right to lease or sell the land. The decision was appealed against and the appeal was dismissed. From that time the council has been very active in undertaking planning for the site and in physical works on the site, with a direct expenditure of about $300,000.

The council has taken a responsible attitude to the planning of the site and has commissioned a number of studies in the private and public sectors. In fact, a great deal of work has been done. The council has also actively pursued the release of the adjoining State Electricity Commission depot land back to private use. The matter of relocation is under review. Consequently the council sees the development of the abattoirs site not just in terms of that site but also as the development of a total precinct, the effects of which will permanently change the nature and complexion of the Burnley community.

When planning for the site the council worked with and under the guidance of Mr Chris Bank of Banks Urban Partnerships and it worked with a number of developers to formulate an appropriate development. In 1991 the council appointed a number of persons to look at the development of the site. It decided the precinct should be developed with housing and a small commercial component to act as a buffer against internal environmental nuisances such as the arterial traffic in Burnley Street.

Residents of Richmond were robbed of a great deal of land when the freeway was built. Honourable members may be interested to examine the history of the area and to understand why the freeway went through Richmond and not through South Yarra and Prahran. It was much easier during those political times to acquire land in Richmond.

Mr Perton — The land would be cheaper, too!

Mr DOLLIS — The people of Richmond, through their council, took action in the courts and they won. Following the court’s decision on appeal the council set about clearing the site. Firstly, it let a contract for the removal of asbestos and, secondly, a contract for the demolition of the buildings. If the Minister has visited the site he will know there was an enormous amount of building on the site, and it has taken a great deal of work to successfully demolish those buildings. The first contract has been completed and the second contract for the demolition of the buildings is approximately 50 per cent completed. Completion day is estimated to be in early May. The contracts cost thousands of dollars.

The council’s preferred approach to developing the site is to act as a development partner with the private sector, and I believe the Minister will fully support that approach. After the court’s decision the council actively sought the interest of a number of developers and proceeded fully confident that it would be able to enjoy the benefits of the court’s decision, develop the land as it wished and sell or lease it.
It proceeded confidently by allocating many working hours of its officers and councillors to planning the project and spending many thousands of dollars on it. Following the decision made by the Supreme Court the council was right to assume that it could go ahead with the project, and it did so for 12 months. I will come back to the discussions that have taken place.

The government now plans to strip the Richmond council of the benefits of the site by requiring separation legislation to be passed through Parliament before it can sell or lease that land, and the Bill contains no guarantee that such legislation will be introduced by this or any other government. What will that mean in the future if someone wants to test some legal uncertainty and takes the State government to court? Will the same thing happen? Despite the fact that a court case has been won, the abattoir land will be lost.

During the two years the case remained on the court list the government had an opportunity to legislate to cover the land, but it obviously decided not to do so. The former government clearly decided to have the matter settled in court, but the bureaucrats stuffed it up from day one. I have followed the case during the past four and a half years and I assure the Minister that his department and that of the former government got it wrong from the first day. They were not interested in listening to any arguments that may have given the government and the council an opportunity of resolving the matter amicably. Following the change of government the same officers went to the new Minister and asked him to include an extra clause that was not accepted by the former government.

The Richmond council does not oppose legislation that will close the loopholes that were exposed by the decision of the Supreme Court. It is proper for the government to do that. However, I foreshadow that during the Committee stage the opposition will move an amendment seeking to omit the relevant provision so that those who test their run in court and come out victors will be able to retain their prizes. The honourable member for Doncaster must at least agree with that proposition.

Those honourable members who have examined the history of the Bill more closely will know that the Richmond City Council and the former government had a number of discussions with the then coalition opposition and the then shadow Minister in another place, Mr Mark Birrell. Although Mr Birrell gave no commitment to supporting the council's position, the council believed the coalition would not oppose the amendment, which was forwarded to the honourable member in the other place and was accepted. The former Minister decided to allow the Richmond council its win. If the honourable member for Doncaster had bothered to follow the proceedings instead of coming in at the last moment, he would have known that the Minister responsible for the matter is the Minister for Conservation and Environment. If he knows the jurisdiction — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Richmond should ignore interjections from the honourable member for Doncaster because they are disorderly and the honourable member is out of his place.

Mr DOLLIS — And he is out of order!

The DEPUTY SPEAKER — Order! Absolutely out of order!

Mr DOLLIS — Thank you, Mr Deputy Speaker. I would appreciate the honourable member for Doncaster going back to his rightful place on the back bench. If he goes any further backwards he will be out of this place!

The DEPUTY SPEAKER — Order! The honourable member for Richmond should realise that the honourable member for Doncaster does not need provocation.

Mr DOLLIS — As I said, the then shadow Minister, Mr Birrell, gave no commitment of support, but it was thought that the coalition would not oppose the amendment. The government has introduced a new clause that will satisfy no-one but those who stuff-up in his department. The matter has been dealt with over a number of years by a number of bureaucrats. The department agreed to proceed with the four clauses and to allow the council to at least enjoy the fruits of its victory after the decision of the Supreme Court.

Nothing would be more fair, more equitable or more correct than for the loophole to be closed and for the people of Victoria to be protected, but I point out that Parliament is entering dangerous waters when it interferes with the rightful process of the law and robs a council of a victory that has cost it considerable amounts of money, Parliament is beginning to enter dangerous waters.
The Minister for Conservation and Environment in the other place has received a number of pieces of correspondence from the Richmond City Council. He has not seen fit to allow a discussion to take place. I am informed that all municipal authorities, including the Municipal Association of Victoria, oppose clause 5.

Mr Perton interjected.

Mr DOLLIS — If the honourable member for Doncaster wants to find out, he can always ring them and ask.

The opposition supports the Bill. It supports the government's attempt to protect the people of Victoria from the effects of an unnecessary loophole, but it clearly opposes clause 5 because it will rob the people of Richmond and the Richmond City Council of the benefits of a victory they had in the Supreme Court.

Mr LONEY (Geelong North) — I welcome the opportunity to comment on the Land (Crown Grants and Reserves) Bill, the purpose of which is:

... to clarify the circumstances in which reserved Crown land, or reserved land which is the subject of a Crown grant, may be sold, leased or licensed.

That purpose is most welcome. I support the need to clarify the circumstances referred to. I also welcome what I understand to be the government's intention in introducing the Bill — to provide increased security for Crown land and for the public, who are the real owners of such land. Clauses 3 and 4 set out specifically to achieve the aim of the government. Clause 3 provides that:

An Act ... must be taken to authorise the sale, leasing or licensing of land reserved temporarily or permanently ... only if it expressly ... authorises the sale, leasing or licensing of —

(a) that particular land; or

(b) any class or description of Crown land or reserved land that includes that land; or

(c) Crown land or reserved land generally.

The mere authorisation of the sale, leasing or licensing of land is not enough. Specific authorisation must be required and given if it is proposed that Crown land is to be disposed of or used for other purposes through leasing or licensing arrangements. Clause 4 adds words about the provision of Crown grants and allows the alienation of land only if authorised by some Act or law. Clauses 3 and 4 are important for the use and treatment of Crown land.

I refer to the holding of long-term Crown land grants by the public, which goes to the core of the intentions underlying the Bill. Members of the public have an expectation that, even when leasing or licensing arrangements are entered into, the ownership of the land is never in doubt and the alienation of the land to the private sector should never be in doubt: the land always belongs to the public.

These issues are important, particularly when Crown land is developed for other purposes or when the development of the land for some purpose other than public use is proposed. I agree strongly with the intent of the Bill that mere authorisation of a change in the use of Crown land is not enough. An express authorisation of Parliament should be required for such a change. I applaud the Minister's intent in introducing the provision.

I refer to a couple of situations in Geelong that are particularly relevant when reflecting on the intent of the Bill. Both Market Square and the Institute of Educational Administration have been developed on Crown land. The Crown property is held in trust and that trust is vested in the Geelong City Council. The Market Square development is a shopping centre owned by the Geelong City Council. At the time of construction the Geelong City Council did not own the land but was allowed to develop it. A similar situation exists in respect of the Institute of Educational Administration, which was allowed to be developed on part of the Eastern Park area of Geelong, which is also Crown land. When the concepts and proposals for the two developments came forward considerable debate occurred in the Geelong community about the use of Crown land for the proposed purposes. The discussion was more intense about the development of the Institute of Educational Administration because the Market Square area had previously been used for shops.

Mr Coleman — I hope these are only examples.

Mr LONEY — They are. The people of Geelong are concerned that those two areas of Crown land are being offered for sale in some way. In the second instance in particular, all parties in Geelong agreed to the development of the land only on the understanding that the land would remain in public ownership. Disquiet is being expressed about what will happen to the land on which the Institute of
Educational Administration is built. As I said, the clear understanding of the Geelong community is that the land will be retained in public ownership.

These matters are important to the people of the area. I raise the issues hoping that my understanding of the Bill is correct — that is, that in both the cases to which I have referred legislation would be required to allow for disposal of the land. I trust that is so.

If the intention of the Bill is that in such cases the procedure will have to be as I have outlined, I firmly support the intention of the Bill. It will provide security for the people who believe they have ownership of Crown land. The Bill will give some status to the vision of our forebears who set aside Crown land for the benefit of Geelong and trusted that their descendants would hold to that trust and look after the land as they envisaged. As I said, both the developments to which I have referred are subject to extreme scrutiny by the community. If the Bill addresses those matters, I have no hesitation in supporting it.

Mr COLEMAN (Minister for Natural Resources) — As the honourable members for Pascoe Vale and Richmond have said, the process of clarifying the status of the land has taken some years to get to this point. Since 1890 the City of Richmond has enjoyed the use of the site for the purposes for which the original grant was made under the provisions of the Land Act, which imposes a number of conditions under which grants may be made.

Under the grant the land can be used for abattoirs and municipal purposes. The honourable member for Richmond pointed out that the council, consistent with the municipal purpose provision in the grant, has sought to use the site for residential and other purposes and have the continuing use of the site when it is cleared of existing buildings.

The opposition supports clauses 1 to 4 but does not support clause 5 of the Bill. I believe the honourable member for Richmond misled the House in his contribution to the debate. There was no appeal. The then Attorney-General was a party to the case. He sought to appeal against the finding but his appeal was out of time and leave to extend the time was refused by the Full Court. There was no opportunity for the matter to be appealed against and therefore it was never tested in that setting.

The legislation puts the matter beyond doubt, as the government sees it. The honourable member for Geelong has indicated — I believe the general populace also believes it is the case — that where a grant has a codicil attached to its use, once the use is completed it should revert to the Parliament for further decision. That process is being followed in the legislation. Clause 5 puts that situation beyond doubt and gives Parliament the power to say what will happen to the long drawn-out process.

It is important to recognise that the site is being cleared by the City of Richmond. That is consistent with the grant, given that any improvements to the site either revert to the Crown or have to be cleared. That is the normal situation with any Crown land. The City of Richmond has had the use of the site since 1890. The land has been a revenue earner for the council and also the butt of considerable criticism over funds going to other places.

I relate the remarkable story of a council meeting which a former member for Richmond attended. The story goes that the operator of the abattoir arrived at the back door, handed money to the former honourable member for Richmond, who threw it in the air and said, "What sticks to the ceiling belongs to the council; what drops to the floor belongs to us". It is a pity that a former honourable member for Doncaster is not here because a spirited debate between the two former members on what occurred between the City of Richmond and the abattoirs would be enlightening.

The Bill ensures that the land will return to the Crown to enable its future to be determined by the Parliament. I look forward to hearing the foreshadowed amendment. I thank honourable members for their contributions.

The DEPUTY SPEAKER — Order! I am of the opinion that the second reading of the Bill is required to be passed by an absolute majority. As there is not an absolute majority of the members of the House present, I ask the Clerk to ring the bells.

Bells rung.

Required number of members having assembled in Chamber:

Motion agreed to by absolute majority.

Read second time.

Committed.
Committee

Clauses 1 to 5 agreed to.

New clause A

Mr THOMSON (Pascoe Vale) — I move:

1. Insert the following new clause to follow clause 5.

Provisions not to apply to certain Richmond land


(2) Section 8 of the Crown Land (Reserves) Act 1978 continues to apply to the land in Folio of the Register Volume 9733 Folio 652 as if section 3 of this Act had not been enacted.

(3) Section 5 does not apply to the land in Folio of the Register Volume 9733 Folio 652 or to the decision of the Supreme Court in The Mayor, Councillors and Citizens of the City of Richmond v Her Majesty’s Attorney-General for the State of Victoria (Proceeding No. 6345 of 1990) in so far as it relates to that land.”

Arguments in favour of restricting the operation of the legislation to prevent it covering the Richmond land have been canvassed by the honourable member for Richmond and me. From time to time Parliament finds itself wanting to correct judicial decisions that it believes are unsatisfactory or will have adverse or unintended consequences for the people of Victoria. When Parliament makes decisions to correct judicial decisions it can choose either prospectively to overturn the consequences of the judicial decisions or it can include the original judgments and make what amount to retrospective decisions.

I believe Parliament’s instinct must invariably be to change legislation prospectively so that people understand the proposed new rules and circumstances, rather than changing legislation retrospectively. Retrospective changes alter prevailing legal situations and can adversely and unreasonably affect the interests of the parties involved.

In this case no argument has been put to adequately discharge the onus on Parliament to make prospective legislative decisions regarding the legal status of Crown land. The opposition believes governments that introduce retrospective legislation are required to show why retrospectivity is necessary. In this instance that onus has not been discharged. The opposition believes the Richmond land, in its dealing with which the Richmond City Council has acted in good faith and in reliance on the judicial decision, should be exempted from the Bill, which is the reason for the amendment.

Mr DOLLIS (Richmond) — The amendment is recommended for adoption simply on the grounds of natural justice, because the Bill as it stands will apply retrospectively to the day after the Supreme Court’s decision.

At best retrospective legislation must be absolutely justifiable. In this instance the effect the Bill will have on the Richmond City Council cannot be justified, because although it does not overrule the Supreme Court’s decision it simply blocks its effective implementation. That is as good as taking the cup away from the premiership team, which has happened to Richmond on many occasions.

In the interests of preserving credibility and supporting fair play and natural justice, I ask the government to support the amendment, to comply with the decision made by the previous Parliament and to honour the statements made during discussions between the council and the then opposition. The Richmond City Council has undertaken a great deal of preparatory work on the site. The Bill could not only destroy the work that has been done but also cost the citizens of Richmond a great deal of time and money.

Again, in the interests of preserving credibility and supporting fair play and natural justice I ask the Minister to support the amendment moved by the honourable member for Pascoe Vale.

Mr PERTON (Doncaster) — That was a strange contribution from the honourable member for Richmond, given the lively and spirited speech he made during the second-reading debate — during which he misled the House.

Mr Dollis interjected.

Mr PERTON — By interjection the honourable member tells me not to be pompous!
The honourable member emphasised the words “natural justice”. But he has misled the House, and the House deserves an apology from him.

During the second-reading debate I gave as one reason for justified retrospectivity the previous government’s failure to lodge an appeal against a decision in the Supreme Court on 8 April last year by Mr Justice Nathan. The honourable member for Richmond accused me of uttering a falsehood.

Mr Dollis interjected.

Mr PERTON — He is interjecting now because he knows he is wrong; he knows he has lied to the House.

The CHAIRMAN (Mr J. F. McGrath) — Order! It is unparliamentary for one honourable member to accuse another of lying to the House. I ask the honourable member for Doncaster to withdraw the remark.

Mr PERTON — I withdraw the word “lied”. The statement of the honourable member for Richmond was not true. He refuted my statement and said the government had lost an appeal on the decision of Mr Justice Nathan. In fact, the Attorney-General of the day and his officers failed to lodge an appeal on time.

Mr Perrin — That was incompetent.

Mr PERTON — The honourable member for Bulleen is right.

An Honourable Member — Who was it?

Mr PERTON — The Attorney-General at the time is the now Leader of the Opposition. That is another item in the litany of failures that has marked the Ministerial history of the Leader of the Opposition. It is hardly surprising he has very little credibility when he attacks anything this government has done!

The honourable member for Richmond misled the House. The appeal was not an appeal on the merits of the decision of Mr Justice Nathan but an appeal that related to procedure. The former government failed — that is, the government of the honourable member for Richmond.

Mr Hamilton interjected.

The CHAIRMAN — Order! The honourable member for Morwell is disorderly and out of his place. I ask that he refrain from provoking the honourable member for Doncaster, who does not need provocation.

Mr PERTON — It is an unusual pleasure for the honourable member for Morwell to contribute to a debate. I am indebted to him for his interjections.

Mr Dollis interjected.

Mr PERTON — The honourable member for Richmond continues to interject.

The CHAIRMAN — Order! I counsel the honourable member for Richmond in the same way I counselled the honourable member for Morwell. The honourable member for Doncaster does not need provocation.

Mr PERTON — Honourable members may be aware of the academic history of the honourable member for Richmond. He partially completed a law degree, and one would have thought that in Legal Process 101 he would have examined the questions of natural justice and retrospectivity, but he has obviously set that aside.

This honourable member for Richmond is following the history of former honourable members for Richmond and their relationship with the City of Richmond and the abattoirs. During his second-reading speech the Minister mentioned a predecessor of the honourable member for Richmond who had an unusual and close relationship with — —

Mr DOLLIS (Richmond) — On a point of order, Mr Chairman, the honourable member for Doncaster is known for his ability to misrepresent the facts, but it is an abuse of privilege for him to connect the colourful history of the abattoirs in Richmond and the Richmond City Council with every honourable member for Richmond. If the honourable member for Doncaster is as certain of his facts as he seems to be, I will see him at the end of his speech outside these doors, when he can repeat those accusations.

The CHAIRMAN — Order! There is no point of order. That was a personal explanation.

Mr PERTON (Doncaster) — Perhaps the honourable member for Richmond wants to continue the pugilistic tradition of the seat of Richmond.
The CHAIRMAN — Order! The honourable member for Doncaster should address the amendment.

Mr PERTON — I am commenting on the remarks made by the honourable members for Richmond and Pascoe Vale. The honourable member for Pascoe Vale did not seem to have his heart in the debate. He moved the amendment on behalf of the honourable member for Richmond, who has been putting the interests of a few in his small constituency above the rights of Victorians. The honourable member for Pascoe Vale said the court finding was adverse to the State government and the interests of Victorians and a burden for any government.

Both the honourable members for Pascoe Vale and Richmond confused the principles of retrospectivity, which are designed to protect the rights of citizens. The principle does not apply in the same way to disputes about the jurisdictions of State and local government. Nevertheless, some reasonable arguments can probably be put against retrospective intervention, unless proper and sound reasons exist. In this case the first proper and sound reason is that the Richmond City Council found a loophole. It used that loophole and unexpectedly the land was transferred.

The second justification for retrospectivity is that the matter was not properly litigated. The government of which the honourable member for Richmond was a part failed to exercise its responsibilities to properly and fully litigate the matter. It is totally improper for the honourable member for Richmond to rely on the failure of the former government, of which he was a part, to adequately protect the interests of Victoria. He should be ashamed of the actions of that former government.

Retroactivity in this matter is totally justified, and I urge the House to vote against the amendment.

Mr Dollis interjected.

Mr PERTON — I understand the excitement of the honourable member for Richmond, but the government is concerned about the interests of Victoria. It wants good government and is not concerned about protecting the rights of a band of Labor mates relying on the inaction of the previous government. This government intends to do the right thing. The previous government almost bankrupted Victoria.

Mr Hamilton interjected.

Mr PERTON — Those guilty people include the honourable member for Morwell.

The CHAIRMAN — Order! On the amendment.

Mr PERTON — The amendment should be defeated.

Mr COLEMAN (Minister for Natural Resources) — The amendment moved by the honourable member for Pascoe Vale seeks to reverse the effect of the legislation and put back into the hands of the Richmond City Council the fruits of its victory in the legal process.

Honourable members should be reminded of the remarks of the honourable member for Geelong North. Crown grants were made specifically for the use of the holders of the grant until that grant no longer had a reason for being. In this case the abattoirs were closed some years ago and they have stood in mute respect to those who worked there. The honourable member for Richmond said the abattoir buildings are being dismantled. The honourable member for Richmond has, however, argued against his previous position. He said that the former government had commented on this matter and that its comments were now being ratified by the legislation. The amendment actually disregards his earlier remarks that the advice the previous government received was faulty and that it therefore negatived the previous legislation. He has said that the advice of the bureaucrats at that time was wrong. That argument can be supported because it is not the first time legislation has been to this place in an attempt to correct this anomaly.

I refer to correspondence dated 2 June 1992 from the Land Titles Office. It states:

Crown grant volume 2353 folio 515 —

that is the general grant —

was cancelled in 1986 when an application was made by the City of Richmond for the issue of a new certificate of title to replace one lost or destroyed. On the completion of the application I created a new folio of the register, volume 9733 folio 652 and issued a new certificate of title of the same volume and folio.

Now we have travelled from it being a grant to a title. The letter further states:

The folio of the register created describes the estate as an estate in fee simple. I note that the only reference in
the Crown grant to an “estate in fee simple” was in the condition restricting the city from disposing of the land. Nevertheless it is clear that the Crown grant intended to effect the grant of an estate in the land.

The correspondence continues in a similar vein.

In deference to the City of Richmond, it held this document which it believed gave it an advantage over the previous conditions applicable under the Crown grant. The critical but not compelling reason behind the amendment is that the site has a value of about $13 million. When issued, the grant was for specific purposes and it was intended that the land would revert back to the State when the purposes for which it was to be used had been exhausted. The intent of the legislation is to provide a benefit to Victorians by having the land available for their use, not only for the people of Richmond. The government intends to place this property back into the hands of Victorians.

I understand the process and some of the confusion which has arisen but the issue is clear because the purpose for which the grant was initially issued — to house abattoirs — no longer applies. The council has used the site which should now revert to the ownership of Victorians.

I oppose the amendment moved by the honourable member for Pascoe Vale.

Mr COOPER (Mornington) — As I understand it, the amendment moved by the honourable member for Pascoe Vale simply reinforces the decision of the Supreme Court of Victoria as a result of litigation by the City of Richmond about the site. If passed, the amendment would enable the council to continue to maintain the victory it achieved in court.

I understand the honourable member for Richmond being thoroughly in favour of the amendment. He was elected to Parliament as a representative of the people of Richmond and is now batting for them.

Mr Perton — He has a responsibility to the people of Victoria.

Mr COOPER — I will come to that. I am struggling to come to grips with the fact that the honourable member for Pascoe Vale has moved the amendment — perhaps, as one of my colleagues said, he is doing the dirty work for the honourable member for Richmond. It appears that the amendment ignores the best interests of Victorians.

Mr Perton — And Pascoe Vale.

Mr COOPER — It may be all very well for General Motors to say that what is good for it is good for America, but I say that what is good for the City of Richmond is not necessarily good for Victorians.

One need not go too far into history to understand that the City of Richmond has a rather unenviable record, although luckily that record is not one the present council enjoys.

Mr Hamilton — Colourful.

Mr COOPER — No, crooked in the past. I was not surprised by the dirty underhanded deals. Sadly the present council is now acting like a dog in the manger and attaching itself to land over which it has no genuine claim.

Mr Perrin — It never paid for it.

Mr COOPER — It belongs to the people of Victoria. It is reprehensible that the council is acting in this way and, even worse, the opposition is backing that council. I cannot understand how any member of the Labor Party in this place can defend that position and not feel any sense of shame. Perhaps the honourable member for Richmond should not be included in that allegation because he sees his role as acting in the best interests of his constituents.

I say to the honourable member for Richmond, for whom I have considerable regard —

Mr Hamilton interjected.

Mr COOPER — The honourable member for Morwell scoffs, but my statement was made with all sincerity. The honourable member for Richmond should rethink this issue on the basis of what would be best for Victorians. He should think about the kind of precedent this amendment would establish should similar cases later arise throughout Victoria. What will happen when councils start running amok trying to put their feet and hands on Crown land?

Mr Hamilton — You will probably amalgamate them.

Mr COOPER — If such a case occurred in other municipalities, I imagine the honourable member for Richmond would say, “It is not on”. The honourable members for Richmond and Pascoe Vale, and the
other two Labor Party members in this Chamber, should recall the slogan used by their party in the 1982 election. It said that if it won the election it would govern for all Victorians.

This amendment is not in the best interests of all Victorians. If it were genuine, the Labor Party would abandon this amendment.

Mr THOMSON (Pascoe Vale) — I wish to respond to some of the comments made by honourable members. The opposition believes the government should govern for all Victorians and it is unfortunate that a note of bias has been detected in some of the contributions of honourable members opposite against the people of Richmond; the reference to the council’s colourful history is irrelevant.

The CHAIRMAN — Order! For that reason the honourable member for Pascoe Vale will not canvass them.

Mr THOMSON — Those matters, raised during the debate by government members, are not relevant to the decision the Committee is required to make.

In supporting the amendment it is not a question of the City of Richmond having no legitimate claim to this land, as the honourable member for Mornington alleged; on the contrary, after due legal process the Supreme Court took the view that the City of Richmond had legal rights over the land. The government has advanced legislation to produce a specific state of affairs, in this case to restore the Parliamentary sovereignty, if you like, of Crown grants and ensure that the type of situation referred to by the honourable member for Mornington cannot arise.

He referred to the possibility of future cases whereby councils or other bodies may claim a right to land but the passage of this Bill will ensure that any further difficulties do not arise. The question is whether Parliament makes the legislation retrospective or prospective. For the reasons canvassed, the legislation should not be retrospective.

The burden of proof on that point has not been discharged. The legitimate interests of the City of Richmond before and since the decision of the Supreme Court must be recognised. The Committee should support the amendment.

Committee divided on new clause:

Ayes, 26
Andrianopoulos, Mr
Baker, Mr
Coghill, Dr
Cole, Mr
Cunningham, Mr
Dollis, Mr
Garbutt, Mrs
Haermeyer, Mr
Hamilton, Mr
Kennan, Mr
Kermer, Ms
Leighton, Mr
Loney, Mr

Noes, 56
Ashley, Mr
Bildstien, Mr
Brown, Mr
Clark, Mr
Coleman, Mr
Cooper, Mr
Davis, Mr
Dean, Mr
Doyle, Mr
Elder, Mr
Elliott, Mrs (Teller)
Finn, Mr
Gude, Mr
Hayward, Mr
Henderson, Mrs
Honeywood, Mr
Hyams, Mr
Jasper, Mr
Jenkins, Mr
John, Mr
Kilgour, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McGill, Mrs
McGrath, Mr W.D.
McLellan, Mr
Maclellan, Mr

New clause negatived.

Bill reported to House without amendment.

Third reading

The SPEAKER — Order! I am of the opinion that the third reading of this Bill is required to be passed by an absolute majority. As there is not an absolute majority of the members of the House present, I ask the Clerk to ring the bells.
Mr HAMILTON (Morwell) — It is my fortunate position to have carriage on behalf of the opposition of one of the most important Bills before the House. Yesterday the House debated the Barley Marketing Bill, an extremely important Bill, and the contrast is important. It is the practical and the theoretical, the pure and the applied. The Barley Marketing Bill related to the practical application of the future of Victoria. The Vocational Education and Training (College Employment) Bill is equally important because it establishes the basis of the future of Victorian education, and I am proud to have carriage of it in this Chamber.

The main purpose of the Bill is to change the college employment arrangements of staff in some 30 technical and further education (TAFE) colleges by transferring their employment to the TAFE college councils and to the councils of universities with TAFE divisions. I understand that approximately 40 per cent of current staff employed in TAFE colleges, who are employed under an employment program by the TAFE teaching service, are to become employees of the councils of those colleges.

Indeed, that is of great importance to the colleges and to the future of TAFE education, and it is extremely important to those 4000 people who will have their employment transferred.

The opposition supports the development of the TAFE sector and believes it is rightly the most dynamic, virile system and the one with the most potential. However, it is concerned that the rapid changes that are taking place recognise the need for continuity, because continuity in education is provided by continuity of staff employment.

Because of the current uncertain nature of the legislation it is opportune for the opposition to move a reasoned amendment during the course of the debate.

All honourable members would probably agree that education is fundamental to the future of this country and this State. It is vitally important to the people I represent, to the people I live with and the people I grew up with, including my brothers and sisters, because it is through education that kids from working-class backgrounds and from poor and humble circumstances can find a way out of the so-called poverty trap. Indeed it has been one of the great premises on which the Labor Party has been built because it provides kids with training and enables them to gain more economic security through employment. That is certainly the origin of the technical system of education, which has a proud history in this State.

In some ways I am disappointed that there have been changes to our previous junior technical schools which have been subsumed by the secondary sector. The current TAFE system had its foundations in the junior technical schools because from the 1940s or the post-war period kids from working-class backgrounds ended up going through the junior technical system and received practical and trade training and then went on to what became senior technical colleges. Eventually in 1974 as a result of the Kangan report the TAFE system was created. The point I make that is if the House is to come to grips with the massive change that is occurring it must understand how the system evolved.

The Treasurer’s statement yesterday did not contain too many pleasing messages but page 36 of the Consolidated Fund Budget Paper had some pleasing news which I welcomed. Program No. 241 relates to the vocational education and training program and it was not subject to the cuts that appeared throughout other areas of education. I am a bit angry and upset about the cuts to other areas of education and I make no apology for that because it is terribly sad when that happens. However, to the government’s credit, and I suspect it might be due to pressure from the Federal government, the State government decided it would continue funding those agreements.

Total recurrent expenditure in the TAFE sector is almost $428 million, which is a significant part of the education budget. I am sure the Minister for Education would have loved to have got his hands
on some of that for primary and secondary education. Another $83.5 million and $1.84 million is allocated to works and services expenditure, making a total of $513 million in the vocational education and training part of the education budget. That compares favourably with the 1991-92 figure of $469 million. Not only the government but also the opposition and, more importantly, the whole community recognise the importance of the TAFE sector, which will become more important in providing the education and training this country needs. The major challenge facing this area is how to go about keeping up with the changes required in the technical and further education sector without losing sight of the fact that education is not based just on programs that will satisfy short-term needs but on much broader and more important philosophical bases. If those bases are lost from any of our education sectors the community will be significantly worse off.

The changes that led to the introduction of this Bill began with a statement by Mr Storey, the Minister for Tertiary Education and Training in another place, in October last year. I thought the various groups of the day had an unfortunate way of expressing the changes that would take place. A headline in the Herald-Sun of 26 October 1992 article was, “Victorian TAFE colleges face a shake-up next year”. I am not sure I would describe the proposed changes as a shake-up; they are significant changes for the teachers, who until now have been centrally employed.

There is ongoing debate about whether the Federal government should assume total funding responsibility for technical and further education — as it does for university education — with the State government providing, as the previous government did, some additional places in both the university and TAFE sectors. I have some problem with that notion because State governments have enough trouble looking after State education without buying into what is fundamentally a Federal funding responsibility. In the lead-up to the last Federal election, which returned the Federal Labor government, both the government and Dr Hewson’s coalition opposition committed themselves to adding significant funds to the TAFE area.

Somewhere between 30 000 and 50 000 qualified students of all age groups and from a whole range of backgrounds who could not get university places could have been taken up in the TAFE sector. I shall come back to that point.

Competition is increasing between the universities and TAFE colleges for Federal education funds. Until recent years universities have been successful in trampling over the other sectors and getting their own way. The University of Melbourne — the oldest university in this State and the second oldest university in Australia after the Sydney University — has continued to be viable, and Monash University is now enormous after merging with the Chisholm institute, the Caulfield institute, the Frankston teachers college, the Gippsland institute and various other small concerns. The mergers took place as a result of the Dawkins paper on the amalgamation of universities.

Unfortunately for education in general, amalgamations led to the demise of one of the most important education sectors — colleges of advanced education. Therefore, instead of having a dual pathway for higher education we now have a single, university pathway. Because of the demise of colleges of advanced education a vacuum now exists which the TAFE sector is making strenuous efforts to fill.

I expect the Minister for Education and the Minister for Tertiary Education and Training in another place to take on board the fact that, although extra TAFE places were created in Victoria — and in New South Wales, based on the reports I have read — students did not take them up. Some anecdotal evidence has been given and some rather pithy comments have been made about why students did not take up those extra places, and one must wonder about the real reason for students who have completed their VCE studies in Victoria and their HSC certificates in New South Wales not taking up tertiary places when there were and still are vacancies in a number of colleges.

One of the attractive aspects of Victoria’s TAFE colleges has been that they have managed to provide courses across a broad range of disciplines. I shall talk about some of them to highlight the developments that have taken place in the TAFE sector over the years. It is important to find out why students chose not to take up the extra tertiary places. Perhaps that says something about the historical marketability of the TAFE sector.

The tertiary education system in Australia is very much based on the British system, and unfortunately double standards developed in this State and throughout Australia which resulted in the view that the kids with brains go off to university while the kids who are good with their hands go to
technical schools; that is, if a student was good with his hands he would not be good with his brains. Of course that is a nonsense and, having taught in junior technical schools for many years, I know that the ones who are best at academic subjects are usually also the best in practical subjects. Despite that, the view developed and students believed that if they were good with their hands they could not get into university and should really think about going into TAFE.

The government and the TAFE sector have a challenge to market TAFE as a viable and important alternative. In many ways TAFE is able to provide far more certain avenues to employment than universities are able to provide.

I am reminded very much of the story told about the head of IBM, the largest computer manufacturing organisation in the world. He was asked whether he would rather employ a student with a first-class honours degree in classical Greek or one with an ordinary degree in computing. He answered that he would prefer to employ the student with the first-class honours degree in classical Greek because he believes education is not about specific training for a specific purpose. If it were, educationalists would go mad, especially in an area like computing, which changes before one gets out the door. It is not possible to train a person to be a computer expert because the expertise will have changed by the next day.

It is necessary to provide an education system that prepares students for learning and developing their skills on the job. The very best and most important employers have always believed that the best training will take place on the job. Indeed, a most important change that has taken place in the TAFE sector is the increase in the amount of on-the-job training not only for the workers but also for the teachers, staff and trainers. That is critical.

It is not only the State government whose Budget is under pressure; there is no doubt that the Federal government will also turn the screws. The Federal government's best way of doing that, not only in recent history but since Federation, is to save money by giving less to the States. That is as true in 1993 as it was in 1963 and earlier.

I was interested to read in the Australian of 30 March the commitment of the Federal Treasurer Mr Dawkins to providing forward funding for TAFE in the life of the current Federal Parliament. That is important because if colleges are to plan what will happen in the education program they must have some surety of funding. I am pleased the Federal government has made a commitment to that area, as I believe the Federal coalition would have done if it had been elected to government. I am not trying to score political points; I am highlighting the importance of obtaining a commitment of funding from the Federal government for the future of the TAFE sector and the university sector.

I understand the Federal government has offered $721 million for an additional 100 000 places in the TAFE sector over the next three years. Of course that will not go much of the way to meeting the demands for places by students coming from the secondary education system and those wishing to return to study, but it goes a long way to providing some way for some students to continue their education and training.

Another change that has taken place and which is putting pressure on the TAFE sector in Victoria and New South Wales relates to credentials. As a result of the passage of this Bill TAFE colleges will become almost autonomous. They will not be subject to the same degree of central scrutiny and coordination to which they were subject under the State Training Board, although the current board still has an important role to play.

The coordination of the nation's educational and training needs must be distinct from what the entrepreneurs — what is what the people attending TAFE colleges will become — believe is good for the market. Therefore, the government proposes some regulations over market forces. I am jolly glad that the TAFE education system has not been privatised because it is in the national interest that governments make sure appropriate training is available at the right time.

The Australian National Training Authority (ANTA) has been set up to coordinate the State's training efforts. It met for the first time in Melbourne on 2 December 1992. I support the need for ANTA, but there has been some resistance to coordination of TAFE by the Federal government at a national level. Questions were asked and some nervousness was shown by the two most populous States, New South Wales and Victoria. They provide 70 per cent of vocational education and training in Australia. This is critical not just to those two States but also to the rest of Australia. New South Wales and Victoria showed some concern about how the national training authority would operate.
It will be interesting to see how ANTA develops because he who pays the piper calls the tune. The Federal government is pouring money into technical and further education. Given the history of former Federal education Ministers, I expect that ANTA will exert some control over the future of tertiary education and training, ensuring that courses are provided in the national interest as well as in the interests of students, staff and colleges in general.

The debate that occurred back in 1992, which I imagine will continue in 1993, was interesting. A fair amount of pressure is being put on the appropriate Ministers in each State to make sure that they continue to receive Federal funding — that is being terribly mercenary — and continue to promote the development of the TAFE sector in their own States while at the same time ensuring that there is a good forward basis for funding and planning.

I refer to an article in the *Australian Journal of Adult and Community Education*, volume 31, No. 3, November 1991. It is written by Peter Kell, a doctoral student from Deakin University in Geelong — a number of honourable members will be very much aware of Deakin University. Peter Kell’s article supports one of my fears about what could happen, and perhaps is happening, in some of our TAFE colleges; it is likely to happen because of the pressure on colleges to generate their own funds.

Peter Kell refers to TAFE in a corporatist Australian economy. He suggests that with corporate involvement TAFE not only trains workers in a variety of occupations but also teaches them what forms of behaviour and social relationships are appropriate in the capitalist workplace. I do not mean to be provocative. We live in a capitalist society. Perhaps in some ways there are more advantages to living in a capitalist society than in some totalitarian societies.

Peter Kell makes the point that there is more to education in any of our institutions, including our TAFE institutions, than just giving students appropriate training. Quite obviously the best tradesperson in the whole of creation also needs to be trained in how to fit into the work force and how to work cooperatively with other people in such a manner that the employer makes a profit and the employee does not lose the job. It is important to consider the role of TAFE both now and in the future.

At page 154 of the same article reference is made to New South Wales, which is a little ahead of Victoria in this aspect. Some years ago New South Wales set up its so-called independent system of TAFE colleges. There are quite a few more in New South Wales than here. People involved in those colleges were told, “You have to get your act into gear. You have to be involved in industry and the corporate sector. You must sell yourself to industry so that industry starts paying for the education and training of its employees”.

I do not have a problem with that because one of the difficulties that Australia has faced for many years is that employers — especially big employers — have been extremely reluctant to become directly involved in funding the training of their own people. TAFE COM, as it was called in New South Wales, recruited some 300 “elite” managers. Peter Kell puts that word in inverted commas, which is not a bad way to present this because a manager is only as good as his product. It is the same with a coach and his footy team. A coach will not win too many premierships unless he has a good team.

Those elite managers were sent out in 1989 to raise some $30 million from the private sector for training. They ended up with a meagre $7.9 million. Peter Kell states:

... in spite of the recessionary pressures, the new entrepreneurial spirit has not been dampened with TAFE optimistically projecting a target of 12 per cent of the total budget in 1991-92 — that is, $90 million to be earned from enterprise activity.

The proof of the pudding is in the eating. Again that did not happen. Despite the very best intentions of entrepreneurs in the TAFE system — and, believe me, we have them in Victoria — input from industry, from the private sector, into TAFE training has not happened, and the taxpayer will continue to fund it. That is not all bad because while the taxpayer continues to fund education, the taxpayer has some control over what goes on in our institutions. That is good.

I am sure I would not have liked the chief executives — that is not the term we used in my time; we had a different name for that position — of some of the institutions I have worked in to have had power over hiring and firing because our ways would have parted much sooner than was the case.

The TAFE system of Victoria is managed by the Minister for Tertiary Education and Training, who has put in place a suitable and well-organised
system of management using the State Training Board as an overseeing body.

Various industry training boards look after vocational education and training. There are also a number of private providers of training but nowhere near the number thought to be the case originally. It was thought that many private providers would commence operations saying that they could best operate by themselves. They could receive funding from the Federal government through the vocational education and training area of the department to run their courses, but they did not pick that up and run as strongly as was thought would be the case. Historically TAFE colleges have been able to provide education better. It is cheaper for them but not necessarily cheaper for the taxpayer. Private providers have not quite come on board.

The other very important change in the broader role of TAFE colleges has been the increase in the number of women enrolled in TAFE courses. Historically the technical system has been a male domain, some would say a male chauvinist domain. Some of the colleges I have worked in could well be described in that way. The benevolent dictator at the top of some of the colleges I worked in was a prime example of this.

Women participating come from all ages and backgrounds. According to 1991-92 figures, some 111 000 women compared with 160 000 men have participated. There has been something closer to a matching of figures. A report of the TAFE sector says that that is still not good enough and that 50 per cent of our community are women and therefore we ought to aim at 50 per cent of women enrolling in TAFE colleges. I support that; it is a laudable aim.

The government does have a heart; if people look far enough they will find it. To the credit of the Minister, maintained within the Bill is the Equal Opportunity Act governing TAFE colleges. That is very pleasing to see.

The increase in the number of women seeking work has had significant effects on the work force. Women have deliberately looked for non-traditional occupations. When I was a councillor the Shire of Morwell began employing women in non-traditional occupations such as driving graders, large vehicles and trucks. The council discovered it was saving considerable amounts because the female employees were kinder to the machinery, took less time to train and did the job better. The State Electricity Commission also employed a number of women in non-traditional metal trades positions.

The work force is changing and more jobs are becoming automated. Technology is taking over. It is little wonder we are having employment problems when many traditional jobs have been taken over by machines. I am sure the Minister will recall that when he worked at the General Motors company employees would sit on the assembly line, screwing nuts onto bolts every day of the week. Now robots not only perform those tasks but also build complete cars. That is tremendous, because there is nothing more soul-destroying than screwing rotten nuts on to rotten bolts every day of the week.

It is important that traditional work be redefined, and I suggest that is the role of the technical and further education system. Universities are neither flexible nor progressive enough to redefine traditional work. People who do not have traditional paid employment but are still creative or productive should be given recognition for their work. It is fruitless for TAFE, which provides the vocational education and training, to continue to define work in the traditional way because traditional work has gone for all time. I support that change.

When I was a child it used to take me an hour and a half to milk 10 cows and separate the milk. Now, on a good dairy farm in that time one person can milk 600 cows and have the milk separated and ready for transport. That is what has happened since farms have become mechanised. Few labouring farm jobs are available. People who formerly worked in factories on assembly lines have been replaced by machines or by computer design systemis, so there are fewer traditional jobs. It is important that we redefine occupations.

TAFE, to its credit, has gone along that path by offering new courses. Women, mainly married women, have taken social and community development (SACD) courses, received formal training and education, formal exposure to knowledge and learning, and formal exposure to the joys of learning. On completing the courses they have felt rewarded by the challenges to and expansion of their intellectual capacities; they have also discovered that their new skills and attributes can be profitably and productively employed in the communities in which they live and work.

TAFE has responded to that challenge. Unfortunately, many of the SACD and similar courses offered in TAFE colleges have been regarded
as mickey mouse courses. If a college is strapped for funds, it decides not to run those sorts of courses because it prefers to run a good solid fitter and turner or electronics course. SACD courses have been denigrated in the TAFE system. It is a real challenge for TAFE colleges to recognise the importance of so-called non-traditional courses.

The metal trades apprenticeship scheme is an example of the traditional courses run by TAFE, but fewer people now undertake the course. Multi-skilling, award and industry restructure have reduced the traditional areas of training that TAFE had been offering and doing very well.

For many years the SEC used to employ 300 trade apprentices each year in the Latrobe Valley. In the past the children in the Latrobe Valley did not have to worry about what they would do when they left school. They could do apprenticeships with the SEC and have jobs for life. How things have changed! Last year only 30 apprentices were taken on.

Prior to that we thought we were doing a wonderful job when we reached an agreement, which subsequently broke down, with the SEC to train 375 apprentices over three years. The SEC could not guarantee jobs for the apprentices at the end of their training but it could offer magnificent trade resources, skilled tradesmen and a high level of training. Now, if apprentices complete their trade training with the SEC, there is no guarantee that they will be offered jobs anywhere. The employment prospects most people of my age enjoyed after completing their education or training have gone. No longer can a person take for granted that once he or she has a job, that job is for life. It is important that the community recognises that those days are gone.

It is also important that the education sector recognises it. This is a real challenge for the TAFE sector because historically it has proven to be innovative and able to take up the serious challenges that face our society. A move towards competency-based training has resulted from the Carmichael, Finn and Deveson reports as well as a number of others. It is an appropriate system for the students who are able to get through courses more quickly than is normally required to complete the various levels of training. Equally, and just as importantly, if students are a bit slow getting through their courses, they can take their time in learning specific skills and progressing through the various levels.

The new system also challenges the Teaching Service. In the past a teacher would know that at 10 o'clock on 17 November 1993 he or she would be teaching X, Y and Z to a certain group of people; the teacher may even have used the same lecture notes that had been used over the past 10 years. I was a teacher in that position for some time, and it was comfortable. If one had acquired appropriate teaching skills, the job was the same, although the kids were different. Now, there is more of a challenge in organising the way one teaches. The competency-based training system presents real training opportunities for teachers and students in the TAFE sector.

The range of courses that have been set up in our technical and further education colleges has grown tremendously. A deal of forward planning has taken place. For example, there have been tremendous developments in occupational studies in the hospitality industry, many of which have been funded by special programs for long-term unemployed people. It has been a great growth industry. A total of 175 000 places are proposed for 1993 in the Diploma of Hospitality course.

