DISTRIBUTION OF VICTORIAN EGG MARKETING BOARD ASSETS TO OWNERS OF HEN QUOTA

The Bill provides for the assets of the Victorian Egg Marketing Board to be distributed to hen quota owners through the issue of cooperative shares. The value of shares to be issued to owners of hen quota will be based on the realisable value of the Victorian Egg Marketing Board assets as determined after consultation with the Valuer-General.

Egg producers who do not wish to patronise the cooperative may dispose of their shares subject to the articles of association of the cooperative and the provisions of the Co-operation Act 1981. Shares can either be sold directly to other egg producers or, at the discretion of the cooperative, may be redeemed.

Only owners of quota immediately prior to deregulation will be recipients of shares issued in lieu of Victorian Egg Marketing Board assets. Lessees of quota will not be issued with shares but will be free to continue to produce eggs without legislative restrictions, and will be free to join the cooperative.

The government is introducing this Bill following broad consultations with egg producers. The industry strongly supports the government’s proposals for deregulation, including the transfer of the Victorian Egg Marketing Board assets and business undertaking to the cooperative. Advice from industry is that the cooperative is being strongly supported by egg producers with its membership accounting for about 95 per cent of issued hen quota.

The government is committed to the retention of a competitive and profitable Victorian egg industry and has responded to the industry view that the cooperative, with good management and strong producer support, provides the best opportunity for industry to compete under the conditions of a fully deregulated market. The government does not intend to provide any further direct financial assistance to the industry which must now assume full responsibility for its own commercial destiny.

I commend the Bill to the House.

Debate adjourned on motion of Mr HAMILTON (Morwell).

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

That the debate be adjourned until Thursday, 6 May.

Mr HAMILTON (Morwell) — On the question of time, Mr Deputy Speaker, one week is insufficient time in which to examine the Bill and to consult with interest groups. The opposition understands that the Bill does not have the unanimous support that was evident in previous Bills dealing with agriculture, which the opposition treats as particularly important for Victoria.

Adequate time must be allowed for consultation and since Parliament is due to sit next week, more time must be allowed for the opposition to consult the industry and to ensure all views are then later put to the House in debate.

I request that the debate be adjourned for two weeks.

Mr W. D. McGrath (Minister for Agriculture) (By leave) — On the question of time, as I said in my second-reading speech it is important that the proposed cooperative takes control of its own destiny as soon as possible.

I understand what the honourable member for Morwell has requested. I am prepared to make officers of my department available to him for consultations during the next few days, so that they may outline the intentions of the Bill. If he is not happy at the end of next week to proceed with debate on the Bill, I will grant him the extra time, but I would like the opportunity of proceeding to pass this legislation as soon as possible.

Mr ROPER (Coburg) — On the question of time, I make it clear from the opposition’s point of view that it will be extremely difficult to arrange appropriate consultations, particularly because this House apparently will be sitting next week. That makes it even more difficult for the shadow Minister and others to meet with the various interested parties.

I think I heard the Minister say he will make sure the Leader of the House does not list this Bill for debate if the opposition is not ready; in that case, the opposition will not move a specific amendment to the second-reading motion.

Given also that the House is sitting tomorrow, it becomes even more difficult for consultations leading to the opposition making a decision about the Bill — —

Mr W. D. McGrath interjected.
Mr ROPER - Some chooks don’t lay on Sundays!

On the understanding that the Minister’s offer is genuine, and that the Bill will not be listed for debate if the opposition has had insufficient time to form a view, I will not now proceed to move an amendment, nor call for a division on the matter.

Motion agreed to and debate adjourned until Thursday, 6 May.

DOCKLANDS AUTHORITY (AMENDMENT) BILL

Second reading

Mr MACLELLAN (Minister for Planning) — I move:

That this Bill be now read a second time.

The development of the Melbourne Docklands area can provide considerable opportunities through its positive impact on employment, tourism and the revitalisation of Melbourne.

An important part of the plans to revitalise Melbourne is the need to get people living permanently in or near the city. Considerable activity is already being generated in other areas. A start must be made in the Docklands area, which offers a potential prime residential opportunity.