The students who undertake those courses are generally young men and women, who discover that they are employable. They complete courses of training and learn personal skills that are important in the hospitality industry. Workers in that industry need to know not only how to prepare drinks but also how to be nice to customers. It might be an idea if politicians were to complete those courses; they would then know how to be nice to customers as well as to each other!

It is important to examine the background to why the government has proposed changes to employment in TAFE colleges. I believe this is just the start of change and that TAFE will be faced with a million changes. The issues surrounding the Bill are complicated because of the complicated set of legislative provisions which impinge on the TAFE sector. These provisions have grown a bit like topsy; a bit like TAFE itself has grown.

Although the Bill looks only at the employment and training side of TAFE other aspects should also be examined. The principal Act is the Post-Secondary Education Act 1978, which set up the Victorian Post-Secondary Education Commission (VPSEC). I was employed for some time by the commission and my time there was not all beer and skittles. It is proposed to disband VPSEC and I will miss some of
my sparring partners in that body — like a hole in the head!

Fundamentally the Post-Secondary Education Act set up the TAFE teaching service as such. A point that will become important to some of the objections I wish to raise in relation to the Bill before the House is that that Act provided that only people who were registered as TAFE teachers could be appointed as teachers in TAFE colleges. A person could only obtain registration as a TAFE teacher by having some formal approved teacher training and appropriate formal experience.

At one stage I applied for TAFE registration and was refused. I had two formal teaching qualifications, two degrees, and had had a number of years experience, including many years in industry, but that was not sufficient to satisfy the requirements for TAFE registration, which were extremely strict. A person who wished to teach in TAFE not only had to be a teacher but also had to have appropriate industry training and a background in industry. Those requirements have kept TAFE’s feet on the ground, and that has been extremely important.

In April 1990, after a review process involving discussion and consultation — that happened in the days when the former government made changes to education — the Vocational Education and Training Act was passed. It amended the 1978 Act in a couple of important ways. In her second-reading speech the honourable member for Williamstown, who was then the Minister for Education, said that one of the objects of the Act was to establish, for the first time, a system of self-governing TAFE colleges with a charter to provide programs and services across a whole range of technical and further education set out in the legislation. The former Minister went on to say that the need for coordination and the desirability of devolution were to be combined in a decentralised system. That object was obviously supported by the former opposition because the Bill would not otherwise have passed through the Upper House.

Two critical matters remained, and the government of the day — certainly supported strongly by me — decided to maintain a registration process for people teaching in TAFE colleges and to maintain central employment for the TAFE Teaching Service.

In November 1991 the then Minister responsible for higher education, the Honourable Barry Pullen, a member for Melbourne Province in another place, introduced the Vocational Education and Training (Amendment) Bill. That Bill aimed to promote the objectives of vocational education and training to achieve a devolution and decentralisation of decision-making processes away from the State training system.

There had always been, and I do not doubt that there always will be, much tension between the individual colleges and the State Training Board. The board is seen as having the whip hand and if colleges do not provide the right courses in the right numbers those courses are not funded. Although I do not think all of that has been the result of personality differences, that has been a factor in some instances.

There was a continued move by the TAFE College Councils Association of Victoria, which was lobbying the then government and is now lobbying the current government, to produce an almost university-like system for TAFE colleges. That demonstrates, firstly, that the association does not know much about what goes on at some universities, or it would not view them in such a favourable light, and, secondly, that the association does not realise that restrictions are increasingly being placed on what happens at universities.

Many people can give anecdotal evidence about what goes on at some tertiary institutions. I can assure honourable members from personal experience that it is not all beer and skittles.

In his speech on the amending Bill the then Minister said that the government did not propose any change from the existing central TAFE teaching service employment because directors supervised centrally employed staff and the positions were part of the Statewide career service for TAFE teachers, and because TAFE colleges were part of the Statewide training system and directors played a key role in managing that system.

It was not a contradiction in terms for the directors to be appointed by the college councils because in the technical system, even the junior technical school, councils historically had much more flexibility than their counterparts in high schools. The former government saw it as important for a Statewide system to continue even though individual colleges were being managed by independent directors.

The TAFE sector has done well under that system — and there has been not quite enough flexibility for a college director to sack members of staff because of
the colour of their hair or because he does not like the party they voted for at the last election. Some of the biggest renegades have been in the education institutions, but in the management of individual colleges as distinct from the management of the system the entrepreneurial spirit takes over. Some colleges employ sessional and short-contract teachers because there is no long-term commitment to staff; you can put them on a contract and sack them at the end of the term. That denigrates education as a profession. You cannot treat education as if it were the same as a motor car. You may be able to shove the Holden off the pier if it is not looking very good and has a bent frame, but you cannot do that with teachers because you are dealing with lives and careers.

To apply so-called private sector employment principles to education will ultimately destroy education because one of the most important things about it is that there has to be continuity and security. Those of us who have trained as teachers will know what I am talking about when I say "academic freedom". It is the ability to explore, experiment and expand without fear or favour, and that has been the basis of education. If you are employed on a contract you spend your time wondering whether the contract will be renewed next week. How can you explore, experiment and expand when you are working under those conditions?

Jobs are hard to get. People used to be paid to do teacher training and had to promise to be a teacher for three years. What if that were the situation today? It would certainly save the Minister a lot of trouble. Instead of getting rid of thousands of well-qualified teachers the Minister would say, "We have a market and we have to make sure we train teachers properly. However, we want to make sure they sign up with us". There was trouble in those days because people gave up before they finished their three years. We had a system that this Bill intends to change by giving the employment of all teaching staff to the college councils. The association has fought for that for a long time and I can see the arguments for it. I can also see the arguments against it and, on balance, I believe the arguments against the destruction of the TAFE teaching service as it currently exists is a shame.

Nevertheless, the advanced education system existed at a time when individuals were employed by the various colleges. Universities tend to survive despite rather than because of themselves and they have their own employment system, so the Bill will make TAFE more like the other post-secondary sectors. On 1 July 1993, with a stroke of the Minister's pen, some 4000 people who, collectively, would have given millions of hours of valuable teaching time will suddenly be told that their career path has changed and that they are now at the beck and call of a particular Minister. That would not be too bad if it were not for a few other major changes to employment in Victoria. However, the Employee Relations Act, effective as of 1 March, brought an end to all State awards, and draconian measures came into being.

I laugh when I hear people talk about militant left-wing teachers. I have yet to meet a left-wing teacher, let alone a left-wing teacher union! Teachers are mainly concerned with their profession and the future of the children they are teaching. They are politically active only when something affects their charges. At the time that I was teaching I would not have been told, "You cannot withdraw your labour or go on strike. That is criminal behaviour". You could be fined in those days.

I do not intend to debate the Employee Relations Act because we have all heard the arguments. People suddenly find themselves thrown into a new set of employment conditions. Even with the best and worst intentions the TAFE College Councils Association, which is anxious to get into the new system, did not realise it had happened so suddenly. It saw a longer transition period, and perhaps through natural attrition it could have been wound down slowly, in which case people would not have suffered the sudden change in employment conditions.

The matter has received a great deal of publicity. A headline in the *Australian* of 30 April states: "Kennett appeals to High Court to block exodus". What has happened since the election in October? Teacher unions have applied to move from a State award to a Federal award. The government has attempted to block that move and the matter is being discussed. I understand that a decision will come down in the near future.

Two things affect the subject of the Bill. Let us not forget that these are real people. We are talking about real workers who give the most important service in the education sector. The *Age* of 24 March has the headline "Kennett hints at industrial breakdown". The *Australian* of 25 March has the headlines, "Kennett backs down on IR reforms", and "Gude to back down on tough work laws". We have all seen the headlines. I will not go through the stack...
of newspaper clippings but they are relevant to the Bill and its effect on the people involved. People are being transferred from the central employment service and individual employment services into the unknown.

Who knows what will happen? The government has said that changes will be made to the industrial relation laws, but how will that affect TAFE teachers that are not covered by awards? Will the Minister for Industry and Employment relax the industrial relations laws? These are uncharted waters; those employed by TAFE are moving into unknown circumstances.

Teacher unions have reacted to these matters, and they have spoken about their concerns with me. They believe the situation will be detrimental to them and that there should be a more humane way of making these changes. I get upset when people are forgotten. The Outer Eastern College of Technical and Further Education in Wantirna states:

Specifically, council has grave concerns about:

The Ministerial controls and powers that are pervasive throughout the Bill.

It wants the Minister to step back and allow the school council to take responsibility. Under the Westminster system the buck stops with the Minister, and that is the way it should be. It is important that college councils and other educational bodies have the necessary responsibility and authority to manage their affairs and that the Minister is not involved. I am sure that not all the people working in the TAFE sector are coalition voters in the same way as they are not all Labor voters, but they would prefer a government that is accountable at the ballot box. However the government should have the ultimate control, and the Bill rightly gives the Minister those controls.

The Bill provides the Minister with enormous control. The Minister was criticised by the Parliamentary Scrutiny of Acts and Regulations Committee, which is chaired by the honourable member for Doncaster. The committee said that the Minister had far too much control and his powers should be reduced.

Comments about TAFE have been made by the Federated Teachers Union of Victoria; it objects to the major thrust of the Bill. A number of clauses in the Bill are iniquitous and are inconsistent with the thrust of the Bill. I have taken up some of the matters raised by the union with the Minister and, to his credit, he has taken them into consideration. He is not going to back away from the basic thrust of the Bill but, through his departmental officer, he is examining those matters, and I appreciate that. Criticisms have been expressed about teachers returning from parental leave, about superannuation and about the transfer of appointments. The unions recognise that many other Acts are amended by the Bill.

I have had discussions with the Technical College Teachers Association at the Royal Melbourne Institute of Technology. It is an independent staff association with 160 members in the TAFE sector. It asked me to raise some important matters with the Minister in another place. Those matters will be considered when the Bill is dealt with in the Upper House. The union believes a number of anomalies exist between the Royal Melbourne Institute of Technology Act 1992 and the Swinburne University of Technology Act 1992. Honourable members will remember that those institutions were made universities of technology because of their TAFE sectors. In fact, if RMIT had not had such a large number of TAFE students it would not have gained university status. However anomalies exist in the Swinburne University of Technology Act and the Royal Melbourne Institute of Technology Act.

Sections 31 and 34 of the Swinburne University of Technology Act deal with the existence and powers of the Technical and Further Education Board. Both Bills were dealt with by Parliament at about the same time. The Bills are similar except for the section in the Swinburne University of Technology Act that gives due and appropriate recognition to the TAFE sector by its university council. The Royal Melbourne Institute of Technology Act does not do likewise. The union believes they should both be treated equally. One institution may be a little bigger than the other but they should not be treated differently. One-third of the students at RMIT are TAFE students. The TAFE students at Swinburne are not discriminated against.

The Bill makes a number of consequential amendments. I ask the Minister to take note and give due consideration to those matters. I have a few matters that I shall raise during the Committee stage.

Dr Napthine — It is good to see cooperation.

Mr HAMILTON — I like to be cooperative.

Dr Napthine — Well sit down!
Mr HAMILTON — I am not quite that cooperative! I shall conclude my remarks and deal with the other matters when debating individual clauses during the Committee stage.

I move:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this House refuses to read this Bill a second time until the direction of the changes intimated by the government to the Employee Relations Act 1992 have become clear and have been implemented".

Mr Jasper — We thought you were being very cooperative during your contribution, too!

The ACTING SPEAKER (Mr Cooper) — Order! Is the reasoned amendment seconded?

Mr HAMILTON — Yes, by the honourable member for Williamstown. The opposition has moved the reasoned amendment not to be provocative but to make the point that concern is felt about the future of people whose employment will be transferred. Until the Employee Relations Act is changed or those changes are made clear, the opposition does not want those people jumping off the edge, as it were. Another matter that must be clarified is whether people will move to Federal awards. With those few remarks, I conclude my contribution.

Mr DOYLE (Malvern) — I have listened with something approaching interest to the honourable member for Morwell, and while I assure him his speech had his usual ruminative, if tenuously relevant charm, he has emphasised to me the need for brevity.

I agree with the honourable member that the Vocational Education and Training (College Employment) Bill is important. I shall focus on the college employment aspect of the Bill.

TAFE colleges in Victoria are relatively independent public sector authorities. They are coordinated by the Office of Training and Further Education and provide vocational training programs within a competitive training market. College employment of all teaching staff and employment of the directors of the colleges by college councils under the provisions of the Bill represents a fundamental step towards greater college freedom. The result will be efficient, effective and consumer-oriented services because colleges will accept operational responsibility for themselves. With that concept accepted, a proper philosophical chasm that divides one side of the House from the other will be highlighted. I hope proper debate will ensue on whether honourable members support centralised control or a system that offers a range of diverse and autonomous institutions from which students may choose. I would welcome such a debate.

Ms Kirner — And a debate on the Board of Studies?

Mr DOYLE — I look forward to that debate as well.

I consider the Bill to represent commonsense. As an illustration of that, I reiterate what the honourable member for Morwell said, that presently in the TAFE service some 4080 teachers are attached to the college where their position is located.

Mr Hamilton interjected.

Mr DOYLE — It is not as though colleges do not employ people outside the centralised system.

Mr Hamilton interjected.

Mr DOYLE — Some 6700, I believe, and 3000 are administrative and ancillary staff with the others in tenured or sessional positions. It seems to me that to bring them all under the umbrella of individual college employment is commonsense. The Bill facilitates flexible and efficient operation of TAFE colleges so they may deliver programs that are relevant to industry, business and community demands. TAFE college councils must be allowed to manage their own affairs and control their own resources if they are to achieve maximum effectiveness and efficiency.

I will not shirk from comparing their operation to what happens on a private sector enterprise board. That is the way to achieve the greatest accountability and acceptance of responsibility.

The Bill will allow college councils to employ their own college directors and teaching staff. I invite the honourable member for Morwell to consider what power will be given to councils. It will enable TAFE colleges to get the mix of skills, experience and industrial connections that is appropriate to their students and to the courses they offer. Responsiveness to industry requirements will be increased under the leadership of the directors. It is plain good sense.
Let me give the House an example of what I mean using an anecdote about what can be achieved with the mix of skills to which I have referred. Recently I visited a TAFE college where I saw a group from Ford. I enjoyed my visit to a class for the certificate in injection moulding. I understand the course consists of 180 hours of part-time study.

Ms Kirner — Don't you send them from Scotch?

Mr DOYLE — Yes, they do. In fact I initiated such a program when I was at Scotch College.

I saw what is commonly known as a “work team”. I understand that the students were undertaking a practical course offering an introduction to plastic materials and plastic processing, and die setting and trouble shooting for injection moulding. The course leads students into a course that would give them an Associate Diploma in Materials Technology and they might undertake that later, with the encouragement of the Ford Motor Co.

What most impressed me was that those doing the course were equally divided between engineers, skilled trades people, maintenance department personnel and shop floor operators. The work team was doing what the honourable member for Morwell referred to in his speech as an admirable example of what can be done in a TAFE college: they were learning from each other about the whole process in which they were involved.

I also watched the excellence of the teacher and his success in conveying the process to the class.

Mr Hamilton interjected.

Mr DOYLE — No, he was not. As a matter of fact, he was on contract straight from industry. The whole exercise was most heartening because it was state-of-the-art training. It was practically and philosophically directed to excellence, and it was achieved by the students and the teacher understanding what they were doing and what they were producing.

The problem that struck me relates to the issue of the good mix. It seemed to me that what was happening was more a matter of good luck than good management. Let me tell the House why I thought that. Under a centralised staffing system those students might have been sent a teacher who, the director of the TAFE college assured me, might not be suitable to the course. Central staffing may produce this outcome. The programs at TAFE colleges might not get suitable teachers to meet the needs of the students or the community. The director of the TAFE college said that such staff could be foisted upon them.

Staff, regardless of suitability, could be foisted upon colleges. That could also happen if teachers were recruited directly from industry. As opposition members would agree, industry experience does not guarantee good teaching. Once people are in the system they are permanent. What can be done with them if they are centrally employed? They will be foisted onto somebody else.

Mr Hamilton — Hear, hear!

Mr DOYLE — I am delighted to hear the honourable member for Morwell say, “Hear, hear!” But good staffing must be planned, not serendipitous. An end to central employment will give colleges flexibility in staffing arrangements which, combined with enterprise agreements, will permit productivity improvement. Teachers in colleges will be able to teach more effectively, and the colleges will have more control over their hours and the span of hours taught. They will have more control over work practices and integrating of commercial services.

The Bill will remove labour market rigidity and improve the TAFE system. The registration system, the centrally determined classifications, the restrictive teacher training requirements and the outdated concepts of permanence and tenure will go because they obstruct flexibility and responsive staffing mixes. It is a matter of commonsense. Who could oppose flexibility, productivity and better competition in the training market leading to a significant contribution to economic development?

Reading reports on earlier debates on this issue is enlightening. Who opposed commonsense? In 1990 the State Training Board, the Technical Teachers Union of Victoria, the Victorian Trades Hall Council and the then Labor government opposed commonsense. Reading the debates is like looking at an historical snapshot: a snapshot of the dinosaurs just before the ice age overtook them.

I have a mental image of the conversation between the Labor government and the Trades Hall Council as it must have occurred on this issue in 1990. I can imagine their quandary about flexibility, about responsiveness to the community and about better service provision and accountability. Their decision would be, “We can't have any of that” and the whole
time the cold wind was blowing through the windows of Trades Hall!

What are the advantages of the government's proposals? We need vocational education and training that is responsive to industry requirements and to a competitive environment. Therefore, TAFE colleges must be able to manage their own affairs and operate in a businesslike manner. College-based employment will facilitate this situation. Colleges will remain accountable, as public sector enterprises, to the government through the Minister for the use of public funds and facilities.

The provisions of the Bill, long overdue, are welcomed by the TAFE colleges, and the TAFE sector will be the winner.

Ms MARPLE (Altona) — It is always said that every Bill is the most important Bill to be debated because members are here to ensure that the views of society are debated as rules and regulations made for the future. Each Bill that is introduced has its own importance. The Vocational Education and Training (College Employment) Bill is an important Bill because it deals with two areas about which society is concerned; education, and vocation that is employment. The honourable member for Morwell outlined how technical and further education (TAFE) was introduced into the education system.

Many of us have had experiences through the education system, particularly the technical system. I have been fortunate in having married a technical teacher, and our son and daughter did their secondary education years through the technical education system. It has been interesting to watch the development of TAFE from the technical education experience gained over the years since the second world war.

The honourable member for Morwell spoke about many of the ideals that we hold dear and want to see continued, one being education for life. It is more than simply learning a trade. It is important to obtain skills to guide us go through life. Education opens our minds to help us through life and to enable us to cope with changes in society and the workplace.

The Federal government has always taken a strong interest in TAFE. Before the 13 March Federal election both parties committed themselves to supporting TAFE. Since the election the Federal government has allocated more than $513 million to vocational training. The honourable member for Malvern said that there should be a mix of education. That is true. He gave a description of what he saw happening at a TAFE college under the present system. TAFE gives young people the opportunity to educate themselves. During the term of the Labor government the number of students going through years 11 and 12 increased enormously, and the expectations of parents have expanded greatly over the past decade. The TAFE system has led the way. More women are using the education system and want the ability to expand their expectations and skills. It makes for a better society. The TAFE system has allowed women to move into areas that at one time were not available to them. Although TAFE has opened up those areas and created courses, the extra places that have been made available have not always been taken up.

It is important to extend the TAFE system and encourage people to take advantage of the many courses offered by colleges of technical and further education — and that can be done only through effective marketing. Last night during debate on the Barley Marketing Bill honourable members talked about the importance of marketing skills. Marketing is an area in which Australians have let themselves down and much more needs to be done.

If the Minister for Tertiary Education and Training gets the chance, which may not be possible given the problems the Minister for Education has because many people are anxious about the state of the education system, I suggest he consider improving the marketing of the courses offered by the colleges to encourage more people to take advantage of the wide range of TAFE courses available.

The Bill increases the autonomy of TAFE colleges. Honourable members on this side of the House have a view different from that expressed by the honourable member for Malvern, and the difference highlights the contrasting philosophies that guide our two parties.

I am pleased the Australian National Training Authority will coordinate and keep a tight rein on the process. Given the enthusiasm demonstrated by the honourable member for Malvern the danger is that things may get out of hand. The government often accuses members of the opposition of having little business experience but members of the opposition have experience not only of business but of what can happen when colleges and educational institutions become autonomous. In those circumstances power often goes to the heads of the people in charge. Many of us on this side of the
The House have had experience of the little Hitlers who sometimes run colleges and other educational institutions.

Mr Hamilton interjected.

Ms MARPLE - As the honourable member for Morwell said by interjection, controls are needed. I am pleased that the Minister will maintain an overview of the process.

Parts of the Bill will ensure that what has been built up by former Labor governments will not be lost, especially in the area of equal opportunity. I am sure that will be reflected not only by the variety of people employed in the TAFE sector but also by courses that the colleges offer.

I was interested to listen to the history of the TAFE system given by the honourable member for Morwell during his wide-ranging speech. Many honourable members draw on the history of systems and institutions, from which all of us can learn. The honourable member for Morwell also stressed the need to look to the present and the future. As he said, many traditional types of jobs have disappeared forever, something about which not nearly enough has been said either in this House or in the wider community.

When the effects of unemployment are discussed, many people simply wring their hands, say how terrible things are and demand that something be done. But all of us here have different views on how employment can be created and how the effects of unemployment can be overcome.

When listening to debates on the issue I have found that speakers rarely admit that we are living in a time of profound change, so much so that those in the next century will describe it in much the same way as we describe the changes caused by the industrial revolution. When we have talked about change over the years most of us have said that we could cope with little changes here and there, but now all of us face the prospect of far-reaching changes.

This cycle of change threatens to turn our world upside down, and each generation finds it harder to cope. The honourable member for Morwell reminded the House that the days are not long gone — for most of us, anyway — when the ambition of most young people finishing school, often halfway through secondary college, was to obtain apprenticeships. He also highlighted the fact that, for example, the number of apprenticeships offered by the State Electricity Commission has fallen from 300 a year to 30. Many of the skills people were able to learn while apprenticed are no longer applicable — and, as the honourable member for Morwell said, “Thank goodness”, because many of those jobs were repetitive.

TAFE colleges will increasingly be required to define vocational education. I believe that will involve stretching people’s minds and helping them acknowledge that their working lives will not be spent working in the one occupation. Most people will have to attend training colleges several times during their working lives to change their vocations.

We should be thankful that we have a TAFE system that can cater for such changes. That will include interchanges between various industry and business sector employers and employees, to which the honourable member for Malvern referred. Those processes will enable people to examine what the future holds and to discover the training they need, the skills they will have to acquire and the types of jobs that will be available.

The Bill is about creating employment and about transferring TAFE teachers from a centralised system to a college-based system. I am sure there are good reasons for doing so, but the honourable member for Malvern should temper his expectations, because people who feel as strongly as he does about the benefits of change are bound to be disappointed as the future unfolds.

Many of the changes will be beneficial not only to the teachers but also to students. Honourable members on this side of the House are concerned that those changes are taking place at a time when negotiations about employment conditions are under a cloud because of the consequences for the Victorian community of the Employee Relations Act.

All honourable members should realise the problems arising from the Employee Relations Act. Many people are moving to Federal awards because they need a baseline to work from when negotiating their contracts. On 13 March the Victorian people showed their rejection of what the Employee Relations Act symbolises. People finally understood the changes members of the government had strongly championed. They did not want to lose their safety nets, and they voted accordingly at the Federal election.
The Employee Relations Act has resulted in employment problems in Victoria. Even the Premier has acknowledged that the Act must be changed, and honourable members should face that change. But it is not the right time for sudden change and we must wait to see what changes the government will introduce to the Employee Relations Act and how many workers will move to Federal awards. Time is needed for those changes, and that is suggested in the reasoned amendment.

Honourable members should note the eagerness with which the honourable member for Malvern suggested that TAFE colleges should cater for the demands of business. He believes the dollar is the be-all and end-all of education and that money is the motivation of people who want to expand their knowledge.

Education is more than vocational training, and all colleges, even if their main aim is helping people gain skills for employment, should be oriented to providing education that expands the expectations of their students rather than restricting them to business considerations.

These days people who enter universities to do four-year courses in particular professions often find the skills they have acquired are not needed by the time they finish those courses. A great example of this is that a few years ago architecture was a proffered course. It was the boom profession and many young people wanted to become architects. Parents were thrilled that their children wanted to move into that important professional area — they probably saw architects strutting around town with mobile phones in hand and thought architecture was a great profession for their children. Many architects are now unemployed.

Engineering was another profession that experienced the same boom, but many people with engineering skills came to Australia and began competing for the jobs, which meant very few jobs were available for university graduates in engineering.

The education system should not be based simply on what is occurring in the work force and on what businesses can generate the most money in the future. Universities and TAFE colleges should not go down the track of extreme conservatism. Too much conservatism leads to too few fresh ideas. Institutions are geared strongly towards helping students get through their courses with the highest marks so that they can get the best jobs — jobs that may last only a fraction of their lifetimes. It is important that students and colleges do not confine themselves to narrow vocational studies that will provide them with little stimulation throughout their lives.

The House needs to consider this Bill carefully. Why has it been introduced? Why do colleges need such freedoms? The Bill may provide diversity for colleges and encourage competition between them, but it may result in other problems — many of which I have referred to — particularly when people feel that colleges are their kingdoms. The Minister for Tertiary Education and Training will be given an overriding power, but it is still important that colleges provide what is needed in the broader community. Individuals entrust their minds and skills to colleges in the hope that they will receive the best possible education.

The honourable member for Morwell has used his influence with the Minister for Education and has directed some important matters to the Minister's attention, and I hope that augurs well for the future. Opposition members are concerned about colleges being driven by ideologues who are inclined to shape the institutions to their ideals by choosing people who reinforce their ideas and not allowing for diversity. Diversity of staff is important to colleges.

Colleges of education are places where ideas should be explored and used for the benefit of all, and it is important that people feel secure in the college environment. I hope the Bill succeeds in ensuring that.

Sitting suspended from 6.30 p.m. until 8.2 p.m.

Mrs PEVUH (Bentleigh) — The honourable member for Morwell canvassed various issues relating to technical and further education and tertiary education. I direct the attention of honourable members to the second-reading speech of the former Premier, the honourable member for Williamstown, when as Minister for Education she outlined the main principles underlying the Vocational Education and Training Bill (No. 2). As reported at page 798 of Hansard of 5 April 1990, the then Minister referred to:

the establishment of a State training system which is responsive to the needs of industry and which will underpin strong economic growth in the State.
... the establishment of a system of self-governing TAFE colleges. For the first time the charter of colleges to provide the community with programs and services across the whole range of technical and further education will be set out in legislation.

This Bill makes those objectives more achievable. Honourable members have agreed that TAFE colleges are at the heart of vocational education. There is a recognised need for reform, and many of the reforms have been industry driven. The government recognises the critical importance of education and training in bringing about economic recovery. The sustained development of Victoria depends on its ability to compete in a rapidly changing and sophisticated world. TAFE colleges need to establish an effective training system which depends on a close partnership between industry and education.

Training institutions must work closely and directly with the clientele they serve if they are to achieve their objectives. The honourable member for Altona said that people who study at university often find their qualifications obsolete by the time they complete their courses. TAFE colleges provide a flexibility that addresses that obsolescence of training, because they provide continuing education and training that enables people to keep abreast of trends and technological change.

That view is supported by a broad range of people, including Mr Ivan Deveson, who in a report of April 1992 brought down by the Taskforce on Pathways in Education and Training, states:

TAFE colleges must be given the capacity to respond flexibly to demand, be it from local industry, individual students or governments seeking training initiatives for priority industries and the unemployed.

According to Mr Deveson:

Key management functions should reside at the college level, including planning, detailed coordination with schools and universities, commercial training provision to industry, human resource planning and development and staff management. One reform could be a shift to college-based employment of all college staff, including teaching staff.

The TAFE College Council Association of Victoria, in an issue paper called TAFE colleges as employers - the issues, threw its weight behind decentralisation of education and giving college councils the control over human resource management. The paper states:

The argument developed in this paper is that the efficient and effective performance of the functions determined for TAFE colleges by government requires that the colleges are able to appoint and employ directly their teaching staff and executive staff. Continued central employment of these staff is inconsistent with the intended devolution of authority to colleges.

Much of the educational research and knowledge also puts its weight behind giving organisations greater control over human resource management.

Dr Spicer, a lecturer in education at Monash University, writes in an article entitled “Finance and Resource Management in Education Institutions”:

Effective and efficient resource management will try to ensure that resources are created and used in a way which maximises the school or system’s current capacity to meet present goals and yet be responsive in the medium and long term to the forces of change. Responsiveness to change demands that some level of flexibility be achieved. Unfortunately, resource flexibility in an educational system, even in a decentralised system, tends to reduce as the distance from the central offices increases.

The opposition says there is a need to retain the central employment mechanism. It is evident from industries associated with TAFE that they see this as the major impediment to reform. It is causing much frustration within TAFE colleges.

The greatest challenge for the TAFE area, including the Moorabbin College of TAFE, which is in my electorate, is to keep pace with the emerging demands of new industries and technologies.

The Moorabbin College of TAFE is developing an industry training centre that will see the college and the 5500 businesses in the local area working in close partnership.

The position paper to which I referred earlier referred to important challenges that TAFE education systems face.

Again I quote from TAFE colleges as employers — the issues:

Colleges need to address problems relating to availability of staff for industry-funded training activities, retention of quality staff and development of the commercial skills of staff.
In order to resolve the problems, the tertiary and further education sector believes it is necessary to increase the flexibility of staff remuneration, provide a career structure for staff choosing to specialise in industry-funded training activities — thus making the taxpayer's dollar last go further — increase training to TAFE staff at all levels and give teaching departments a direct share of profits from their industry-funded training activities.

Those issues have not been canvassed by the honourable member for Morwell. Decentralisation of control over human resources can work in favour of those the honourable member for Morwell purports to be sympathetic towards in defending the existing system. Continuity of teaching is provided by the Bill and an enormous capacity exists to create benefits for those involved in the delivery of courses. The issues paper also states:

All of these can only be realistically achieved if each college is able to employ all its staff directly, and that such staff feel and are seen to be a part of the industry. College employment would facilitate exchange between colleges and industry and enhance opportunities for college staff to gain direct industry experience.

The Bill provides for the removal of the largest impediment and allows for colleges to operate as public sector enterprises within the obvious framework of accountability. The State government provides approximately 70 per cent of the funding to TAFE and the Minister maintains a substantial reserve of power. I am glad the honourable member for Morwell agrees with that, given that the buck ultimately stops with the Minister.

The Bill provides for the transfer of responsibility for human resources management to colleges. College councils are welcoming the removal of what they see as the current bureaucratic controls and they are looking forward to working under modern personnel practices. The TAFE College Councils Association of Victoria is at the forefront of the reform facilitated by the Bill. I shall quote from its report on the "Transition to College Council Employment":

The association adopted the policy that all staff working in TAFE colleges should be employed by college councils at a special general meeting on 9 November 1991.

That is signed by the president of the association, Miss Rae.

The issues paper points out further that changes in the TAFE system have placed enormous strain and pressure on it. I am aware of a large number of places that have not been filled in the TAFE system. Given that so many youths are not only unemployed but also not in educational institutions, the onus is on us as legislators to put in place a system that encourages the use of this valuable resource.

The changes to the TAFE system include its continued expansion even though all the places created have not been taken up. The proposal is to transform TAFE into a system with a new, higher status — that is the critical problem because TAFE education does not receive the same status as university education and that must be addressed. A better resourced system of institutions for vocational training and more responsive institutions would address that problem.

Under the Bill colleges will be free to employ their own staff, which will give them maximum independence and flexibility. Colleges currently employ non-teaching staff and there has been little change in the number of staff employed over a few years. Directors and teaching staff are employed centrally. The Bill permits college councils to employ their own directors and other teaching staff in addition to the contract and sessional staff they currently employ.

In his fairly broad address to the House the honourable member for Morwell suggested that the use of sessional and contract staff denigrates education. I find that attitude disturbing because in many regards our future depends on a flexible TAFE system that can respond to the immediate needs of industry as they arise. The idea of the honourable member for Morwell is absurd, and I suggest that many people who work as contract and sessional staff would also find it offensive and absurd.

Administrators obviously recognise and accept the need for continuity of core staff. I am sure that problem will be resolved, and that is certainly not precluded under the Bill. We can look forward to a flexible and effective system.

The benefits of decentralising powers so that colleges have control over human resources are enormous and compelling. Local selection of personnel is the only way to make effective use of available resources, especially at times when there is enormous demand. The fact that they can employ local personnel on the basis of local criteria means that colleges can be more responsive to the needs of
their communities and clients so that businesses can in turn respond to their domestic or export markets. Colleges will be in a far better position to strategically manage their resources and respond effectively and efficiently to demands from citizens, who perhaps are looking for various personal development courses, and the business community in Victoria.

I conclude by saying that there is fairly broad political, business and educational agreement on the needs of industry to be competitive. When the honourable member for Morwell began to speak on the Bill I was under the impression that he supported it, and I am sure that deep down he would like to have voted in favour of it. However, due to his entrenched loyalties he has allowed his heart to rule his head. Given that educational change is a permanent condition in society, educational institutions need to be in a position where they can respond to needs in industry as they arise.

The Bill provides a real capacity for colleges to tailor their resources and programs to the changing needs of industry and citizens, who will welcome the changes. I commend the Minister for taking up this industry-driven Bill, and I commend the measure to the House.

Ms KIRNER (Williamstown) — I congratulate the honourable member for Bentleigh on her speech. She is absolutely right when she says that one of the challenges of education is to give TAFE the same parity and esteem as universities have. I suggest that the honourable member for Bentleigh, who is obviously a persuasive person, might start to work on Professor Penington, the Vice-Chancellor of Melbourne University.

Now that he will not get the job that he coveted as adviser to the Prime Minister, Dr Hewson, I am sure he is at a bit of a loss as to what to do with his time. He could spend his time reading up on why it is important to support the competency proposals of Laurie Carmichael and why that is not a threat to universities, unless they do not deliver competencies, which we believe may be the case; and if that is the case, as he is very good at leading charges in the Herald-Sun, he might lead the charge on what he believes is the future of education. In fact, he might lead the charge in favour of the opportunity to gain parity of esteem for TAFE. It is a very important issue and many people who are committed to education regard the 1990s as the decade for technical and further education.

Those of us who have served on TAFE councils — I have had the good fortune to serve on the council of the Footscray TAFE College, which is now called the Western TAFE College — and have seen the increasing connection between TAFE and modern industry and competitiveness, universities, the old colleges of advanced education and schools know that TAFE is an essential part of the changes to our economy and the potential changes in opportunities for young and older people to train and retrain to create a more equal and progressive society.

Everyone would agree with the first premise of the Bill: that TAFE is required to be upgraded, to continue in its development and to provide a competitive environment for Victorian industries. There is no argument with that premise or with the view that the 30 excellent TAFE colleges that exist in Victoria are the linchpins of creating that environment. The opposition agrees with that premise, which is not surprising because when we were in government we were very proud to be part of a government that created, along with teachers, not against them and not set apart from them — with Terry Moran, the director of TAFE, and Peter Kirby, who is probably the most outstanding TAFE educator in Australia, who was previously the head of the Department of the Premier and Cabinet and who is now the head of education, and with TAFE college councils — what is without a doubt the best TAFE system in Australia. You need not take my word for it, Mr Speaker — and I am sure you will not, because you have been involved with TAFE as well. An Age article of 26 October 1992 says:

TAFE is now at a turning point. The colleges seem to have a new dynamism about them that is certain to prove increasingly attractive to young Australians. They are far more ambitious than the universities in developing alternative modes of learning and peddling their courses outside the campus gates ...

TAFE, then, is facing an era of expansion on a scale only the universities have known. The old divisions between the practical world of technical education and the theoretical atmosphere at university are becoming increasingly blurred. Young and old Australians can only benefit from the tearing down of another wall.

In fact, we have created in Victoria in a bipartisan and cooperative way a system that is recognised as the best in Australia and one of the best in the world. Therefore I must reject the second premise in the second-reading speech: that TAFE requires a fundamental change. That is ideological nonsense. I was disappointed to hear the honourable member
for Malvern, in what was an otherwise very interesting speech, actually trotting out the ideological claptrap that what we need is a big change in TAFE. We do not. We need sensible progress, which we can achieve by giving colleges greater autonomy.

Before I move onto that subject let us consider the successes. The first and most obvious success has been in curriculum development. Victoria is the model for industry-based curriculum development for Australia through industry boards. How did we achieve it? We achieved it in a way that seems absolutely foreign to this government: through partnership between teachers, unions and industry. In every major sector of industry, for the future of Victoria, we achieved a partnership in the industry training boards. In fact, Victoria's system is now the national model for curriculum development for the future.

Mr Doyle — What did TAFE want?

Ms KIRNER — I am talking about TAFE. I know the honourable member for Malvern has only just visited a TAFE college —

The SPEAKER — Order! I ask the honourable member for Williamstown to ignore interjections, and I ask the honourable member for Malvern to remain silent.

Ms KIRNER — In fact, there could well be a meeting of minds, if not ideology, between the honourable member for Malvern and me, but what he needs to understand — to use the phrase the Premier is wont to use — is that the industry training boards are the centrepiece of what TAFE wants; they want industry, teachers and the colleges working together. From that you get what industry and TAFE want.

That is the first point: curriculum development. That leading partnership has also been achieved by industry and unions working together, with Ivan Deveson as the Chairperson of the TAFE Board and John Halfpenny as a member, along with leaders in college councils and leaders in the teaching profession.

Victoria has been the vanguard of modern curriculum development for TAFE. It has been the vanguard for Laurie Carmichael's visionary view for the future of TAFE being based on competencies.

The honourable member for Malvern was quite right when he said we need more flexibility in TAFE, but the flexibility actually exists, and Laurie Carmichael's views of competencies actually provide that flexibility and de-structure the whole of the dinosaur stuff that the honourable member for Malvern was talking about. The report dismisses the dinosaur stuff and says there is a whole new set of ways to address learning.

Guess who is the greatest opponent of competencies? It is the Vice-Chancellor of the University of Melbourne! There is a flexible person for you! I am sure he will be very flexible now that he can't have the political job that he had lined up for himself.

Another point about Victoria leading the TAFE system in Australia and indeed the world is that, with the leadership of Terry Moran, through pressure from me as the then Premier, and through the efforts of Peter Kirby, we were able to work with the Prime Minister, Paul Keating — who has been returned to government partly because of his vision on TAFE — towards setting up a national TAFE authority because, as the Bill says and as the honourable member for Morwell said, it is important.

In any devolution of authority it is essential to have a national framework of curriculum, resources allocation and a view of the future to which the system has to be accountable. The national TAFE authority set up that system. It would not have happened but for Victoria, New South Wales and the Commonwealth government working together to achieve it.

The one area of education that survived the mad slash and burn approach of the Treasurer in the Budget announced yesterday was TAFE. Why did it survive? It is because before the Labor Party went out of office it set up an agreement with the Federal government which made sure that there was no way the Commonwealth was to give extra funds to TAFE unless the State signed on the bottom line.

It can be seen in the Budget Papers that TAFE funding will go from $391 million in 1991-92 to $427 million in 1992-93. I would not want to have a Budget debate here. I simply want to say that the agreement signed by the Minister in another place was crucial to preserving the future of TAFE and taking it forward in Australia. I am very pleased that we set up that agreement before the Atlites of the world could get at TAFE.
The next area of great importance is articulation. That is a terrible word. It always reminds me of trains linked together. I do not like using that word but it is the jargon and, as far as I know, the TAFE authorities have not thought of anything better. I could get a briefing. I might be six months out of date. Nevertheless, articulation means the provision of appropriate links between schools, TAFE, universities and industry so that people can move freely once they have the required prerequisites. They can continue their learning and work, totally enhancing the productivity of the economy.

The possibility of breaking down the barriers is demonstrated in institutions such as the Victoria University of Technology, which the honourable members for Werribee and Sunshine in this place and an honourable member for Melbourne West Province in another place have had so much to do with. Again Victoria is in the forefront.

The other area in which the Victorian TAFE is in the forefront is equal opportunity. Only one other State system has the same type of target approach to equal opportunity as the Victorian TAFE system. In other words TAFE is not prepared to say — —

The SPEAKER — Order! The honourable member for Morwell is standing between me and the speaker who is on her feet.

Ms KIRNER — The honourable member for Morwell is not between you and me, Mr Speaker; the honourable member for Morwell knows well the importance of equal opportunity in TAFE. Victoria, together with New South Wales, has the only TAFE system which has set targets not simply to say that we would like equal opportunity in careers for women, people with disabilities and migrants, but that colleges are expected to show in their statements what they are doing in their contracts and where they are going in terms of targets and achievements on equal opportunity.

I hope that situation has not changed in the past six months. I would expect that it would not have changed because, with the semi-autonomy of colleges, even if the government had wanted to change that I am sure the colleges would have told the government what to do with that idea.

However, I agree with the underlying premise on staffing. Staffing needs sensible change. Sensible change means moving towards a greater degree of autonomy — to speak of total autonomy for colleges in the management of staff is nonsense. I do not think there is any doubt about that. There cannot be parity between universities and TAFE without that agreement, that ability to manage their own staff.

The opposition does not have a problem with the concept but the opposition certainly has a problem, hence our reasoned amendment, with the total lack of clarity in the Bill on implementation. It is not as though we are suddenly going from a closed, centralised system to a totally autonomous system. Colleges in Victoria have had greater autonomy than other colleges in Australia. That is demonstrable by various reports. I do not have to go into that.

The reason for our amendment is that the Bill lacks clarity. The government should carefully look at the proposals for implementation. The very hardworking honourable member for Morwell has actually gone around asking for the views of all people who have a right to a say on this matter. For example, he referred to a letter from outer eastern TAFE colleges. The opposition suspects that, after a careful reading of all the letters that have come to the honourable member for Morwell, the government will realise that the legislation as it stands does not supply the autonomy that the colleges want and that the residual power of the Minister is not framed in the appropriate way.

Our advice from Maurice Blackburn and Co. is as follows:

We consider that one of the major concerns raised by the Bill is the power given to the Minister to give written directions on employment matters to councils of TAFE colleges and universities (section 6A). These directions will be binding on the councils and may deal with matters such as (but not limited to) redundancies, staff numbers, conditions of employment, superannuation, and transferral of employment entitlements. Whilst the explanatory memorandum to the Bill states that Ministerial directions will not actually prescribe staff entitlements and conditions, but will only be management directions — whatever that means —

in our opinion, there is nothing in the Bill to suggest such limits. The result is that there can be no certainty about terms and conditions of employment negotiated with a council, because they are subject to Ministerial direction.

I would say that the Minister in another place, if he is serious about what he says in his second-reading speech, or the government education committee will
have to re-examine the Bill because I do not think it achieves its end as it is now phrased. The honourable member for Morwell has already put that point well. That is one of the reasons why we have put forward this reasoned amendment.

There are other ways to cope with the point I am making than a reasoned amendment. Perhaps the Minister for Agriculture, who is at the table — one can understand that the Minister for Education has left; he must be pretty exhausted after the way he has mucked up school education in the past 24 hours — —

An honourable member interjected.

Ms KIRNER — That is not a bit rough, it’s just true. Because the issue is so important, the government must ensure that the steps it takes are steps in the right direction — and I do not believe the Bill achieves that aim.

TAFE college councils comprise learned and experienced people who do not believe the Bill is a step in the right direction.

Mr Jasper interjected.

Ms KIRNER — No it’s not. The honourable member for Murray Valley goes everywhere in his electorate and in the Albury-Wodonga area, which is good. I go everywhere in the Williamstown electorate — and at least I kept my train line!

Mr Jasper interjected.

Ms KIRNER — By interjection the honourable member for Murray Valley says, “We’ll see about that”. Will we? He had better get to work. I will show him how to run a campaign, if he wants me to.

The ACTING SPEAKER (Mr Cooper) — Order! I ask the honourable member for Williamstown to return to the Bill.

Ms KIRNER — I shall stay on the rails, Mr Acting Speaker! If college councils are to be given the power to employ staff, a balance must be achieved between Ministerial direction and Ministerial authority — they are not necessarily the same thing — and the requirements of the colleges and the national TAFE authority. That is why I ask the government to seriously consider the reasoned amendment rather than rejecting it out of hand.

The honourable member for Altona said she was pleased by the establishment of a national TAFE authority, which will provide an overall framework for and define the aims of colleges of technical and further education, as well as ensuring accountability in the TAFE agreements entered into by the Commonwealth and State governments.

All honourable members will know that I have never believed the Federal government is the fount of all educational wisdom. I have never believed that, and I doubt I ever will.

Mr Jasper — That’s something we agree on.

Ms KIRNER — As we agree on fiscal equalisation. Mind you, I would have found it more difficult to agree with the honourable member for Murray Valley had the Hewson voucher system been introduced, which would have completely wrecked the system. It is important to establish an overall framework that gives direction to the college councils and ensures that all the parties involved are held accountable — and the same applies to agreements reached on the operations of the national TAFE authority.

As in many other areas of government administration, the government faces the challenge of sorting out responsibilities at the Federal, State and local levels — in this case the local college level. The challenges facing the TAFE system can be seen as a microcosm of the challenges facing other areas of government administration. Resources must be properly allocated, as staff must be in the TAFE sector, whether at the national, State or local level. Leaving aside partisan political views, I do not believe the Bill will meet those challenges, and I again urge the government to reconsider the provisions. There is little point in the government’s rhetoric about the importance of policies to support and encourage community development if it is unable or unwilling to establish a proper framework to implement its policies.

The same issues will be raised during debate on the absolutely ludicrous Board of Studies Bill. The government cannot hold the view that communities should have a real say in education and that schools should be given more autonomy while giving the Minister for Education ultimate control over curriculum, which he will exercise through the Board of Studies.

A government that has the numbers can do anything, but it cannot get away with implementing
policies such as those while continuing to claim that
Victoria has one of the most advanced vocational
training systems in Australia.

The problems in the Bill have been clearly identified.
They are not based on ideological differences or
differences in direction but arise because of the
government's inability to state its educational
philosophy clearly and to outline the ways in which
that philosophy is to be implemented.

A sense of balance is needed. As the honourable
member for Morwell pointed out, if the formulation
of employment criteria is to be handed over to
college councils — assuming the Bill has got it right,
which I do not think it has — partnerships must be
entered into similar to those that have enabled the
TAFE system to progress over the past 10 years. But
the Employee Relations Act will prevent college
councils from entering into those partnerships. That
Act, which is based on master-servant relationships,
has almost become anachronistic.

Both the opposition and the government are aware
that, after a great deal of debate, the proposed TAPE
award is likely to be agreed to by the Federal
Industrial Relations Commission, which is another
reason why the government must ensure that the
steps the Bill proposes are correct. I believe there are
two reasons why the government should reconsider
its attitude to consulting and entering into
agreements with college councils, the unions and the
TAFE sector as a whole.

Firstly, I do not believe the Bill will achieve its aim,
which is to give college councils more autonomy in
the selection of staff and the running of colleges.
Even so, the criteria for implementation must be
flexible and must be based on partnership
agreements. That will not be possible under the
Employee Relations Act, which threatens to shoot to
pieces the partnership models that have been
established at the college level.

The government needs to work through the issue. I
shall quote from a paper in the Australian Journal of
Adult and Community Education, Vol. 31, No. 3, of
November 1991. The authors of the paper warn
against the adoption of the line proposed by the
honourable member for Malvern. What a pleasure it
was to hear a logical contribution from an
honourable member's contribution was a pleasure to listen to!

An honourable member interjected.

Ms KIRNER — You've said twice that I have
been a bit rough. I am very polite. You know I am
not rough. I was simply stating the truth.

Mr Jasper interjected.

Ms KIRNER — Nothing could be rough on him!

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

Mr JASPER (Murray Valley) — I support the Bill.
I listened with a great deal of interest to the speech
by the lead speaker for the opposition, the
honourable member for Morwell, who gave the
House the benefit of his knowledge and experience
of the TAFE system.

I shall take issue with the speakers who followed
him. For instance, when the honourable member for
Altona referred to little Hitlers, it took me a moment
or two to work out that she was talking about the
directors of TAFE colleges.

I take issue with the honourable member for Altona
because I believe the directors of Victorian TAFE
colleges are in the front line in managing colleges
and in delivering education to TAFE students. It is
hypocritical of the honourable member to make
those comments when the proposed legislation
represents the implementation of government policy
that was enunciated prior to the State election. The
legislation was not supported by the former
government.

I refer the House to the Minister's second-reading
speech because it highlights the importance of TAFE
education to Victoria. He said:

The government recognises that vocational education
and training is an essential ingredient for the economic
recovery and sustained development of Victoria.
Reform of the TAFE system is crucial to the State's
ability to compete in a rapidly changing and complex
world.

The former government, as confirmed by the
honourable member for Williamstown, talked about
the need to decentralise the TAFE system but did
little to ensure that changes to the current
centralised employment mechanism and changes
proposed in the legislation took place. The
legislation marks the first step in the development of
a fundamentally changed TAFE system in Victoria.
It will introduce college employment for all TAFE
staff, which is an important step forward.
The TAFE system and education overall are important to all Victorians, particularly to young people. In his contribution to the debate the honourable member for Morwell referred to the need for technical education to be available throughout Victoria. There has been a massive development of the 30 TAFE colleges across the State and a broad range of subjects is provided in the TAFE system. The Federal government has provided strong support to ensure that facilities have been developed in Victorian TAFE colleges so they can provide a broad range of education and training, particularly in the technical areas that are so important to the future development of Victoria.

In recent years there has been a concentration on the academic area of education, although funding has been provided to the TAFE system. That has probably been to the detriment of people trained in the TAFE system, and to some degree TAFE education may have been underrated.

The provision of apprenticeships and the development of apprentice training through the TAFE system are essential to future employment opportunities in Victoria. It is interesting that with the recession there has been a downturn in the number of apprentices taken on by employers — a natural corollary. As a result of the change of government I hope major improvements will be implemented to give confidence back to the private sector so that it will employ more young people.

In my family business at Rutherglen we have had a tradition of training apprentices, who have undertaken their educational training at the Wangaratta College of TAFE while employed by Jasper Brothers in the panel beating and motor mechanic trades. Like all Victorian businesses in recent years, because of the declining State economy we have had to ask ourselves whether we could continue to put on apprentices each year. That is a question asked by both large and small businesses.

The Gas and Fuel Corporation and the State Electricity Commission used to employ a significant number of apprentices, but in recent times there has been a reduction in the number they have taken on. Victoria requires a booming economy for employers to gain the confidence to increase the number of apprentices they take on, who will then have the opportunity of using the excellent facilities developed at the 30 TAFE colleges across the State.

In recent years those facilities have been enhanced by Federal government funding, particularly over the past 12 months when additional funding has been provided to TAFE colleges so that they can extend their range of trade training and other courses.

There is little point in having hundreds of trained people coming out of universities, TAFE colleges and the general education system if employment opportunities are not available for them. The government will be trying to change the system, get it back on track and provide the economic development and confidence we need. Confidence is an important element. People must be able to develop and expand and have confidence in the government being able to overcome the many problems facing this State. I am sure this government will be able to get the State back on track.

The Bill provides greater autonomy to TAFE colleges. When the honourable member for Williamstown was Premier of Victoria she did not support the aims of the proposed legislation. Today she said there had not been strong support from the TAFE College Councils Association of Victoria, the unions and other people involved in the TAFE area. Some 100 people attended the association's annual conference at Albury-Wodonga two weekends ago. One of the major areas of discussion was the proposed legislation and its impact and importance — it was examined in detail.

Two Ministers addressed the conference, as did Mr Terry Moran, and the conference recommended amendments to improve the legislation. Extensive discussions with the government, particularly with the Minister for Tertiary Education and Training, have taken place, and agreement has been reached on a number of amendments that will be moved in the other place.

I am sure the close liaison between the government and the TAFE College Councils Association of Victoria has been achieved because the executive director of the association, Tim Smith, is now a Ministerial adviser. There is also close liaison between those involved in TAFE education and the association, and that liaison has brought about more effective legislation that will be to the advantage of technical and further education in Victoria.

I have been closely associated with the Wangaratta College of TAFE for years. When I entered Parliament in 1976 the Honourable Keith Bradbury, who was then a member of the other place, was closely associated with the college. He was chairman...
of the council for many years and a building at the college has been named in his honour. Mr Bradbury was keen for me to join the college council because of the importance of TAFE in north-eastern Victoria. I recognise the important part played by the Wangaratta college in servicing the region.

I joined the college council for a number of years and left it after I had been on it for six or seven years. I rejoined the council about six years ago to assist in getting the best possible development of its facilities and to ensure that it provides a broad range of education for its students.

After I finished my education at Scotch College in Melbourne I returned to the family business at Rutherglen and undertook an apprenticeship. I did my technical training at Wangaratta Technical School, as it was then known, and although there has been a vast improvement in the facilities at that school since I was a student there, it provided an excellent education at that time.

I am reminded of what a former Minister in this House said approximately 10 years ago following complaints about facilities for students in the State education system. The former Minister said that it should not matter to a good teacher if he or she were teaching in a tent, provided the teacher was dedicated and provided the best education he or she could.

**Mr Hamilton** interjected.

**Mr Jasper** — Of course it did; I freely admit that if you have the best facilities available it helps provide a higher standard of education. I have worked hard to ensure that the best range of educational facilities possible is available to the students in my electorate.

**Ms Kirner** interjected.

**Mr Jasper** — If the honourable member for Williamstown wants me to pick up the interjection she will need to speak louder.

**The Acting Speaker** — Order! The Chair does not want the honourable member for Murray Valley to pick up the interjection.

**Mr Jasper** — A response to the interjection may have added to the comments I am able to make in the debate. It is important to examine the development of the 30 technical and further education colleges across Victoria. In particular, I refer to the importance of Wangaratta College of TAFE both to the City of Wangaratta and to north-eastern Victoria in general.

In 1928 the Wangaratta Technical School commenced operation at its current site at Docker Street, Wangaratta. In 1972 the school was upgraded to college status and was renamed the Wangaratta Technical College. In 1977 the first major buildings of the automotive trades complex were completed. Unfortunately, by then I had finished my training and was not able to utilise the excellent facilities.

Another development at the college has been the closure of Mackay Street between Cusack and Docker streets. The major school buildings are centred in that area and over a period the college council, led by the Honourable Keith Bradbury, purchased any old houses that came up for sale to provide land for the continued development of the college.

In 1981 the technical college became the Wangaratta College of TAFE. Together with 15 other colleges across the State it became an autonomous college of TAFE pursuant to the Victorian Post-Secondary Education Act. I recall that at the time the then Minister of Education came to Wangaratta to attend an award night and spoke in glowing terms of the developments that had taken place in the provision of TAFE facilities in the City of Wangaratta.

Through the 1980s major developments took place at the college. A $6.4 million development involving the erection of two new buildings at the Docker Street complex provided facilities for a learning resource centre, an auditorium, a staff and student cafeteria and lounges and a hospitality studies facility. A three-storey building housed facilities for art and design, general studies, business studies and applied science departments.

A further development took place in 1984 when the college leased a 70-acre farm from Galen College and set up its farming skills training program. That program has now been extended to horse studies, but I will deal with that matter shortly. Other developments have included a building and construction trades complex and the replacement of an old building with a new building to accommodate electrical, electronics and engineering studies.

**Mr Gude** — What has that to do with the Bill?
Mr Jasper — It has a lot to do with the Bill. It is important for the Leader of the House to understand the importance of the developments that have taken place at the Wangaratta College of TAFE and the importance of the Bill before the House to the continued development of the college. A $5 million child-care centre is currently under construction in collaboration with the Wangaratta City Council and with funding provided by both the State and Federal Governments.

Honourable members will be interested in my comments about horse studies. A major development on land leased from Galen College is the specialist provision of horse studies, horse breeding programs and apprentice jockey training. The Wangaratta College of TAFE undertook a curriculum study for apprentice jockeys and formal jockey training. The Minister at the table and other Ministers in the Chamber should note that Victoria has only two jockey training facilities: one at the Wangaratta College of TAFE and the other at the Victoria Racing Club centre. All country apprentice jockeys are trained at the Wangaratta College of TAFE, and the college is now looking to extending its operations into New South Wales.

The college's horse studies program involves the training of a number of racehorses. The horses are in training and the college has already had a number of starters at race meetings around the State. If honourable members want to gain the confidence of the Wangaratta College of TAFE, I suggest that I could accept small wagers later and it may be possible to make an investment for honourable members so that they can participate in the training program!

Mr Hamilton — Is this before or after the race?

Mr Jasper — My father always said he would like to get Monday's paper on Saturday so that he would know the results. My comments have raised laughter in the House but it is important to understand the breadth of education being provided through TAFE colleges in Victoria. Wangaratta College of TAFE has taken the lead in the provision of horse studies and a jockey training program in an effort to extend the range of programs provided through TAFE colleges.

The Bill is important because it provides colleges with greater autonomy and allows them to extend their programs. Earlier the Leader of the House sought information about the number of people undertaking training at the Wangaratta College of TAFE. In 1992 the college had 3626 students comprising 626 full-time students, 2224 part-time students, 438 off-campus students, 305 apprentices and 33 students undertaking other forms of training. The college directly employs approximately 45 per cent of its non-teaching staff, 65 per cent of teachers, including sessional and contract teachers, and approximately 60 per cent of the total college staff.

As a member of the board of the council of the Wangaratta College of TAFE I appreciate the efficiency of those employed in the college. The extension of employment will see greater efficiencies in the operation of TAFE colleges throughout Victoria and will ensure that the community gets the most efficient service.

The government will consider amendments to the Bill while it is between here and another place. Extensive discussions have taken place with the coalition Bill committee, college councils and TAFE associations, as well as the unions involved.

New section 6A(2)(a) refers to redundancies, and I trust the Minister will ensure that teachers who take up redundancy entitlements do not transfer between colleges.

New section 6B refers to Ministerial orders, and I doubt whether that provision is necessary. I understand the need for Ministerial responsibility, but the Minister must ensure that he does not take away the management responsibility for the operation of the college.

New section 34A allows the Minister to object to the appointment of a college director. Concern has been expressed by people involved with the Wangaratta College of TAFE. I understand the Minister must have overall control because government funding is involved, but I hope a balance is maintained.

Clause 24 gives to the Secretary to the Department of Education power to resolve transitional difficulties. I am concerned that a public servant is in the position of resolving a difficulty that may be the responsibility of the Minister.

I strongly support the Bill. It is an excellent step forward in the provision of total autonomy for TAFE colleges. It provides for a high standard of technical education and will assist in the development and utilisation of student skills that will ultimately benefit employers, both large and small. I commend the Bill to the House.
Mr LONEY (Geelong North) — I listened intently to the interesting discourse of the honourable member for Murray Valley. He referred to the importance of the Wangaratta College of TAFE to Wangaratta and its role in providing particular programs and courses that are important to his area. I agree with the honourable member about the importance of TAFE; it has a significant role in our society.

However, I express some disappointment that government members see the role of TAFE colleges in a narrow perspective. TAFE is not simply about the technical side of education; as its very name suggests, it also concerns further education. Far too often we forget the end part of its name, the further education component.

The further education component of TAFE is very important to society and we should not overemphasise the technical or vocational aspects at its expense. TAFE provides a real and worthwhile alternative style of tertiary education to universities. Far too often as students leave their secondary schooling they are told that the only worthwhile form of tertiary education is university education. I am glad that recently a better balance between the two systems has been achieved and there is more focus on the importance of TAFE and what it has to offer students.

Technical and further education offers a gamut of opportunities for our young people. It offers apprenticeships and skill training, as well as the vocational role, which is very important. It offers many programs under what is broadly referred to as participation and equity. The alternative year 12 or Victorian certificate of education program and the adult literacy program are conducted at TAFE colleges. Return to the work force programs are also run through TAFE colleges. These participation and equity programs are important to our society as it attempts to lift participation rates in the work force, particularly by bringing women back.

TAFE colleges run a wide range of courses other than trade apprenticeships and skill courses. For instance, they run courses in commerce, humanities, computing, hospitality and a variety of other fields. TAFE colleges run what might be referred to as limited scope or specific courses: the 10-week computing course or the 3 or 4-week course on programming are examples.

The Bill also offers many people what may be termed a soft entry back into education through some of the shorter programs. People can come back to study, feel their way around and gradually build up to taking the educational opportunities found within our society. It also has the role of providing skill upgrades to industry on demand, either through specifically tailored programs or through programs that are part and parcel of regular TAFE courses.

Although vocational and industrial skills are extremely important honourable members should also consider the wider functions TAFE fulfills. The honourable member for Murray Valley spoke at some length about the role of the Wangaratta College of TAFE in his area. I shall mention the role of the Gordon TAFE College in the Geelong area, but I do not intend to spend as much time on it as the honourable member for Murray Valley spent talking about the Wangaratta TAFE college.

The Gordon TAFE College has been of huge importance to Geelong as a community provider, and I emphasise the word “community”. I note that the Minister for Industry and Employment is from the Geelong region and he would be aware of the reputation Gordon gained especially in the 1950s and the 1960s as a centre for training people in wool-related skills, especially wool classing. The skills people gained from the courses at the Gordon were recognised throughout the world, and many of these people have been exports of this country with their skills still highly sought after around the world. That course was well recognised and accepted not only in Victoria and in Australia but internationally.

In recent years the Gordon has entered into other important areas for the Geelong community. It has a role in helping develop activities at the industrial skills training centre at the Ford Motor Co. of Australia Ltd, especially through Ford’s retraining of its work force. It is important also to note that the college achieved that under the current provisions. The provision of quality education at the Gordon or elsewhere does not require the sort of employment environment suggested by the Bill. It is nonsense to say that only the type of contract employment provided for in the Bill can properly deliver services to the community. For those reasons I support the reasoned amendment moved by the honourable member for Morwell.

It is important to note that the changes to employment conditions provided by the Bill have ramifications for approximately 4080 employees of TAFE. In that regard I shall spend some time
referring in depth to the provisions of the Bill and where changes will be made. If the honourable member for Murray Valley spent considerable time speaking about Wangaratta TAFE, I shall explore in similar time the purpose of the Bill.

The Bill provides for the employment of staff by TAFE colleges and by councils of universities with TAFE divisions. That seems a fairly standard clause but it changes the whole basis of the employment of staff. To achieve that the Bill abolishes the TAFE Teaching Service and provides for the employment of a director and all staff by the college council. As a consequence, as at 1 July this year members of the TAFE Teaching Service and members of the Teaching Service who are currently performing duties at a TAFE office will be taken to be employed by the relevant council of a TAFE college, be it Gordon, Wangaratta or elsewhere.

In addition the staff currently employed by a college will lose the status of Crown employees and, to use the words of the Minister in his second-reading speech, they will move from a public sector to “a private sector model of employment”. The existing transfer rights between the TAFE Teaching Service, the Teaching Service and the Public Service will cease to exist. TAFE teachers who have been on continuous leave of absence for family reasons for more than seven years must — and I emphasise “must” — be taken to have resigned. I shall come back to that provision later.

Staff transferred to college employment will maintain the terms and conditions, classification and accrued entitlements that they currently have. That will preserve long service leave, superannuation and other leave entitlements and allowances. However, they will be maintained only if they are awarded under specific sections of the Post-Secondary Education Act or the Public Sector Management Act.

Given that the key leave entitlements applicable to the current TAFE Teaching Service have been covered by agreements with the relevant unions rather than in the manner prescribed by the Act, there is considerable doubt as to whether some of those entitlements will be preserved as a result of the Bill. Other than for superannuation the transferability of employment entitlements will rely solely on a Ministerial direction; there will be no other means of ensuring transferability. I again refer to the Minister’s second-reading speech:

In short they will retain entitlements in relation to pay and leave ... a number of existing structures and processes which derive from unregistered agreements reached between the Federated Teachers Union of Victoria (FTUV) and the Labor government regulating the employment of TAFE teachers will be discontinued.

Many of those pay and leave conditions under the Act will go. The positions of executive officers, who are the management staff in a college or TAFE division of a university, will be defined and determined only by the Minister and they will then be employed on a contract under which they will be subject to dismissal on four weeks notice.

Further, those executive officers will then be removed from the provisions of the Employee Relations Act. Nothing to do with their employment will then be classed as an “industrial matter” within the meaning of the Act. Therefore, even though they are subject to dismissal on four weeks notice, because they are not covered by the provisions of the Employee Relations Act they will not even have the right to use the limited unfair dismissal procedures that Act provides.

The contracts for the executive officers must be made in writing, but according to the Act they cannot include any right of return to the public sector. In no circumstance can their contracts give them a right to return to the public sector, even though that may be the area from which they have been recruited.

The situation for existing employees is that they will have up to three months to choose to enter into a contract or to maintain their existing conditions and entitlements. However, should they determine that the contracts they are being offered are not satisfactory and wish to negotiate further and do something about them, and should they decide not to sign the new contracts, they may continue in employment but they will lose their performance allowances.

Should a director decide not to enter into a contract he or she will maintain his or her terms and conditions, as do other executive officers, but will cease to be a director. This raises some interesting problems for consideration, and I shall return to them shortly.

Mr Reynolds interjected.

Mr LONEY — I point out that my remarks relate to the provisions of the Bill. The responsible Minister will have the power to give directions to colleges on redundancies, the type and number of staff to be
employed, the terms and conditions of their employment, superannuation and the transfer of entitlements between colleges. In view of the wide powers of direction one wonders about some of the statements that have been made in this place that the Bill gives colleges autonomy. The Bill gives the Minister the power to veto the appointment of a director by a college council. He has total power of veto. Therefore, a council may go right through the process of selecting the director and informing the Minister of its decision, only to have it vetoed.

In defined circumstances the Minister may issue directions to a college council to comply with any instructions. He may censure and dismiss a council and appoint an administrator simply through a process that culminates in his providing a report to Parliament. It will not even be necessary for a motion to be moved and debated in Parliament.

The Minister is empowered to issue a direction to a council to dismiss a director. Should the council refuse to do so the Minister is exempted from all the processes, including reporting to Parliament. Therefore, if he is in the midst of an argument with a particular college council over a director whom he wishes to dismiss and the college says, "This is an autonomous college. We think our director is doing very well and do not think he should be dismissed", all the processes are removed, including the necessity for the Minister to report to Parliament. All the registration and discipline appeals boards are abolished by the Bill. There is nowhere for employees to go in the case of disputes.

In the final provision of the Bill, about which the honourable member for Murray Valley also expressed concern, the Secretary to the Department of Education is given wide powers to make any orders to resolve any difficulty that may arise during the transition period. If that is not a wonderful catch-all clause that gives wide and sweeping powers to a public servant rather than to a Minister, I have never seen one!

I shall refer in more detail to the exact implications of some of the clauses of the Bill. Proposed new section 6A deals with Ministerial directions on employment matters. As in the case of the other provisions of the Bill, the powers under this provision are extremely wide and they seem to be in conflict with the stated purpose of the Bill. The second-reading speech says that the purpose of the Bill is to make colleges more like independent public sector enterprises. The Minister further claimed that it will move colleges to private sector models of employment.

The Bill gives the Minister wide-ranging powers to direct, which seems totally in conflict with giving colleges greater autonomy.

Clause 10 inserts proposed new section 34A, which removes the status of college employees as Crown employees. It is said that doing so will bring them more into line with the private sector model of employment. However, it also raises some vital points. An important matter, particularly in educational establishments — and perhaps also in other establishments to which the Corrections (Management) Bill, which is to be debated later, relates — is indemnity for Crown employees. What occurs when you remove the status of these employees as Crown employees? If they are to be indemnified by insurance, who will have to provide the indemnity — the college, the Ministry or the Minister, who has these wide powers of direction? If it is to be the colleges, will they receive an increase in their grants to enable them to provide the insurance required to indemnify their teachers in the manner that Crown employees have always been indemnified? What is the actual intent of removing this status? It does not really seem to be necessary.

If one examines the Bill in detail one realises that the Minister wants every power possible over TAFE employees but he will not allow them to be Crown employees. I wonder why that is.

Clause 12 inserts new Schedule 2, which refers to TAFE directors who do not enter into contracts. It also raises a number of questions, because a current director who decides not to accept the new contract offered no longer holds the position of director but retains all salary and entitlements and remains in the college. That creates an additional position in the college and requires the payment of another salary of perhaps $70 000 or $80 000.

Mr Hamilton — We are in the wrong job!

Mr LONEY — It would be a very good job to have. A salary of $70 000 or $80 000 would have to be paid to a person who did not have a role in the college. Who will be required to pay the additional salary? That having been determined by the Minister, will he top up the salary component of those colleges where the director determines not to sign the new contract, and what exactly is the position now held by that former director? What
will the duties be and who will direct former directors on those duties?

Clause 19 is headed “Transfer of existing staff to college etc. employment”. I wonder for a start what “etc.” refers to. It does not seem to have a role. Clause 19(3) states that if a person has had leave of absence for family reasons for a continuous period of more than seven years, that person will be dismissed.

That also raises a number of questions. It seems to be somewhat discriminatory as the overwhelming majority of those employees would be women. Apart from that, what process will be put in place to carry out the legislation? How will this be done? Will employees be notified that they have had nearly seven years leave of absence and have to return to work? How will they be notified? Will the notice come from the college or the Ministry? Who will give the notice? What will happen to employees in this situation? Will they be dismissed the moment the Bill goes through without having been told of their situation? Why is there no discretion for colleges on this matter? We hear talk of wanting the best and of merit, so why is there no discretion? The clause acts against the autonomy of colleges.

Clause 10, which inserts new sections 34A to 34C, was referred to by the honourable member for Murray Valley. New section 34B is headed “Minister may object to college director appointment”. Why is there no requirement for the Minister to give a reason for his objection? Why doesn’t the Minister have to give a reason? He can simply say to a college board, “You have gone through the process and appointed a director, but I don’t like him. You cannot employ him”. That could lead to political or other discrimination.

Also attached to the legislation is an abandonment of current procedures that would allow appeals on such an objection to an appointment, so a matter of fairness is involved as well. The Bill abandons any right whatsoever to current procedures for dealing with discipline or dismissal. It simply replaces them with an unfettered right for the Minister or the colleges to dismiss — to do the dirty work.

Many people in TAFE are asking why there are such substantial, even enormous, reserve powers for Ministers. They conflict with the stated intention of the Bill: autonomy and independence of colleges. The honourable member for Malvern said that the Bill was a step towards greater college freedom. That statement is highly questionable after consideration of the Bill, particularly of the reserve powers of the Minister. This is cause for much concern. I must agree with the honourable member for Williamstown that the major changes the legislation is bringing to TAFE simply are not required.

The Bill needs to be withdrawn, as the amendment suggests — this was also suggested by the honourable member for Williamstown — so that it can be drafted properly. The government simply does not have it right. That is the problem with the Bill. The arrangement for employment in colleges is simply not right.

Mr MICALLEF (Springvale) — I support the amendment put forward by the shadow Minister for Tertiary Education and Training, and I would like to comment briefly on the contribution of the honourable member for Geelong North. Certainly I had some measured support for the general thrust of the Bill but, after listening to my colleague, I am afraid that I have had to rethink my position. He has raised a lot of concerns which the Parliament needs to consider. It will do that in more detail in the Committee stage.

The honourable member has raised the powers of the Minister over the way TAFE councils can operate and the effect of the Bill on institutions. He has raised some very real concerns which the Parliament needs to consider. It will do that in more detail in the Committee stage.

The shadow Minister, the honourable member for Morwell, spoke at great length. His contribution was excellent, given that he is a country member — I have to allow for that. He performed like a metropolitan galloper, as they say in the classics. He certainly is up to winning a race at Flemington or Sandown.

Mr Gude — He is a bush performer.

The SPEAKER — Order! The interjections across the table will cease.

Mr MICALLEF — His contribution was great. Also the honourable member for Williamstown addressed schoolteachers and parents on the steps of Parliament House earlier today; she certainly has kept in touch with education and training issues. Her contribution was excellent.
The technical and further education area has in the past lacked an image. While I was a member of a State Training Board committee for a couple of years, one of the stories I was told was of a teacher who took his students into a manufacturing plant. The teacher in charge commented to the students, “If you do not do well, this is where you will finish up”. That is the sort of attitude that prevailed. Technical training certainly did not have a good image in the community. It was always seen as the second-best position.

That has gradually changed, and it is becoming a deliberate choice of people to take part in TAFE training courses rather than trying to seek academic qualifications at a Penington-run university. There must be some question about the quality of education in such institutions, given that they are led by such limited visionaries.

The people I have met working in the TAFE area and with whom I have sat on the State Training Board have certainly attempted to come to terms with what is needed in technical and vocational training. It has been good to work on that board. TAFE is trying to upgrade the skills base for Victorians. That is the primary approach. How that is achieved, the mechanism used in institutions to deliver that thrust, is what this is all about.

The Victorian TAFE system is a shining example for other States to follow, one of the reasons being that it has been given the resources necessary to enable it to prosper. The contributions made by people such as Ivan Deveson and Peter Kirby have also contributed to the reputation enjoyed by the Victorian TAFE sector. The resources made available over the years by the former Labor government were integral to the development of the sector.

The disgraceful education cuts announced yesterday led to today's spontaneous demonstration on the steps of Parliament House by people determined to defy this mean and miserable government and its attacks on education. The government will long regret the decisions announced yesterday. If the massive cuts continue, the quality of the basic training of the students who enter TAFE institutions will be adversely affected.

The honourable member for Geelong North made it clear that the Bill will not achieve its aims — more autonomy for college councils and an increased community involvement in the TAFE sector. I am concerned about the powers to be given to the Minister, especially concerning employment contracts. A balance must be struck between Ministerial involvement and Ministerial influence — there is a great deal of difference between the two — because the right mix must be achieved. If the government accepted the amendments foreshadowed by the honourable member for Morwell, many of those problems would be overcome. I understand the Minister has foreshadowed a number of amendments, which the opposition is keen to examine.

The establishment of the State Training Board led to the introduction of an industry-driven TAFE system that has been widely accepted. As a result, industry has been involved in strategic planning, the development of curriculum and the instituting of performance agreements, which have ensured that TAFE colleges are held accountable — a step in the right direction. Management plans have enhanced the independence of colleges under frameworks established by the former Labor government. Responsibility for those areas has now passed to a conservative government of questionable direction.

The responsibilities of the State Training Board now extend into both the private and public sectors, and attempts have been made to set up an integrated system that takes account of the needs of both sectors, which is another reason why the Victorian TAFE sector has an excellent reputation.

The training offered by colleges of technical and further education is a key element in the development of successful economic and industry policies. That is especially important given the technological revolution we are living through. The need to train for the future is of the utmost importance.
Australia spends considerably less on training than countries such as Germany. Australians always seem to begrudge the money this country spends in that area. Although the Federal government is allocating more funds for training, the same cannot be said at the State level. More resources should be given to the TAFE sector and to education in general, and it is imperative that this country achieves the same levels of spending on education and training as have been achieved in the countries of Western Europe. Only then will we have the same skills base as that enjoyed by those countries.

In recent years the TAFE sector has been the subject of a great deal of reorganisation. Through consultation people such as Ivan Deveson and Laurie Carmichael have been responsible for the move towards competency-based programs. For the information of the honourable member for Malvern, competency-based programs represent a move away from narrow craft-based training. Training such as that enables workers to complement the training they have already received and to upgrade their skills and qualifications vertically rather than horizontally, as in the past.

In my day qualified tradesman were not encouraged to upgrade their skills; but today the TAFE sector gives people opportunities to expand their careers. As a result of the reorganisation, colleges such as the Northern Metropolitan College of TAFE, the Western Metropolitan College of TAFE, Swinburne University of Technology and the Dandenong College of TAFE, which is in my electorate, offer wonderful courses in automotive engineering and plastics, as well as programs in the hospitality area. Community development programs are also important because they offer people opportunities to gain basic educational and development skills, which enable them to participate in the wider community.

I have taken part in some courses at the Dandenong College of TAFE and have found them informative. The classes have been well run and the students have been extremely keen.

The SPEAKER — Order! The time appointed under Sessional Orders for me to interrupt the business of the House has now arrived.

Sitting continued on motion of Mr REYNOLDS (Minister for Sport, Recreation and Racing).

Mr MICALLEF (Springvale) — It has been a long day and night for those of us who went to bed at 5.30 a.m. and are trying to do our duty tonight. We will continue to do so under extreme provocation, but life goes on!

Many years ago I took part in industrial relations courses at the former Gippsland institute, which ran some excellent courses. It is wonderful for courses to be available so that people can upgrade their qualifications, obtain basic education and information and go on to bigger and better things. The TAFE colleges will help Victorians to upgrade their skills base.

The colleges are developing a range of skill audits to assess what is needed in the community. In the past some colleges reacted to short-term labour shortages, such as those now taking place in the building industry. Many carpentry and plumbing apprentices were taken on and when they were eventually trained there was a downturn in the building industry and a glut of trained personnel in those trades. It was sad that skilled tradespeople were unable to find jobs.

We must plan much further ahead so that training complements the requirements of industry and the community. We must examine the training for managers and supervisors and training in human resources, including training for professionals who consult and add expertise to various industry groupings. We must upgrade research and development skills. All this means that we need the skills to provide the personnel for those programs. It is extremely important to develop curriculums for such courses.

The State Training Board system has been excellent in developing the competency-based training approach and in moving away from the traditional craft-based, narrowly defined concepts and programs of the past.

TAFE colleges are also becoming much more entrepreneurial with the training levies that were introduced by the Federal government some years ago. They have certainly taken up the issue of providing courses to match the needs of industry and even run the courses with industry. The programs have changed a lot. If it is more convenient, programs can take place in the institution, a factory, another facility or wherever they are required.

The establishment of the Australian National Training Authority has been a welcome innovation. The Federal government has earmarked $700 million
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over three years to upgrade the TAFE sector. I hope the Victorian government will keep to its commitment to provide resources for TAFE colleges in line with the increased responsibility and encouragement that will be given by the Federal government.

There must be a massive influx of funds into the TAFE sector. The future of technical and further education training in Australia is looking good, especially with the re-election of the Federal Labor government on 13 March. It will keep its promises, unlike the promises made by the Victorian coalition before the last State election, which seem to have been quickly jettisoned, especially the commitment that no worker would be worse off after the change in government.

The reasoned amendment moved by the honourable member for Morwell states:

... this House refuses to read this Bill a second time until the direction of the changes intimated by the government to the Employee Relations Act 1992 have become clear and have been implemented.

The opposition expresses concern about the impact of the Act on employees in the TAFE sector. If the government wants to give the colleges autonomy, it cannot talk about contracts. I understand many of the bureaucrats currently employed by the government have not signed their contracts, so they have reservations about the way the contracts will operate. There has been a rethink in the Public Service about the impact of contracts. The fear that was around a few months ago has turned into resentment. Bureaucrats and public servants are not running to sign those contracts.

The opposition wants to know the current state of employment in TAFE colleges. If staff are currently under awards, employed by the TAFE sector or not in agreement with the contract, the conditions of their old awards apply. If I were an employee in the TAFE sector I would not sign a contract. I would continue my employment under the existing conditions, minus one or two items such as annual leave loading, which was removed by legislation. That would be my advice to the union official, and I am sure the union would take that into account.

The issues I believe should be examined concern a Federal award. Again, with the re-election of the Federal Labor government, one would think a move to a Federal award would provide TAFE employees with proper working conditions and safeguards rather than the meagre three or four minimum standards that apply under the Victorian Employee Relations Act and would be a much better way for them to work in the future. I suggest they should consider moving to a Federal award.

I have an example of an employment contract in front of me and I understand it has been tabled before. Employees may be required to work all hours of the day and at weekends without penalty rates and so on. People working in the TAFE sector should be concerned enough about their working conditions not to fall for such a contract.

I acknowledge that in the past some TAFE colleges have expressed concern about their inability to place teachers and as a consequence have carried a handful of teachers they have been unable to utilise effectively within the facility. Perhaps that problem can be worked out by offering voluntary departure packages to those teachers.

I am worried that the powers of the Minister to direct TAFE councils may influence the working conditions of people employed in TAFE facilities. If members of staff are then required to sign contracts they will be left in a vulnerable position. The amendment moved by the shadow Minister is worth consideration given that the Minister stated in his second-reading speech that the government recognises that vocational education and training is essential for economic recovery.

Victoria needs to ensure that it has a viable and energetic TAFE sector that will work together with the community rather than engaging in industrial disputation or being placed in a situation where people working in that sector are afraid of being sacked and are therefore not working to their maximum ability.

The Minister said in the second-reading speech that the government is committed to funding the TAFE system. I hope that commitment is honoured and that the TAFE sector is not faced with having to make up shortfalls in funding by lowering working conditions of teachers and others who work within its system.

The TAFE system must deliver quality programs to enhance and develop the skills base of the State so that in future Victoria will have an adequately trained work force able to meet the challenges of the future. As Victoria emerges from the recession it will then be able to compete in international markets in
industries that are now emerging with the support of the Federal and, I hope, State governments.

Victoria’s future must be built on partnership rather than on confrontation and the dismemberment that is currently taking place. I look forward to making a contribution during the Committee stage of the Bill.

Mr KILGOUR (Shepparton) — Earlier tonight when the honourable member for Williamstown was speaking I thought the House was dealing with a Bill about the University of Melbourne because the vice-chancellor of that university received a good bashing around the ears during that contribution.

The Bill provides an opportunity for TAFE college councils and universities that have TAFE college divisions to employ their staff directly. Most of the 30 TAFE colleges in the State currently employ some of their staff directly. More than 1300 teachers are already employed on contract, 3100 non-teaching staff are employed by TAFE councils and 3900 employees are employed centrally by the TAFE Teaching Service. Members of that service will now be re-employed by individual TAFE college councils.

The TAFE College Councils Association of Victoria has for some time strongly supported the introduction of the move to college-based employment. The magnificent TAFE college at Shepparton has been operating for approximately nine years, and each month I meet with the director of the college and the college chairman to discuss any concerns they may have. For some time they have been asking me when the legislation providing for college-based employment will pass through Parliament so that they can push ahead with the things they wish to do at the college and attract the type of staff they believe is necessary to make it the college they want it to be.

In 1983 the Post-Secondary Education Act 1978 was amended to provide — —

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

Quorum formed.

Mr KILGOUR — TAFE colleges already employ administration, support and teaching staff on contract. The Bill provides the opportunity for an extension of that situation. TAFE colleges in Victoria are now established as relatively independent public sector authorities operating under the coordination of the Office of Training and Further Education and providing vocational training within the competitive training market.

Many people in the private sector are moving into the training field and TAFE colleges must look more and more to the people they employ to ensure that they are competitive with private sector training providers in Victoria.

Mr Hamilton interjected.

Mr KILGOUR — They are doing it extremely well! I am pleased that the honourable member for Morwell picked up that point. One of my sons attends the Australian College of Travel and Hospitality, a private training provider in Melbourne. That excellent and professional organisation won an Australian award for tourism training in 1991 and the Victorian award in 1991 and 1992.

The Minister for Tourism has had the pleasure of attending that excellent training establishment to present the awards. Katherine Carrick is the principal and heads up the organisation. I am proud that my son is involved with that establishment. I know that he can look forward to excellent training from the college.

That type of establishment has always had the opportunity of seeking the staff it requires to make it competitive and to allow it to train people as it believes they should be trained. Employees in those establishments have always been employed on a contract basis. If an employee does not measure up his or her employment can be terminated when the contract expires; if that person has been successful he or she can renegotiate the contract.

TAFE colleges will have the opportunity of employing people who will lead them into the next century. College-based employment of all staff is a fundamental step in increasing freedom to operate and flexibility and in ensuring that colleges are consumer oriented and provide services in a competitive marketplace.

College councils will be the legal employers of all staff — including cleaners, who do an excellent job. Cleaners at TAFE colleges have led the way in employment contracts in the education system. College councils will enter into employment agreements with staff, either individual or collective. They will provide great opportunities for staff who are waiting to be snapped up by colleges that may
wish to employ them on a part-time, sessional or full-time basis.

TAFE colleges will manage their own affairs, including the employment of staff, and will operate in a more businesslike manner. The establishment of enterprise agreements will best enable them to use the requirements of the Bill to meet their objectives. They will remain accountable to government through the Minister for Education, who will ensure that they achieve high quality in their use of the funds and facilities entrusted to them. Each of the colleges will sign a performance agreement, a contract negotiated between it and the government, to ensure accountability for funds.

Teachers currently employed in the TAFE Teaching Service will transfer to the colleges. Existing staff will maintain their accrued entitlements and continue to be employed on their existing classifications and salaries. Management staff will be designated as executive officers with terms and conditions of employment similar to senior officers in the Public Service.

For some time the Director of the Shepparton College of TAFE, Mr Michael Oliphant, has asked me about the progress of the Bill. He congratulates the Minister for Tertiary Education and Training for implementing the Bill so quickly. The directors of colleges are the first to be on college-based contracts, which they believe to be highly desirable. College staff have been well managed and contracts are not an issue with most staff. There is a belief that colleges will achieve their objectives, through the directors of colleges, by appointing staff who will best suit the needs of each college. As the honourable member for Murray Valley said, the needs of colleges vary — for instance, the Wangaratta College of TAFE teaches jockeys in the jockey school while the Shepparton College of TAFE has a food technology unit. The transition period for staff changes will be professionally handled, as one would expect from leading TAFE colleges in country Victoria.

College employment of all staff is the first and most important of a number of steps planned to help the interests of TAFE colleges. It offers responsibility, accountability and, most of all, opportunity. Teachers with special skills will be employed where they are best suited, which will greatly enhance the education benefits being offered to young people throughout Victoria.

TAFE colleges will need to develop plans that will identify the skills needed for future development. I congratulate the Minister for Education on his commitment to consult with key industry groups. Even during the past two weeks consultation has occurred with the TAFE College Councils Association of Victoria, the Federated Teachers Union of Victoria, the Victorian Affiliated Teachers Federation, the RMIT Staff Association and the Victorian Association of Directors of TAFE Colleges. The consultation demonstrates that the government is on the right track.

Some teachers have concerns and others are nervous. The teachers have always been employed in a centralised system and it will be difficult for some to adjust because of the accountability. Some look at it as a great incentive for them to get the positions they want in the TAFE area, where their skills can best be used for themselves and their peace of mind and to support the education of young people.

Some people see the legislation as a threat to their existence because they do not have the necessary ability. Some teachers, of course, do not like change simply because it is change and will take some time to get used to the new system. It may well test teachers' professionalism. Some may be found out, but the vast majority are professional in their outlook. I know that some people are concerned because they have been in a centralised system and fear that TAFE colleges may not employ them because of their lack of ability.

The legislation offers tertiary institutions an incentive to employ teachers who believe they have something special to offer and who will no longer be treated as part of a mediocre mass — they will be rewarded for their special attributes.

I congratulate the Minister for Tertiary Education in another place on introducing the Bill so quickly and providing the opportunity for Victorian colleges to lead the way into the 21st century.

Mr ROPER (Coburg) — I remind the House that the Victorian TAFE system is regarded as the best in Australia and the one which more than any other reflects community and industry needs. Over the past couple of years the link between community, industry and education in the technical and further education area has been strengthened. That ongoing development has helped Victoria establish a national program on technical and further education.
It can easily be forgotten that but for the attractiveness of the Victorian system and the vigorous work of Victoria the Australian National Training Authority (ANTA) would not now exist. That was a cooperative exercise between the Prime Minister and the New South Wales and Victorian governments. It was a classic instance of significant change being achieved through cooperation between the two largest States and the Commonwealth. That change will have an ongoing and far more significant effect on technical and further education than the measures contained in the Bill.

Apart from the important development of ANTA other work has been done in Victoria's TAFE colleges. I have visited a number of them and had the opportunity of speaking with a wide variety of TAFE administrators and TAFE college council staff, teaching staff and students. Their capacity to respond to the needs of the community was substantial. That was being added to and will continue to be added to by the pathways so excellently put forward by Ivan Deveson and his committee to link education systems, by the work headed by Laurie Carmichael on the development of adequate transfer arrangements and by a funding base for TAFE that is even too much for the Treasurer to overcome. I only wish that in the shadow portfolio for which I am responsible a maintenance-of-effort provision had been written into the Medicare agreement. If that were the case, we would not be seeing the disaster that is currently occurring in our hospital system.

Victoria has a number of universities with a substantial TAFE component. That provides a discipline to both the university and TAFE systems to ensure a better relationship with the staff and the students. Unfortunately, for many years staff of universities tended to look down their noses at those who taught or were taught in the TAFE system. Many years ago a former Prime Minister who was then the Minister of education — and who soon may well be Federal President of the Liberal Party — took the view that there were two types of minds: the analytical and the practical. Malcolm Fraser said that people with analytical minds went to university and people with practical minds went to colleges of advanced education. That interesting view of psychology still exists to some extent but now the difference is between university and TAFE. From time to time vice-chancellors puffed up with their own importance say that the students who go to TAFE colleges are those who are less capable rather than those who have selected the appropriate area for the courses they wish to undertake.

There are also those who say that universities are concerned with professional education and the development of wide-ranging analytical skills. I always thought it would be helpful if those who graduated from medical school and became surgeons were good with their hands. The vice-chancellor of our oldest university sometimes forgets that when he makes public comments.

The development of programs such as the credit transfer program between universities and the TAFE sector and between the university and TAFE components of individual institutions is a key part of the ongoing development of the post-secondary education system. The development of adequate funding and a capital base for the system that has occurred in the past couple of years is extremely important. Although this is not the time to refer in detail to the Budget Papers placed before the House yesterday, it is significant that vocational education and training is almost alone among the State's expenditure in that both recurrent expenditure and capital have increased. I suspect that that would not have occurred but for the signing of the ANTA agreement and the fact that even this government recognises that cutting back on TAFE funding would not only have a significant economic effect on Victoria but would also result in funds currently allocated to Victoria being transferred to other States.

The first Budget introduced by this Treasurer proposed to cut $17 million from the TAFE appropriation. All of a sudden it became clear to the Department of the Treasury, if not to the Treasurer, that that would mean not only the removal of $17 million of State funds from the TAFE system but also the loss of $17 million from current Commonwealth grants.

One of the few good points of the mini-Budget is its protection of funding for technical and further education. Over time there will be other threats, apart from the Treasurer, to the TAFE system. One of those threats is the government's proposal to move away from the current system of financing TAFE colleges to one which can be loosely described as competitive tendering. My concern about that proposal is that it will shift the focus in technical and further education to price rather than quality. Indeed, many good TAFE college programs throughout the State will suffer and, in fact, will be ended by the implementation of that policy. It will affect many country colleges in particular.

I do not want to single out individual colleges for particular praise, but rather to say that the system as
a whole shows a significant capacity to respond to both the training and economic needs and the general educational needs of this State. As I mentioned before, it is backed up by the industry training boards. There is an excellent example in TAFE of cooperation between government, educators, administrators, unions and employers. That is one of the great strengths that industry training boards have.

In dealing with the Bill one cannot help noticing some rather strange statements in the Minister’s second-reading speech. For example, he said there was a stifling, centralised, controlled system of employment and that central employment inhibited innovation and initiatives. Anyone who visits TAFE colleges will see endless examples of initiatives that have been made possible with the central system of employment.

The Minister said the Bill was consistent with the government’s philosophy of deregulation. It will be interesting to see what happens when the tender system comes into operation and a number of the colleges go to the wall. The Minister also said it was consistent with the government’s intention to unblock the system gridlock that has characterised the past few years. For a person who has examined the development of TAFE in Victoria to suggest that there is a system gridlock demonstrates that he has been elsewhere during that time. In fact, the Victorian TAFE colleges are providing their skills and expertise to colleges not only interstate but overseas, and groups coming to Victoria from countries like Germany have been very impressed by the flexibility and adaptability of the Victorian system.

I do not know whether one should normally attribute words to an individual, but this blinkered ideological view may well relate to the former secretary of the TAFE colleges council, Mr Tim Smith, who would invent such expressions as “system gridlock” to pour scorn and derision on the excellent work that has been carried out by TAFE college councils and their staff over recent years.

As the honourable member for Morwell said, there is an interesting intention in this Bill. It purports to remove the system gridlock and, to use the words of the honourable member for Murray Valley, provide total autonomy. The idea of total autonomy is very interesting.

Mr ROPER — No, he said “total” autonomy. Presumably plain “autonomy” means that the cheque does not arrive either! Presumably it means some limited autonomy for the college councils and staff. They certainly want to be part of the State system and work with the TAFE board, the central arrangements and industry training boards.

Mr Hamilton interjected.

Mr ROPER — Indeed, it will render them impotent. When listening to the Minister for Industry and Employment in question time today one certainly got a feeling that such impotence exists when it comes to actually dealing with what is happening, even among his purported supporters out there who are now trying to deal with his failed legislation.

In conclusion, I have a great deal of faith in the capacity of both the central administration of the TAFE system and the college councils and their administrations and staff to continue to respond to the huge challenges placed before them, whether it be in the area of food technology, hospitality, or even, as the honourable member for Murray Valley
mentioned, jockey training. I should add that an excellent harness racing training facility is also part of the Bendigo College of TAFE. The only weakness is that they offer you winners but they fail to ring you at the appropriate time!

The system throughout the colleges has the capacity to relate to the industry and the economy. I certainly believe that will be its greatest strength. When the Employee Relations Act, on which parts of this Bill rely, has long since faded away it will be that strength in the college system that will ensure that Victoria remains the leader in Australia, and, for that matter, in this part of the globe in technical and further education.

Mr Hayward (Minister for Education) — I thank the honourable members who have contributed to the debate. It has been a worthwhile debate that has extended over some hours. One of its characteristics has been that all the honourable members who have spoken have had a wide knowledge of TAFE colleges and a strong commitment to them.

There is no doubt that this is a very beneficial Bill. It will bring significant benefits to TAFE colleges. After listening to contributions of members opposite, it is evident that although they cannot get to the point of saying so most agree that the underlying trend outlined in the Bill is important and valid.

The other point is that TAFE colleges very much want the Bill — and they want it quickly. From that point of view the government could not, under any circumstances, consider any delay in the passage of the Bill. The second-reading speech has been quoted frequently during debate, particularly the reference to "a centralised, controlled, stifling system of employment". Despite the comments of members opposite, I put it to them that the central employment system has been stifling.

The key today — and this can be seen from the contribution of many members — is to have a system of colleges that are very close to their local communities, responsive to community needs and highly flexible. Honourable members would all know of TAFE colleges in their own area and would have spoken to directors and members of staff of those colleges. Without exception they say that the centralised employment system restricts their ability to respond to the needs of students and to build the types of teams they need.

I do not think this is a political or ideological matter. It is simply a practical matter. Once the Bill is operative and that flexibility is introduced, I do not think there will be any doubt in anybody's mind as to the benefit of the legislation.

The Minister for Tertiary Education and Training, who is in another place, has constantly consulted with TAFE colleges and others. He has continued to do that since the Bill was introduced. Out of those discussions have come very good suggestions which will form the basis of amendments that the Minister in another place will move. The arrangement will be that we will go into Committee but the government will not move amendments in this House. That will be done in another place. I understand that the opposition will take the same approach. That will give us an opportunity to discuss these amendments while the Bill is between Houses. In the spirit of the debate this evening, the important thing is to come up with what are absolutely the best arrangements.

I thank honourable members for their contributions and believe the Bill has the potential to be very beneficial to TAFE colleges, their staffs and their students.

House divided on omission (Members in favour vote No):

Ayes, 58

Ashley, Mr McNamara, Mr Bildstien, Mr Maughan, Mr Brown, Mr Naphine, Dr Clark, Mr Paterson, Mr Coleman, Mr Perrin, Mr Cooper, Mr Perton, Mr Davis, Mr Pescott, Mr Dean, Mr Peulich, Mrs Doyle, Mr Phillips, Mr Elder, Mr Plowman, Mr A.F. Elliott, Mrs Plowman, Mr S.J. Finn, Mr Reynolds, Mr Gude, Mr Richardson, Mr Hayward, Mr Rowe, Mr Henderson, Mrs Ryan, Mr Honeywood, Mr Smith, Mr E.R. Hyams, Mr (Teller) Smith, Mr I.W. Jenkins, Mr Spry, Mr John, Mr Steggall, Mr Kennett, Mr Stockdale, Mr Kilgour, Mr Tanner, Mr Leigh, Mr Tehan, Mrs Lupton, Mr Thompson, Mr (Teller) McGill, Mr Traynor, Mr McArthur, Mr Treasure, Mr McGill, Mrs
Mr HAMILTON (Morwell) — Clause 22(a) abolishes the Registration Board of Technical and Further Education Teaching Service Officers established under section 73 of the Post-Secondary Education Act. The registration board was and remains a central part of the TAFE sector. I take the point made by the honourable member for Bentleigh, that the people who are employed on contracts or who work on a sessional basis in the TAFE sector are not registered by the board.

The Minister should recognise the need for a proper registration system. No-one would like to be operated on by a doctor who was not properly qualified. These days it seems as though most doctors are required to be members of the Australian Medical Association, although that may be taking my argument too far! Plumbers are not allowed to carry out work unless they are properly registered and qualified — and the same applies to most tradespeople.

The CHAIRMAN — Order! There is too much audible conversation in the Chamber. I ask honourable members to lower their voices.

Mr HAMILTON — Well-qualified professional teachers are an essential part of the TAFE system, which is why a proper qualification and registration process is required. Standards should be maintained to ensure that the status of teachers in colleges of technical and further education is not denigrated.

Paragraphs (b) and (c) will abolish the Technical and Further Education Teaching Service Appeals Board and the Technical and Further Education Discipline Appeals Board, both of which concern important industrial relations matters. I understand that the Minister for Tertiary Education and Training will be responsible for guiding TAFE colleges in the establishment — —

The CHAIRMAN — Order! I have already asked honourable members to lower their voices. It is very difficult to hear the honourable member for Morwell. I ask those honourable members who cannot remain quiet to conduct their conversations outside the Chamber.

Mr HAMILTON — Those are important industrial relations matters. Relations between TAFE sector unions and management have been harmonious because of the procedures that have been followed in the handling of industrial disputes, which occur from time to time in any organisation, let alone an organisation as large as the technical and further education sector.

In the interests of the good management of our TAFE colleges, I hope the Minister for Tertiary Education and Training in the other place will take account of these important industrial relations matters in his discussions with and his giving guidance to the new management of our TAFE colleges.

Mr HAYWARD (Minister for Education) — I thank the honourable member for Morwell for his comments. I respect his point of view and I shall pass on his comments to the Minister for Tertiary Education and Training in the other place.

The issue goes to the heart of the Bill, under which the TAFE sector will move away from a centralised employment system. Although the boards have been essential elements of that centralised system, I am sure the Minister believes they are an unnecessary part of a system of college-based employment.
It will be up to the colleges to decide on the skills, qualifications and experience they require of their teachers. As I said, I will pass on the honourable member’s comments to my colleague in the other place.

Clause agreed to; clause 23 agreed to.

Clause 24

Mr HAMILTON (Morwell) — Clause 24 was referred to in detail during the second-reading debate. It was also referred to in detail in a report of the Scrutiny of Acts and Regulations Committee. The Minister for Tertiary Education and Training has responded positively to the criticisms made by the committee, except those concerning the clause.

I ask the Minister for Education to ask his colleague to reconsider those criticisms while the Bill is between here and the other place. I have no doubt that the clause will be further discussed because the Minister has done a particularly good job in dealing with concerns raised by a number of people, not only members of the opposition. The Minister has been cooperative and has shown a willingness to listen to the arguments put to him. Although he has not accepted the concerns expressed about the clause, in general the opposition is happy with the processes he has followed.

Mr HAYWARD (Minister for Education) — The Minister for Tertiary Education and Training is conscious of the comments made by the Scrutiny of Acts and Regulations Committee on clause 24. The Minister has the matter under consideration and I understand he intends to move an amendment to clause 24 in the other place.

Mr PERTON (Doncaster) — Like the two preceding speakers, I also pay tribute to the Minister for Tertiary Education and Training. The Scrutiny of Acts and Regulations Committee expressed a number of concerns about clause 24. The Minister and his advisers have put a lot of effort into examining and meeting those criticisms, as well as informing the committee of his views on whether it is an arbitral or legislative clause. I commend the Minister on his cooperation and the hard work of his officers.

Clause agreed to.

Reported to House without amendment.

Passed remaining stages.
CORRECTIONS (MANAGEMENT) BILL

Second reading

Debate resumed from 18 March; motion of Mr McNAMARA (Minister for Corrections).

Mr SERCOMBE (Niddrie) — The Bill relates to three broad areas. It provides for the contracting out or privatisation of correctional services; it provides for drug and alcohol testing; and it provides for powers to make regulations about the personal appearance of prison officers.

The opposition opposes the provisions relating to the contracting out or privatisation of correctional services. The government has failed to explain either in the Bill or the Minister’s second-reading speech what it is expecting to achieve. It clearly lacks a rational framework for its corrections policy and administration. It has not provided any explanation to Parliament in the second-reading speech of what it is attempting to achieve by the legislative initiative it is now taking.

The government inherited a prison system which, compared with other Australian jurisdictions, made a proportionally smaller demand on State resources. The comparison with New South Wales is startling. During the life of that State’s conservative government the prison population increased to double Victoria’s per capita prison population. Victoria has approximately 2500 prisoners with about 6000 individuals on community service orders compared with a prison population of 6000 in New South Wales.

On an international comparison Australia has a relatively small prison population. I refer the House to comparisons between Australia and the United States of America. Australia, which has a population roughly equivalent to that of the State of Texas, has approximately 12 000 people in custody. This compares favourably with the projected prison population of 100 000 prisoners for Texas in 1995. The imprisonment rate in the United States is 426 per 100 000 population, which means about 1 in every 230 citizens is held in custody, almost seven times the rate of imprisonment in Australia.

Victoria has a small prison population compared with other Australian jurisdictions. Given that background, the fundamental question that needs to be asked by Parliament is whether the community believes the people of New South Wales or Sydney are any safer than the people of Victoria or Melbourne. If the government believes comparisons with New South Wales lend any respectability to criminal justice policies and to the safety of the community, sadly, it is wrong. What would be achieved if the government were to go down the route of its New South Wales colleagues? It would simply double the per capita rate of prison population in Victoria at a cost to the Budget of about $100 million a year.

Mr McNamara interjected.

Mr SERCOMBE — We can talk about Queensland in a moment. In many respects Queensland has a good prison system.

The Victorian government deludes itself if it believes the proposals in this Bill for the privatisation of prisons will avoid the cost implications of policies that result in an increase in the prison population. Expectations about cost savings achieved from commercially operated prisons in Queensland are far from clear. According to figures provided by the Queensland Corrective Services Commission the annual unit cost of housing an offender at the Borallon Correctional Centre in Brisbane is $39 200. The annual unit cost per offender in 1991-92 at the Lotus Glen Correctional Centre in North Queensland was $41 000. That prison facility has a comparable infrastructure to Borallon and similar classifications of prisoners, although it houses protection prisoners and some high-security prisoners. It has fundamentally the same level of unit cost as Borallon when factors such as the population of protection and high-security prisoners is taken into account and the per capita cost is adjusted.

Although the Barwon Prison in Victoria with about 250 prisoners has about the same population and is also about the same age as Borallon, it is a high-security rather than a medium-security prison and, depending on what figures one uses, costs about $9 million a year to operate. If all the figures associated with the operation of the Barwon Prison are taken into account, including an allowance for prisoners’ wages, the all-up cost is approximately $38 000 per prisoner per year. That clearly compares favourably with the cost incurred by Queensland taxpayers for the operation of the Borallon facility.

I draw to the attention of honourable members an article entitled “Inside Trading” that was published in the Bulletin in the week commencing 6 April. The article goes into some detail about the development of private prisons in Australia and makes it clear
that the experience in Queensland is that private prisons have not been cheaper than equivalent public prisons.

The Queensland Corrective Services Commission itself acknowledged that fact in an address by its deputy director-general to the Australian Institute of Criminology in December last year. That address formed a basis for the cost comparisons between the private Borallon facility and the Lotus Glen government-operated prison I referred to earlier.

In the address Mr Macionis, the deputy director-general of the commission, said there was an expectation that the privately operated reception and remand centre in Brisbane could achieve significant economies compared to the way the Queensland Corrective Services Commission would have operated that prison. However, comparing apples with apples rather than apples with pears, and taking into account the changes in management philosophy that characterise the way the Queensland Corrective Services Commission now operates its prisons, it does not seem clear that the commission would not operate its prisons as efficiently as the operators of the private remand and reception centre I referred to.

An article published in the Age last Sunday a little inaccurately quoted cost comparisons between prisons. I come back to the point I made earlier about the Barwon Prison. It has approximately the same population as the Borallon facility but holds protection prisoners and is a maximum-security prison rather than a medium-security prison. Based on the figures supplied by the Correctional Services Division the cost of holding an offender in that facility is around $38 000 each year as against a figure of around $39 200 per offender at Borallon.

Provided that the government continues the process of reforming work practices, particularly the reform of the prison culture that the former government initiated, the public sector can achieve cost savings in the operation of prisons that are at least as good as the results that have been produced in the private sector elsewhere in Australia.

I do not claim there is no need for reform in prison culture or in work practices. The former government initiated unit management, a process that advanced cultural, attitudinal and work practice change in our prisons. There is no doubt that the process of change needs to be continued, but it is evident that the government will not achieve that change through its privatisation policies.

The community is entitled to an assurance from the government that if it proceeds with the legislation private involvement in prisons will not lead to a dual standard in the prison system with the commercial operators taking the so-called soft parts of the system that do not deal with protection prisoners or prisoners with special needs, such as HIV-positive prisoners, and leaving those problem prisoners to be dealt with in the public system.

It would be disastrous for the prisons that remained in the public system if only the soft parts of the system were dealt with by the private operators. Private sector operators elsewhere in Australia have not shown any inclination to manage difficult prisoners, so it seems fairly obvious that the public system would be at a significant cost disadvantage if it were forced to run the expensive and hard parts of the system.

Mr McNamara interjected.

Mr SERCOMBE — I thank the Minister; I am sure a satisfactory result can be achieved on a number of matters. The public also needs to be assured that the hard-core system will not be allowed to run down if the government privatises parts of the system.

The government must ensure that program standards are extended and properly monitored across the system and that adequate resources are committed to the activities designed to rehabilitate prisoners and return them to the community with minimum risk to the community.

I said during the Address-in-Reply debate that most prisoners return to the community, and it is not in the interests of the community if they are brutalised by their experience. The best course is rehabilitation of the prisoner. The government has not explained whether in relation to the privatisation of prisons it will facilitate the provision of greenfield sites for new prisons or contract out existing prisons. People involved in the corrections debate want to know the government's intentions.

The government has not defined for Parliament the outcomes it seeks through the privatisation of prisons. It has not explained how it intends to manage the operational interface between the State correction system, which would remain under government control, and private operators.

The government has not explained how it will ensure consistency in dealing with offenders. It is a
fundamental issue. If people are sentenced for particular periods and classified in particular ways, as a matter of justice they ought to know there is consistency in the way they are dealt with across the systems, both private and public.

The government has not explained how important operational support services will operate under private operators. For instance, the Dog Squad is a specialised service, as is the escort service and the emergency response unit. Presumably they will be maintained by the State, but it is unclear how they will operate in conjunction with private operators.

The government has not explained the responsibility of contractors who operate within the prison system. What will their responsibilities be for costs that may arise from escapes from a prison, as well as the associated cost the community bears in the use of community resources? What will the government do if escapes occur through poor management of the system and because of management problems that may arise in the operation of private prisons?

It should not be assumed that, consistent with the coalition chest-beating on prisons, private prisons will adopt a tougher line with prisoners than government-run prisons. I direct to the attention of the House a story that appeared in the Queensland Sunday Mail of 28 June 1990 headed “Killers plead for private prison”. The report states that the inmates at Borallon prison were lobbying the Premier to keep the gaol under private management! If the government expects that the managers of private prisons will be more amenable to pushing the ham-fisted approach of the Minister in dealing with prisoners, he may have the wrong perception. Certainly the experience in Queensland indicates that is not the case.

Mr McNamara — The contract was renewed by the Labor government.

Mr SERCOMBE — Yes, it was, but the contract was entered into by the former National Party government. The Queensland government is entitled to make judgments about its prison system, but the opposition says that the same circumstances do not apply in Victoria at the present time. If the government proceeds to privatise prisons the Labor Party, when returned to power, will face the reality and make judgments accordingly.

It is clear that the Minister has interesting allies who are supporting the privatisation of the prison system, but some of his former National Party colleagues may feel more comfortable in the Moreton correction facility.

The commercial contracting out of prisons is not acceptable to the Victorian community at this stage. The government has not made its case in relation to need. There is no cost advantage in the proposals it is adopting. It has inherited a system that has had a change of attitude — a new process in unit management and in culture. It ought to foster those new processes to achieve the savings that have clearly occurred at the Barwon Prison, which is a maximum-security prison that is comparable with the privately operated prison in Queensland. The available evidence indicates that it is cheaper to operate than the privately operated prison in Queensland. If the government continues to follow the same path as New South Wales, it will have a rapidly expanding prison population. The reality is that the government will not save money by privatising the prison system. The government will still have to meet the bill and the Queensland figures suggest that significant savings are not made. One has to wonder, given the budgetary problems and the role being played by the Attorney-General, what the implications for the prison population of Victoria will be.

If the government goes the way of the former Greiner government of New South Wales, the budget will increase by more than $100 million a year. Does anyone seriously believe that the community of New South Wales is safer because the per capita prison population is twice that of Victoria? Does anyone really feel safer in Sydney than in Melbourne? Does anyone feel safer in Texas, where the level of the prison population is seven times greater than in Melbourne? The answers are self-evident.

The other aspect touched on with some support from press clippings is the fundamental question of quality that must be applied in any decision the government wishes to make or any review it wishes to undertake in dealing with private prison operators. The Australian of 7 April 1992 reports that Mr Wayne Calabrese, the chief executive of Australasian Correctional Management, the company that operates the remand and reception prison in Brisbane and which is in the process of building a private prison in Junee, New South Wales, admitted that the American parent company was involved in some serious run-ins. It certainly had serious problems with the provision of correctional services in Texas.
The background of some of the organisations that may be interested in dealing with the government to establish private correctional facilities in Victoria must be carefully considered.

Recently the Queensland Sunday Mail carried a story about the former United States marine Larry Brinkman who had the horrific job of helping to pioneer private gaols in Queensland and who has since gone home to California. According to his employer in Australia, Mr Calabrese, his sudden departure had nothing to do with recent unrest which included suicides by hanging, gang rapes of young inmates and a riot. One could hardly be too critical of Mr Brinkman, but the point remains that there are significant problems with the quality of service provided by the two prison consortia based in the United States of America and which offer services in Australia. That should be of concern to the government.

During the Committee stage the opposition will pursue with the Minister whether he will proceed with his proposals. Proposed section 9B deals with police inquiry and report and provides that before entering into an agreement with a person or body or authorising a person to exercise any functions or powers, the director-general may request the Chief Commissioner of Police to inquire into and report to him or her on the character, honesty and integrity of any relevant person. The opposition wishes to change "may" to "must".

From the informal discussions I have had with the Minister it is obvious that there is no difficulty with that provision, but there are some problems with the Bill. The opposition has had to direct to the attention of the Minister the fact that the inquiry into the character, honesty and integrity of people that the government may wish to provide correctional services should not be based on a discretion that the director-general may or may not exercise; it should be something the director-general has to do without question.

Recently I had the opportunity of visiting the St Vincent's Community Correctional Centre in Brisbane. The opposition takes the view that there are significant and serious problems with introducing commercial operations into the management of prisons, especially at the medium and high-security end of the system. It does not believe the expected cost advantages exist. There are significant problems of principle that the government has not addressed in the Bill or in the second-reading speech. I have illustrated by reference to a number of press clippings that there have been problems with some of the commercial operators in Queensland and the United States of America. Despite that, the opposition believes there is a role within the system, especially at the low-security end, for the not-for-profit sector.

The centre I referred to in Brisbane has been operating since 1991 and can take 27 low-risk, non-violent male offenders. A similar facility is operated by the Anglican Church in Queensland and a centre managed by the Aboriginal community provides for 25 Aboriginal offenders.

As I said, the opposition does not oppose the involvement of the not-for-profit sector at the low-security end of the correctional system. In Victoria the Brosnan Centre Youth Service provides wonderful community support for young offenders through its programs of housing and accommodation. The former Labor government was proceeding rapidly with the Koori community towards the establishment of the Dooligar correctional centre. The not-for-profit sector is made up of dedicated and committed people such as those involved with the Brosnan centre, but that does not mean that the opposition would support commercial involvement elsewhere in the system.

The second major feature of the Bill relates to testing for alcohol and drug abuse and the creation of offences involving alcohol or drugs. Evidence given to hearings of the Scrutiny of Acts and Regulations Committee have demonstrated the incoherence of the provisions of the Bill. It was made clear to that committee that amendments were to be introduced, but I understand that they are not available this evening. At a hearing of that committee chaired by the honourable member for Doncaster on 24 March an officer of the Correctional Services Division made some fairly remarkable statements:

It is likely it would pick up a lot of incidences dealing with alcohol, but it might not, and you are then left with a situation that you may have somebody who is in the prison and drunk but you cannot do anything to them.

Clearly that is a nonsensical statement. Prison authorities currently have adequate powers to enforce the security and good order of prisons. The officers appearing before the committee were uncomfortable about the provisions in the Bill. They did not say they were incoherent but they went pretty close to it.
The witnesses were asked to produce evidence based on interstate or overseas experience to demonstrate the powers they had not been able to explain. They could not explain the powers the Bill was conferring or the efficacy of those powers. To my knowledge those witnesses have not produced any evidence from interstate or overseas to support the need for the powers the government is seeking through the Bill. The witnesses did not explain why issues involving alcohol and drugs affecting prison employees could not be adequately dealt with in the course of normal employment conditions.

In its Alert Digest, No. 3 the committee has directed Parliament's attention to clause 5 of the Bill dealing with the testing of officers and others for alcohol or drug use. The committee found that those proposals trespass unduly upon rights or freedoms. Proposed section 29B provides for random blood and urine tests of staff and visitors for concentrations of alcohol or drugs.

Proposed section 29C purports to create the offence of having more than a prescribed amount of drugs or alcohol present in the bloodstream. The concentration of drugs or alcohol is not linked to levels that would constitute offences under any other Acts and is to be prescribed under the regulation-making power of the Corrections Act.

The Scrutiny of Acts and Regulations Committee, chaired by Mr Perton, has expressed its concern that the unlawful amounts are to be set by regulation rather than by substantive provisions in the Bill. The committee notes the government's policy of — and, I might say, the former government's commitment to — implementing a strategy to stamp out drugs in prisons. As I remarked in an earlier debate, when he was the opposition spokesman on corrections, the Minister for Corrections was most glowing in his praise for and congratulations to the former government, particularly when he visited the Ararat Prison last year, on the success of its strategy relating to drugs and on the de facto status of Ararat Prison as drug free.

The scrutiny committee — that is, Mr Perton's committee — notes in its report that it is unaware of any satisfactory link between what the government is proposing in this Bill and its policy of stamping out drug use in prisons. The committee says it is unconvinced of any evidence linking testing for drugs in visitors and staff with successful eradication of drug use by prisoners. Indeed, it would be a particularly silly drug pusher who went into a prison when drunk or under the influence of drugs.

As I have said, adequate powers to ensure the good order and management of prisons already exist. The committee, on which government members have a majority, has been quite scathing of the fairly incoherent way this part of the Bill is formulated. It has reported that the Minister is agreeable to amending the Bill to remove reference to random alcohol testing. It expresses concerns about the complexity of a new offence of drugs in urine being created.

Against that background the committee has made unprecedented criticism of the absence of any coherent philosophy, approach or explanation regarding what the government is attempting to do — and that is from a committee that has a majority of government members and is chaired by Mr Perton.

Mr COOPER (Mornington) — On a point of order, Mr Speaker, several times now the Deputy Leader of the Opposition has referred to the honourable member for Doncaster incorrectly. I ask you to direct him to refer to the honourable member for Doncaster in accordance with the Standing Orders and not to use his name.

The SPEAKER — Order! I ask the Deputy Leader of the Opposition to comply with the forms of the House.

Mr SERCOMBE (Niddrie) — Certainly, Mr Speaker. There is always the danger of giving the kiss of death to the honourable member by making glowing remarks about him, but the honourable member for Doncaster is clearly one of the very few talented members of the government backbench and probably ought to be Attorney-General. However, I do not want that to be too widely known because it could be construed as giving him the kiss of death.

An honourable member interjected.

Mr SERCOMBE — Yes, he is probably a bit wet.

The SPEAKER — Order! With that sort of remark the honourable member is certainly transgressing the forms of the House.

Mr SERCOMBE — As I said, the scrutiny committee has been absolutely scathing in its report. The honourable member for Doncaster is not the only member who was involved in preparing the
report. The committee includes the honourable member for Murray Valley — I do not want to offend the honourable member for Mornington by referring to the honourable member for Murray Valley by his given name! — the honourable member for Sandringham, Mr Murray Thompson, an honourable member for Templestowe Province, Mr Skeggs, and an honourable member for Monash Province, Ms Louise Asher, from another place. The committee has done an excellent job and has produced a scathing report, which really should result in the Minister withdrawing these incoherent provisions.

The criticism of the provisions the Minister has introduced is not limited to his own coalition colleagues or opposition members who serve on the scrutiny committee. Father Peter Norden, the Convenor of the Victorian Criminal Justice Coalition, has written to members of Parliament in the following terms:

Many families or friends of the 2500 Victorian prisoners suffer from alcoholism or are themselves addicted to either prescribed or unprescribed drugs. This proposed legislation opens up the possibility of such visitors being vulnerable to abuse by such legislation...

This section of the Act is intended to contribute towards the government's objective of achieving drug-free prisons. It is the submission of the Criminal Justice Coalition that a more realistic concentration of effort should be applied to the limited number of prisoners who are held in Victorian prisons at one time rather than widening the focus of concentration to the literally thousands of occasions when staff and visitors enter Victorian prisons every week...

Despite extensive efforts to prevent it occurring, —

that is, the entry of drugs into prisons —

including strip searching of prisoners after visits and even, on occasions, strip searching staff and visitors to the prison, drugs enter the prison by different means...

Efforts should be concentrated, rather, on the identification of those prisoners within the prison environment who are using drugs, through more extensive urine testing, if this is necessary, which is a manageable task. The alternative proposed in section 5 of this legislation will not achieve its objective, and will only antagonise staff and visitors to the prison even further.

This is yet another example of the Minister for Corrections making ad hoc, ham-fisted decisions on the run, without giving thought to the implications of what he is proposing to impose on the system. We saw an example of the Minister's ham-fisted style when he almost created riots in the system by his overreaction to the escapes from the Melbourne Remand Centre.

We are really being presented, as the honourable member for Doncaster says, with a mishmash of incomprehensible nonsense. The Minister ought to withdraw those provisions of the Bill and make an attempt at drafting them properly rather than trying to address the problem by making House amendments.

While I am talking about the question of alcohol I direct the attention of the House to the difficulties prison officers face, particularly in selected circumstances, as a consequence of actions recently taken by the government. I have received correspondence from prison officers at the Barwon Prison complaining about the closure of their social club's bar facility, which had been provided for use by prison officers and their families.

The premises used by the social club are located outside the walls of the prison and are out of the view of prisoners. The club is as far away from the day-to-day workings of the prison as it could be and still remain on corrections land. The working conditions of prison officers are very stressful, and in areas such as Lara prison officers and their families have limited opportunities to socialise in a private area. It is unfair for the Minister to require the closure of the bar facility of the social club.

Mr McNamara interjected.

Mr SERCOMBE — It is not alcohol in the prison; it is alcohol well outside the compound of the prison. It is simply providing a social facility for prison officers.

Sitting suspended 12.00 a.m. until 12.33 a.m. (Thursday).

Mr SERCOMBE — I will try not to be repetitious in recapitulating what I said before the suspension of the sitting on the opposition's position on the most lengthy feature of the Bill, the provisions that relate to the privatisation of correctional services.

The opposition's view is that the government simply has not made a coherent case for what it is
proposing. One can only assume that the government is expecting, as a consequence of its broader criminal justice policies, a fairly rapid expansion of the prison population of Victoria. One can only assume that, fairly naively, the government takes the view that by providing for the privatisation of prisons in some way it can get prison services on the cheap.

I have sought to demonstrate, based on the Queensland experience, that that is simply not a realistic option. Modern Victorian prisons such as Barwon Prison operate at least as efficiently in unit cost per prisoner per annum as the Borallon private prison in Queensland. If the government is expecting to obtain budgetary savings as a result of these proposals, it is almost certainly wrong.

The only other possibility is that the government expects that it can reduce the quality of rehabilitation and other services to prisoners under the guise of privatisation. If that is its motivation, it is quite seriously endangering the community. Nearly all prisoners, sooner or later, whether serving time concurrently or cumulatively, return to the community. If the government simply fails to provide an adequate framework within the correctional system for rehabilitation, community safety is at risk.

There is no explanation of what the government intends in the second-reading speech or in any other document associated with the proposal. I hope the Minister for Corrections will tell us some of the details of how he would expect this to fit together operationally. The community is entitled to expect that under the administration of the Minister for Corrections, because the track record to date has been pretty third rate. Against that background the opposition intends to oppose the provisions on the privatisation of correctional services.

The second major component of the Bill is on alcohol and drug testing. There is no need for the opposition to say a great deal on this. The excellent committee chaired by the honourable member for Doncaster has said most of what needs to be said. His committee has demonstrated, probably to the satisfaction of most members, that the provisions the Minister has brought before the House on alcohol and drug testing are a lot of incoherent nonsense. Even his own officers, in giving evidence to his committee, were unable to explain the effects or rationale of these provisions. The Minister ought to take the Bill away, attempt to sort out the problems in it and bring it back again in a coherent form.

The opposition believes the measures proposed will not significantly impact upon the problem of drug abuse in prisons. As Father Norden indicates in his correspondence to us, resources ought to be applied more appropriately to the eradication of the very real problem of drugs in the prison system.

The third component of the legislation is fairly small and relates to the making of regulations about the conduct and personal appearance of prison officers. There is no doubt that the community is entitled to expect very high standards of conduct from people working in the prison system, but it is the opposition's view that there are more appropriate ways to go about achieving those standards of personal conduct than by amending the regulations and providing powers through the Corrections Act to achieve that. This area is fraught with considerable difficulties and should be dealt with with some sensitivity.

A short time ago a matter was before the Equal Opportunity Board, namely, the length of fingernails and hair of female prison officers. Frankly, the Minister has not demonstrated any particular sensitivity in his handling of matters relating to female prison officers.

There have been some fairly outrageous reflections on the employment circumstances of female prison officers in recent times. There was an exchange of correspondence between solicitors acting for a number of women prison officers and the General Manager, Prisons Operations. In a letter dated 17 March the general manager makes it quite clear that he understands — —

An honourable member interjected.

Mr SERCOMBE — It was a good day. It was quite a pleasant evening. The general manager makes it quite clear that the Office of Corrections understands that the Equal Opportunity Act and, for that matter, the Commonwealth Sex and Discrimination Act apply to the circumstances female prison officers find themselves in.

Nonetheless, the Minister is seeking to give himself or the Correctional Services Division power to make regulations on matters of personal appearance. That does not seem to be an appropriate way for the Minister to proceed.
I shall take the opportunity offered by the second-reading debate to direct to the attention of the Minister for Corrections a matter already directed to the attention of the Minister for Health by the shadow Minister. The opposition has received correspondence from Mr Brian Dwyer, a consultant on infectious diseases at the Fairfield Hospital. Mr Dwyer makes alarming claims about the danger of the spread of tuberculosis in Australian gaols.

He cites evidence of a strain of tuberculosis in Pentridge Prison that is difficult to detect. It may relate to prisoners who are HIV positive. He also says that the spread of tuberculosis in gaols in the United States of America has reached epidemic proportions and expresses fears about similar strains developing in our prison system.

He has given me a number of articles from American medical journals that I shall hand to the Minister. Mr Dwyer recommends that Australian and Victorian prisons introduce a coordinated and continuing campaign on tuberculosis education, surveillance, prevention and treatment. He is particularly concerned about Commonwealth government plans to sign a treaty with the government of the United States of America to facilitate the extradition of prisoners.

I direct those matters to the attention of the Minister because I am sure he, along with all honourable members, will be concerned about an emerging problem in our prisons that needs urgent and sensitive attention.

The opposition believes the administration of our criminal justice system, and our corrections system in particular, is one of those fundamental matters for which the public expects the government to take responsibility. Given the circumstances currently applying in Victoria’s prisons, the opposition does not believe it is appropriate to proceed with the privatisation of part of the system. The opposition does not believe that the supposed cost advantages stand up to scrutiny.

Mr McNamara interjected.

Mr SERCOMBE — The circumstances in which the Queensland government found itself may have been very different. I am talking about the circumstances that apply in Victoria in 1993.

The opposition suggests to the government that it not proceed with the Bill and with the measures dealing with testing for alcohol and drugs, given the recommendations of the joint Parliamentary committee on which the government has a majority of members.

Mr E. R. SMITH (Glen Waverley) — The government is determined to clean up Victoria’s prison system, an intention it has flagged for the past three to five years. The prison system the government inherited from the former Labor government was a mess, which is why the Bill contains three measures that the government believes will again put the administration of our prisons on the right track.

I have never heard such a negative speech as that given by the shadow Minister for Police and Emergency Services. It appears the opposition does not support any of the measures contained in the Bill. Since it was elected to office the government has been conducting a review of the State’s prisons. The Bill is the first of a number of measures designed to improve the administration of the corrections system.

Firstly, the Bill proposes the privatisation of some parts of the system, which will introduce efficiencies and achieve savings, matters the previous government did not seem to care about. No wonder Victoria is in such a desperate financial state. The figures cited by the shadow Minister are patently wrong. I do no know where he got his figures from. I have the correct figures, which give substance to the government’s claim that privatisation will achieve significant savings.

Drugs are the biggest problem in our gaols, which is why the government is determined to introduce effective measures to stop the flow of drugs in and out of the prison system. That will be coupled with action to address the deleterious effects the consumption of alcohol can have on the proper running of the system.

The Bill also introduces a code of conduct for prison officers, a measure recommended by the government’s Bills committee. Members of the committee went on inspection tours of the State’s gaols to gain an appreciation of the problems facing prison officers. Members of the committee discovered a disturbing lack of morale, and until effective measures are put in place morale will remain at an unsatisfactory level. Any honourable member who visits our gaols will discover that the vast majority of prison officers are decent, hardworking, well turned out and dedicated to their jobs. When the administration of the system
becomes lax, as it did under the Labor government, problems arise with prison officers, and they must be addressed.

On our visits to Pentridge and Barwon prisons we saw prison officers who were not properly dressed, whose boots were scruffy, whose uniforms were dirty and whose grooming was not of a standard one would expect of male prison officers. The honourable member for Niddrie talked about female prison officers, but we found their standards of dress to be good. On the other hand, we discovered certain areas in which the standards of male prison officers had dropped. That is why it is important to take account of not only the conduct but the appearance of prison officers.

As is the case with schools, those who run the system must lead by example. Only by setting high standards will professionalism be enhanced. By introducing a code of conduct to provide for the dress and appearance of prison officers the government will address a problem that has long been out of hand. Although it should have been addressed 10 to 15 years ago, it was not. Until the issue is addressed, morale will stay low. Once a system deals with the dress and appearance of officers, morale picks up. It is one of the truisms that apply in the management of any disciplinary force, and the prison service is no exception.

The opposition has criticised the measures proposed in the Bill. It wants Victoria to have a system that does not seek to improve aspects of dress, code of conduct and morale. The opposition is happy for the Victorian prison system to remain at a low level of efficiency because it suits its political agenda. The government wants to address the issues so that the prison system is more effective. The code of conduct will be drawn up and released through regulations. Any decent prison officer will have nothing to fear from the code of conduct. Any prison officer who does the right thing and dresses properly will have nothing to fear. It is only officers who are slack, those who do not care about their appearance, who will find the system cracking down on them. The government wants the system to work properly; it is important for the prison system to operate effectively.

The second major aim of the Bill is to provide for drug and alcohol testing. Again that action is long overdue. The proposed legislation aims to put a stop to drugs coming into prisons. Honourable members know there are many different ways of getting drugs into prison, including throwing objects over the walls or through contact visits. The government wants to provide to the governors running the prisons every reasonable and effective measure to stop drugs from entering prisons. That aim has been coupled with the alcohol provision.

Tonight the opposition has knocked the alcohol component. The government wants to stop prison officers from having what might be regarded as long, liquid lunches. What other group of people would find that unreasonable? The honourable member for Niddrie, as the opposition spokesman, finds it appalling that the government intends to cut down on the incidence of people under the influence of alcohol in the prison system. If some further minor amendments are required, the government will make them in due course. The government intends to prevent ordinary visitors to prisons from meeting with their friends, relatives or loved ones if they are under the influence of alcohol. The government is not trying to stop them from visiting; it is simply trying to raise the standard.

I asked the Correctional Services Division to provide me with a list of recent examples of incidents involving alcohol in Victorian prisons. A female visitor to Geelong Prison, who appeared to be under the influence of drugs or alcohol, was offered a non-contact visit; she refused the offer and then refused to leave the prison. A former prisoner who attempted to visit a prisoner at Dhurringile Prison appeared to be under the influence of drugs, became abusive and refused to leave the prison. Three men and a woman visited Beechworth Prison to post bail for a prisoner. The men were asked to wait outside because they appeared to be under the influence of alcohol; they became abusive and threatening towards staff. Prison staff do not have to put up with those incidents. The government wants to raise the profile of Victorian prisons.

I thank the honourable member for Niddrie for ensuring that his actions tonight will get publicity. Unfortunately for him they will backfire when the people he is trying to influence recognise that the government is trying to tackle the problem. The honourable member is attempting to knock everything. The legislation provides for three main objectives and the honourable member has knocked each of them. The opposition's policy seems to be to find no decent points and to knock everything for the sake of it. The honourable member advised the House that the opposition will vote against all three provisions.
Another incident involved a visitor who arrived at the Tarrengower Prison and was believed to be in a slightly drugged state. He was searched and a quantity of Rohypnol tablets for which he claimed to have a prescription were found. He was banned from visiting and was later charged with having forged the prescription.

Those examples show why the government is proposing to introduce these tough measures. Why would the government bring them in if they were not necessary? Every time the opposition has said, "No, let's get on with the system we ran when we were in government". The opposition ran the prison system badly for 10 years. It cannot believe the government will not allow the system to continue to work the way it ran it. The prison system does not work but it must be made to work.

I turn now to the privatisation or contracting out of prison services. The honourable member for Niddrie has produced some extraordinary figures. He said the Borallon Correctional Centre in Queensland was run at a cost of $39,200 for each offender every year, and compared it with another Queensland prison, Lotus Glen Correctional Centre, which he said was run for $41,000 per prisoner. The figure is $51,000—a considerable difference.

Mr Sercombe interjected.

Mr E. R. Smith — It is written in black and white in the Queensland government's report. The figures provided by the Queensland government reveal that it is $51,000, not $41,000.

Mr Sercombe — You're misquoting!

Mr E. R. Smith — I am not misquoting. I am quoting figures provided by the Queensland government. The government has no desire to get the figures wrong. I do not know who is providing figures to the honourable member, but he is not being provided with the right ones.

The honourable member for Niddrie also said that Barwon Prison was being run at a cost of $38,000 per prisoner each year. The figure is more like $46,000. They are just two figures I have plucked out of the report that were mentioned by the honourable member. On each occasion his figures were wrong.

The corrections company running the Borallon Correctional Centre does so for $6 million a year less than the Queensland Public Service did. That is the path down which the government must go to ensure that the Victorian system is run more effectively. The honourable member for Niddrie suggested the government would be plucking out the eyes of the prison system and giving them to the private sector. I advise him that the government intends to follow the line adopted by Queensland. Part of the former bad system in Queensland was the Arthur Gorrie Correction Centre, which has now been given to the private sector. We must ensure that there is consistency between public and private prisons. That consistency will be achieved through standards specified in the contract and through the monitoring process.

During his speech the honourable member for Niddrie repeatedly used the word "incoherent". Everything he saw was incoherent. It seems to be a new word recently learnt by the honourable member. All he had to do to learn about the prison system was to read the Bill. The Bill is very clear in discussing the monitoring area.

Unfortunately the honourable member said he did not read the Minister's second-reading speech. The second-reading speech is not incoherent; it is very plain. The message is loud and clear that the government wants to give the director-general powers so that he can effectively clean up the system so that Victoria can have a system that operates more cheaply, efficiently and effectively than has happened in the past.

The honourable member for Niddrie asked whether private prisons would be able to call on specialist services such as the Dog Squad. The answer is a simple yes!

Although contracting out at Borallon prison commenced after the National Party government in Queensland had begun the privatised system, the current Labor government in that State has continued to expand the system. If there is any doubt in the minds of the socialists in Victoria, their comrades in Queensland have found that the private system works better than the public system.

Mr McNamara — And they have renewed the contracts!

Mr E. R. Smith — As the Minister points out, they have renewed the contracts! The arguments put forward by the honourable member for Niddrie do not add up. As I said, the Arthur Gorrie remand and reception prison is one of the worst examples.
The companies the government finds to take on the contracts must be thoroughly checked. The coalition Bills committee ensured that that issue was flagged properly when it examined the legislation. It wanted to ensure that people entering into contracts do not have criminal associations, that the companies eventually selected are financially viable and that the operation of the facilities is carefully monitored. The government does not want to become a laughing stock like the former Labor government; it wants to run an efficient system.

As part of the checking process the committee is currently checking to see how many prison officers have been convicted of criminal offences, and it appears that more than 100 prison officers fall into that category. In some cases they may have been minor matters but quite a number had been convicted of offences such as assaulting members of the Victoria Police Force. I do not know how those people got through the system, but the committee is taking the matter seriously.

I believe the government should adopt the view taken by the Chief Commissioner of Police in his request for the right to dismiss police officers. That issue should be examined in public.

Mr Sercombe — Do you support the police?

Mr E. R. Smith — Of course I support the police! That is the silly type of question one would expect from the honourable member for Niddrie. The point is that at the moment the government is examining many issues concerning the prison system because, unlike the previous administration, this government wants to get it right.

The honourable member for Niddrie also compared the prison system in Victoria with the prison system in Queensland. Together with the Minister and other government members I was fortunate enough to inspect prisons in Queensland. Honourable members who were in the inspection party had their eyes opened and what appealed to them most about Borallon was how busy the prisoners were, something that is not very evident in Victorian prisons. Every prisoner at Borallon was kept busy all day because the best way to make time go quickly for prisoners or anyone serving time is to keep them busy. Comparisons of costs between public and private prisons within and between States are not straightforward. For example, the honourable member for Niddrie will be pleased to know that Barwon Prison ran at 16 per cent below capacity in 1991-92 because of the need to accommodate female prisoners separately from male prisoners.

The Correctional Services Division of the Department of Justice operates on a cash accounting budget system whereas the private operators at Borallon prison, Corrections Corporation of Australia, operate an accrual accounting system. Costs such as depreciation and expenses on capital items are included in the Borallon operating costs but are not included in the operating costs for Barwon. Commonwealth taxes are not paid by State-run prisons but are included in the costs for private prisons such as Borallon. In addition, superannuation costs are not included in Barwon's operating costs but would be included at Borallon if the operators contributed to the staff superannuation scheme.

According to the Queensland Corrective Services Commission in 1992 the total cost per prisoner, including training, uniforms and all other overheads I mentioned, was $39 200 at Borallon. The total cost per prisoner for Barwon in the same year was $56 100, a difference of $16 900 or roughly 30 per cent.

The figures used by the honourable member for Niddrie are the hallmark of the Cain and Kirner governments over the past decade that brought Victoria to its economic knees. I can only hope that in the next reshuffle in the opposition ranks the shadow Minister for Corrections does not obtain one of the shadow financial portfolios because the figures he has used tonight are ridiculous.

Once the legislation has been passed the guarding of beds at St Vincent's Hospital will become a private operation. Currently four prison officers are used to guard those beds. Under a privatised system civilians carrying out that duty will have the status of prison officers conferred on them, but they will not be needed all the time. The government projections show that only one and a half officers per year will be needed. That change will result in an immediate return.

A judge recently complained about the system for transporting prisoners between the courts, prisons and other places. That service can easily be contracted out, and the government hopes to save a considerable amount by doing that. The issue was brought to a head when a judge complained that the prison officers performing the service had a cut-off time, which I believe was 5 p.m. He complained that by the time he had adjourned his court the van had
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gone and the police had to take responsibility for the prisoners who were left behind. If the transport service were contracted out the government would seek the highest standards of service and would not allow such lax behaviour to occur.

The monitoring process, the basis of the system, will be worked out in the Correctional Services Division. Standards must be outlined and adhered to, otherwise the system will lack morale, and it is only through high morale that the system will operate effectively. Once prison officers adopt certain standards Victoria will be proud of its prison system.

I am aggrieved that the honourable member for Niddrie could not support anything in the legislation; he could only criticise and find fault with the measure. At no stage did he make constructive suggestions for improvements in the legislation. The government welcomes such suggestions from the opposition, but all it did was criticise. The honourable member said that he could not support privatisation on ideological grounds. He also referred to foreshadowed government amendments, and I inform him that he will be advised when they are available.

The government cares about its reputation and it will clean up the prison system; it will ensure that drugs are not available in prisons. Tom Abbott, a former Inspector General of Prisons, reported in 1988 that 80 per cent of the inmates of gaols were in some way affected by drugs. The government knew about the report but took no action. In K division 12 prisoners out of the 25 searched for drugs were involved in drug rehabilitation programs.

The problem with the Labor administration was that it did not care. It brushed its problems under the carpet, but the coalition is trying to address them and provide the people of Victoria with a prison system of which they can be proud.

The former Labor government told the governor of the Melbourne Remand Centre in Spencer Street that bars could not be put on the building because it might look like a gaol. No wonder Victoria is in its current situation. Honourable members opposite may laugh, but they know in their hearts that what I say is true. The government is preparing a blueprint for the prison system. It will tackle the privatisation of prisons and establish a process that will expand into other areas.

Drugs and alcohol will be removed from the prison system. A code of conduct will be developed, not just a personal code of conduct but a code that will outline to the prisoners the duties of the prison officers. The government will ensure that high morale will flow not just to prison officers but also throughout the prison system.

Mr THWAITES (Albert Park) — I raise two issues: privatisation and the compulsory drug and alcohol testing of visitors to prisons. Privatisation of prisons should be dealt with in the context of the overall corrections system. Prisons always face difficulties. It is often said that the prison portfolio is a better portfolio when one is in opposition, not in government.

It is appropriate to acknowledge the considerable improvements in the prison system during the period of the Labor administration in Victoria. In 1982 when the Labor government came to power more than 70 per cent of prisoners were in facilities that had been built during the 1860s and 1870s. Victoria's prisons were not just some of the worst in Australia but the worst in the world. When I was a young lawyer I visited prisons and I was shocked by the conditions I saw. Any honourable member who visited the former remand centre at Pentridge Prison would have been appalled by what he or she saw. People who had not been convicted of any crimes were kept in the centre in dormitories for more than 50 people. The door would be locked at night and it was open season for rapes and bashing. There was an appalling lack of privacy and lack of humanity. That changed after the Melbourne Remand Centre was built.

Mr Gude interjected.

Mr THWAITES — I am intrigued that comments like that are made. Whenever a new prison is built, it is said to be a Taj Mahal or a hotel. If prisoners are treated like animals, they will leave gaol like animals.

The former remand centre and the former Metropolitan Reception Centre held people who were not convicted of any crimes! Women were held in B division in Pentridge Prison in the most disgusting conditions imaginable. They were in tiny cells with a bucket being the only amenity. People laugh at that, but it was one of the worst situations I have ever seen. It made films like Midnight Express look almost decent. When Fairlea Female Prison was rebuilt it was attacked as being like a motel. I know some members opposite have a commitment to improving the conditions at that prison.
The improvement in the physical structure at Fairlea has led to an improvement in the overall management of prisoners in that correctional institution and correctional authorities and experts say that it is much easier to manage a prison when reasonable conditions are provided for the prisoners. Other recently erected correctional buildings are the Barwon centre, the Melbourne Remand Centre, the Castlemaine-Loddon centre and the Tarrengower centre.

Tarrengower was a further step forward in women's prisons because it allowed the women's families to visit them and to be part of an ongoing family situation. That helped in their rehabilitation and in the transition period between prison and the outside world. If those people are not properly equipped when they go out into the outside world they will commit offences and society will suffer. By spending money on those areas the Labor government was able to improve the management of those prisons and the general state of criminal justice by ensuring that people who left the prisons were rehabilitated as far as possible.

Perhaps even more important than the physical side is the management of the correctional system. Probably the most significant improvement made in the correctional system was the substantial expansion in the community-based order system. Victoria has led Australia with community-based orders. Whereas in other States there are more or a similar number of people in prisons as there are in community-based correction, in Victoria approximately 6000 individuals are involved in community-based correction and about 2500 are in prison.

That is a significant improvement in criminal justice because of the many benefits the community-based system provides. Firstly, the people involved in community-based corrections are not costing the taxpayer anything like the cost of keeping people in prisons, regardless of whether they are privatised or government-run prisons. Secondly, those people are doing something useful for the community. In my own area people on community-based corrections orders paint schools, and that is obviously a community benefit.

Mr Cole — There is less of that work around now.

Mr THWAITES — Nevertheless I hope in the future we will see a continuation of that system. Thirdly, the community-based correctional system helps in the rehabilitation of offenders. That significant factor has led to a satisfactory situation where in Victoria the imprisonment rate is the lowest in Australia — 50 per 100 000 of population compared with about 100 per 100 000 of population in Western Australia. It also compares favourably with the situation in the United States of America, where there are a number of privatised prisons and many States have prison populations of 250 per 100 000 of population. That has a cost to the community and a cost to the people who are stuck in the prisons. The policy of keeping prison as a place of last resort and of maximising the community-based system was developed and expanded by the Labor government and I hope that continues.

Finally, in relation to the achievements of the Labor government I refer to drug rehabilitation programs, education programs and prison industries that are an important part of rehabilitation. In order to properly rehabilitate prisoners it is important for them to retain contact with their families. I shall mention that again later. Compulsory drug testing for every visitor to a prison will have a deleterious effect on prisoners' relationships with their families. A visitor to a prison may be the alcoholic father of a prisoner. Another may be a husband or wife who is on drugs. The proposal for compulsory sampling of urine or breath surely will be a disincentive to those people to visit the member of their family who is in prison. That in turn will be a disincentive to the rehabilitation of the prisoner, which will be a bad thing for the community.

I turn in more detail to the issue of privatisation. The operation of prisons is a fundamental part of the criminal justice system. Because it involves making decisions that affect a person's liberty, it should not be delegated to a private company. Prison restricts a person's liberty and a correctional institution can determine how long a person spends inside it. If a person has committed an offence while inside he or she may spend longer in the institution. If a prison is privatised, instead of that issue being determined by the State it will be determined by a private company that has a profit motive.

I make it clear that I am not opposed to all contracting-out and the example that has been given of a private company or a community-based organisation taking over a drug rehabilitation program in a prison may be sensible, but that is different from handing over the whole management of a prison to a private company because that company will have to determine how long a prisoner stays in prison, which in turn will depend
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on the various disciplinary procedures that may be followed in the prison.

On my understanding of the Bill the private company or any of its staff can be authorised to exercise any of the functions or powers of the Director-General of Corrections or the officers of the division. Those powers include the fundamental disciplinary powers that affect how long a prisoner spends inside.

I refer the House to a number of specific dangers with privatisation. The first is the power to initiate and hear disciplinary proceedings, which is fundamentally a judicial function. If a prisoner has breached a prison rule and comes before some sort of prison disciplinary proceeding, that can lead to a significant extension of the time that prisoner spends inside. That is a situation where the rules of natural justice may well be appropriate, and it is simply not clear whether the rules of natural justice would apply to private companies or how such private companies would apply them.

The next danger of privatisation is the effect on a prisoner's parole, release day or classification. That would be a particular problem if indeterminate sentences were introduced, as has been proposed in some quarters. If a private company is to determine how long a prisoner spends inside or whether a prisoner's behaviour has been such that a report is submitted to the parole board indicating that his record does not warrant parole, of course the prisoner will remain inside for longer time.

The next specific danger to which I refer the House is that private companies will have an incentive to increase profit by increasing the number of prisoners in the system.

Mr W. D. McGrath interjected.

Mr THWAITES — There is nothing wrong with profit. Perhaps the Minister for Agriculture did not hear the second part of the sentence; I said the incentive is to increase the profit by increasing the number of prisoners in the system.

I refer the House to an article by Amanda George published in the Legal Services Bulletin of April 1989 which states:

Private prisons will and have tried to impact on government policy through lobbying just as any business concern does. Reductions in sentences and the promotion of alternatives to prison will clearly affect the potential market of private prisons. They will be in a position, however, to publish lurid descriptions of violence in prisons reinforcing a perceived need for increased facilities. This will feed the imagination of the media creating an environment of fear in the community. Such tactics will support policies that ensure their beds are full. Unlike government, private enterprise is under no obligation rationally to discuss the broad issues that are involved in offending behaviour and corrections policy.

There is also the problem relating to the State's revenue. If the prison population is increased to meet the profit needs of these companies, Victorians will pay through increased expenditure on prisons.

The next specific concern I have is that private prisons will receive special treatment and will seek to get the best behaved prisoners and reject those who are regarded as difficult. The article by Amanda George also states:

With few exceptions, private enterprise wants to run the easiest prisons: low security, low public profile and little trouble. The "difficult" prisons and prisoners are left to the State, a situation mirrored in other areas of welfare and service provision where private enterprise co-exists with the State.

That position has been supported in an article by Mr Richard Harding headed "Private Prisons in Australia" published in Trends and Issues in Crime and Criminal Justice by the Australian Institute of Criminology in May 1992.

The next specific danger I see in privatisation is that private companies are not as accountable as prisons operated by the State. This problem has been commented on in reference to the privatised Borallon prison in Queensland. I shall quote from a paper delivered to the Australian Institute of Criminology conference on 30 November 1992 by Mr Paul Moyle:

Developments within Australia thus far indicate that monitoring is grossly inadequate. There is no evidence of two-tiered bureaucracy emerging because the monitoring system at Borallon is poorly developed and the QCSC —

that is, the Queensland Corrective Services Commission —

does not have a clear idea of what it is monitoring ... it appears that the commission has not given sufficient
thought to what Chan ... describes as "an appropriate structure of accountability ..."

I should say at this stage that there is one positive aspect of the Bill: it provides for freedom of information legislation to apply to the privatised body or private company. I certainly commend the Minister on including that provision.

Mr McNamara — Sorry, I almost missed that.

Mr THWAITES — I was just pointing out that the Bill applies the freedom of information legislation to a contractor and suggesting that that will be helpful in ensuring some accountability from the private company. That was recommended in regard to the private prison operators in Queensland.

The final point, which has also been addressed by the Deputy Leader of the Opposition, relates to cost efficiency. There is no evidence that privatisation of prisons saves money. I make that comment in view of specific studies that have been done on private prisons throughout the United States of America and Australia. I refer in this regard to a paper that was also delivered to the Australian Institute of Criminology conference in November 1992, this time by Mr Allan Brown — presumably a different Alan Brown from the one who serves in this place — who states:

The common theme that emerges from the US literature is that the case for or against the superior cost efficiency of the private operation of prisons over public operation has not yet been made.

Mr Brown summarises his remarks by quoting from an article by Mr Dilulio published in No Escape: The Future of American Corrections which states:

Despite a variety of claims to the contrary, there is absolutely nothing in either the scholarly or the non-scholarly literature on the subject — no journal article, no government report, no newspaper story, no conference proceedings, no book — that would enable one to speak confidently about how private corrections firms compare with public corrections agencies in terms of costs ... or any other significant dimension. The necessary comparative research simply has not been done, and reliable empirical data are still scarce.

I turn now to compulsory testing for alcohol and drug use. The first thing I should point out is that compulsory testing applies to anybody who visits a prison. As a lawyer who has visited a number of prisons to give legal advice to prisoners, I am aware that in a number of cases lawyers have been subjected to some obstruction in their meetings with prisoners by certain prison officers. My serious concern with the provision is that it could be applied to lawyers who happen to visit their clients. I presume that the Bill is not aimed at lawyers who have had a few glasses of red over lunch, visit a client and end up being subject to criminal sanctions.

Mr McNamara interjected.

Mr THWAITES — The Minister might well ask. Under the Bill that lawyer would be guilty of an offence. There is nothing to suggest that people such as legal practitioners visiting prisoners are causing any problems relating to drugs in prisons. Nevertheless lawyers could find themselves subject to criminal sanctions.

More serious than that is the situation of family members of prisoners. Hundreds of thousands of people visit Victorian prisons each year. All of those people can now be tested, yet there seems to be no ground in the Act for determining whether the person to be tested is a real danger to the prison system or whether that person is causing any problem whatsoever. They will be tested whether or not there is any suggestion that they are bringing drugs or alcohol into the prison.

I compare that with the situation under the Drugs, Poisons and Controlled Substances Act. Before a person can be searched or before there can be any other police investigation, the police have to have a reasonable suspicion that the person is carrying drugs. That is not the case under the Corrections (Management) Bill. Under the Bill there is provision for the testing of anyone who wants to see his or her family. This is a random test.

Mr McNamara — That is not everyone.

Mr THWAITES — No, it is not, but anyone can be stopped and tested without any suspicion of that person having committed an offence. Family members may be discouraged from visiting their husbands or wives in prison.

Mr McNamara interjected.

Mr THWAITES — I am glad that the Minister raised that. There is good evidence that people who drive motor vehicles while under the influence of alcohol or drugs are a danger to the public, but no evidence has been produced by the Office of Corrections that someone who has some amount of
drugs or alcohol in his bloodstream when he visits a prison causes any problem whatsoever.

When the Office of Corrections was asked by the Scrutiny of Acts and Regulations Committee whether it had evidence of any such problem, the office said that it did not have any evidence but it thought there may be some evidence and it would try to get it. The office has not produced any such evidence yet. The hampering of the rehabilitation of prisoners by their not being able to see their families is a very serious and, I would have thought, unintended consequence of the legislation.

Mr McNamara interjected.

Mr THWAITES - That is an interesting point because there is no definition in the Bill as to what the prescribed content of alcohol or other drugs is. The limit for alcohol could be 0.02 per cent. Probably a number of members would be at that limit tonight. They would not be able to visit someone in a prison. I hope that provisions requiring the testing of visitors to prisons be removed through House amendments.

Mrs ELLIOTT (Mooroolbark) - In view of the hour, I will speak briefly on one aspect of the Corrections (Management) Bill on which I commend the Minister for Corrections: drugs. Thirty years ago when I was studying criminology at Melbourne University we visited prisons. I thought I had been vouchsafed an early vision of hell, particularly when I visited Ararat prison, charmingly named "for the criminally insane".

Since then the whole culture of prisons has changed. The emphasis is on rehabilitation and not on punishment. However when the Abbott report was published in 1990 — a report substantially ignored by the Labor government — it was estimated that 60 per cent of the Victoria’s 2300 prisoners were using drugs; it was said that the number of body searches in prisons was extraordinarily inadequate. It was claimed that drugs were corrupting staff members. The report recommended an extensive urine analysis program for staff and prisoners, random body searches and tighter security measures. The author of the report noted a strong correlation between drug use and drug trafficking by staff.

I am a consultant to the council of Fairlea Female Prison. Most of the women in Fairlea are in prison for drug-related offences. Many of them have small children in prison with them, children up to school age. The same is the case at Tarrengower, one of the most forward-looking prisons in the State. However, Fairlea prison has a high rate of recidivism. Many come back to prisons for the same drug-related offences. Rehabilitation programs are substantially inhibited if there are drugs in prisons. I emphasise that random testing — of which visitors to prisons would be warned in advance — is necessary.

The honourable member for Albert Park said that families would not be able to visit their relatives in prison because of the provisions in the Bill. The provisions would inhibit drug or alcohol consumption before a visit to a prison. If people want to see their families sufficiently, they will make sure they are drug-free before paying a visit to prison.

There is no doubt that drugs in prisons lead substantially to violence, sexual assault on prisoners and the corruption of young persons in prisons. Drugs are the most widespread problem in prisons today. Despite all the efforts of the previous government, the problem still has not been substantially addressed. The government’s current Bill is aimed at reducing this problem. The opposition states that these measures are unnecessary and should not be introduced. Therefore why does the Abbott report state that drug abuse is widespread, firmly established and virtually unchallenged?

Mr Turner — Who wrote that report?

Mrs ELLIOTT — Mr Tom Abbott was the former Inspector General of Prisons. I believe he is now in Britain, helping Britain deal with its problems.

Mr Turner — Was the report commissioned by the Labor Party?

Mrs ELLIOTT — Yes. The current honourable member for Carrum was the Minister in charge at the time. The opposition claims that the measures contained in the Bill will do nothing to inhibit drug abuse in prisons. It is my belief and the belief of the government that if people are warned that they will be tested and realise that that is a condition of visiting the prison they can be encouraged to refrain from taking drugs before they visit.

Measures must be taken to ensure that officers in charge of our prisons are drug and alcohol free. If it is true that prison officers are one of the means by which on some occasions drugs are carried to prisoners, it is in order for the government to
stipulate that prison officers should be randomly tested to ensure that they are drug free while in control of prisoners. Prisons will always exist, but all steps must be taken to ensure that they are free of drugs.

Studies carried out in the United States of America show that prison officers in drug-free prisons are able to spend more time supervising rehabilitation programs because their time is not taken up searching for and combating the use of drugs. That is particularly important when women prisoners are involved.

In February the prisoners at Fairlea Prison gave a moving performance of play called Somebody's Daughters. The play was staged before audiences from the outside, and members of the prison council were privileged to see part of the play at a council meeting.

Time and again during the performance of the play I was struck by the number of references to the importance of drugs in the lives of prisoners and the ways in which drugs help them get through the day. Unless prisoners are successfully rehabilitated they leave prison only to return — and their children become victims of the drug culture. The Bill offers considered and practical solutions to the problem, and I commend it to the House.

Debate adjourned on motion of Mr LEIGHTON (Preston).

Debate adjourned until next day.

ADJOURNMENT

Mr GUDE (Minister for Industry and Employment) — I move:

That the House do now adjourn.

Koori prisoner

Mr HAMILTON (Morwell) — I direct to the attention of the Minister responsible for Aboriginal Affairs an article in the Age of Saturday 3 April 1993 which began as a bad news story and ended up being a good news story. Nevertheless I am sure the issue will be of concern to the Minister.

The article in the Age relates the sad circumstances surrounding the government's initial refusal to allow a Koori prisoner, Kennedy Edwards, leave to attend his mother's funeral, which was to take place in New South Wales, less than an hour's drive across the River Murray. The Minister would be aware of the special place kinship and burial rites have in Koori culture.

I was pleased to read in today's Access Age a letter from Howard Edwards, a member of the family of the prisoner. The letter states:

Following three days of frustration and constant phone calls a last minute decision was made allowing Kennedy Edwards leave from prison to attend his mother's funeral.

Kennedy and his family wish to thank everyone, including the Age, who helped to secure his release for the service and burial.

It is obvious that bureaucrats were responsible for the mix-up and that the Minister intervened. I ask the Minister responsible for Aboriginal Affairs to examine the procedures that apply to Koori prisoners in circumstances such as those, especially because Koories constitute an inordinately large proportion of Australia's prison population. That is why it is important that proper procedures be established to prevent a recurrence of the incident.

All of us should respect the culture of the oldest race on the face of the earth. In particular, we should appreciate the important part that kinship ties play in Koori culture. The State's prisons should be able to cope with circumstances such as those, which arise from time to time. I ask the Minister to examine the issue, together with his colleague the Minister for Corrections, to ensure the problem does not recur.

Former State Bank Victoria

Mr COOPER (Mornington) — I direct to the attention of the Treasurer the disgraceful way in which the discredited Labor government sold State Bank Victoria. I have received from Mr Duncan Caporn of Mount Eliza a letter that says:

I am writing on behalf of the members of the State Bank of Victoria Retired Officers Club regarding the above scheme.

That is the State Bank Victoria medical benefits scheme.

All State Bank of Victoria officers, retired bank officers and their families and widows received medical benefits each year as part of their terms of employment.
The scheme has been in operation for more than 35 years and has been accepted by the State Bank of Victoria and bank employees until the takeover of the bank by the Commonwealth Bank of Australia ...

Under the terms of agreement between the Victorian State government and the CBA at the time of the sale of the State Bank of Victoria the CBA was not required to continue the SBV medical benefits scheme ... The scheme will cease to operate on 30 June 1993.

The SBV Retired Officers Club claim that this is in contravention of their original terms of employment and are seeking restitution of this right under the original terms of their employment.

In hurriedly disposing of one of the State's greatest assets, State Bank Victoria, the former Labor government appears to have abrogated its responsibilities. It seems that the former government abandoned not only the people of Victoria but the retired employees of the bank. In doing so the former government denied the rights of those employees to be covered by a medical benefits scheme on which they had hoped to rely for the rest of their lives and membership of which was a condition of their original employment.

I ask the Treasurer whether he is aware of what went on when the former Labor government flogged off the State Bank. I ask him to advise me and the House whether he is able to make representations on behalf of the retired employees of the bank to have their benefits restored.

Office of Fair Trading Footscray office

Mr MILDENHALL (Footscray) — I direct to the attention of the Minister for Fair Trading the future of the Footscray regional office of the Office of Fair Trading. The regional office was established in 1983 as part of an initiative of the former Labor government, and the demand for its services has increased ever since.

The annual report of the Office of Fair Trading shows that in 1991-92 the regional office received more than 26,000 inquiries, or more than 100 inquiries a day. The office provides a range of services and conducts hearings of the Residential Tenancies and Small Claims tribunals.

An article in the Age of 3 March revealed the existence of a report by Mr Michael Schilling, which recommends the closure of not only the Footscray regional office but also regional offices in Ringwood and Dandenong, both of which are heavily used.

The article states that the Office of Fair Trading advised community groups that:

... the Schilling report would not be made public until the end of April but that it would result in significant cuts.

That is but one example of government by stealth. The government is concentrating only on making expenditure cuts; services provided to the public seem to be only a minor consideration. As a matter of urgency I ask the Minister for Fair Trading to subject any reports along those lines to full public scrutiny so that members of the public can understand the rationale on which the reports are based.

I ask the Minister to ensure that the present levels of access to services at the regional level are maintained. I also ask her to give a commitment to the communities of the western suburbs that the Office of Fair Trading will continue to have a presence in the region.

Pensioner rate rebate scheme

Mr McARTHUR (Monbulk) — I direct to the attention of the Treasurer two letters, copies of which I have made available to him and which I am prepared to table. The first is a letter from the Department of Social Security to the Director of the Office of Local Government outlining the extension of pensioner health benefit cards to a range of people, including those on JobSearch and NewStart allowances, sickness benefits, special beneficiaries over 60 years of age and holders of pharmaceutical benefit cards.

The second is a letter from the Office of Local Government to various chief executive officers of municipal councils outlining the effect of rate rebate eligibility and advising councils that the State Concessions Act provides that holders of pensioner health benefit cards are entitled to a range of concessions on State and local government charges, including council rates, water and sewerage rates and the State deficit levy. It also points out that those concessions will apply even in cases where the current year’s rates have already been paid either in full or in part.

A number of constituents have raised with me the fact that some councils, even though they have been advised a number of times by the Office of Local Government and government members, are
reluctant to accept the advice and are unsure whether the money is available to refund the concessions that become due under the extension of the pensioner health benefit card.

I seek the Treasurer’s advice on whether the money is available to refund those concessions where people have already paid their rates and the State deficit levy, which could amount to $150 or $160 for each property. I have been advised that instead of offering the cash back councils are telling ratepayers that they will offer a credit on next year’s rates. I understand pensioners prefer to have the cash in their pockets rather than be offered rebates for next year’s rates. I ask the Treasurer whether the money is available so that councils will be adequately reimbursed if they refund the concessions that are due when rates and the State deficit levy have already been paid.

Chiltern Regional Park

Ms MARPLE (Altona) — I direct to the attention of the Minister for Natural Resources, who is the representative in this House of the Minister for Conservation and Environment, the Chiltern Regional Park and the government’s approval to CRA Ltd for the mining giant to explore the land.

There is no doubt that the park has one of the most important areas of box and ironbark forest in Victoria, and I remind honourable members that Victoria has lost 85 per cent of its box and ironbark woodlands. I understand that the park is home to 18 threatened species of flora and fauna, including the regent honeyeater, and that fewer than 1000 of those birds remain in Australia.

The Chiltern forest has already been knocked about by mining, grazing and timber harvesting. Many people, including members of the Victorian National Parks Association, have called for the park to be upgraded to a State park. The call for a State park has been going on for many years because mining cannot take place in a State park. People have expressed concern about what action the Minister for Conservation and Environment will take to ensure that this forest with its high conservation value will be protected from the ravages of mining.

Pines Flora and Fauna Reserve

Mr McLELLAN (Frankston East) — I also raise a matter for the attention of the Minister for Natural Resources, who is the representative in this House of the Minister for Conservation and Environment. I refer the Minister to my recent visit on 23 March to the Pines Flora and Fauna Reserve, where I was given a conducted tour by the ranger, Mr Rocky Barca. No car bodies, household rubbish or garden cuttings were to be seen as they had all been removed. The hundreds of pine trees that once choked the reserve have nearly all been removed and only a small number remain. The revegetation on the many tracks that go in all directions is showing signs of regrowth. It is obvious that a lot of work has been done in the reserve over the past 12 months, and it is a credit to all the people concerned.

When I inspected the old Frankston landfill site I was astounded by what I saw. The site abutting the reserve is having a devastating effect on the reserve where once tall healthy trees and low ground cover are now dying. There is a ring of vegetation some 20 to 25 metres around the landfill site that is dying. Having seen the effect of defoliants in South-East Asia over many years, it seemed to me that it could be a chemical reaction as a result of someone having dumped chemicals in the area. Chemicals containing dioxins can create all sorts of problems.

The other issue is the plastic containers and sheets of plastic that blow from the current recycling site onto the reserve and hang all over trees and shrubs like Christmas decorations. It is impossible for the staff to control and it creates a fair amount of work.

I ask the Minister to investigate those two matters so the problems can be identified and rectified to preserve this unique reserve for all to enjoy.

Unfair dismissal cases

Mr LEIGHTON (Preston) — I raise for the attention of the Minister for Industry and Employment the lengthy delays in a large number of unfair dismissal cases. I refer the Minister particularly to the case of a constituent Mr Sam Firouzian from Reservoir. He was dismissed on 31 July 1992 from his position as office manager and accountant of the Melbourne PC Users Group following elections and a change in executive of the group. I am not raising the merits of the unfair dismissal case but point out that Mr Firouzian is finding it impossible to have the merits of his case heard.

Under the former Industrial Relations Act the case was part heard by Commissioner Neyland, who wrote to Mr Firouzian’s solicitor:
I write to you to inform you that I reject the submission of bias; however, because of the time constraints and the matter of the new commission coming into effect as of 1 March 1993, I have decided to forward the matter back to Deputy President Lane for reassignment.

I further understand that this case, together with many others, has been referred to the new president and many problems are being encountered.

Mr Firouzian had been employed for more than 12 months. Despite the fact that his case was heard under the former Industrial Relations Act, if he had been employed for less than six months there would be a question as to whether the commission has the capacity to run an unfair dismissal case. The next concern is that many of the commissioners and deputy presidents are covering themselves by referring cases to the president of the commission.

The third concern relates to whether there is a capacity for the new Employee Relations Commission to hear such cases and to finally determine them without the consent of all parties. These sorts of delays are not in the interests of workers or employers because, as time goes by, legal fees accumulate. I have seen the correspondence that has been exchanged between lawyers acting for both parties and the bills will add up if Mr Firouzian’s employer faces the prospect of having to reimburse wages back to the time of his dismissal.

There are huge problems: the bureaucracy is not coping with processing the unfair dismissal cases and there are obvious flaws in the new Employee Relations Act. I ask the Minister to intervene to see that the cases are expedited, not only so that workers can get a fair hearing but also so that employers are saved expense.

Panton Hill Primary School

Mr HAERMeyer (Yan Yean) — I refer to the Minister for Education the issue of relief teachers. On 18 March the Minister said there was no problem with replacement teachers and no question that replacement teachers were available if required.

I refer to an article headed “School short of relief teachers” that appeared in the Diamond Valley News of 29 March 1993. The article deals with the situation at Panton Hill Primary School. A couple of parents of children who attend the school have drawn attention to the inadequacy of the relief teacher situation. The article refers to one of the parents and states:

Mrs Wood said Panton Hill primary had been forced to increase class sizes and sacrifice specialised teaching during staff absences.

“Over the past couple of weeks we have had teachers away and discovered to our dismay that despite concerted efforts to obtain relief teachers there were none available”, she said.

“When there are no relief teachers available classes tend to be overcrowded, that is, increase from 30 to 45. Our teachers are trying very hard to provide an individual program for our children but with a lack of relief teachers available it is impossible to continue with.

“Consequently, severe disruption to all classes occurs. Learning is severely curtailed for all children”.

Another parent, Mrs Burnham, is also referred to in the article, which further states:

Mrs Burnham said Panton Hill staff members were dedicated to overcoming problems allegedly caused by the shortfall of relief teachers.

“The teachers are not happy but they will go to great lengths to teach regardless of the situation,” she said.

Mrs Burnham said many parents were unaware of the problems with emergency teachers.

I find this situation incredible in view of the Minister’s refusal yesterday to deny that the total amount of money available for emergency teachers is less than the salary package of the Director of School Education. That is a sad situation.

Will the Minister acknowledge that he is wrong on this matter? If he will not acknowledge that, will he go out and look at the situation himself rather than taking the advice of bureaucrats in the rarefied atmosphere of his department?

Senior Citizens Week

Mr THOMson (Pascoe Vale) — In the absence of the Minister for Public Transport I ask the Minister for Industry and Employment, who is at the table, to bring the matter I raise to his notice.

I have received correspondence from the Shire of Bulla and representations from constituents expressing concern about the removal of the free travel program for elderly people during Senior Citizens Week and asking that the reinstatement of
that program be given due consideration in planning for Senior Citizens Week 1994.

In its letter the Shire of Bulla draws to my attention a circular it received from the Older Persons Planning Office, which states that the aims of Senior Citizens Week are:

1. To acknowledge the contribution older people have made to the growth of Victoria.
2. To promote a continuing involvement of older people in community life.
3. To draw community attention to the needs of all older people, not just for material care, but for a full, rich and satisfying lifestyle.

The Shire of Bulla then commends those aims but expresses concern that the removal of the free travel program represents a contradiction of them. The shire points out that following the removal of the concession people who are financially disadvantaged or who are living in isolation may be further discouraged from participating in the many activities organised for Senior Citizens Week.

The Shire of Bulla is a large fringe metropolitan municipality poorly serviced by public and alternative forms of transport. The shire believes older people and people with disabilities are now disadvantaged through the lack of access to public transport and the removal of the free travel program. The shire says that older residents look forward to Senior Citizens Week so that they can take advantage of opportunities afforded through the free travel program and the broad range of activities that take place throughout the State during that week.

I support the remarks and sympathise with the concerns of the Shire of Bulla about the removal of the free travel program. I think the Secretary of the Trades Hall Council, John Halfpenny, said it all when he said that this had been devised by a Department of Meanness that had expressly gone out looking for mean things to do and entertained us with the spectre of senior citizens —

The SPEAKER — Order! The honourable member for Pascoe Vale will address the Chair.

Mr THOMSON — It entertained us with the spectre of senior citizens abusing that right of free travel by flooding into the city and requiring many more trains and buses.

St Albans rail easement

Mr SEITZ (Keilor) — In the absence of the Minister for Public Transport I ask the Minister for Industry and Employment, who is at the table, to bring to the Minister’s attention a section of railway easement between Main Road West and Taylors Road, St Albans. Some years ago a clean-up of rocks and other debris was undertaken at the easement. However, the rubbish was scraped into a heap and has never been removed. Local community groups have endeavoured to clean up the area and re-establish the native flora by planting trees and so on.

I know the Minister’s department is strapped for cash, but I ask whether he will organise machinery and a truck to remove the debris and rocks that have been scraped into a heap. The heap is an eyesore for people living opposite the easement who at their own expense have planted and cared for trees on it. Two churches and a primary school face the easement and local community groups have organised clean-up days to remove litter and so on, but they cannot remove the boulders, rocks and soil that have been scraped into a heap.

This matter has been the subject of written representations to the railways by community groups but they seem always to miss out. Recent rain has caused heavy growth and the heap is heavily overgrown with weeds. The community groups concerned are worried that their effort in attempting to re-establish the area with native grasses will be frustrated by weeds growing on and around the heap. Parents in the area have also expressed concern that children using the area to go to the primary school may be in danger from snakes, particularly in summer.

On behalf of the people of St Albans I ask the Minister to examine the situation and to take some action, perhaps in cooperation with the City of Keilor, to have the area cleaned up.

Responses

Mr STOCKDALE (Treasurer) — The honourable member for Mornington raised with me the retired officers of the former State Bank Victoria, which was “sold” by the former Labor government to the Commonwealth Bank. For many years State Bank Victoria provided benefits to its employees and former employees in the form of rebates on health benefit insurance charges and refunds of benefits where there were shortfalls. The benefits were
provided on a grace and favour basis rather than as an entitlement. Without expressing any concluded view, as a former industrial barrister I believe it would be hard to argue that such a benefit was not part of the contractual entitlement of the employees. There might be some argument about former staff, but it is clearly an entitlement.

I had previously taken up this matter with the then Victorian government and the Commonwealth Bank. I wrote to the Commonwealth Bank and the then Victorian Treasurer at intervals from February to April 1992. Despite extensive representations in my then capacity as the shadow Treasurer I was unable to obtain agreement from the bank, which took the view that there was no legally enforceable entitlement and, therefore, under the terms of the sale of the State Bank to the Commonwealth Bank there is no enforceable right in the former staff of the State Bank who are now employees of the Commonwealth Bank, particularly in relation to retired officers of the State Bank.

The Commonwealth Bank said it was prepared to make available membership of the relevant health benefits fund, which is subsidised by the Commonwealth Bank, but will not honour the arrangement that existed for many years in the State Bank.

Every Victorian suffered from the loss of the State Bank by the former Labor government. These people have suffered badly, not just because of the bungling that led to the loss of the bank but also the bungling of the sale of the bank, because the then Labor government claimed at the time that it had put in place as part of the sale process protections to ensure that all the people associated with the bank — who had given sterling service over many years — would retain their entitlements.

Where is the protection? The present government is not in a position to do anything about it. It did not write the contract agreement.

Mr Micallef interjected.

Mr STOCKDALE — The community has to bear the cost of your incompetence by providing up to $150 million a year. How the former government could have the honourable member for Springvale on its front bench is utterly beyond me.

The government has inherited the whirlwind of the incompetence of the former Labor government. This group of people who for many years performed a service for the State Bank when it flourished under Liberal governments and even during the years when it was being driven into the ground by the Labor administration are not being given the protection the Labor government promised.

The coalition government has an agreement signed by the Commonwealth Bank setting out the position it is taking. The government has taken the matter to the Commonwealth Bank, but people have been let down by the loss of the Victorian bank that many of them loved so much after working for it for a long time. They have not just been let down by the previous Labor administration but have been sold out in the sale agreement hatched with the then Federal Treasurer, the Honourable Paul Keating, to cover up the failure of the bank, without regard for the interest of those long-serving employees.

It is a tragedy for the people involved and another indication of the human misery caused by the incompetence and bad management of the former Labor government.

The honourable member for Monbulk raised the issue of councils not honouring the concessional payments provided under State legislation regarding the new classes of beneficiaries established by the extension of the eligibility to concessional benefits.

On the facts as presented there seems to be no real case for the municipalities concerned withholding payment of benefits. The Victorian government has indicated — and I did so again yesterday in the Budget statement — that it will honour the extension of concessions to new classes of beneficiaries. One might say the government had little real choice, but the fact remains that these people now hold a health benefits card by virtue of the decision of the Commonwealth government. It entitles them to benefits under State law and to benefits provided by municipalities.

The Commonwealth has given State governments an assurance that until June 1993 it will ensure that the extension of the concession, for which the States have to provide funding, will be at no cost to the States. I am concerned about the fact that the fine print does not seem to work out that way. It is suggested by the Commonwealth that the marginal cost of carrying additional pensioners on public transport is zero. I do not know how that is worked out, but it represents a significant forgoing of revenue. Previously these beneficiaries paid fares on public transport, but under the new arrangements
they are exempted from the payment of fares and are a direct cost on the State for revenue forgone.

I have expressed concern about the Commonwealth not appearing to abide by its undertaking given at the Australian Council of Governments meeting. States look to the Commonwealth not just to honour its commitment to the period until June this year, but to recognise that it is a decision of the Commonwealth, made on Commonwealth political considerations, to extend these concessions. The State government should not be left with picking up the tab for what the Commonwealth does.

Whether the concessions form part of the social security system is an issue. The Commonwealth has responsibility for social security and the real question arises whether after June the Commonwealth should pay not just for the extension of the concession but to meet the costs of the concessions brought about by the issue of health cards. In any case, councils should answer their legal obligations.

Mr McNAMARA (Minister for Police and Emergency Services) — In the absence of the Minister for Aboriginal Affairs I shall respond to the matter raised by the honourable member for Morwell because I have had some involvement in this matter. As the honourable member for Morwell said, Kennedy Edwards was in the Dhurringile Prison Farm and his mother died recently. Her funeral service was being conducted at Cuneroogunga, across the River Murray from Barmah. Most of us know that Barmah is up near Echuca. Cuneroogunga is probably best known as the home of Sir Douglas Nicholls.

The Correctional Services Division has had some problems with the handling of inmates and when there is a tragedy, such as the death of a close member of the family of a low-security prisoner, the officers of the division try to ensure that the inmate concerned can be taken to the funeral if an assurance is given that he will return. The problem with this case was that the funeral service was to be held on the other side of the River Murray and the existing legislation does not accommodate that.

We had the assistance of Myrtle Muir, who heads the Aboriginal Justice Panels in Victoria. I think her name is familiarly connected with football because her son Robbie was a league footballer for St Kilda. Mrs Muir has done a fantastic job in building links between the Aboriginal community and the police. She offered to take Mr Edwards under her guardianship and hence he was able to attend the funeral and return shortly afterwards. I think honourable members on both sides of the House would appreciate that we bent the rules a little bit, but we do not want to invent a situation where we are forced to bend the rules in the future. To avoid problems in the future I am contacting all corrections Ministers in Australia to see whether we can designate prisoners either to the authority of police officers or corrections officers from adjoining States for a short period and then have them returned to the jurisdiction in which they are in custody.

At the moment the process for transfer of prisoners is a long one. It takes some weeks to implement and more weeks to reverse. Obviously, in the case of the death of a close family member, there is no time for the problem to be accommodated and I hope with the support of Ministers in other States this problem can be alleviated in the future.

Mrs WADE (Minister for Fair Trading) — The honourable member for Footscray referred to an article in the Age of 30 March which in turn referred to the Schilling report, which is a review of the Office of Fair Trading to which I have referred on a couple of previous occasions. The honourable member for Footscray said that the article stated that the Schilling report recommended the closure of the regional offices of the Office of Fair Trading which are located in Ringwood, Dandenong and Footscray. The article also said that the report would not be made public until the end of April.

I advise the honourable member for Footscray that the report will be released later today and he will be able to obtain a copy then. The report recommends the regional offices should be closed, the suggestion being that the functions provided by those offices duplicate the functions carried out by the head office and that the existence of the regional offices is not critical to the achievement of the Office of Fair Trading since the services provided are not generally dependent on the location of the staff providing the services.

There is an overlap of management, and the closure of the offices would save approximately $440 000. However, I stress to honourable members that the recommendations of the Schilling report have not been accepted by the government at this stage. They are still under consideration. As I said, the report will be released later today and I have no doubt that honourable members will find various portions of interest. Cabinet will be considering the...
recommendations following the public exposure of the report.

Mr COLEMAN (Minister for Natural Resources) — The matter raised by the honourable member for Frankston East concerned the management of the Pines flora and fauna reserve. From his comments it appears a defoliant has been dumped in a tip operated in that area and, if the case as portrayed by the honourable member for Frankston East is right, it is obviously of concern to people resident in the area. I shall advise the Minister for Conservation and Environment of the honourable member's concern and I am sure he will ensure action is taken immediately to establish the nature of the materials that are being tipped into the landfill site and ensure that what the honourable member perceives to be a major problem is addressed.

The honourable member for Altona raised concerns about the Chiltern Regional Park. The government has provided an exploration licence in a regional park — not a State park or a national park, but a regional park.

The issue of that licence follows on from licences issued for goldmining by the now opposition and also for a quarry in the same area by the now opposition. In a sense, the opposition has set the precedent for what is occurring. When in government, it issued a licence for a goldmine in a regional park. There is nothing extraordinary about that. The situation is that an approval for exploration only to CRA.Ltd has been issued.

The honourable member may want to make some inquiries about the tabling process for that approval in Parliament and if she thinks the issue is of such importance there is a procedure she may want to follow. Suffice to say the area involved is in box and ironbark remnant forest. That area was mined extensively at the turn of the century. It was completely cleared at that time and what is there now is regeneration.

Putting all those issues together, the honourable member may want to explore tomorrow the 14-day tabling process and if she wants to pursue the matter the opportunity is there for her to do so.

Mr GUDGE (Minister for Industry and Employment) — The honourable member for Preston raised the matter of the allegedly unfair dismissal of Mr Firouzian. I understand the alleged dismissal took place on 31 July 1992 and the matter came before Commissioner Neyland. I understood there was some implied criticism of the commissioner but perhaps I misunderstood the honourable member in that regard. I found it extraordinary that the honourable member was trying to allege that there are a whole host of unfair dismissal cases stacked up at the new Employee Relations Commission when quite the contrary is the case.

Indeed, when one considers what occurred under the old system and the old Industrial Relations Act where some 2000 cases were stacked up a year in advance, I would not have thought the performance of his party when in government was something he would have wanted to compare against the current government's record.

I also point out that the honourable member for Preston referred to a number of people, including Commissioner Lane, and I place on record my appreciation to the transitional members of the commission for the way they have conducted themselves and, in particular, for the way they have dealt with transitional cases and cleaned up the backlog which had been left by the previous administration. Those members of the commission have worked tirelessly to remove the backlog and they certainly do not deserve any criticism in this place or anywhere else.

The honourable member for Preston invited me to intervene in the matter. I do not intend to do that, but I am happy to take up the matter on his behalf with the chief administration officer of the commission to and ascertain the state of play. I remind the honourable member that, as was the case with its predecessor the Industrial Relations Commission, the Employee Relations Commission is supposed to be — and is so far as I am concerned — an independent body and it will not be trammeled by me in that respect. However, I will inquire as to the reasons for the apparent delay in resolving this matter.

The honourable member for Yan Yean directed to the attention of the Minister for Education relief teachers at the Panton Hill Primary School. I shall take up that matter with the Minister and ensure that the honourable member obtains a response.

The honourable member for Ascot Vale directed to the attention of the Minister for Housing in another place a complaint he had received from the Bulla Shire Council about travel concessions during Senior
Citizens Week. I shall direct that matter to the Minister's attention.

The honourable member for Keilor, who is ever assiduous and vigilant in looking after his own electorate, referred to a railway easement and the need for a clean-up of rubble that had been left, befittingly, by the outgoing Labor government. There could not be a more fitting epitaph for the outgoing Minister than that rubble!

I take seriously the matter raised by the honourable member for Keilor because he is perhaps one of the major contributors in this Parliament when it comes to expressing care for his own electorate. I shall most certainly direct his concern to the attention of the Minister for Public Transport, and I am sure if the Minister is able to assist he will be only too pleased to do so.

Motion agreed to.

House adjourned 2.43 a.m. (Thursday).
WITHDRAWAL OF NOTICE OF MOTION

Thursday, 8 April 1993

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

WITHDRAWAL OF NOTICE OF MOTION

Mr ROPER (Coburg) — Mr Speaker, I raise with you a matter concerning today's Notice Paper and seek clarification about the withdrawal of the motion attacking the honourable member for Albert Park, notice of which has been given. I ask whether it has been withdrawn in the normal way, with the honourable member notifying you in writing that he does not wish to proceed.

The SPEAKER — Order! I understand the Leader of the House has forwarded a letter, but I have not yet seen it. I shall make inquiries and later reply to the honourable member for Coburg.

PETITIONS

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

State deficit levy

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

The petition of the undersigned citizens of the State of Victoria protests at the inequitable distribution of the tax burden contained in the State Deficit Levy Act 1992.

The State deficit levy is not being imposed in accordance with people's ability to pay and thus falls unfairly on low-income families, the unemployed, pensioners and other retired people.

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

By Dr Vaughan (66 signatures)

Emergency teachers

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

Recent cuts to the staffing entitlement and the reduction in the number of short-term replacement teachers have left students without appropriate education.

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

Your petitioners therefore pray that the staffing entitlement be returned to the level of 1992 and that the Directorate of School Education reinstate the employment of emergency teachers as in 1992.

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

By Mr Hyams (552 signatures)

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

Your petitioners request that the House take action to ensure that at Tate Street Primary School emergency teachers be employed to fill staff absences if all short-term replacement teachers have been allocated on a particular day thus maximising teaching-learning time and avoiding the cancellation of quality educational programs to which our children are entitled.

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

By Mrs Henderson (52 signatures)

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

Your petitioners request that the House take action to ensure that at Tate Street Primary School emergency teachers be employed to fill staff absences if all short-term replacement teachers have been allocated in a particular day thus maximising teaching-learning time and avoiding the cancellation of quality educational programs to which our children are entitled.

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

By Mrs Henderson (60 signatures)

Institute of Educational Administration

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

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.
By Mrs Henderson (10 signatures)

Municipal amalgamations

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

We, the undersigned being voters of the Shire of Corio, request the Minister for Local Government to conduct a referendum of local residents and have regard to the results of that referendum prior to any decision being made to restructure councils in the Geelong region.

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

By Mr Loney (2119 signatures)

University campus at Caloola Training Centre

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

The humble petition of the undersigned citizens of the State of Victoria sheweth support for the proposal to establish a university campus at the Caloola Training Centre site in Sunbury to serve the region.

Your petitioners therefore pray that the government will act to coordinate the necessary departments to facilitate the approval and development of this project.

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

By Mr Cunningham (596 signatures)

Human life experimentation

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

The humble petition of the undersigned citizens of the State of Victoria sheweth that from their beginning at the initiation of fertilisation, human embryos deserve legal protection from all experimentation which is destructive or harmful to them.

Your petitioners therefore pray that the Legislative Assembly, in Parliament assembled, should pass legislation to prohibit harmful and destructive experimentation on human life.

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

By Dr Napthine (1260 signatures)

Former Department of Planning and Housing, Bendigo

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 respectfully shows their great concern for the Department of Housing and Planning finance office, Bendigo, for not informing tenants on forthcoming water accounts dating back to July 1990. The Department of Housing and Planning has also failed to inform tenants of their legal rights regarding concessions on past and forthcoming water accounts.

Your petitioners therefore pray that the Parliament will give urgent attention to this matter as we had no knowledge of this impending debt that has occurred due to the Department of Housing and Planning’s own omissions that they failed to send our accounts when they were due.

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

By Mr Maughan (261 signatures)

Laid on table.

MURRAY-DARLING BASIN BILL

Section 85 statement

Mr COLEMAN (Minister for Natural Resources) — I wish to make a statement under section 85 of the Constitution Act 1975 of the reasons for altering or varying that section by the Murray-Darling Basin Bill.

Clause 20 of the Murray-Darling Basin Bill is intended to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of a civil proceeding of a kind referred to in section 17 of the Water Act 1989 as applied by section 20 of the Bill.

Section 17 of the Water Act provides that a civil proceeding does not lie against any person in respect of any injury, damage of loss caused by water to
which sections 16 or 157 of that Act apply, except to the extent provided by that Act.

Sections 16 and 157 impose certain liability in respect of the flow of water from one person's land to another person's land.

The reason for preventing the bringing of a civil proceedings of the kind referred to in paragraphs 1 and 2 above is to ensure that the relevant water authorities are able to exercise their powers under this Bill in the same way, and subject to the same protections, as apply to water authorities when exercising powers under the Water Act 1989.

PAPERS

Laid on table by Clerk:

Anne Caudle Centre — Report for the year 1991-92
Bendigo Hospital — Report for the year 1991-92
Building Societies Reserve Board — Report for the year 1991-92
Credit Co-operatives Reserve Board — Report for the year 1991-92
Chiropodists Registration Board — Report for the year 1992
Friendly Societies Reserve Board — Report for the period ended 30 June 1992
Hampton Rehabilitation Hospital — Report for the year 1991-92
Korumburra District Hospital — Report for the year 1991-92
North West District Hospital — Report for the year 1991-92
Westernport Memorial Hospital — Report for the year 1991-92
Statutory Rules under the following Acts:
  Health Services Act 1988 — SR No. 54
  Magistrates' Court Act 1989 — SR No. 57
  National Parks Act 1975 — SR No. 53
  Racing Act 1958 — SR No. 56

ADJOURNMENT

Mr GUDE (Minister for Industry and Employment) — I move:

That the House, at its rising, adjourn until Tuesday, 20 April.

Motion agreed to.

APPROPRIATION (1992-93) BILL and SUPPLY (1993-94, No. 1) BILL;
APPROPRIATION (PARLIAMENT 1992-93) BILL and SUPPLY (PARLIAMENT 1993-94, No. 1) BILL

Mr STOCKDALE (Treasurer) — I move:

That this House authorises and requires Mr Speaker to permit the second reading and subsequent stages of —

(a) the Appropriation (1992-93) Bill and the Supply (1993-94, No. 1) Bill to be moved and debated concurrently; and

(b) the Appropriation (Parliament 1992-93) Bill and the Supply (Parliament 1993-94, No. 1) Bill to be moved and debated concurrently.

Mr ROPER (Coburg) — The opposition has no objection to this type of legislation being debated concurrently. I recall that on one occasion when I wished to have matters debated concurrently leave was refused. Unfortunately, I have not had time to talk to the Leader of the House about this, but I suggest that he consider the fact that general Supply and Appropriation matters are to be debated with Parliamentary Supply and Appropriation matters, whereas the intention of the previous arrangement was that Parliamentary matters would be dealt with separately.

The SPEAKER — Order! There are two separate propositions in the motion.

Mr ROPER — Thank you for you guidance, Mr Speaker. As I said, the opposition supports the proposition and looks forward to the opportunity of debating the issues.

Motion agreed to.

CITY OF GREATER GEELONG BILL

Second reading

Mr KENNETT (Premier) — I move:
That this Bill be now read a second time.

This Bill represents a major step forward in the reunification of a group of councils in Geelong and is the beginning of what will be a serious, productive reform program of municipal governments throughout Victoria. The communities will benefit substantially, and Geelong will be the first beneficiary.

The City of Greater Geelong Bill will unify the municipalities of the Geelong region into one efficient, cohesive body. It creates a new City of Greater Geelong covering the existing municipalities of Bellarine, Corio, Geelong, Geelong West, Newtown and South Barwon along with parts of Bannockburn and Barrabool.

The structure of municipal government in Geelong has been an issue for many years. Unfortunately, the most recent attempt at reform under Labor, despite the best efforts of the former Minister for Ethnic, Municipal and Community Affairs, Caroline Hogg, was unsuccessful.

This Bill is the circuit-breaker that Geelong needs to lift it out of the doldrums and allow it to resume its rightful place as Victoria’s second city; that is, second in size but without equal in courage, enterprise and imagination. Those are precisely the qualities that led the people of Geelong themselves to set the process of unification in train three years ago when they set up the Geelong Region Local Government Review under Patricia Heath. The Heath committee, like five other committees of inquiry and review before it, recommended the unification of Geelong’s councils.

The previous government’s response to that report was stymied by the legalistic provisions of Part 11 of the Local Government Act and the inclination by some to use ratepayers’ money to fund costly Supreme Court proceedings. The coalition made it clear on coming into government that it would move decisively to resolve the impasse.

It was on that basis that it commissioned KPMG Peat Marwick Management Consultants to undertake an independent audit of local government in Geelong, and many of its recommendations are reflected in the Bill.

KPMG was selected by competitive tender from a number of the most highly regarded accounting and consultancy firms in the country. We went through this process to ensure that we would receive the most independent advice possible.

ONE CHANGE TO KPMG RECOMMENDATIONS ON STRUCTURE OF NEW MUNICIPALITY

In November last year, the Minister for Local Government visited all the councils in the Geelong area. He told them that whatever the results of the audit, he would return to Geelong and discuss the report with them prior to making a recommendation to Cabinet.

On 23 and 24 March, the Minister had two days of meetings in Geelong hearing the views of the councils, the Geelong Regional Commission and the Geelong and District Water Board. He told me how impressed he was with both their sincerity and the extent to which they were prepared to put their particular interests aside and think of the greater good of Geelong.

Those meetings resulted in one major amendment to the KPMG recommendations: the exclusion of the Borough of Queenscliffe from the new City of Greater Geelong.

Mr Dollis interjected.

Mr KENNETT — You wonder why?

The DEPUTY SPEAKER (Mr. J. F. McGrath) — Order! The Premier should ignore interjections.

Mr KENNETT — I will depart from my speech for a moment to answer that unruly interjection. The reason was that the KPMG report clearly showed that the Borough of Queenscliffe, which I think has a population of 3500 or 4500, was operating its affairs efficiently and effectively, and when councils operate efficiently and effectively they should be rewarded. The other councils were far from as efficient as Queenscliffe.

That decision was not taken lightly as there were strong arguments both for and against the inclusion of Queenscliffe. On balance, however, it was decided to leave Queenscliffe out because of the uniqueness of its community and because its inclusion was marginal to the structure of the new city.

The KPMG report made a number of suggestions about areas peripheral to greater Geelong:

it recommended that a review occur of the northern, rural, area of Corio to consider
whether it might be better served in a rural municipality;
it recommended that the remainder of Barrabool shire consider possible amalgamation with Winchelsea; and
it noted that the Little River area of Corio “relates more to Werribee than to Geelong”.

Mr KENNETT — You probably wouldn’t. The sewerage farm goes both sides. That area is occupied primarily by the sewerage farm areas of Werribee.

In adopting the report, the government will be referring these issues for consideration by the local government board when it is established.

BENEFITS

The City of Greater Geelong Bill establishes a clear and firm direction for Geelong after years of uncertainty. The new municipal structure it creates will give Geelong a platform for recovery.

The new local government structure will place Geelong in a strong position to attract industry and commerce. The single focus resulting from the unification of six councils will make Geelong more competitive — not only within Victoria, but nationally and internationally.

Geelong’s inclusion in the national rail freight network has opened up a whole new era of opportunity for the region, and this Bill is designed to give Geelong the municipal structure it needs to exploit those opportunities. It will do that in a number of ways. For a start, it will reduce costs and increase efficiency.

The KPMG report estimated that, over time, uniting seven councils into the City of Greater Geelong will produce efficiency gains of between 20 and 30 per cent — or between $17 million and $23 million a year.

Those huge savings can be returned to the community in the form of improved services, reduced rates, or a combination of the two.

This Bill will bring an end to the wasteful duplication of services and create the conditions for more efficient and equitable service delivery. The effect of this Bill therefore will be to make Geelong an even more attractive place in which to live and do business.

It will also eliminate one tier of government — the Geelong Regional Commission — and enable Geelong to pursue its interests with one powerful voice.

POLL

A number of councils have called for a poll on this issue. I must say that holding a poll or at least a survey was very carefully considered by the government. However, it was decided not to have either because of the cost involved — enough taxpayers’ money has been spent on this issue over the years — the time needed to arrange a poll and a concern that the poll would not resolve the issue and would result in even deeper divisions being created in the community.

What is needed now is concerted and positive action. A poll would not shed any further light on the issue when we have already had numerous reports over the past 30 years recommending structural change to local government in Geelong — the heath committee report and the KPMG municipal audit are only the most recent; a petition of Geelong residents bearing 20,163 signatures delivered to the office of local government almost two years ago to the day calling for the unification of the main Geelong councils —

Mr Baker interjected.

The DEPUTY SPEAKER — Order! This is not a second-reading debate. I ask the honourable member for Sunshine to remain silent.

Mr KENNETT — That will happen some time in the future.

We have also had a Morgan survey commissioned by the Shire of Corio last month showing that only 32 per cent of Geelong residents and 17 per cent of Geelong businesses want to stay with the existing local government structure. The government received a clear and resounding mandate at the 3 October election to get Geelong back on its feet. The coalition’s election policy for Geelong pledged that it would act decisively to develop an efficient and effective management structure for the Geelong region.

That was not an idle promise; it was a solemn commitment — and this Bill is being introduced to fulfil that commitment.
FINANCIAL ASSISTANCE

However our commitment to Geelong does not end with this Bill. Last month the Minister for Roads and Ports, Bill Baxter, opened the first stage of a new $21 million dry bulk cargo handling facility at the Port of Geelong.

In February we announced that increased efficiencies within VIC ROADS had enabled funding for works on the Geelong-Portarlington road to be increased to $4.1 million.

In January, the Minister for Planning, Rob Maclellan, secured an additional $4.6 million from the Better Cities program to restore the Dalgety wool stores on the Geelong waterfront for use by Deakin University.

In addition, the government has decided to provide some assistance to Geelong for the transitional period. To begin with, special arrangements will be put in place to provide the City of Greater Geelong with access to as-of-right borrowings of $6 million a year, the same combined level of borrowings that was previously available to the six unified councils.

Secondly, the Treasurer, the Minister for Finance and the Minister for Regional Development will be determining how best to assist the City of Greater Geelong in taking responsibility for some of the functions of the Geelong Regional Commission, which this Bill abolishes.

RATES

It is equally important that ratepayers receive the benefits of the efficiencies resulting from unifying six councils into one.

The existing Geelong area councils use different rating systems and charge very different rates in the dollar. This situation obviously cannot continue after unification, but at the same time we recognise that uniformity cannot be achieved overnight.

This Bill will keep the present valuation systems, rating categories and rates in the dollar in place for the 1993-94 rating year and enable the Greater Geelong council to move to a consistent rating base in 1994-95 without the need for a poll as required under the Local Government Act.

The rates for all properties in the City of Greater Geelong will be frozen at their current level for 1993-94, and measures will be taken to ensure that there is no increase in the total dollar amount of rates collected by the new municipality for the next three years after that.

Taken together, these measures will mean a substantial decrease in the real level of rates collected in the municipality, without any decrease in services.

DETAILS

The details of the Bill are fairly straightforward and it is not my intention to dwell on them.

Clauses 5 and 6 unite the six existing Geelong councils into the City of Greater Geelong. These new arrangements will take effect on the date the Bill receives Royal assent — this is the “appointed day” referred to in the Bill.

Clauses 7, 8 and 9 provide for the appointment of between three and five commissioners to act in the place of elected councillors. They define the commissioners’ functions, powers and obligations including their duty to ensure that the operations of the City of Greater Geelong are carried out in the most efficient and effective manner possible during the transitional period. It is important to emphasise that these commissioners will not stay in office a day longer than necessary to establish the new municipal administration and to make the arrangements for the democratic election of a council. Clause 16 provides for the conduct of the first election.

Clauses 10 to 15 contain transitional provisions relating to rates, local laws, borrowings and the application of the Local Government Act 1989. Of particular note is the requirement in clause 11 that, from the time this Bill receives its second reading until the appointment of the commissioners, all contracts worth more than $25 000 and all leasing arrangements entered into by the outgoing Geelong councils must be approved by the Minister for Local Government.

Dr Coghill — That’s not what it says at all!

Mr KENNETT — You are an absolute bore. You were a bore in the chair and you are a bore now! Clauses 16 and 17 provide for the election of councillors and the transfer of power from the commissioners to the Greater Geelong Council.

Clauses 18 and 19 deal respectively with the boundaries of the Shires of Bannockburn and Barrabool, parts of which will join the City of Greater Geelong.
MEAT INDUSTRY BILL

Thursday, 8 April 1993

ASSEMBLY

Clauses 20 to 24 deal with the abolition of the Geelong Regional Commission. Of special note is clause 23, which establishes the City of Greater Geelong, the Shire of Barabool, the Shire of Bannockburn and the Borough of Queenscliffe as the planning authorities for the regional section of the Geelong regional planning scheme as it applies to them.

CONCLUSION

The structure of local government in Geelong has been a matter of debate for as long as anyone can remember — well over 80 years. This structure has resulted in inefficiency, parochialism and the entrenchment of vested interests — all of which have held the development of the Geelong region back in the past.

This Bill changes all of that — but it is only a start. Geelong’s task now will be to continue the essential work of micro-economic reform that this Bill begins.

This government is determined to ensure that Geelong has the future it deserves — a future of pride, prosperity and progress. I thank local members in the areas of Bellarine, Geelong and South Barwon and members in the Upper House who have made a real contribution, often against a great deal of vested interest, to bringing this Bill to the position it is in today. This is without doubt a major reform. It was tried by previous governments, but unfortunately it was not able to be achieved. However, it will be achieved now with short shrift. I commend the Bill to the House.

Debate adjourned on motion of Mrs WILSON (Dandenong North).

Debate adjourned until Thursday, 22 April.

MEAT INDUSTRY BILL

Second reading

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

That this Bill be now read a second time.

The general objectives of the Bill are to improve accountability and cost effectiveness in the provision of regulatory services in the Victorian meat processing industry. The Bill establishes a framework for industry to move towards self-regulation and provides a real opportunity for savings through the introduction of cost-efficient quality assurance programs.

The Bill meets the government’s goal of enhanced self-regulation in the industry while maintaining existing hygiene and safety standards of domestic meat production to protect public health.

The principles of the Bill are based on the recommendations of the Domestic Meat Inspection Working Party, established in 1990 in response to industry concerns about the efficiency and cost of domestic meat inspection. The Bill also takes into account the report of the Public Bodies Review Committee on the Victorian Abattoir and Meat Inspection Authority, which was tabled in Parliament in November 1990.

The current licensing authority, the Victorian Abattoir and Meat Inspection Authority, will be abolished. The Bill will establish a financially independent, industry-driven statutory authority, to be known as the Victorian Meat Authority.

The specific functions of the new authority are to control standards of meat processed for domestic consumption and to issue licences to establishments that process meat, including poultry, for human consumption, knackeries, pet food establishments, retail pet meat shops and meat transport vehicles. The authority will also have power to approve quality assurance programs and monitor the implementation of and compliance with these programs.

The Bill addresses the longstanding need for improved quality assurance practices in the poultry meat industry by bringing responsibility for standards in processing of red meat and poultry under the one authority.

The authority will be chaired by an independent chairperson appointed by the Minister for Agriculture. Membership of the authority will include two government representatives, with the remaining seven positions filled by persons who meet criteria of industry knowledge and expertise in the areas over which the authority has responsibility. The expertise-based members of the authority will be appointed by the Minister for Agriculture on the nomination of a selection committee comprised of representatives drawn from the meat and poultry industries.

The Bill provides considerable flexibility for the authority to determine its mode of operation, such
as administrative procedures and financial arrangements, including its policies for setting fees and charges for services it provides.

Although having considerable independence, the authority is subject to the general direction and control of the Minister for Agriculture, the accounts and records will be audited by the Auditor-General, and the annual report must be tabled in both Houses of the Parliament. The authority is further accountable to industry through the selection process for members.

The authority will be established by a temporary advance from the Public Account, repayable, with interest, over a period of up to six years. Repayments to the Public Account are protected by the provision that the Minister for Agriculture may direct the authority to increase fees determined by it under the Act to the extent that the Minister considers necessary to enable the authority to meet repayment of the advance.

A major initiative of the Bill is to open up to competitive forces the delivery of services on behalf of the authority. The authority will be able to contract the services of any organisation with the necessary expertise, to conduct meat inspection or carry out any other function or service required by the authority in administering the Act.

The State will take back responsibility for domestic meat inspection from the Commonwealth, and regain control over standards for the production of meat for domestic consumption in Victoria. Inspection of meat for export remains the responsibility of the Commonwealth.

Meat inspection currently costs the meat processing sector in Victoria approximately $9 million annually. The move to a quality assurance approach for the maintenance of quality standards and the opportunities for more competitive arrangements in the provision of inspection services offers industry the potential to reduce costs significantly.

Under quality assurance arrangements, responsibility for ensuring that the product meets quality requirements rests, in the first instance, with the processor, who must design, implement and maintain systems for this purpose. Compliance with the program will be determined by independent audit. Failure to maintain approved quality assurance systems will expose the processor to the penalties of licence cancellation or more costly inspection regimes.

The range of establishments which process meat for human consumption which come within the scope of the new authority has been confined to those where the output from the establishment is meat, including poultry, which has not been mixed with other food products.

Premises that manufacture solely meat products containing meat mixed with other food products will not be required to be licensed under the Meat Industry Act. The responsibility for the maintenance of standards at these premises will continue to be dealt with under the Food Act 1985.

Premises which are required to be licensed under the Meat Industry Act and which solely produce meat products that are not mixed with other food products will be exempt from the requirement to be registered under the Food Act.

The main consequence of these changes to the current licensing arrangements is that the number of premises which will be required to hold dual registration under legislation regulating the meat industry and also the Food Act 1985 will be significantly reduced. Dual inspection will also be reduced and unnecessary cost burdens will be removed from a number of meat processing businesses.

A national code of practice for poultry processing has been agreed to by all States. To implement the code in Victoria, the authority will have the power to approve quality assurance programs based on standards as established in the code of practice.

The authority will issue a licence to operate a poultry processing establishment only where an establishment has in place an approved quality assurance program and meets the necessary standards.

Poultry industry operators will be given a period of time, to be determined by the authority after its formation, to prepare and adopt quality assurance programs based on the nationally agreed code of practice. The current Poultry Processing Act 1968 will then be repealed and the new licensing provisions for poultry processing establishments will be proclaimed.

Meat transport vehicles will be inspected for licensing purposes by the authority according to standards established in the nationally agreed code of practice for the transport of meat. Vehicles which
are licensed under the new Meat Industry Act will be exempt from registration under the Food Act.

Finally, the Meat Industry Bill significantly broadens and strengthens the provisions for ensuring that only fit and proper persons operate in the Victorian meat industry. Under the new arrangements, every applicant for a licence will be required to nominate a natural person as the operator of the meat processing establishment covered by the licence and to display the name of that operator prominently on the premises.

This Bill represents a major step forward for the meat processing industry in Victoria to an era where industry takes greater responsibility, through the implementation of self-imposed quality assurance programs, for the standards which deliver hygienic and wholesome meat to Victorian consumers.

I commend the Bill to the House.

Debate adjourned on motion of Mr HAMILTON (Morwell).

Debate adjourned until Thursday, 22 April.

STATE DEFICIT LEVY (AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this Bill be now read a second time.

The purpose of the Bill is to correct a number of technical anomalies in the State Deficit Levy Act.

Against the background of Victoria’s serious budgetary position and the State taxation system as a whole, the deficit levy is not open to many of the criticisms directed at it. But there are some anomalies which do require correction. The government has consulted widely and is responding promptly by correcting injustices. It has not been possible to meet all objections but these amendments will improve the fairness of the legislation.

The government gets no pleasure from having to impose taxes but where the taxation burden can be more fairly distributed the government will act to improve tax justice.

The present Act only gives the single farm enterprise exemption to farmland which is more than 2 hectares in area. The Bill provides that farmland can be less than 2 hectares in area for the purposes of the exemption. The Bill also ensures that the single farm enterprise exemption extends to property used as the principal place of residence of the farmer which is contiguous with other parts of the farm. Councils are given the power to extend the period within which a person can apply for a single farm enterprise exemption.

For zero-rated properties there will be no levy payable. For properties attracting rates of up to $200 per annum, the amount of levy will be half the amount of rates.

Taxpayers who are entitled to a pensioner rate concession and whose after-concession rates are less than $200 will pay a levy based on the normal pension levy concession, or a levy equal to half of their after-concession rates, whichever is the least.

Taxpayers who benefit from a rate waiver due to hardship and whose after-waiver rates are less than $200 will pay a levy based on the normal hardship relief, or a levy equal to half of their after-waiver rates, whichever is the least.

The Bill also enables certain health service establishments not carried on for a profit to be treated as a single rateable property for the purpose of imposing the levy.

The Bill also ensures that where a property is in more than one municipal district only one amount of levy is payable.

These measures will be deemed to apply from 24 November 1992, which is the date the Act came into force. This will ensure that taxpayers get the benefit of these measures in 1993.

The Bill also provides that the commissioner for the purposes of the State Deficit Levy Act is the Commissioner of State Revenue, and gives the commissioner power to delegate his functions to other public servants.

Councils are given the power to refund overpaid levy amounts and in appropriate circumstances to seek reimbursement from the Commissioner of State Revenue. The Bill also provides that when a council waives the interest payable on rates either in whole or part the council must also waive in the same manner the interest payable on the State deficit levy.
I commend the Bill to the House.

Debate adjourned on motion of Mr BAKER (Sunshine).

Debate adjourned until Thursday, 22 April.

TREASURY CORPORATION OF VICTORIA (DEBT CENTRALISATION) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this Bill now be read a second time.

The purpose of this Bill is to provide for the centralisation of the debt of the State Electricity Commission of Victoria, the Gas and Fuel Corporation of Victoria and Melbourne Water Corporation with Treasury Corporation of Victoria. The Bill also makes several minor amendments to the Treasury Corporation of Victoria Act 1992.

Treasury Corporation of Victoria, which will play a major part in this government’s debt management strategy, commenced operations on 1 January 1993. Consistent with the government’s policy that the Treasury Corporation of Victoria act as a central borrowing authority for the Victorian public sector, the larger authorities which had previously had access to the capital markets were required, subject to limited exceptions, to conduct their future activities through the Treasury Corporation of Victoria.

The establishment of Treasury Corporation of Victoria as a central borrowing authority will enable the corporation to establish deeper lines of long-term security instruments along the yield curve. Over time, the deeper long-term security instruments and the longer yield curve will lead to finer margins on Victoria’s debt. The centralisation of the State’s borrowing requirements will also enable the corporation to better manage the State’s debt portfolio and to restructure the portfolio and lengthen its duration.

To facilitate the centralisation of the public sector debt, it is proposed that the existing security instruments of the larger public authorities be progressively centralised with Treasury Corporation of Victoria.

The Bill establishes procedures whereby manageable parcels of debt of the larger authorities — that is, State Electricity Commission, Gas and Fuel Corporation and Melbourne Water Corporation — can be progressively transferred to the Treasury Corporation of Victoria. The Bill distinguishes between debt which is issued in Victoria and is subject to Victorian law and debt which is issued offshore and is subject to the law of a foreign jurisdiction.

Debt which was issued in Victoria and is subject to Victorian law can be transferred to the Treasury Corporation of Victoria via the process of statutory novation. It is intended that parcels of debt of the authorities will be identified in an Order in Council presented to the Governor in Council on the recommendation of the Treasurer. Once the order is made and gazetted, the debt of the authorities will be deemed to be the debt of the corporation.

Debt which was issued in the offshore markets and which is subject to the law of a foreign jurisdiction may be novated only contractually. This process requires the agreement of the holder of the debt instruments or the trustee of the holders of those instruments. The Bill identifies the debt which will be subject to contractual novation by having the debt set out in an Order in Council which is presented to the Governor in Council by the Treasurer.

It is intended that the authorities retain the obligation to service the interest and principal on the debt which has been centralised with the Treasury Corporation of Victoria. The Bill, therefore, contains provisions which require the authorities to meet the corporation’s principal and interest payments on the centralised debt and, where appropriate in the case of financial arrangements with reciprocal obligations, for the corporation to have obligations to the public authority.

The Bill also amends the Treasury Corporation of Victoria Act to clarify that the board is responsible for the management of the affairs of the corporation and to make provision for the entitlements of public servants employed by the corporation. It is intended that public servants currently employed by the corporation will have 60 days from the commencement of the section to return to the Public Service and that there be no right of return.

I commend the Bill to the House.

Debate adjourned on motion of Mr BAKER (Sunshine).
I commend the Bill to the House.

Debate adjourned until Thursday, 22 April.

CASINO CONTROL (AMENDMENT) BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this Bill be now read a second time.

This Bill is an important step in facilitating a very significant development for Melbourne and Victoria. The Melbourne casino will be a world-class, major tourist, commercial and hospitality development. As honourable members will be aware, the government made the Southbank site available for consideration as the site for the casino. The Casino Control Authority identified the Southbank site — the area between Clarendon, Whiteman and Queensbridge streets — as the optimal site for a casino and requested the government consider it. The site offers maximum traffic access, good proximity to the CBD, size and scope for synergy between the surrounding retail and commercial and entertainment facilities with the Melbourne Casino. The applicants have proceeded with this site, thereby confirming the comparative benefits.

The development will further enhance the Yarra River and will transform an underdeveloped and long-ignored triangle in the city.

Timing for the passage of this Bill is important. The short-listed applicants for the casino licence are required to submit their offers by 30 April 1993. The Victorian Casino Control Authority anticipates making a decision on awarding the casino licence by 31 July 1993 and construction is to be completed during 1996. During the time construction is under way on the Melbourne casino, the casino operators will operate a casino from a temporary site.

Before entering into an agreement to pay the premium for the licence fee and construct the Melbourne casino project, the successful applicant needs to be assured of the legislative framework within which it will operate. The government sees
completion of a good-quality, architecturally impressive integrated project as one of its important objectives for the people of Victoria.

In terms of the development of the casino, one of the main areas of concern is the planning approval process. There is a need to:

- ensure that delays do not occur; and
- give a sense of certainty to the planning approval process to reduce the financial risks of the development and therefore maximise the value of the casino licence for the benefit of Victorians.

The significance of the casino project to both Melbourne and the State warrants special consideration to ensure that the development can proceed without undue delay and enable people to have access to a casino in Melbourne as soon as possible.

I turn now to the contents of the Bill.

PLANNING APPROVAL

The Bill provides for a specialised planning scheme amendment process for the purposes of the Melbourne Casino and ancillary facilities and for the casino in temporary premises.

The government is committed to consultation with the Melbourne City Council and the South Melbourne council in the implementation of this project. To this end, briefings and meetings have occurred between the Casino Control Authority and the respective councils.

It is intended that the management agreement to be entered into between the casino operator and the government will be submitted to Parliament for ratification. The Bill consequently does not provide for public exhibition or panel hearings and will not provide for a review by a court.

The process will enable the Minister for Planning to prepare and approve a planning scheme amendment on the recommendation of the Minister for Gaming. This process is similar to developments under the previous government such as evidenced in the Royal Melbourne Hospital (Redevelopment) Act 1992.

The Bill also includes provision to enable the Minister for Gaming to be appointed a referral authority with respect to applications for planning permits on land within the vicinity of the casino. This is intended to give the Minister the opportunity to object to a change of use or facade of a building near the casino. It is clearly undesirable for inappropriate uses or facades which may adversely impact on the casino precinct, such as pawnbrokers or moneylenders, to be established in proximity to the casino complex. Any inconvenience this may cause to surrounding landowners should be offset by the increase in values due to the casino development.

BUILDING CONTROL

The Building Control Act and the Victorian Building Regulations regulate building approvals. Generally the local council is responsible for giving such approvals and undertaking inspections.

The Melbourne Casino and ancillary facilities will be of considerable size and complexity and will involve security control systems. In view of the enormous amount of cash which will be moved around the casino daily, it is essential that the security features of the casino are dealt with to protect the secrecy of these details.

The Bill provides for the Minister administering the Building Control Act to determine who is to be responsible for building control for the casino. The person or body appointed to have responsibility and any other person who is normally required to examine plans prior to building approval being granted will be subject to stringent confidentiality requirements concerning the building.

HISTORIC BUILDINGS

No part of the Southbank site nominated for the casino has been registered under the Historic Buildings Act. It is, however, open to members of the public to request the Historic Buildings Council to examine whether part of the buildings or land forming part of the site should be registered. For example, there has been some suggestion that some may wish to see the dirt embankment registered. These processes may delay the project.

The Bill therefore proposes that the Minister responsible for the Historic Buildings Act be empowered to exempt any part or all of the site from the operation of the Act. It is intended that when construction is completed the site will no longer be exempt from the Act and the Bill accordingly enables the exemption to be revoked.
POWERS OVER LAND

The Bill provides for the acquisition of land for the casino, construction of roads and granting of leases over the casino land. It is intended that the land on which the casino is situated will remain as Crown land but will be leased to the casino licensee.

Every person having an interest in the land to be acquired for the casino site has been aware for a number of years that his or her land was to be acquired for the redevelopment of Southbank. Most people with an interest in land required for ancillary works have known since December 1992 that their property may be affected. I understand that most are anxious to have the matter finalised so that they can commence relocation.

The Bill also provides for the revocation of a permanent reserve which is adjacent to the Yarra River and within the casino area. It is intended, however, to re-reserve land along the Yarra River after the casino is constructed and the boundary of the buildings is finally determined.

The government is keen to see the extension of the promenades developed in front of the boatsheds near the Swanston Street bridge and the Southgate promenade. These are an attractive and valued part of Melbourne's open spaces.

OTHER PROVISIONS

The Bill contains provision for dispute resolution, exemption from other laws, and power to require government bodies to act promptly. Similar provisions have been included in the case of other legislation for significant projects such as the Docklands Authority Act and Bayside Project Act.

The opportunity is also being taken to make a number of other amendments to the Casino Control Act including provisions to:

- require the casino operator to pay a casino supervision and control charge to cover the costs of the Victorian Casino Control Authority;
- enable the appointment of a manager if the casino licence is surrendered as well as in the case where the licence is cancelled;
- require the casino operator to submit reports on the operations of the casino at times specified by the authority; and
- enable the casino operator to purchase gaming machines direct from manufacturers approved by the Victorian Gaming Commission.

SECTION 85(5) STATEMENT

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by the Casino Control Act 1991 as proposed to be amended by this Bill.

Clause 4 of the Bill inserts a new section 128S which is intended to alter or vary section 85 of the Constitution Act 1975 by restricting judicial review of matters under the Planning and Environment Act 1987 as modified by the Casino Control Act 1991 in relation to the Melbourne casino project.

The reason for restricting judicial review of these matters is that in order to prevent the judicial process being subverted to delay or frustrate the casino development, it is necessary to prevent appeals against decisions of the Minister in relation to the Planning and Environment Act 1987.

The proposed section also provides that it is the intention to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the Supreme Court awarding compensation in respect of anything done under or arising out of sections 128L and 128M, as proposed to be inserted into the Casino Control Act 1991.

Those sections deal with road closures and the revocation of a permanent reservation. The reasons for restricting the Supreme Court's jurisdiction in this way are to ensure that the Crown's ability to deal with this land as part of the casino project is not restricted by any claim which members of the public may have and which may arise from the nature of the reservation or the previous dedication of roads to the public.

As I previously said, the Melbourne casino is a significant development for Melbourne and the State for economic growth, tourism and employment. I trust that it will continue to receive bipartisan support and that this Bill will be given a speedy passage.

I commend the Bill to the House.

Debate adjourned on motion of Mr ROPER (Coburg).
LAND TAX (AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this Bill be now read a second time.

The purpose of the Bill is to strengthen the anti-avoidance provisions in the Land Tax Act and to replace the provisions taxing special trusts at a penal rate with more workable anti-avoidance provisions. The Bill also makes several technical amendments to the Act.

The special trust provisions inserted into the Act by the previous government have been widely criticised by taxpayers and their professional advisers. These provisions were simply unworkable in practice. Of particular concern were the severity of the penal rate and the administrative burden on both taxpayers and the State Revenue Office in processing applications for exemptions from the special trust provisions.

When the present government took office it deferred the operation of the special trust provisions for 12 months while other options were considered. The government has consulted widely with key professional bodies regarding possible alternatives. After these consultations the government has decided to repeal the special trust provisions and to deal with tax avoidance through the use of trusts by enhancing the anti-avoidance provisions in the Act.

The Bill amends the anti-avoidance provisions to make it clear that the provisions apply to trust schemes and to transactions that are part of a wider series of transactions. In addition, the anti-avoidance provisions will apply to all schemes, regardless of when they were entered into or carried out.

To avoid any suggestion of retrospectivity, the amended anti-avoidance provisions will apply only to tax years after 1993. The provisions as they stand prior to these amendments will continue to apply to tax years 1992 and 1993.

However, the government does not intend that the making of these amendments should be taken to imply that the anti-avoidance provisions introduced by the previous government and passed by the Parliament in 1991 do not already apply to trust schemes and to transactions that are part of a wider series of transactions. Any disputes about these matters should be determined on their merits on the law as it now stands.

The Bill also contains a provision permitting a joint assessment to be served on one of the persons named in that assessment, provided that either the parties have agreed to this course of action or notice of this service is given to the other parties who are liable under the joint assessment.

In addition, the Bill increases the 1993 exemption level below which special land tax will not be paid in certain circumstances. This will bring this exemption level into line with the 1993 general land tax exemption level.

I commend the Bill to the House.

Debate adjourned on motion of Mr BAKER (Sunshine).

Debate adjourned until Thursday, 22 April.

LAND (AMENDMENT) BILL

Second reading

Mr I. W. SMITH (Minister for Finance) — I move:

That this Bill be now read a second time.

The Land (Amendment) Bill 1993 contains important provisions to improve the efficiency of the sale and lease of Crown land.

At present the Land Act 1958 requires that Crown land generally be sold by public auction or tender. The major exception is sale of land to existing lessees, to whom it may be sold directly.

These provisions are not appropriate to the needs of today, when governments are holding large quantities of land which is under-utilised or surplus to requirements. These land-holdings are an unnecessary burden on Victoria's taxpayers. It is a high priority of this government that such land should be offered for sale to the private sector in a quick and orderly fashion.

The requirement to sell by auction or tender, or through the mechanism of leasing arrangements, adds to the cost of sale. This means that the public may not receive the best return from sale. In addition, the government lacks the flexibility to negotiate from the outset and so obtain the best possible price from potential purchasers. This
amendment will provide the government with this much-needed flexibility.

The government is mindful that there must be safeguards to ensure that sales are managed in the best interests of the public. The public must be assured that all transactions are conducted with proper accountability. For this reason the Bill provides that sale by private treaty of any Crown land must have the prior approval of the Governor in Council.

The Bill also provides that no sale will take place under the new provisions at a price below the valuation of the Valuer-General.

In addition, at an administrative level, the government intends to transfer the Land Monitoring Unit from the Department of Finance to the Department of Justice, where it will provide an independent check on land transactions. The Land Monitor will be required to maintain a register of all sales by private treaty. This register will be available for public examination.

The second provision of the Bill provides additional flexibility in the negotiation of leases of Crown land and in the conduct of rent reviews. In the future it will be possible to conduct rent reviews at periods to be specified in the lease rather than at rigid three-year intervals.

It will also be possible to negotiate more flexibly on the manner of rent payments, so that by mutual agreement it will be possible to negotiate a single payment at the commencement of a lease.

The provisions I have outlined will permit the sale and lease of Crown land to be carried out in a manner which will be economical and more in line with normal commercial practice, while retaining the important safeguards that the public has a right to expect.

I commend the Bill to the House.

Debate adjourned on motion of Ms MARPLE (Altona).

Debate adjourned until Thursday, 22 April.
year. That is because of the TAPE agreement I, as the former Minister, entered into with Kim Beazley, the Federal Minister for Employment, Education and Training, the Prime Minister and respective Premiers, which has protected TAPE funding for the 1993-94 financial year and into the future.

It is important that members and the public are aware that in the mini-Budget last year the State government originally proposed to take $17 million away from TAPE. But it was forced to understand that not only would that mean $17 million less for TAPE but the Commonwealth would remove that $17 million, which would then be spent on students in other States. TAPE is now protected and continues to be protected, even in the mini-Budget brought down earlier this week.

The hospital system has no such protection. No maintenance of effort requirement exists on the State, financially or otherwise. TAPE will continue to be protected because of the work done by Kim Beazley and me, as the former Minister. Whereas over the next few years TAPE will continue to obtain more money from the Commonwealth, the hospital system will receive increased funding from the Commonwealth, but a substantial decrease in State funding — in the order of $460 million over a three-year period.

It is significant to point out what was said by the Victorian Hospitals Association in October after the change of government. The association made the point in its editorial on the front page of its newsletter that the former government had looked after the hospital system extremely well during its period in government. That was the view taken by a body that was at times critical of the then government. However, it believes that over that decade the Labor Party had looked after and enhanced the State's health system.

The same is not being said about the coalition government. Mr Hughes, who strongly supported the achievements of the past decade, pointed out that there would be deaths and huge growths in the patient waiting list because of the coalition government's policy.

The government seems intent on creating a crisis in our hospital system. It is all very well for the Minister for Health to say that the government should be looking at placing more public patients in private hospitals. The reality is that there is so much unused capacity in the public hospital system at the moment in terms of facilities — not in terms of money to pay staff — that the government could substantially expand the public hospital system to deal with the prospect of growing waiting lists.

What do the people of Victoria face? They face a system that is out of control, regardless of whether a person is an administrator in the Department of Health and Community Services, a senior administrator trying to run a hospital or a member of a board of management carefully hand-picked by the government along party political lines and trying to run a hospital system.

Firstly, a further restructure was announced yesterday by Dr Paterson of the Department of Health and Community Services. Such a spill of many positions will create fear and uncertainty in that Ministry for the next couple of months.

Secondly, case-mix funding is to be introduced. I have no difficulty with that; indeed, work on case-mix funding was done by Mr Brian Howe and his department in Canberra and the former Health Department Victoria under the Labor government.

Some matters need to be addressed.

Dr Napthine interjected.

Mr ROPER — The honourable member for Portland does not appear to understand the point I am making — he shows a lack of understanding about most things.

I am putting to the House, first, that there is a restructuring and uncertainty in the Department of Health and Community Services; second, that there is the introduction of a significant funding mechanism change; and, third, that the government is committed to introducing a separate purchaser-provider system, which is an important additional development so far as case-mix funding is concerned.

The honourable member for Portland shakes his head. I am not sure whether he is suggesting that the government has suddenly discovered that the time line for the purchaser-provider system will be put in place just before the next election and that currently the government's commitment is on the back burner.

Confusion reigns in the management of the Department of Health and Community Services because of the new funding for case-mix and purchaser-provider systems. Massive cuts of $70 million have already been put in place and the cuts
will total $120 million in a full financial year. Earlier this week the Treasurer said there will be further cuts of $380 million in the next two Budgets; that is almost 12 per cent of the funding for the hospital system.

It may be possible and realistic to introduce case-mix funding or the purchaser-provider system, although there are worse difficulties with the purchaser-provider system, in a stable administrative and financial climate. However, the hospital system is in anything but a stable environment when hospital funding is being cut. That affects not only large hospitals like the Monash Medical Centre and the Alfred Hospital but also small hospitals like the Dunolly District Hospital, which last year suffered an 8 per cent cut. It is a recipe for chaos to attempt to introduce a new funding system when there is uncertain administration and huge cuts are being made.

Mr Hughes, the Executive Director of the Victorian Hospitals Association, has properly warned the government and the community that these changes will result in a high number of deaths because of the chaos and confusion.

Despite all the administrative efforts made by the government, there has been a real and effective growth in the number of people waiting for treatment.

Dr Napthine — I'll take your money on that!

Mr ROPER — It is interesting that the honourable member is not aware of what some hospitals have done over the past 12 months. People who are in casualty overnight are now being classified as in-patients, which provides a significant increase in throughput numbers. Some hospitals have told surgeons not to put any more people on waiting lists. In some cases there was a procedure instruction but it was withdrawn. Nonetheless, the honourable member for Portland needs to be aware that surgeons in the orthopaedic department of the Dandenong and District Hospital were told by the hospital that they could not register patients on the hospital's waiting list until their lists had been reduced to fewer than 50 patients. It is mind-boggling to think that is what is being done. That means there are waiting lists kept by the hospital and waiting lists kept by doctors. It does not stop someone who needs orthopaedic attention going to a surgeon and being told what is needed and being listed in the doctor's rooms, but the name does not appear in the health and community services statistics. I suspect that device will be used increasingly over the next couple of years to ensure that the situation appears to be better than it really is.

A similar situation occurred with the decision to force hospitals to remove outpatient departments. The Austin Hospital in Heidelberg, because of the financial restrictions placed on it by the government, says it is:

... no longer in a position to provide public outpatient services in the medical area relevant to your care. Consequently the outpatient clinic which you were due to attend will not operate after 1 February 1993.

Instead the patient must go to a private clinic and will not be able to get prescriptions from the hospital but will have to go to the local pharmacist for them.

Dr Napthine — Isn't that awful!

Mr ROPER — The outpatient departments in public hospitals have had extremely efficient and effective methods of treating Victorian patients. The government has just admitted that one of its aims is to force the closure of hospital pharmacies and force people into private doctors' rooms. It is interesting that the Parliamentary secretary should make that point in the debate. I believe the Federal health Minister, Senator Richardson, will be interested in that cost being shifted to the Federal sphere by the State, as it is doing in the pathology area. Pathology services are being privatised, which will not only be a cost to the Commonwealth but also, because of the way it is being done in a number of hospitals, will cost an extra $15 fee for service. The service will cost more than it did when pathology departments were operating. It will be interesting to see how this area unfolds.

The Commonwealth will be taking an increasing interest in cost shifting, which is clearly outside the Medicare agreement. I suspect that the Federal health Minister will pay particular attention to the proposal for cost shifting by the Minister and her government, because it is outside the Medicare agreement.

Cost shifting will disadvantage patients. I received a report prepared by the Melbourne Teaching Hospitals Drug Usage Group. I do not know whether the honourable member for Portland has read the report, which was sent to me by Mr Ron Batagol, the chairman of that group. He and his colleagues prepared the report, which says:
The main thrust of the document is our concern over the current trend towards sending patients away from the outpatient and discharge section of hospitals, to obtain some, or all, of their medications from community practitioners on the Pharmaceutical Benefits Scheme (PBS).

He says that, although this may be appropriate for some patients, it is quite a serious matter for others. It will result in patient care being transferred from one system to another in an ad hoc fashion without any benefits being gained by the patient and with the potential for confusion and an increased risk of patient non-compliance.

I suggest government members read the report. It says that as part of the efforts to reduce hospital costs and the State’s contribution to them, a situation will be created where there will be extra risks to patients. It makes the point, as does Mr Batagol in his letter of 30 March to me, that:

Indeed, the end cost to the community is, in fact, higher. This is because the major hospital pharmacy departments, utilising VHA collective purchase arrangements, are able to purchase pharmaceuticals at a considerable saving.

It is not only cost shifting that runs foul of the Medicare agreement; it is not only that patients face additional problems of inconvenience and additional risks, but it also means that the community collectively across the various tiers of government pays more. That issue should be addressed by the Federal government, the State government and hospitals in looking at the way the Victorian government is slashing, burning and cutting what is made available to our public hospital system.

Not only is the government slashing and burning in individual hospitals, but a number of hospitals will either be closed or moved to the point of non-performance. It will be interesting to see over the next two years how many hospitals will effectively be forced to close or be downgraded by the pressures placed on them by the State government. It will be interesting to see in your electorate of Warrnambool, Mr Deputy Speaker, and the electorate of the honourable member for Portland, what effect it will have on hospitals such as the hospital in Hamilton because of the pressures that the government is placing on the hospital system.

What the government is doing in deciding that hospital funding will be cut more than funding for any other area of public activity in the State will be detrimental to the elderly and the ill in the community, particularly because of the gradual degradation of community-type and health promotion activities that were introduced during the 1980s.

Not only does the government intend to slash and burn public hospitals; it also intends to slash and burn the community health program. It has already told community health centres that their funds will be significantly reduced. The four inner city community health centres in what was Region 7 — Collingwood, Fitzroy and the two in Richmond — have been told that their funds will be cut by $1 million, the equivalent of 30 per cent.

The honourable member for Portland nods his head in agreement. They are centres that provide services for people living in the high-rise flats and the many disadvantaged people who tend to congregate in the inner city area of Melbourne. That will create substantial effects over time on the health of the community, particularly with the emphasis over recent years on not only ill health services but also better health services.

The opposition is concerned that the total package of the health policies of the government will significantly increase the ill health of the community. That is demonstrated by the government’s attitude to services such as ambulance services. Last year a professional and competent review was undertaken. The conclusion was that significant improvements could be made to ambulance services. That was not accepted by the government, which moved in and sacked the Metropolitan Ambulance Service Board. The government had some difficulty justifying its actions to the Governor of Victoria. No doubt that was embarrassing to the Minister and the government. I am not suggesting that significant improvements could not have been made in the operation of ambulance services in the metropolitan area, other ambulance services or to individual hospitals. The government sacked the ambulance board, blaming it for problems that existed when they were in fact caused by the government’s commitment to cutting even further the amount of State funds for ambulance services, which is not a high proportion of the total funding. The government wants to change the ambulance service and because of that it will be unable to provide the service it has traditionally provided. The government is also
transferring costs and telling hospitals that they will be responsible for providing much of the patients' travel. That will result in growing levels of concern by individual hospitals and families who are affected by the changes.

I have received a lot of correspondence from outraged families about what the government is doing in the ambulance service area. Over the next 12 months there will be a growing level of community concern at the government’s attitude to our State public hospital system which, as has been pointed out, was handed over to the government in good condition.

The honourable member for Portland laughs, but I direct his attention to comments made by the Victorian Hospitals Association in its newsletter. It is important that the community understands what the government is doing; it is forcing people out into the private system, whether they can afford it or not. The government does not have the support of a Federal Liberal government as it had hoped, but it will continue down the path it is taking by placing budgetary pressures on all the health services in the State, be they hospitals, community health centres, the Victorian Health Promotion Foundation or the State’s ambulance services.

Unfortunately in 12 months to two years we will all see the damage caused by the government to the public health services. It is difficult to assess some of that damage at present. We do not have an adequate base on which to assess it because the Minister for Health is not able to get her department’s annual report for last year and have it presented to the Parliament. I do not know what the Parliamentary secretary is doing, but for the past 10 years that report has been presented regularly to the Parliament in October or November of the respective year. The report provides baseline data that helps one to assess what the government is doing, and the Minister for Health and her Parliamentary secretary should comply with the clear legislative wishes of Parliament and table the long overdue — it is now six months overdue — annual report.

Dr VAUGHAN (Clayton) — I am pleased to join in the Address-in-Reply debate as it nears its conclusion. A number of honourable members have referred to Mr Speaker’s elevation to his position, which is important to the good running of the House. I wish him a long and successful reign as the Presiding Officer of this House.

He assumed his position in October last year when this House first sat, and a great deal of goodwill from both sides of the House was extended to him at that time. But during the weeks that followed much of that goodwill evaporated, which is indicated by the evidence accumulating on the Notice Paper. I firmly hope that Mr Speaker receives the cooperation of all honourable members in the good running of this House, particularly those who hold positions of great influence in this place.

I have been disappointed by many of the decisions of Mr Speaker since the October election. I hope he is remembered as a great Speaker and that the Parliament behaves more like a contemporary Parliament. Indeed, that was the sentiment expressed in the Governor’s speech to the assembled members of Parliament on 27 October last year.

One way Mr Speaker could show that this is a contemporary Parliament would be by getting rid of his ceremonial dress. A number of honourable members have criticised his decision to go back to wearing what is referred to as Westminster attire. I make these remarks in the hope that Mr Speaker will compromise by wearing ceremonial dress on Tuesdays only and reverting to wearing modern dress on the other days of the week. On 27 October last year the Governor said:

Turning to Parliament itself, the operation of Parliament, the conventions of the Parliamentary system in Victoria and the sense of independence and broad representation of Parliament have each been devalued in recent years.

If the Governor has observed what has happened since then, he would note that the Parliamentary system of government has been greatly devalued. Only yesterday it was devalued by what could only be described as a charade. Only one member of Parliament was to be permitted to speak and every other member was to be silenced. That is absolutely outrageous!

I blame the Premier for much of the erosion of the standing of Parliament over the past six months. Perhaps an inkling of the Premier’s thoughts were revealed on his return from his 21-day world trip, as reported in the Age of Tuesday 23 February:

In his first news conference after a 21-day world trip, Mr Kennett expressed a firm resolve to press ahead with his radical changes in State laws and administration —
this is the bit that I am particularly interested in —

and suggested governments in Asian countries, such as Singapore and Indonesia, could be role models for Australia.

What did the Premier mean by referring to countries in which the Parliaments are the creatures of executive government? The potential for that exists in Victoria today, because the executive government is supported by a majority of members of both Houses. That is something that has occurred only a few times in the history of the Victorian Parliament.

The Premier's suggestion that those models of Parliamentary government are appropriate for Australia and Victoria is unique. Although there is much to admire in neighbouring Asian countries, especially the way they organise their societies, their systems of Parliamentary government do not appeal to me at all. I embellish that point by linking the Premier's comments to the relationship between the executive and the Parliament. The Premier ought to study one particular aspect of Asian Society — that is, the cooperation and consensus by which those countries are governed.

Victoria is at the other end of the spectrum. The Victorian government is not interested in consensus and cooperation, it is interested in confrontation. Victoria has an autocratic style of leadership. The government is not interested in listening to the people of Victoria, let alone cooperating with them, or cooperating with members of Parliament who represent opposing views.

The Parliamentary committee system has changed since the election of the new government. Five very successful committees were restructured to create nine. It is a pleasure to serve as a member of one of those committees, the Law Reform Committee, under the chairmanship of the Honourable James Guest.

That Parliamentary committee could play an important role in this Parliament. It should be given a reference to inquire into the priorities for law reform in Victoria. I have certain views about the priorities for law reform in Victoria. I regard those matters that affect our Parliamentary democracy as being most in need of reform. The relationship between the executive government and the Parliament should be examined. The executive government has too much power and Parliament does not have enough power. The independence of the judiciary should also be examined. Since the election the government has sacked judges, intimidated tribunals and sent a shiver down the collective spine of the judiciary.

Two issues are most important in the hierarchy of issues that need to be addressed on a law reform agenda in Victoria: the relationship between the executive government and Parliament; and the independence of the judiciary.

Many other issues should be examined. There is so much to be done that Parliament would be well served by heeding the collective wisdom of the community on the priorities for law reform in this State. I look forward to further discussions and debate on those most important issues in this House and elsewhere.

Since the change of government Parliament has seen other abuses of the Westminster system. The grievance debate has been so altered that rather than being a right of the House it has become a gift of government. We have seen by executive fiat a decision made about the length of speeches during the adjournment debate.

The Parliamentary budget has been slashed to a far greater extent than the budgets of government departments have been touched. We have seen the formerly bipartisan approach to chairmanship of Parliamentary committees thrown out the window. We have seen ruthless guillotining of debate in this House. We have seen the facilities available to members of Parliament reduced. Those factors total a significant attack on the institution of Parliament — and all within six months!

I now turn to discuss a local issue. It is my privilege to represent in this House the electorate of Clayton. On 30 November 1992 a fire destroyed a warehouse in Centre Road, Clayton operated by Mayne Nickless Transport Management. The warehouse contents included olive oil, powdered milk, plastics, furniture, and whitegoods. The warehouse also contained swimming pool chemicals. Therefore, the fire that burnt the organic material had an available chlorine source. It resulted in a fallout of residue over a large part of my electorate.

Subsequent to the fire, on 4 December, the Environment Protection Authority issued the company with a clean-up notice. On the same day it also released a news release entitled, “Corrosive
Unlike the Coode Island incident, the fire that occurred in the community I represent contaminated a large suburban area with fallout. A superficial analysis of the fallout carried out by the EPA revealed the presence of organic material mixed with calcium hypochlorite — a swimming pool chlorinating chemical — and its break-down products.

During the fire the EPA carried out air testing and reported:

No toxic by-products.

I think that was meant to mean that no-one would be gassed in the popular sense of the word!

I now refer to an article at page 108 of the March 1993 issue of *Chemistry in Australia*, entitled, "Public awareness of chemistry — chemicals and public policy", written by Dr Robinson, Chairman of the EPA, a Fellow of the Australian Academy of Technological Sciences and Engineering. In the article he makes mention of 2,3,7,8 — tetrachloro-dibenzo-p-dioxin, and states:

Although the jury is still out on the significance of dioxins for human and ecological impact there is broad agreement on the need for a high level of caution to be adopted towards them.

Dioxins are the sorts of nasty chemical substances that can be produced in fires like the one that occurred at the Mayne Nickless fire on 30 November last. Present in the fire was an organic source, chlorine and the right sort of temperature — that is, not in the high-temperature furnace range.

Honourable members can be frivolous about this but it is an issue of great concern. The response to the short-term health effects following the fire was belated. Indeed, the Department of Health and Community Services was shocked to learn a couple of months after the fire that the health of the local community had been affected. Its response was to have the Springvale Community Health Service make available a form called a health event recording form. It produced a limited response because a considerable number of local residents would be unable to complete such a form in English.

Mr Steggall — You had 10 years to get all those forms right! What happened?

Dr VAUGHAN — I will come to the recommendations of the Coode Island Review Panel
in a moment. There was a belated response to the short-term health consequences of the fire and only a few forms have been collected from the local community. But for the work of a small group of residents working with the Springvale Legal Service, no completed health event recording forms would be in the possession of the health department.

It is difficult to determine how many people were adversely affected by the fire, but it appears to be a significant number and government agencies have made no real attempt to make contact with this community. It took an approach through the local Neighbourhood Watch network to gain any significant amount of information.

Nobody appears to be interested in the long-term consequences for the community who were exposed to this fire. What was the dioxin content of the chemical fallout? What else of an undesirable nature was contained in trace quantities in the fallout? How many people were exposed to the fallout and who were they? Who ate contaminated fruit and vegetables from their gardens? Who got it on their hands and into their mouths and eyes? Who will monitor the health of this community over time?

I advise the government to examine the response of the responsible agencies to the fire in the light of the recommendations of the Coode Island Review Panel and the response of the government at the time. I suspect the government believes that the recommendations of that panel, which were agreed to, are largely in place, but I have evidence that that is not the case. If a fire produces significant fallout or hazard, the mechanisms that should be in place are not always activated; and if they are, they are not activated at a sufficiently high level to produce a satisfactory outcome.

My plea to the government is to address the consequences of the chemical contamination of the suburban area I represent and the consequences of the fire in a precautionary way, because it is reasonable to say that a large community has been seriously contaminated by a chemical fire.

In response to a request from the local community — a request I support — the State Coroner has included this chemical fire in a review to be undertaken this year, and I look forward to the coroner taking more seriously the consequences of and issues arising from this particular fire. Agencies of the Victorian government appear not to have done so up to this point.

I pay tribute to those local residents who organised themselves to respond to the serious issues raised by the fire. I pay particular tribute to the work, enthusiasm and public service of Mr Joe Stosser of South Oakleigh, who was magnificent in the way he organised and stimulated reaction to the serious issues that arose from the fire.

Unfortunately, that chemical fire is not the only environmental issue facing the community I represent. Environmental issues of this nature received scant attention in the Governor's speech of 27 October. Environmental concerns are all too frequent in my electorate. The community has been blighted by 20 years of large-scale sandmining and very poor planning decisions.

Mr S.J. Plowman — And 10 years of poor planning decisions under Labor!

Dr VAUGHAN — Good planning decisions! For example, the State environment protection policy on landfills was a significant achievement. The community I represent is blighted by the extractive industry the Minister is keen to interject about. He would rip the sand out of Clayton without a care for the people who live there! There have been poor planning decisions, appalling tipping decisions and bad decisions by the Administrative Appeals Tribunal in recent years. A non-putrescible tip has stunk out an area of my electorate since the change of government. There is not necessarily a correlation between the present Minister taking office and the smell starting, but since last October a non-putrescible tip in Leslie Road has stunk out the neighbourhood. Because the irresponsibility of the local tipping industry and the lack of concern shown by municipal councils, the problem is unlikely to be solved in a hurry. The tip, which is owned by Allied Sand Nominees Pty Ltd, needs a large injection of clean fill very quickly. No-one seems to care. I do not know whether the local government areas represented by the Minister have any clean fill, but clean fill is needed rather urgently in South Clayton to solve that major problem and address a few others.

The tipping industry has been disgracefully administered for a long time, and changing the law does not appear to have much effect on the people who operate the industry. It is a disgraceful performance and has been for a long time, and the problems will be with us for several generations.

Motion agreed to.
Ordered that Address-in-Reply be presented to His Excellency the Governor by the Deputy Speaker and members of the House.

CORRECTIONS (MANAGEMENT) BILL

Second reading

Debate resumed from 7 April; motion of Mr McNAMARA (Minister for Corrections).

Mr LEIGHTON (Preston) — I join the debate on the Corrections (Management) Bill and, along with other members of the opposition, I do not support the Bill in its entirety and will be voting against it at the appropriate time.

The Bill amends the Corrections Act 1986. Throughout the Bill the Corrections Act 1986 is referred to as the principal Act. The Corrections (Management) Bill covers three main areas. Principally the Bill provides for the contracting out of corrections services and for the engagement of contractors in prisons and other correctional services. In other words, it provides for at least the partial privatisation of the corrections system.

The second area the Bill covers is that of alcohol and drug use. The Bill provides for alcohol and drug testing of people entering prisons, and extends that testing from prisoners to officers and corrections employees as well as prison visitors. The Bill creates the somewhat undefined offence of having more than a prescribed level of alcohol or drugs of addiction or dependence in a person's blood.

The third main area covered by the Bill is a provision for regulations to be made on the conduct and personal appearance of prison officers and civilian staff employed in prisons.

It is clear that the Bill is poorly drafted and that its preparation has been rushed. the government will obviously have to make a series of amendments when the Bill goes into Committee, but it does not have its amendments ready. The government realises the Bill is a mess, but it is still trying to work out how to come to grips with the problem.

The government would better serve the corrections debate if the Bill were withdrawn, redrafted and reintroduced into the House. I suspect that at the end of the day, even if a new Bill were introduced, the opposition would still oppose the privatisation of prisons.

Putting aside the substantive issues and looking at the Bill as a piece of legislation, I believe it is very poor. I think a better debate would result if a new Bill were introduced to sharpen up some of the issues.

One of the disappointments in the Minister's second-reading speech was that he went no further than describing what was in the Bill. The Minister presented his second-reading speech three weeks ago and a reasonable description of its various provisions appears in Hansard. Unfortunately, the Minister went no further, which has not assisted the House in debating the Bill and considering the issues. Anyone can pick up the Bill and read the clauses or look at the explanatory memorandum; the Minister's second-reading speech was not necessary for that. However, the Minister went no further in discussing the various areas.

At one stage in the second-reading speech the Minister talked about the Bill being underpinned by a set of principles. What principles? Where are they? I find no reference to them either in his speech or in the Bill, so an invisible set of principles exists, the details of which can only be guessed at. It would have been useful if the Minister had put those principles on the table and Parliament could have had a more successful debate.

The Minister's second-reading speech lacked any philosophy, particularly in respect of moving towards privatised prisons. The second-reading speech established no need for change in any of the three main areas that the Bill covers; the Minister did not establish a need for change. Where changes are to be made there is no provision for the criteria for identifying and implementing those changes.

The Bill is a mechanical Bill in all respects. No statement of aims and objectives relating to the imprisonment, treatment and rehabilitation of prisoners is in existence. There is no statement of aims and objectives about how the general community will be better served if the Parliament enacts the legislation.

I have outlined the three main areas of the Bill, and I will address them. Later I will address a further issue of concern: the impact of the Bill itself and, because the Bill amends certain sections of the principal 1986 Act, I will address its impact on health staff working in prisons. That is perhaps more subtle throughout the Bill and not as readily identifiable as the three main areas.
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It is unfortunate that the Minister is not in the House to hear the debate on his Bill. If, when I discuss the implications for health staff, the Minister is not present, I will pursue the matter in the Committee stage. I do not think the Minister understands how the Bill affects certain principles that were established in the 1986 Bill.

The first area to be addressed in the Bill is the privatisation of prisons and other correctional services. That is a vexed question, and the Labor Party and the trade union movement have debated privatisation and the contracting out of services. There may be a case for selling prisons to insurance companies, and if they were to offer a range of services a monopoly would not exist. It would be purely a commercial activity and a particular enterprise could be sold off.

I am strongly opposed to any extension of privatisation. Precious and scarce resources, such as water, should stay within State ownership. In his second-reading speech the Minister did not in any way expound a philosophy to underpin the privatisation of prisons. Prisons are used to deprive people of their liberty, which is why I believe they should remain in public ownership.

That is not the end of the argument. The Minister has also failed to say what areas will be privatised. Will existing prisons, such as Barwon Prison, be privatised? Is it intended that existing prisons will remain within State ownership and new prisons be contracted out? Will other areas of correctional services such as the community corrections area be privatised?

The Minister pointed out that privatised prisons can be more expensive to operate, and a good example of that is the Borallon Correctional Centre in Queensland. It costs $39 200 a person a year to operate while the Barwon Prison costs $38 000 a year for each prisoner. Although the Victorian prison is cheaper one must also consider the type of correctional services provided by the respective prisons. Barwon Prison is a maximum-security unit and the Borallon institution is a medium-security unit.

Is it intended that maximum-security areas, the more expensive areas, will be owned and operated by government but that private companies will skim off the cream because prisons requiring less security will be privatised? Will there be two classes of prisons: the old system, which requires major improvement, operated by the government, and the new prisons run by privately owned companies?

Those running privately owned prisons may have an incentive to fill them and keep them filled. They will not be run purely for the benefit of the State but to make a profit. A private correctional company may lobby the State to increase the sentences of offenders so it has a guaranteed long-term clientele.

One has only to look at the facts. Victoria has only 2500 prisoners compared with 6000 in New South Wales. Victoria has properly put a lot of emphasis on the community corrections area, but if private companies are operating prisons they will be looking for offenders to house in their establishments. There may be a conflict of interest. They will not be interested in rehabilitating offenders and assisting them so that they can be released early; they will want to keep them as long as they can. The Minister has not given any details about the extent to which private operators will be involved in determining when prisoners are to be released.

There are difficulties in several areas. Clause 4 inserts proposed section 9(2)(g) into the Act and provides:

... the indemnity by the contractor of the Crown and the Director-General against any action, liability, claim or demand arising out of anything done or omitted to be done by on or behalf of the contractor ...

Presumably it would be contended that the operator of a private prison had been negligent in allowing a prisoner to escape. If the prisoner injures himself or damages property, the private operator and not the Crown and the department will be responsible for the outcome. How will the private operator overcome that? Will the company take out an insurance policy? In a good year there may be no claim against the owner's insurance policy, but if a situation occurs similar to that at the Melbourne Remand Centre where injuries were inflicted and where an enormous amount of damage was done, will the insurance company be prepared to issue a policy against that risk? Will it be possible for a contractor to insure himself against such claims? If not, will private operators be able to meet the cost of any damages claim that may be made against them?

Even if the contractor cannot meet the claims the government is nicely off the hook because it requires that the contractor issue an indemnity. The government is saying to the community that the
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government will not be held liable for any adverse outcomes, and I find that unacceptable.

Proposed section 9E deals with minimum standards and says:

The Director-General must cause a written statement to be prepared setting out the minimum standards in relation to the provision of services by a contractor ...

There is no indication of what those standards are. The Minister did not hint at them in his second-reading speech because it is to be done by the director-general rather than by regulation. There will be no capacity to review the regulations in this place or through the appropriate Parliamentary committee.

Clause 5 of the Bill inserts into the principal Act proposed section 29B, which provides for other persons to be tested for having in their blood a drug of addiction or a drug of dependency.

Proposed section 29C inserted by clause 5 makes it an offence to have more than the prescribed concentration of alcohol or drugs. Proposed section 29B provides that anybody other than a judge of the Supreme Court or the County Court or a magistrate can be tested for alcohol or drug use. That can include not only prison officers but also other staff who work in prisons. Perhaps when the prison chaplain returns from his luncheon break he could be tested to see if he had a drink during the break. If the Minister decided to visit a prison he could be embarrassed if he had to be tested. The provision will also apply to health workers. That is a proposition I reject. I believe doctors and nurses have sufficient professionalism and ethical standards that one would not expect them when attending a prison to have to undergo blood alcohol or drug testing. Another problem with clause 5 is that it defines a prison as "any place where prisoners are".

Presumably, anybody entering St Vincent's Hospital, which has a prison ward, and particularly anyone entering the prison ward itself, will be subject to the same provisions. It could also happen in the mental health area where prisoners attend for psychiatric services. If Garry David is rehoused at Mont Park psychiatric centre, anybody entering the centre could be tested for alcohol or drugs.

The Bill does not establish the prescribed amount of alcohol or drugs; that is simply prescribed by regulation. Is it to be more than .05 per cent blood alcohol, or is it to be the level one would apply to somebody flying a plane or to probationary drivers? If it is the latter, we all know that it is possible to have a .01 per cent blood alcohol reading without having consumed alcohol.

I have difficulty with the reliability of urine testing. The State has some experience with legal challenges to urine testing under the Alcoholics and Drug-dependent Persons Act. Section 13 provides that where people are referred under recognisance from the courts to an alcohol and drug treatment facility, on many occasions where urine testing has been undertaken and the recognisance has been breached, smart barristers have successfully disputed the reliability of the testing and the qualifications of the people carrying it out. Nothing in the Bill assures me that urine testing would stand up to a legal challenge any more than it has in other areas.

An item in the Alert Digest No. 3 of 1993 dated 30 March 1993 of the Scrutiny of Acts and Regulations Committee states:

The concentration of drugs or alcohol is not linked with levels which create offences under other Acts and is to be prescribed under proposed paragraph 112(1)(cb) of the Corrections Act.

The committee said that it trespasses unduly upon the rights of freedom, and:

Until the committee has considered the further information agreed to be provided it is not inclined to change its position on certain aspects of clause 5 in the Bill.

The committee has not received that information and there is no reference to it in the subsequent Alert Digest.

Clause 6 of the Bill refers to regulations about the conduct and personal appearance of officers. That is the most childish provision in the Bill. Regulations are to be created by the Governor in Council. Will the Governor in Council decide whether a male prison officer's hair is too long or whether a female prison officer's skirt is too short? That is a ridiculous proposition. There are enough draconian provisions in the Employee Relations Act and the Public Sector Management Act to provide the necessary disciplinary procedures to deal with people if their appearance or conduct is unsuitable. The clause does not stop at prison officers, as does the principal Act. It also covers other staff who work in prisons.
Regulations are being created that refer to the type of uniforms nurses must wear and whether the prison chaplain should wear something different.

I turn to prison health staff. To assist people to understand the difficulty, I refer to the Corrections Act. When that legislation was introduced it attempted to define as prison officers everyone working in prisons and to put people such as health workers, doctors and nurses under the direct control of the Office of Corrections. A number of people, including police, fought that provision. Such a provision is not supported by World Health Organisation conventions. There is a conflict of interest in having the gaolers provide both the custody and the medical treatment. When they have responsibility for both it is obvious what will take precedence — the custody. I recall one example of a prisoner going into shock after he had been badly beaten and stripped. Each time the medical and nursing staff tried to treat him the prison officers refused access on security grounds. The same happened with a woman prisoner suffering from eclampsia — that is, toxicity in pregnancy. The medical orders were that she had to be under observation and her blood pressure and pulse rate were to be measured every 15 minutes. She was locked in her cell by the prison officers and the nursing staff were denied access to her.

Part 5 of the principal Act defines as officers prison officers and others working in prisons, including psychiatrists, medical practitioners, dentists, nurses and other health workers. Although the principal Act allows people in the corrections system to instruct health workers on matters of security, it does not allow prison officers to instruct them on other matters. It also allows prison officers to continue to report in a professional manner to the health system through the very successful corrections health board, which oversees those tasks and facilitates liaison between the corrections and health systems.

The trouble with the Bill is that it overrides those provisions. Proposed section 9C(1) relates to the definition in proposed section 9A(1)(b), which defines as prison officers all the staff working in a prison. The Bill removes the distinction between prison officers and health workers, so there is a conflict that did not arise under the 1986 legislation.

I urge the Minister to examine closely the definitions and the relationship between prison officers and health workers to see whether the Bill interferes with the principles established under the 1986 Act. Those definitions apply to the Bill and the Crimes Act and for all other purposes. It is possible the Bill will conflict with the provisions of the principal Act.

I will pursue the matter during the Committee stage to see whether the Minister understands the principles relating to the work of health workers and whether it is possible to do something to ensure compliance with the important principles established in the 1986 legislation.

Mr ROWE (Cranbourne) — The Corrections (Management) Bill establishes good principles that will result in discipline being restored to correction services. Uniformed services, such as the prison service, should be subject to strict disciplinary rules. The prison officer service can be compared with the Police Force, which is highly professional and enforces strict dress codes and rules of behaviour. Similar rules have not been applied with enough vigour in the prison system.

It is interesting that the opposition does not recognise the value of discipline for prison officers. As a police officer during the time of the previous Liberal government, from time to time I visited a number of correctional institutions to deposit offenders. On those occasions I noted the pride those officers had in their appearance and the way they performed their duties. They were highly disciplined. In recent times those standards have deteriorated. During the 10 years of Labor government, both Federal and State, nothing was done to maintain discipline in the prison officer service.

Prison officers at Pentridge and other prisons often look like the honourable member for Springvale when he wakes up at 2 o'clock in the morning after lying on the back benches during a long sitting. It is unacceptable for uniformed prison officers to look like that.

Mr Cole — What is your excuse?

Mr ROWE — It is interesting that the honourable member for — —

The DEPUTY SPEAKER — Order! Difficult though it may be, the honourable member for Cranbourne should ignore interjections.

Mr ROWE — I suppose if you pay peanuts you get monkeys.

Honourable members interjecting.
Mr ROWE — Despite all the interjections I come back to the important point of discipline. If prison officers turn up for work looking no better than the prisoners they will not be respected and will find it difficult to keep control. That is one of the problems in prisons. Prison officers have low morale and have lost the will to administer discipline. The likes of Garry David can make telephone calls to radio show personalities or anyone else whenever they feel like it. That is objectionable because although those people have committed crimes they are free to do as they like. They can take drugs in prison and be unruly. Those factors underline the need for prison officers to use discipline to control prisoners.

I do not understand why the opposition is objecting to prison officers being subjected to breath and urine tests for drugs and alcohol. Airline pilots must undergo drug and alcohol tests, and other professionals are expected to turn up to work sober. Unless standards are enforced an armed guard on the wall of a prison is a danger not only to himself but also to the prisoners.

As the Minister has said, the Bill provides the power to make regulations governing the personal conduct of prison officers — and that extends to the offences of being drunk or under the influence of drugs. Opposition members have also described conditions in B Division at Pentridge as archaic. That did not change during the 10 years of the previous Labor government — in fact it got worse. It has deteriorated so much that it is not a suitable detention facility for prisoners. The government should consider the privatisation models of the United States of America and Queensland. The private sector in those places has built good, modern facilities for the detention of prisoners.

Members of the opposition trotted out a heap of figures that have been proven to be inaccurate. They claimed that Barwon Prison is uneconomical.

The DEPUTY SPEAKER — Order! The time has come when I should interrupt the debate to enable honourable members to take some nutritional sustenance. I will resume the chair at 2 p.m., when questions without notice will be taken.

Debate interrupted.

Sitting suspended 1 p.m. until 2.4 p.m.
Two-thirds of all new jobs created in Australia in the past month were in Victoria. Individual States cannot be viewed in isolation. Although the figures are a shot in the arm for Victoria we must keep going to provide the hope and security that Victoria's unemployed people are looking for. When Victoria is coming out of the recession, Mr John Halfpenny, the Secretary of the Victorian Trades Hall Council and the individual who ran the previous government, today announced a Statewide strike to be held on 5 May.

Honourable Members — Shame, shame!

Mr KENNETT — At a time when progress is being made between the government and the Trades Hall Council towards developing a dialogue to bring about a positive result, the Trades Hall leadership has again shown it is prepared to hold the State to ransom while offering no real solutions or constructive alternatives as to how the government and the community might address the significant challenges they face.

Further, at a meeting held in my office during the past couple of weeks attended by the Treasurer and other Ministers, I informed Mr Halfpenny and the Trades Hall Council that I was prepared to meet with them at the Trades Hall on Thursday next, 15 April.

One would have thought that after Victoria's economic situation had been explained to Mr Halfpenny and his colleagues at that meeting and after he had accepted the advice and expressed surprise about the severity of the financial position, he would have wished to continue discussions and negotiations. Yet a week before what was to be a fairly important meeting where the government was prepared to meet with members of the Trades Hall Council on their home turf to continue the dialogue, Mr Halfpenny has once again pulled the pistol from his holster and put it to the head of each Victorian. Under those circumstances there is no way a duly elected government seeking to serve the interests of all Victorians, including trade unionists, could continue with the meeting that had been set down for next week.

I call on Mr Halfpenny and the Trades Hall Council to call off this idiotic strike, which is designed to further fracture any potential growth in employment in Victoria and which will ultimately result in the loss of jobs for Mr Halfpenny's members.

Victoria is coming out of the recession; it is coming out slowly, but it is coming out. This is not the time to again signal to the rest of Australia and internationally that Victoria does not want to get on with the job of being competitive. Mr Halfpenny has said he will conduct a campaign in all marginal seats to remove the government at the next election, and that is fine, but if there are to be continual losses of jobs in this State it is because of the irresponsible activities of Mr Halfpenny and the Trades Hall Council, with the support of the fools on the other side of this House who have no conscience and no sense of responsibility. I ask the Leader of the Opposition to join the government and the fair-minded people of Victoria in calling on Mr Halfpenny and the THC to call off their strike.

Honourable members interjecting.

The SPEAKER — Order! The level of interjection on both sides of the House is too high. I do not want to take action but if it is necessary, I will.

Mr KENNETT — The position Victoria is in today was caused in part by the former government and the THC in Victoria. I ask the Leader of the Opposition to join with the government in curing the problems that the opposition in part caused and to use his resources to call on John Halfpenny to call off the strike. We should put Victoria first; we should put the unemployed first; and we should get on with the job of rebuilding this State.

VICTORIAN COMMISSION OF AUDIT CHAIRMAN

Mr BAKER (Sunshine) — My question is directed to the Treasurer. Is it not a fact that Sir Roderick Carnegie wished to continue as Chairman of the Victorian Commission of Audit and that the government requested his resignation?

Mr STOCKDALE (Treasurer) — Sir Roderick Carnegie gave the government his resignation. He made a press statement at the time giving his reasons for it, and I certainly would not contradict him.

CORRECTIONAL SERVICES DIVISION EMPLOYEE

Mr A. F. PLOWMAN (Benambra) — Will the Minister for Corrections advise the House of the status of Miss Heather Parker, an employee of the Correctional Services Division of the Department of Justice?
Mr McNAMARA (Minister for Corrections) — Honourable members may recall the name Heather Parker in connection with correctional services. If the name does not readily come to mind their memory might be jogged if I refer to Jamieson, to the remand centre, or the recent escape.

Heather Parker has subsequently been charged with a number of serious offences following the escape of prisoners from the remand centre; she was arrested recently in the company of Peter Robert Gibb and Archie Butterly.

The SPEAKER — Order! I direct to the Minister's attention that if this matter is sub judice he should proceed with caution.

An Honourable Member — Has she been charged?

Mr McNAMARA — She has been charged with a number of offences including aiding and abetting prisoners and two counts of attempted murder. Those charges will be dealt with in due course by the courts.

Of concern to the Correctional Services Division and me as Minister for Corrections are the dismissal powers within the division. Miss Heather Parker is currently in the custody of the State, but on a different side of the bars from that to which she was accustomed in her previous service.

I was advised this week that there have been continual requests from Heather Parker's mother for her daughter's salary to be forwarded to her. We have taken the view that we should suspend Ms Parker from duty without pay since her arrest. We have some difficulties because she is still technically an employee of the Correctional Services Division.

The event took a new twist this week when I was advised only yesterday that Ms Parker has made an application for assistance through WorkCare. As a result of that request she was granted a certificate of continuing incapacity by WorkCare. The reason given by the doctor on the certificate was that a stress-related problem had been brought on because she is in prison.

I find it incredible that the Correctional Services Division does not have, at the very least, the authority to deal with officers about whom we have concerns. At the very least we should be able to dismiss employees without pay, and if charges are subsequently substantiated — —

Honourable members interjecting.

The SPEAKER — Order! Will the Minister please resume his seat. I do not know how many times I will have to rise, but I am getting very tired of it. I caution honourable members on my left that I will take action against them.

Mr McNAMARA — When I asked about the processes available to remove officers from the Correctional Services Division, I was given a chart. I suppose it is fairly easy to see from the chart the procedure that needs to be followed — about 50 different procedures need to be followed before officers can be removed. There was a similar instance last year under the previous government. An officer was charged with a serious offence. He went through the court process and was subsequently sentenced. Some three or four weeks after he had started serving that sentence he was still on the payroll of the Correctional Services Division. That is unacceptable.

The government has a responsibility to the taxpayers of the State. It is determined to tackle these sorts of issues to ensure that procedures are streamlined in the future. As a result, the Correctional Services Division has applied to the Public Service Commissioner to have Ms Parker suspended from duty without pay. The government is determined to ensure that rorts that existed under the previous government are removed in the future and public confidence in the State is supported.

DIRECTORATE OF SCHOOL EDUCATION

Mr SANDON (Carrum) — Will the Minister for Education inform the House which consultants have been engaged to advise on the reorganisation of the Directorate of School Education? What is the cost to the government of this consultancy?

Mr HAYWARD (Minister for Education) — A range of consultants can be appointed for various purposes. I understand that the honourable member already has information on that. I am happy to provide him with any further information he may need.

Mr SANDON (Carrum) — On a point of order, I did not ask about a range of consultants; I specifically asked a question about consultants involved in the review of the Directorate of School Education — not every consultant, just those dealing
with the review of school education. Why will the Minister not answer the question?

The SPEAKER — Order! On the point of order, the honourable member well knows that the only matter for which the Chair has responsibility is ensuring that the answer is relevant. I rule that the answer was relevant. I cannot direct a Minister to answer a question in a particular way. Has the Minister finished his reply?

Mr HAYWARD (Minister for Education) — Yes.

VICTORIAN COMMISSION OF AUDIT CHAIRMAN

Mr KENNAN (Leader of the Opposition) — I refer the Treasurer to his press release of 23 December 1992. He said that the resignation of Sir Roderick Carnegie as Chairman of the Victorian Commission of Audit had become necessary because of his position as Chairman of Hudson Conway Ltd. I ask the Treasurer: is it correct to say that the government preferred Sir Roderick to resign as Chairman of the Victorian Commission of Audit to resolve the apparent conflict rather than resign his chairmanship of Hudson Conway, which would have resolved the conflict and allowed him to stay on as Chairman of the Victorian Commission of Audit?

Mr STOCKDALE (Treasurer) — I have said twice already that Sir Roderick tendered his resignation to the government. At the time he gave reasons, which obviously had to do with his own private business arrangements. I am not privy to his opportunities to rearrange his business arrangements. He has given reasons for his resignation.

It is scurrilous that the Labor Party is endeavouring to discredit this senior Victorian businessman; he is a man who has a very distinguished record as a senior member —

Honourable Members — Guilty!

Mr STOCKDALE — An updating of the findings of the Nicholls report and a disclosure of what has gone on in Victoria under 10 years of Labor's incompetence and maladministration will only drive the reputation of the Labor Party further down to where it belongs.

The opposition is commencing a despicable campaign to undermine the reputation of a senior Australian businessman, for the very political purpose of trying to lay the groundwork to discredit the report of the audit commission.

Every Victorian knows what is likely to be in that report.

Honourable members interjecting.

The SPEAKER — Order!

An Honourable Member — You should!

The SPEAKER — Order! In circumstances like this the Chair has only two alternatives: the first is to name someone which, as honourable members know, I am reluctant to do; the second is to conclude question time. I do not wish to use either stratagem. I ask the House to come to order. I call the Treasurer to conclude his answer.

Mr STOCKDALE — The Victorian Commission of Audit started the review with the advantage of the Nicholls report. It has been asked, among other things, to update and extend the information in that report. The Labor Party knows what will be disclosed because it was in office; it knows about its own bungling and cover-ups.

This despicable campaign is designed to lay the groundwork for questioning the authenticity of the audit commission report. It will not succeed because Victorians know that this independent inquiry has been conducting a diligent investigation and is preparing an accurate report on the finances of this State.
QUESTIONS WITHOUT NOTICE

Thursday, 8 April 1993

JAPANESE BEEF MARKET

Mr TREASURE (Gippsland East) — Will the Minister for Agriculture outline to the House the key initiatives he has taken to investigate the feasibility of developing a comprehensive marketing strategy aimed at increasing the export of grass-fed beef to Japan and to reduce cost impediments to the Victorian meat industry?

Mr W. D. McGRATH (Minister for Agriculture) — I thank the honourable member for his intelligent question because it may lend some quality to the regard in which the value of agriculture to Victoria is held.

Honourable members interjecting.

The SPEAKER — Order! The Minister should address the Chair.

Mr W. D. McGRATH — The Department of Agriculture, key Victorian export abattoir operators and a group of Japanese meat importers recently conducted a seminar to examine impediments to the access of grass-fed beef into the Japanese market. Grass-fed beef is regarded in the Japanese market as being of a lower quality than grain-fed beef from their own production and from other countries. Victoria produces high-quality grass-fed beef, but it has not sufficiently identified the quality of the product to be able to get into the Japanese and Korean markets. That is what the seminar was about.

It also considered the development of a strategy that will be coordinated through Ausmeat and the Australian Meat and Livestock Corporation to create a brand image for Victorian grass-fed beef, particularly the better cuts of the animal, and to achieve greater access to the lucrative Japanese market.

Last year Japan bought 20 000 tonnes of beef worth $80 million from Australia. Victoria exports about 36 per cent of its beef production. It will take coordination between the export abattoir operators and the Meat and Livestock Corporation together with beef producers to make sure the strategy is realised and acted upon. We believe there is significant potential for higher returns, particularly to the producers, the export abattoir operators and the workers, many of whom now vote for the government instead of for Labor.

CLOSURE OF SCHOOLS

Mr SANDON (Carrum) — Given his answers yesterday that no decision had been made to close schools, can the Minister for Education give an undertaking that he and his Parliamentary secretary have not discussed school closures in particular electorates with members of Cabinet, the coalition or his departmental task forces?

Mr HAYWARD (Minister for Education) — No decisions have been made to close any schools.

FOSTER CARE SERVICES

Mrs McGILL (Oakleigh) — Will the Minister for Community Services advise the House what is being done to provide foster care services to families with children with disabilities?

Mr JOHN (Minister for Community Services) — In Victoria about 1500 children are in foster care at any one time. Foster care is considered by experts in the field to be the best possible care after natural home care, and it is more cost effective and offers a better quality of life for children than institutional care. I pay tribute to the families that involve themselves in this scheme because they do not do it for money. The reimbursements are relatively modest, compared with the costs involved; in fact, the families lose money. However, they do the job with dedication and commitment to children, and society benefits from their efforts.

About 34 foster care agencies operate in Victoria: 27 are in the non-government sector and are partially funded under contract by the government; 4 are local government agencies; and 3 are provided by the Department of Health and Community Services.

In addition, 11 agencies operate special shared-family foster care programs for children with disabilities. It is the government's intention to expand this program, which has been very successful. It is currently restricted to children with intellectual disabilities, but it will be extended to children with physical and sensory disabilities.

The shared family foster care program provides for a foster care family to work alongside a natural family and share the care of an intellectually disabled child. The obvious benefit of the program is that it provides emotional and physical support for the child's family and extra support for the child. The program also provides a valuable aspect of care to
the family of an intellectually disabled child, and that is respite.

As any person who has had to care for the intellectually disabled knows, respite care is extremely important. Caring for a child with disabilities is a huge commitment requiring enormous dedication. Many parents of disabled children suffer from stress and trauma, and if it is possible for a second family to work alongside the child's natural family to provide emotional support and respite care, the natural family is more likely to be in a position to offer greater quality-of-life options to the child.

The shared family foster care program is a successful and innovative program, and it certainly supports the families of disabled children and improves their quality of life. I thank families in the community who are already involved in the shared family foster care program and encourage families who would like the opportunity to take part to do so because there is a real need for assistance in caring for the disabled.

The government is committed to the provision of high-quality care for people with intellectual, physical or sensory disabilities. Victoria has important and caring non-government agencies that care for the disabled and the Department of Health and Community Services provides excellent care for children.

CLOSURE OF PUBLIC HOSPITALS

Mr ROPER (Coburg) — In light of the unprecedented cuts in funding for the State's public hospitals, will the Minister for Health assure the House that neither she nor her officers is considering the closures of any of the State's hospitals?

Mrs TEHAN (Minister for Health) — The State is looking at extremely large Budget cuts as a direct result of the mismanagement and irresponsibility of the former government. If anyone is responsible it is the former Minister for Health.

Mr ROPER (Coburg) — On a point of order, Mr Speaker, the question I specifically asked was whether the Minister or her officers were considering the closure of any State hospital. A straightforward yes or no answer is possible. I ask you, Sir, to ensure that the Minister answers the specific question.

The SPEAKER — Order! The honourable member for Coburg is well aware of the responsibility of the Chair. I cannot direct a Minister how to reply to a question. All I have to ensure is that the Standing Orders are observed and that the Minister's answer is relevant. The Minister's answer is relevant, and there is no point of order.

Mr MACELLAN (Minister for Planning) — On a further point of order, Mr Speaker, in rephrasing the question during the point of order, the honourable member for Coburg reversed the way in which he first asked the question. The honourable member first asked the Minister to give an assurance about a particular matter. During his point of order the member reversed the question so that whatever answer the Minister for Health gave would be inappropriate to either the first or the second question.

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

Mrs TEHAN (Minister for Health) — The honourable member for Coburg, a former Minister for Health, made the problem that this government is seeking to rectify. For the Budget to be balanced and for the current account deficit to be managed within the next two or three years, considerable difficulties will be encountered across all portfolios. I give an unequivocal assurance that neither I as Minister nor my department has any plans to shut any hospitals in Victoria. That is in complete contrast to what the former Labor government proposed to do; it planned to close hospitals at the stroke of a pen without any consultation whatsoever. Of course, it had to change its mind three months later, so hospitals at Elmore, Maffra and a number of other places are still operating.

The government is giving public hospital managements every opportunity to provide cost-effective and efficient services — so much so that it is reasonably confident that more patients will be treated this year than were treated last year, despite there being less money.

The government is encouraging hospitals to address problems that the former government would not consider. The government is providing hospitals with an opportunity to examine work practices, staffing levels and a number of management compositions — such as cook-chill food, on which the former government placed a moratorium at the behest of the unions. The former government would
not allow hospitals to decide the sorts of meals that would be provided because the union said, "We don't like it". I am confident not only that hospital services will be maintained but also that the quality and extent of services will be improved. We will continue to treat patients, despite the rigid and difficult financial circumstances we inherited as a result of 10 years of Labor government in Victoria.

CORRECTIONS (MANAGEMENT) BILL

Second reading

Debate resumed.

Mr ROWE (Cranbourne) — Prior to the suspension of the sitting I was discussing aspects of privatisation to which the government is committed so that Victoria has better and more modern correctional facilities. The opposition appears to be using a lot of convenient figures that have previously been refuted by the government.

An honourable member quoted incorrect figures. He said that the Queensland institution of Borallon operates at an equivalent cost per prisoner to a State-run facility. That is not the case. The Borallon prison operates at a cost of $39 200 per prisoner compared with the Barwon Prison, which operates at a cost of $56 100 per prisoner in the same year, inclusive of all overheads. That is a difference of about 30 per cent.

The opposition understated the operational costs of the Lotus Glen Correctional Centre by some $10 000 per prisoner. It is disturbing that it has to resort to using incorrect figures to demonstrate that private correctional services do not work.

The worldwide experience is that private correctional services do work, that the discipline of the officers is better than that in government-run facilities and the behaviour of the prisoners and their work efforts are better than those in government-run facilities.

I have no hesitation in supporting the Bill that introduces some form of improved discipline over the corrections staff to ensure that persons who are intoxicated or under the influence of drugs are refused entry into prison facilities. The Bill allows the government to use private enterprise and private capital to provide correctional services that will improve the living standards of prisoners.

Mr COLE (Melbourne) — I oppose the Corrections (Management) Bill; it is an enabling Bill that offers nothing by way of explanation of what it proposes to do. It enables the government to bring about one of the most substantial changes to the prison system since prisoners were transported to Victoria.

We have had a history of public and Crown control of prisons, and to that end one must be concerned about what is being proposed in Bills that will allow contractors to be employed. I shall turn later to the concerns I have with some of the powers given to the police to inquire into contractors and address the general issue of privatisation.

In my experience with the justice system and visits to prisons — I take the House back some time prior to the Labor government winning power in 1982, and the early days after that — the prison system that the Labor government inherited was appalling. There was no remand yard of any note at Pentridge Prison; when one visited Pentridge it was an horrific experience.

In those 100 years — for 27 of which the Liberal Party, not the National Party, was in office — few if any capital improvements were made to Victorian prisons. The only construction of any great moment was the building of Jika Jika. No-one should be proud of that monument because it violates the United Nations international guidelines for prisons.

Mr McNamara interjected.

Mr COLE — It did not. I know the government thinks the only reason Jika Jika cannot be used is because it violates those conditions — but it just should not be used. Jika Jika is an electronic zoo, and it may have been better had it not been built. The fact is that little money has been spent on improving the prison system.

One corrections centre that caused concern was the former remand centre, which, at times, housed 50 people in a small room. Although those people had not been convicted, they were locked up all night on remand! When the Labor government came to office it built the Melbourne Remand Centre in West Melbourne, which is seen as a model. The Minister has seen fit to put iron bars on the windows. Although they may concern local residents, the opposition is confident that the next time prisoners get hold of gelignite the community will not have to worry because the iron bars will stop the prisoners from getting out! The iron bars on
the remand centre are particularly strong. In fact, they are more powerful than gelignite and will even remain when the bricks and windows have gone — like the Minister, who will be here forever!

Mr McNamara — It might help them.

Mr COLE — I remember the debate about razor ribbon wire. If prisoners want to escape, they will.

Mr McNamara — It is better than having no bars.

Mr COLE — At least it looks as though something is being done about security! People will see the bars and think that they are safe. The Minister obviously has not heard about those escape artists who are able to overcome the problem posed by bars. Be that as it may, the former Labor government built four new prisons and the new remand centre.

Mr Sercombe interjected.

Mr COLE — It sounds a bit like the Victoria Cross — VC with bars. Although the government does not want to admit it, the capital works record of the former Labor government was good — because it had to be. The former government had no alternative but to do what it did, and it made capital improvements under difficult circumstances.

I am concerned that the Bill does not discuss the concept of imprisonment. A prison sentence is considered a sentence of last resort. There is no longer any penalty beyond imprisonment, which is appropriate.

That being the case, when the freedom of a person who has fallen foul of the law is taken away she or he must be treated humanely. We must not allow the treatment to differ from individual to individual, because that would be a case of the law falling foul of itself. Guidelines have been established to maintain standards in prisons. I do not think that Victoria violates too many of those guidelines — although I am sure that what was known as Jika Jika does.

It is important that there be equality in prisons. It does not matter how long people are in prisons; they should be treated equally whether they are doing six months or 20 years. Their punishment is the time they serve. That is the way it is and that is the way it ought to be. Prisoners must always have some certainty about their sentences. They must know at what point they will be getting out, whether it is 10 or 20 years down the track, or only six months away. They should not have indeterminate sentences. In Victoria sentences can be adjusted at the Governor’s pleasure. In my view that is unfortunate, but it is the only way sentences can be changed — —

The ACTING SPEAKER (Mr Cooper) — Order! I hope the honourable member is making only passing reference to sentencing because the Bill does not address the issue.

Mr COLE — Mr Acting Speaker, the Bill deals with the management of correctional institutions in this State. The right for prisoners to have some certainty about sentences relates to their management, but I accept that I am getting a little broad. I raised sentencing in the context that the privatisation of prisons will have an effect on the way prisoners serve their sentences. When such a radical proposal as this is made to the operation of the prison system, whether it is right or wrong, all aspects of the terms served by prisoners should be considered. The Bill does not consider or discuss the issue — it all just happens. I express concern that the proposal to privatise prisons is not dealt with by a sentencing Bill. As time goes by, especially if the government privatises the Barwon Prison, many problems will arise. The American experience is both good and bad, but it is certainly not easy. To put it mildly, it is a vexed issue.

I return to the Governor’s pleasure, which involves a decision by the Attorney-General, on the advice of the Governor or Cabinet, to recommend how much time will be served by prisoners. That power should be handed over to a parole board because it is a political decision; it is too difficult for politicians to make such decisions.

In considering the management of prisons it is important that a proper balance be struck between prisoners’ rights and the management of prisons. It is a delicate and difficult balance. Many members of the community believe prisoners should be locked up and not punished any further. They believe the time prisoners do inside represents their punishment. Other people become concerned that prisoners are allowed to watch television, have a cigarette or drink an occasional beer. I suggest those issues are not important when talking about our penal system. The real issue is the time being served.

When one considers prison management, which is the main object of the Bill, there should be no mention of privatisation. The prison system is not
perfect. Neither prison officers nor prisoners are the easiest groups of people to deal with. There is a strong argument that important areas of the justice and emergency services systems, such as the police, ambulance services or prisons, should be run by government or be directly accountable to government through their employees. It annoys me that such services should be handed over to the private sector.

When Labor came to power in 1982 it inherited a terrible corrections system. The former government built the Barwon Prison, a model that has been well received after some initial problems. I am well aware of the problems because I was on the Labor Party's policy committee at the time. I believe the Leader of the Opposition was then the Minister responsible for corrections. At that time the locals did not want the prison built at Lara. Now that the prison has been built and has worked well, you could not take it away if you tried.

Now that all is well the coalition government wants to hand the Barwon Prison over to private enterprise.

Mr McNamara — There's no proposal for that at all.

Mr COLE — The Minister suggests there is no proposal to hand it over to private enterprise! Perhaps the government intends putting private people in to run the prison. I accept the Minister's word, but let's say it does happen.

Mr McNamara — We are considering options, including the construction of new prisons, as the Goss government has done in Queensland.

Mr COLE — I have no problem with the government considering the construction of new prisons. A private firm built the Barwon Prison, but it did not then move in and run the prison. If the government does that it will create the possibility of having a group of private companies whose income is centred around the number of people in prisons.

Mr McNamara — Have you been to Borallon?

Mr COLE — No.

Mr McNamara — It is worth having a look at.

Mr COLE — Yes.

The ACTING SPEAKER — Order! I ask honourable members to end the conversation and get on with the debate.

Mr COLE — It concerns me that the government would hand over this facility to a private company. The company would then have an interest in the prison population remaining static rather than decreasing it. The company might even have an interest in the population increasing. I have no doubt that if a private organisation depends on a certain level of income from prisoners a lobby group would be organised. In the United States of America some 60 000 to 80 000 deaths occur each year as a result of the use of hand guns. The hand-gun lobby is so strong that American States could not possibly get rid of hand guns. Despite such high death figures from the use of hand guns the tragedies are allowed to continue.

Why would it be any different in prisons? The Minister referred to Borallon in Queensland, but it is early days yet. We do not know what will happen in the long term. The opposition does not necessarily object to the idea of private organisations running certain programs. However, it objects to the private sector running prisons in this State. Even if the opposition accepted that it may be a good method of doing things, the government's motivation is important. Does the government want to privatise prisons because it believes it will be a better or more efficient system, because it dislikes prison warders or because the government is on an ideological bent to transfer institutions to the private sector? Is that what this is all about? Will this be seen as a panacea or solution to the problems facing the corrections system in this State? Unfortunately, as with so many things it is doing, the government has a strong belief that if something is imposed on the private sector all the government's problems will be resolved.

The Bill does not address those fundamental concerns. Rather than the Minister feeling compelled to have contractors in to do whatever, to run or build prisons — and they can be built without introducing this Bill — why does he not concentrate on the immediate issues facing prisons? The issues of the day are: to improve facilities at Pentridge Prison, which may require some funds being spent on it; to ensure that alternative programs to prisons are run efficiently and effectively; and to ensure that Victoria gets a prison industry off the ground so that prisoners are not sitting around on their bunks, doing nothing all day, or walking around the yard at Pentridge.
The classification of prisoners must be improved and, dare I say it, the treatment of sex offenders should also be improved. Those are only a few of the general issues that need to be addressed before the privatisation of prisons is discussed.

I am also concerned about sentencing proposals that would increase the number of prisoners. A whole host of other problems may evolve if the sentencing legislation foreshadowed by the Attorney-General is enacted. This Bill should not be considered in isolation, yet that is what is happening.

The issues surrounding prison reform are many, varied and difficult. They are difficult because of a community expectation that criminals should crack rocks, should not be permitted to watch television and so on. I disagree with that view. As a community we can expect only that a person should be given a sentence. Unfortunately the Bill does not address any of those issues; it is about doing something completely from left field and has nothing to do with prison reform or the proper management of prisons.

Mr Sercombe interjected.

Mr COLE — The honourable member for Niddrie is correct — it is from right field! In my view there is no need to contract out the running of prisons and it certainly should not be the first priority. The thrust of the Bill is symptomatic of the government’s tendency to go off somewhere else when it should stick to the main game. The reforms needed can be carried out within the current system and I am not convinced that the level of economic efficiency in the current system warrants bringing in private contractors to run prisons.

As honourable members may have gathered, I could go on for hours. I will, however, continue for only another 11 minutes. As the Minister for Public Transport said the other day, he could have gone on for hours and hours — he would have to do at least that!

I find the proposals for dealing with drugs in prison objectionable and repugnant, to put it mildly. I cannot believe there is a correlation between a person with drugs in his or her body and the delivering of drugs to prisons. For the purpose of the debate I will deal separately with prison officers and visitors. It is grossly unfair to randomly test visitors to prisons for drugs and absolute nonsense to test for alcohol.

Mr Sercombe interjected.

Mr COLE — My colleague informs me that the government will drop the provision relating to alcohol use. There is no need for such a provision because if a person trying to visit a prison was under the influence of alcohol it would be patently obvious and the authorities would have the power to throw that person out.

The situation in relation to drugs is different, but I do not believe it is necessary to introduce this type of mechanism to solve drug problems in prisons. In his speech the honourable member for Glen Waverley went through his discipline routine and spoke about how everyone should make sure they have shiny shoes and wear a bow tie and so on. Why should we not approach the drug problem from the other direction and attempt to introduce proper drug treatment programs for prisoners? Why not introduce random testing of prisoners and somehow treat prisoners who have a drug problem?

The real problem is that the Bill treats the symptom and not the cause. The honourable member for Mooroolbark spoke about Fairlea Female Prison. I have some figures on Fairlea: in 1988 from Prahran Magistrates Court alone 44 women were sentenced to serve custodial sentences for prostitution offences; and prostitution is usually a victimless crime.

I remember doing some work on this issue some time ago and having a few debates about women in prison with the Honourable Steve Crabb, a former Minister for Police and Emergency Services. It is appalling that women are still going to gaol for prostitution offences, usually for defaulting on fines. I do not think the issues are being properly addressed. In most cases the women are also drug addicts and the issue will not necessarily be resolved by searching all visitors to prisons.

People are put in prison both for drug-related offences and for drug offences per se, such as taking heroin. Unfortunately prison is the worst place to put drug addicts; it is not the place to treat addicts but a place to incarcerate and punish people.

At Fairlea Female Prison a whole series of things could be done to help get women prisoners off drugs. It is desirable to do those sorts of things before worrying about drugs coming in. It is not possible to rehabilitate prisoners simply by stopping drugs from entering prisons because as soon as the prisoners are released the problem will start again. We can start by doing the little things, such as
allowing mothers to have their babies with them in prison, especially when a baby is being breast fed. Simple measures like that go some way to solving some but not all of the problems.

Mr McNamara interjected.

Mr COLE — For the kids to stay there permanently?

Mr McNamara interjected.

Mr COLE — We should be trying to address those issues and not approaching the problem from the opposite direction by testing visitors to prisons. I suggest one of the real purposes of the Bill concerns prison officers and not visitors. I am concerned that the testing of visitors may turn out to be a form of harassment. I am worried about the Minister being harassed. The Bill provides for the testing of officers and so on for alcohol or drug use and provides that other persons may be tested. Proposed section 29(B)(3) states:

This section applies to any person (including an officer within the meaning of Part 5 and an official visitor ... who —

(a) has entered or attempted to enter a prison.

That would include the Minister.

Mr McNamara interjected.

Mr COLE — Or me! The proposed section continues:

(b) while inside a prison has communicated or attempted to communicate with a prisoner.

The clause then refers to a judge of the Supreme or County courts or a magistrate. If it is accepted that a judge or magistrate would not take drugs into a prison or make a visit while inebriated, it can be accepted that the Minister would not do those things either. An exception might be the day after St Patrick’s Day; we could amend the Bill to say “save and except for 17 March”!

Two crucial questions are involved in this issue. I do not wish to exaggerate the point too much. As a member of Amnesty International I occasionally visit the remand centre, which is in my electorate, but I avoid doing it because one ends up going too often.

A member of Parliament should have the right to go into a prison if a prisoner requests to see his or her member of Parliament or any member of Parliament, so no restraint, even random checking, should be imposed. I do not want to exaggerate it too much, but from the Amnesty International point of view a political prisoner or a non-political prisoner should equally be entitled to see a member of Parliament. Whether the Minister will consider that in relation to a member of Parliament visiting in his or her capacity as an ordinary member of the public I do not know; but I would not apply that principle to a judge, either.

I am concerned about the separation of powers. I do not see why a member of Parliament should be any different from a judge or a court official in a prison visiting situation. I do not compare myself with a Supreme Court or County Court judge, but as a member of Parliament I believe I should be treated equally with regard to visiting a prison.

The Minister should be free from encumbrances when visiting a prison. We accept that he would not abuse that privilege. He would not go to prison rocking and rolling, in an inebriated state, or having shot up heroin the day before.

The other issue to be considered is that of legal representatives. A legal representative going to see a client in prison should be free from intimidation. I do not know how many instances there have been of legal representatives smuggling drugs into prison, but the level of the problem must be marginal and I cannot imagine too many barristers being involved.

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

Mr LONEY (Geelong North) — I listened with interest to some of the points made by the honourable member for Melbourne, especially in the latter part of his address, and I agree with him that prison reform is an important issue and must be tackled from the right direction. The points made by the honourable member about drug taking in prisons are important and should be taken on board by the Minister.

I shall touch mainly on the provisions of the Bill that provide for contracting out of service delivery in prisons. That is basically related to the moves towards privatisation of prisons. The opposition is opposed to the privatisation proposals, not least because it regards these proposals as being of doubtful benefit to the prison system. Ultimately it is the benefit to the system that must be addressed when making changes.
Private prisons operate in a number of places throughout the world and in Australia, as has been mentioned by a number of speakers, but there really is no substantial evidence that private prisons provide a financial benefit to the system within which they operate. There is no body of evidence to suggest that the private enterprise prisons that operate in Queensland have superior productivity efficiency or superior management when compared with similar — and I emphasise the word “similar” — prisons in the government system.

Much has been made by government speakers about figures used by the shadow Minister and whether the costs he used were an accurate reflection of the true situation. In fact some government speakers said they believed these costs not to be correct. I believe the costings used by the shadow Minister are correct and that the higher figures quoted by government members are a fudge of the real costs associated with the prisons in Queensland compared with the Barwon Prison in the Geelong area.

They are a fudge of the costs because they add to the prison’s operating costs an amount for the central operations of the Correctional Services Division and that amount could be approximately $10 000 a unit. That being the case, quite a discrepancy is created between the two systems. The two cannot be compared if apportioned to one are the central costs as well as the operating costs. A comparison can be made only with two similar operating systems. That is what the shadow Minister did when he introduced the figures. On that basis the shadow Minister said that the privately-owned Borallon Correctional Centre in Queensland has a unit cost of $39 200, an official figure given by the Queensland Corrective Services, and there is no reason to doubt its reliability. The government-operated prison at Lotus Glen, which has a similar infrastructure and prison population but a much wider mix of functions, has a unit cost of approximately $42 000. Allowing for the differences between the two, it is difficult to draw any conclusion about the relative costs other than that they are remarkably similar.

What we do know, however, is that when compared to the modern Victorian Barwon Prison, which I might add is in my electorate near the township of Won Wron, no case can be made that the private prison system is cheaper. Barwon Prison has a similar population to Borallon and is similarly modern. The major difference between the two prisons is that Barwon Prison is high security whereas Borallon is medium security. In spite of this difference, which one would expect to be to Barwon’s disadvantage on a cost-comparison basis, the operating cost of each establishment is about $9 million. That figure is from the Office of Corrections. It reliably puts the unit cost per prisoner at Barwon at around $38 000.

Clearly any case claiming that private prisons result in tremendous cost saving or efficiencies cannot be upheld on the basis of those comparisons. This is both interesting and relevant to debate.

If prisons are to be privatised or contracted out and new prisons are not to be built — I heard the Minister’s assurances that at this stage the only proposals that may be looked at would be for new private prisons, but if that were to change at some time in the future and private systems were to be introduced into currently operating prisons — Barwon Prison would be the most likely candidate for privatisation. As the local member for the area in which Barwon Prison is situated, I have some obligation to remark on that facility.

As was mentioned by the honourable member for Melbourne and as other honourable members including the honourable member for Doncaster may recall, Barwon Prison was born in circumstances of great local controversy. There was a fair amount of antagonism within the local area towards this proposal. There were many fears about having a high-security prison in the area.

Mr Perton — Were they realised?

Mr LONEY — They were not, which was precisely what I said would happen.

Mr Perton — Your speech was flagging until we joined in.

Mr LONEY — It has been a wonderful help to me.

The ACTING SPEAKER — Order! Will the honourable member for Doncaster try to restrain himself.

Mr LONEY — At the time I supported the siting of Barwon Prison where it is today. I pointed out to many people that I lived much closer to the existing Geelong prison than any of them would live to Barwon. Be that as it may, people living in the area did not want the prison. However that has now changed.

People of the area have accepted the prison in the community. Indeed they also now recognise that
there are some benefits to the local community in having the prison sited there, not the least of which is the spending generated. There was a large employment benefit to the local area, particularly in the construction stage. That is now widely appreciated by the community. The Minister and most others would agree that Barwon Prison is an extremely well-managed system.

_An Honourable Member_ — Much improved since the change of government.

_Mr LONEY_ — We might come to that in a minute. It is a very good prison. It has quality programs, including a very successful powder-coating program employing prisoners. A number of contracts have been won by Barwon Prison for work to be done for private industry. Barwon Prison is an efficient, well-run prison, and no form of contracting out has been required to make it efficient.

_Mr Perton_ — How much does it cost per prisoner?

_Mr LONEY_ — It costs $38 000 per prisoner. I have already referred to that. Perhaps the honourable member was not listening as intently as he assured me earlier.

Cleaning up the prison system has been referred to by a number of members, including the honourable member for Glen Waverley, who has returned to the Chamber. Cleaning up the prison system is a laudable aim. Having spent some time in the old Geelong gaol in which I worked was nothing short of a disgrace. It was dilapidated. Many parts of the prison were not connected to the sewerage system. “Primitive” would be the correct term to describe the conditions. Prisoners’ behaviour tends to be influenced by conditions; it will vary according to conditions. It was a wonderful move to close down Geelong prison and build Barwon Prison.

After my experience in prisons, I agree that there is a need for reform in the prison system. I would prefer to use the word “reform” rather than the term “cleaning up”, which has some unfortunate connotations. The privatisation provisions of the Bill do not tackle that area. They do not address the need for reform or sort out the issues the honourable member for Melbourne spoke of.

Indeed, the provisions adopt the sell-off mentality that is so prevalent in other areas of government policy. In the end that mentality leads to the flogging off of the best assets, in this case Barwon Prison, and the retention of the assets that the private sector does not want for all sorts of reasons. This would eventually create a double standard in the prison system of Victoria: the government would have to deal with all the problems while the private system sits nicely in what might be termed the comfort zone and operates on a much better footing than government-run systems.

The old Geelong gaol in which I worked was nothing short of a disgrace. It was dilapidated.

The honourable member for Glen Waverley spoke about morale, but he neglected to mention how morale has been affected by decisions of the Minister for Corrections. The shadow Minister referred to a morale problem at the Barwon Prison. I assure the House that morale at that establishment has been good because it is an efficient and well-operated prison. I shall not dwell on the morale question but emphasise that decisions like the one taken about the officers’ social club at that prison certainly serve to demoralise staff.

I also refer to the “nothing to fear” argument mentioned several times about other issues mentioned in this debate. The honourable member for Glen Waverley used the “nothing to fear” argument about certain reforms; that argument is used in many circumstances, and particularly about civil liberties. That virtual non-argument is somewhat scurrilous in that it is used by implication to denigrate any person who raises any objection to the proposed reforms — hardly a way to maintain morale! There must be better ways to address reforms and maintain morale than use the “nothing to fear” argument.
I do not know whether it was intentional but the honourable member for Glen Waverley gave the impression, from what he told the House, that on-the-job alcohol abuse is prevalent among prison officers; he spoke about warders having long lunch breaks. That impression is false, and when it is used to promote the changes contained in the Bill it can only serve to lower further the morale of people working in the prison system.

I do not wish to imply that there is no place for reforms in our prison system. From my experience, as I outlined earlier, many prison reforms could be addressed, but they should commence on the basis that not everything in the prison system is bad. This Bill has as its base that everything in the existing prison system is wrong. The government should address the aspects of the system that are not working well, and attempt to improve deficiencies. However, it is incumbent upon everyone involved with any reforms to bear in mind the old saying: if it ain't broken, don't fix it.

Dr COGHILL (Werribee) — I am pleased to join the debate and in doing so I emphasise that it is my intention to debate the provisions of the Bill rather than simply to make a speech.

Some interesting and relevant contributions have been made by the honourable members for Geelong North, Niddrie, Albert Park, particularly by the honourable member for Melbourne, and, indeed, by honourable members on the other side of the House, particularly the honourable member for Glen Waverley, and including the honourable member for Mooroolbark.

My particular concern with the legislation is the aspects of alcohol and drugs. My concern has been accentuated through my involvement with the Scrutiny of Acts and Regulations Committee in exercising its responsibility to review this Bill in accordance with its terms of reference.

The details of the report of the committee have not been brought to the attention of the House. Therefore, I refer to Alert Digest, No. 3 of the Scrutiny of Acts and Regulations Committee, dated 30 March 1993. I shall quote at length because the committee's report may be helpful in this debate.

In its report on this Bill at page 6 of the digest the committee states:

The committee draws clause 5 to the attention of the Parliament under paragraph 4D(a)(i) of the Parliamentary Committees Act 1968, reporting that it trespasses unduly upon rights or freedoms. Clause 5 is the clause which proposes to insert sections 29B and 29C into the Corrections Act 1986. Proposed section 29B of the Corrections Act authorises random blood and urine tests of staff and visitors to prison for concentrations of alcohol or drugs above prescribed limits. Proposed section 29C of the Corrections Act purports to create an offence of having more than a prescribed amount of drugs in the urine or alcohol in the blood for prison officers or visitors when entering or being in a prison.

The concentration of drugs or alcohol is not linked with levels which create offences under other Acts and is to be prescribed under proposed paragraph 112(1)(cb) of the Corrections Act.

The committee expresses concern that the unlawful amounts are to be set by regulations rather than by substantive provision because this method could be in conflict with paragraph 4D(a)(iv) of the Parliamentary Committees Act 1968 in that it inappropriately delegates legislative power.

The random testing proposed under section 29B of the Corrections Act is not compulsory. Proposed subsection 29B(11) of the Corrections Act gives the prison governor power to order a person who refuses or fails to submit to a test to leave the prison immediately, subject to a penalty for refusing, created under proposed sub-section 29B(12) of the Act. Prison officers may use reasonable force to compel a person to obey an order to leave a prison.

The committee acknowledges the government's commitment to combating the introduction of illegal drugs into prison and accepts that a comprehensive drug strategy is essential to stamp out drugs in prison. However, the committee is unaware of the relevance to a campaign to stamp out illegal drugs of what appears to be a provision with similar impact upon alcohol. The committee is also unconvinced of any evidence linking testing for drugs in visitors and staff with successful eradication of drug use by prisoners.

The committee took oral evidence on 24 March 1993 from two officers in the Ministry for Corrections. Comments were also made by Father Peter Norden of the Victorian Criminal Justice Coalition.

The committee is pleased to report to the Parliament that the Minister is agreeable to amending the Bill to remove reference to random alcohol testing. Testing for
alcohol will remain in limited circumstances and if a test reveals a higher concentration of alcohol in the blood than is prescribed that person will be ordered to leave. Testing for illegal drugs will remain. The proposed provision allowing a person to leave the prison if he or she refuses to submit to a test for either drugs or alcohol will also remain.

The concern of the committee is that with the complexity of drug law a new offence of drugs in urine is being created for those people working in or visiting prisons. This is seen by the committee as raising difficulties under paragraph 4D(a)(i) of the Parliamentary Committees Act 1968 because it trespasses unduly upon rights or freedoms. The committee has requested that the officers from the Ministry for Corrections furnish it with evidence as to the link between drug use inside prisons with visitors who reveal the presence of a suitably high level of a prohibited drug in urine.

Currently the offences concerning drugs relate to the possession or use of drugs rather than the quantity of drugs in the body, but that is the nature of the new offence that would be created by the provisions to which the committee referred. The report continues:

The committee's concern about prescribing drug and alcohol limits by regulations remains. The committee notes that the Minister is suggesting a minor amendment to proposed paragraph 29B(10) of the Corrections Act and to subclause 5(4) of the Bill to make it clear that the regulation-making power for authorising a prescribed concentration of drugs is to apply to proposed section 29B as well as proposed section 29C as is currently the case. This proposed amendment does not address the issue of whether the concentration of drugs or alcohol which prompts action would be better spelt out in the text of the Act itself.

Until the committee has considered the further information agreed to be provided it is not inclined to change its position on certain aspects of clause 5 in the Bill.

The committee thanks the officers of the Ministry for Corrections for their attendance and clear explanation of the Minister's position. The committee also thanks Father Norden for his succinct comment.

To the best of my knowledge, since the report was prepared officers of the department have still not provided the information that was sought by the committee. It is some weeks since the committee requested the information and it is unreasonable that the information was not available to the officers at the public hearing, which was the first to be conducted by this committee. Both the committee and its witnesses were somewhat unsure as to the form the public hearing would take but, as it turned out, the officers did not have the information necessary to enable them to answer the direction of questioning that arose at the public hearing. No criticism was made of the committee or its members but, assuming that this sort of information is available, the committee should have been provided with it by that time. Possibly the Ministry does not have the information that was requested, and the implication of that is very serious. The implication would be that the department acted without a sound factual basis for the legislative proposals that are contained in the Bill.

I note that the honourable member for Glen Waverley was able to quote some examples in his contribution to the debate — examples that had been provided to him in response to a request to the correctional services, as he put it. If that sort of information was provided to the honourable member for Glen Waverley, one would have hoped it could be provided to the committee. It is not the information the committee sought but it would have been helpful. The honourable member is not in a position to answer that, nor would I expect him to, but it is of concern that a committee which was appointed by Parliament and charged with an important responsibility and which has a government majority and all the rights, privileges and immunities of Parliament was not treated with the respect that Parliamentary committees have traditionally been accorded. The Premier mouthed the right platitudes about it at question time.

This is an important issue and it is hoped that the government acted after proper consideration of the issues rather than with some sort of knee-jerk reaction. Again, one can look for clues as to the government's approach to this issue by referring to the comments of the honourable member for Glen Waverley, which are recorded in yesterday's <i>Daily Hansard</i>. It is clear from those comments that he is a member of whatever sort of committee structure the coalition established for advising its Ministers on issues such as this. The honourable member for Glen Waverley is reported as saying:

Drugs are the biggest problem in our gaols, which is why the government is determined to introduce effective measures to stop the flow of drugs in and out of the prison system.
I am not sure whether there is a problem of drugs flowing out of prisons, but there is a problem of drugs flowing into them. Further, the honourable member for Glen Waverley states:

The second major aim of the Bill is to provide for drug and alcohol testing. Again that action is long overdue. The proposed legislation aims to put a stop to drugs coming into prisons.

This policy objective is totally supported by all sides of the House and it is one that I personally endorse. I wonder, however, whether the legislative proposals before the House will achieve that objective. To date neither the opposition nor the committee, which was asked to consider the Bill and report to the House, has seen any evidence that the measures relating to the testing of visitors will even be relevant, much less effective, in addressing the problem of drugs being taken into prisons or, for that matter, out of them.

During yesterday's debate the honourable member for Mooroolbark referred to the Abbott report, which was published in 1990. She is reported as saying:

... it was estimated that 60 per cent of Victoria's 2300 prisoners were using drugs; it was said that the number of body searches in prison was extraordinarily inadequate. It was claimed that drugs were corrupting staff members. The report recommended an extensive urine analysis program for staff and prisoners, random body searches and tighter security measures.

I have no problem with those recommendations and I support the fact that the Bill before the House picks up those recommendations. My concern is that the Abbott report does not appear to support the provisions affecting visitors which are now incorporated in the legislation. That is a very real concern to me and also to the committee. It is a significant invasion of privacy, rights and freedoms for a person to be subjected to random body searches for alcohol and drugs if the sole purpose of coming to a prison is to visit a prisoner.

Nothing in what the government has put to the House and nothing in what the honourable members for Glen Waverley and Mooroolbark have said indicates that the level of drugs in the body of a visitor is in any way relevant to the likelihood of that person smuggling drugs or alcohol into prison.

It is commonsense that drugs or alcohol in the blood cannot be transmitted to others. The conceptual basis of the relevant provision is false. No logical grounds exist to support the suggestion that if someone has alcohol or drugs in their blood or urine they may attempt to smuggle those substances into prison to pass them on to prisoners.

Mr McNamara interjected.

Dr COGHILL — The Minister for Corrections asks by interjection, "Even with drugs?" During his closing remarks and the Committee stage I hope the Minister provides the House with evidence to support his interjection and its implication.

If the objective is not so much to control the smuggling of alcohol or drugs but to restrict misbehaviour and disorderly conduct by visitors, that is a different matter. Strong powers exist for prison authorities to deal with visitors whose conduct is disorderly or in any other way prejudicial to the good order and management of the prison. There is a logical basis for the incorporation of proposed sections 29B and 29C.

The other major concern of the Scrutiny of Acts and Regulations Committee is the extent of delegation of legislative authority proposed in the Bill by allowing the acceptable levels of drugs in the blood or urine to be prescribed by regulation.

The decision on the permissible blood alcohol level when driving a motor car was made by both Houses of Parliament and signed into law by the Governor, and that is as it should be. A considered debate followed within the community and Parliament as to what the acceptable blood alcohol levels would be. The legislation will allow the Governor-in-Council, which is the Governor sitting with no fewer than two Ministers, to determine the prescribed level away from the glare of publicity and without having to defend that action.

Mr McNamara interjected.

Dr COGHILL — The Minister says I have been given some proposed amendments. I am afraid the House is not privy to any proposed amendments the Minister may have. I may have had some access to certain proposals under the privilege of the Scrutiny of Acts and Regulations Committee.

Mr McNamara — It was not a privileged committee hearing, it was a public hearing.
Dr COGHILL — I am delighted to hear that the documents provided to the committee were intended to be public documents.

Mr McNamara — You leaked them to the press. They had them that afternoon.

Dr COGHILL — I did not give them to the press or anyone else. The documents did not come into the hands of the press through me either directly or indirectly. I am absolutely certain of that.

Mr McNamara — You are on the record.

Dr COGHILL — I am absolutely certain. I do not have a problem with that, but it would not be the first time that Ministers have somehow or other managed to leak information to the press and then blamed others.

I shall return to the central point I was discussing before I allowed myself to be diverted. This issue should be subject to proper, considered debate. A proper public process should be undertaken before drug and alcohol levels are prescribed, and the matter should be referred to Parliament for debate rather than the Minister simply debating it in camera with whomever he decides to consult. Expert technical advice will be available — I do not dispute that — and expert technical advice was given on driver blood alcohol levels. However, the expert advice should be subject to the scrutiny of those of us who accept responsibility on behalf of the community for legislative provisions. The Bill allows the level to be set by the Governor-in-Council, and that power should not be delegated.

Mr Phillips interjected.

Dr COGHILL — If the honourable member for Eltham wishes to contribute to the debate I hope he will speak after me. The member’s silence indicates that his only interest is in being disruptive and not in making a considered contribution.

Honourable members interjecting.

Dr COGHILL — I am delighted that the honourable member for Doncaster, the Chairman of the Scrutiny of Acts and Regulations Committee, is in the Chamber. I can assure you, Sir, that members of the committee are far more disciplined under his chairmanship than he appears to be under yours!

The matter of the prescribed level of drugs and alcohol in the blood is important. If a prescribed level is to be set for alcohol one needs to know the basis on which the decision is made. As has been pointed out earlier in this debate, there is no real logic in using the same limit prescribed in the Motor Car Act because it could well be that visitors to prisons have not driven there so that provision is irrelevant.

If a lower level is suggested, perhaps even zero, there must be public debate as to why that should be adopted. I can understand a desire to have some sort uniformity with the figure applying to driving motor cars, but there is no logical basis for adopting a level below .05 or zero level.

The community has a right to know why the presence of drugs in blood or urine is an issue, and that matter should be debated before Parliament so that Parliamentarians representing their constituents can make a considered judgment as to whether the level proposed by the Minister is appropriate or whether it is too high, too low or should be calculated on a different basis. Important issues of principle are involved and Parliament should not delegate legislative powers of that importance.

No evidence has been produced to substantiate a case that levels of alcohol or drugs in blood or urine are in any way related to the likelihood of the persons in question smuggling drugs or alcohol into prisons to prisoners. The evidence suggests that there is no correlation at all, and the silence of the Correctional Services Division when providing supporting evidence to the Scrutiny of Acts and Regulations Committee heightens the suspicion that there is no substantive evidence to support the legislation in that respect.

I do not object — and I am sure I speak for those on my side of the House — if there is random testing of prisoners and prison officers. It would be a reasonable condition of employment that when on duty prison officers have zero blood alcohol and prohibited substances levels. I do not quibble about that, but I am concerned about the rights of visitors to prisons. If there is no reasonable ground for suspecting the presence of alcohol or drugs in a visitor’s blood that could be associated with smuggling, he or she should not be subjected to the indignity of a search and possible exclusion from visiting friends and relatives, as the Bill provides.

I urge the Minister to seriously examine those matters and give a considered response to the
second-reading debate. I urge him to accommodate those concerns in amendments to the Bill during the Committee stage.

Mr McNAMARA (Minister for Corrections) — I thank the Deputy Opposition Leader and the members for Glen Waverley, Albert Park, Mooroolbark, Preston, Cranbourne, Geelong North and Werribee for their contributions to the debate.

This is enabling legislation to allow the government to enter into contractual arrangements for the prison system. These matters can be handled in a range of ways. Opposition members focused mainly on privatised prisons. The government is examining specific services that could be contracted out, such as the transporting of prisoners from the Melbourne Remand Centre or the Metropolitan Reception Prison to the courts. The transfer of prisoners is a costly procedure. Currently 30 prison officers are assigned to that task, but there are odd times when those officers are needed for other duties and three or four persons could do the task adequately. The government will examine whether that area can be privatised.

The St Augustine Hospital facility in the city offers another opportunity for the government to contract out the security rather than having a number of prison officers securing that facility for a small number of prisoners.

Honourable members will be aware that under the Corrections Act a prison officer must always be available to secure inmates within the correctional system. The legislation will enable the government to make alternative arrangements. The government does not close the door to privatisation of prisons; that possibility should be explored.

The contributions from members have been worth while. Many points were raised about concerns that the government also has. It must be recognised, as was mentioned during the debate, that the loss of liberty is the ultimate penalty that can be inflicted upon those who breach the laws of our society. Once they are deprived of that liberty that is all they should lose unless their behaviour is inappropriate and they need to be put in restricted accommodation for a short duration. No other penalty should be inflicted on prisoners.

Opposition members have expressed concern about privatisation dehumanising the system. They said that the people running the institutions will be motivated by profit and may cut corners, with the result that prisons may return to the conditions of the 17th century or even to prison hulks. The government recognises that those who are in the business of running prisons have responsibilities to the company and to the shareholders and will run them as efficiently as they can, and that places a greater responsibility on the department and the Minister to ensure that these sorts of details are dealt with when contracts are entered into.

Privatised prison establishments in Australia initially have shown a lack of understanding of the issues that need to be addressed by the department when services have been contracted out. On some occasions the department has renegotiated a skeleton-type service because what was initially an attractive package with lower running costs turned out to be only 10 or 15 per cent cheaper than the services the department was running.

Work practices in the Correctional Services Division, along with those in many other departments, must be examined. Members of Parliament may be used to working until 5 a.m. with shifts of 17 hours at a time, but no-one else in the Public Service is prepared to work under those conditions. I do not suggest that we should be moving towards those work practices, but we do need to work towards improved productivity in the system. Perhaps the opportunity for private operators to tender for work might lead to improvements in productivity.

I was surprised when the Health and Community Services Staff Association (HACSSA) put an informal proposal to the government. The other union representing prison officers is the State Public Services Federation, the Public Service union headed by Mr Bill Deller, with whom we have not had productive discussions. HACSSA said it would like to be involved if the government was considering contracting out services. This is a similar situation to that which the Minister for Transport was able to achieve when he got together with the transport unions and negotiated new arrangements. This may prove an incentive for employees and mean a saving for taxpayers, and the government must examine that possibility. I said that I would be happy to continue discussions with the union and that may well lead to a productive outcome.

I shall go through some of the points raised in the debate. The shadow Minister commented on the size of the Victorian system. Victoria has some 2500 prisoners and 6000 people on community-based orders. The honourable member compared those figures with the figures for New South Wales, which
has approximately 6000 inmates and approximately 18 000 people on community-based orders.

In recent years the number of prisoners in New South Wales prisons has increased dramatically, but historically there has always been that imbalance between the two States: Victoria has always had a lower incarceration rate. The government wishes to maintain that rate. It is a massive cost to the community to house people in institutions. The government is prepared to look at other ways of rehabilitating prisoners and at the same time protecting society.

Mr Sercombe interjected.

Mr McNAMARA — I thank opposition frontbenchers for supporting my comments. We should look at the technology that is available and not close our minds to other options. Electronic scrutiny and other methods are being used in other countries, and those methods may be an option to better locate prisoners or place them where they are not an immediate risk to society. At the same time we must have control over where they are.

Mr Cole interjected.

Mr McNAMARA — Electronic bracelets have been used. I hope the opposition will have discussions with the government on looking at the options and ways of ensuring that society is protected.

The corrections area is an emotive one. There is a fine line between dealing with young offenders and adults. For a number of reasons best known to the courts, some 17-year-olds finish up in adult prisons and some in the community services area. Those issues should be resolved.

Victoria has a lower level of incarceration than other States, but at the same time the community must feel that it is protected from persons who should be incarcerated.

I turn to the comparisons between privatised prisons and government institutions. I have visited the Borallon privatised prison in Queensland, and I believe the shadow Minister for Corrections and a number of honourable members have also done so. My immediate reaction, which may not have been shared by the shadow Minister, was that it was a far less harsh environment compared with, say, Pentridge Prison.

The last time I visited the Borallon prison it predominantly housed high-security prisoners — approximately 75 per cent — the rest being low-security prisoners.

That was highlighted last weekend at the Australian rowing championships held on the Winehoven dam, which is 4 or 5 kilometres from the prison. In the past the department of corrections in Queensland supplied prisoners to carry the boats. The department has not supplied prisoners for that purpose in recent regattas because they are not the sorts of people one would let out of a prison.

One must recognise that private corporations can handle high-risk prisons. The comparisons between Borallon and Barwon are not straightforward. Barwon, a maximum-security prison, operated at 16 per cent below capacity in 1991-92 because of the need to accommodate women prisoners and provide separate facilities for them. That left some surplus space. The Correctional Services Division of the Department of Justice in Victoria operates on a cash accounting budget system, whereas the private correctional services division in Queensland operates on an accrual accounting system. It means that the various costs such as depreciation and expenses on capital items are not included in the Barwon Prison operating expenses.

Commonwealth government taxes are not paid by the Barwon Prison but are paid by other privately run prisons. Superannuation costs have not been included in government-run prisons; they are taken up in the unfunded liabilities of the State superannuation scheme. According to the Queensland Corrective Services Commission the total cost per prisoner at the Borallon Correctional Centre for 1991-92 was $39 200. That cost included training, uniforms and other overheads. Barwon Prison for the same year cost $56 100 per prisoner, a difference of $16 900 or roughly 30 per cent. It is not only a matter of looking at the bare figures; there are also other matters to take into account.

In response to matters raised about the testing for drugs and alcohol, as the honourable member for Werribee would know, I foreshadow a number of amendments in the Committee stage that will allay some of the fears of the Scrutiny of Acts and Regulations Committee. I am of the view that if persons who are affected by a drug, whether it be alcohol or a drug of dependence, are allowed into a prison, it will send the wrong message to the inmates. Many people in prison are there because of drug-related problems.
Mr GUDE (Minister for Industry and Employment) — I move:

That the House do now adjourn.

Institute of Educational Administration

Mr LONEY (Geelong North) — I direct to the attention of the Minister for Education the Institute of Educational Administration in Geelong. The institute was established in 1981 under two Acts that received bipartisan support, subject to a number of conditions. Some of the conditions stipulated that the new buildings be only one-storey high, blend with the environment and occupy only 1.6 hectares, leaving the remaining 8.9 hectares for public recreational purposes.

Another condition was that the Institute of Educational Administration spend $250 000 developing facilities for public recreation because of the public land taken over to build the institute.

There was strong concern at the time that the use of public land should be for the benefit of the public and remain as public property. To date all of those conditions have been adhered to.

As part of the Minister’s frantic dash for reforms last November the Institute of Educational Administration was listed for sale. That was done without any consultation with the institute, user groups or the Geelong community. The Minister then decided to close the institute from 31 December 1992. However, he forgot to inform the institute and he also forgot about the 1993 bookings, the problem of staff who were under a Federal award, equipment, his legal power to close a statutory authority and the commercial cost of selling just a building rather than a business.

On 9 February, after the institute’s director reminded the Minister of those things, the edict was revoked and the institute was officially informed that it could continue functioning but it would be leased or sold following a suitable offer.

I understand advertisements offering the institute for sale are due to be placed in the Age and the Australian Financial Review on Wednesday. However, the institute has still received no written response from the Minister apart from his acknowledgment of his intention to sell.
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