There has already been a good level of inquiry to the Office of Major Projects about land at Southbank opposite the authority’s area which is zoned for residential use. An opportunity exists for ensuring coordinated residential development in the lower Yarra area by using the Southbank land as a trigger for improving the development prospects on both sides of the river, particularly for residential and associated open space developments.

The riverfront land, carefully developed over time, can provide a catalyst for Docklands development and the creation of considerable synergy between activities on both sides of the river.

The Bill therefore proposes the extension of the area of responsibility of the Docklands Authority to include a parcel of land in Southbank west of Spencer Street between the Yarra River and Lorimer Street up to the intersection of Ingles Street.

I would like to take this opportunity to make it clear that the government has no plans to alter municipal control over the area or the rating position.

The opportunity is also being taken to make minor amendments to the Docklands Authority Act to clarify the authority’s powers to participate in tourism, recreational, social and cultural activities with other municipalities and enable the authority to enter into agreements with other authorities holding land in the Docklands area whereby land can be transferred to the authority on terms agreed between the authorities.

One of the immediate benefits which the authority is able to offer Victorians is the attraction to and promotion of recreational activities in the Docklands and adjacent areas. It is likely that often these activities will be undertaken in conjunction or cooperation with other public authorities.

The authority has power under section 10(l) of the Docklands Authority Act to promote tourism to the Docklands area. Legal advice, however, is that it may not have power in relation to recreational and cultural activities in cooperation with other government agencies or municipalities. The Bill proposes an amendment to address that problem.

The Docklands Authority Act provides for the divesting, by agreement, of land within the Docklands area from other authorities and vesting in the Docklands Authority. The Act also enables the Governor in Council to grant land to the authority and for the authority to compulsorily acquire land.

In addition to these mechanisms for transferring land, the authority should have power to enter into agreements with other authorities holding land in the Docklands whereby land can be transferred to the authority on terms agreed between the authorities. Amendment is therefore required to enable the authority to enter such agreements under section 22A of the Land Act.

I commend the Bill to the House.

Debated adjourned on motion of Mr ROPER (Coburg).

Debate adjourned until Tuesday, 11 May.
LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL

Second reading

Mr MACLELLAN (Minister for Planning) — I move:

That this Bill be now read a second time.

The purpose of this Bill is to amend the Local Government Act 1989 to establish the Local Government Board; provide a better process for reviewing the structure and operation of local government; and generally improve the operation of the Act.

This Bill will also make miscellaneous amendments to other local government legislation.

I refer honourable members to clause 3, which provides for the establishment of the Local Government Board and outlines its charter.

THE LOCAL GOVERNMENT BOARD

The establishment of the Local Government Board is the centrepiece of the government’s policies for the reform of local government in this State.

The board will provide advice on matters relating to the efficiency and effectiveness of the system of local government in Victoria; provide advice on financial issues relating to local government; conduct reviews relating to local government boundary changes; and make recommendations in relation to other matters referred to the board by the Minister.

The objective is for the Local Government Board to provide local government with real input into the State’s decision-making process. The board will comprise 7 members: 5 nominated by the Minister for Local Government, including the chairperson; 1 nominated by the Minister for Planning; and 1 nominated by the Treasurer.

The Minister will ensure that the majority of members come directly from local government and have the appropriate experience, knowledge or expertise. Members will be appointed on a full-time or part-time basis for a period not exceeding three years.

Members of the board are to serve the interests of local government as a whole, not to represent the interests of any particular group or organisation. To ensure that happens the Minister can require an office holder or employee of a local government peak organisation to resign from that position as a condition of appointment.

Unlike the Local Government Commission, which it replaces, the Local Government Board will not operate from the assumption that shifting lines on a map is all that is needed to make local government more efficient and effective.

As outlined above the board’s role will be very broad. It will play a central role in developing policy and advising on the implementation of matters such as compulsory competitive tendering, freedom of information, block grants and financial reporting arrangements, as well as proposals relating to boundaries.

Clause 4 amends section 228 of the Local Government Act 1989 to indemnify board members. Members will be indemnified against all actions or claims in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any function conferred on the board members by or under the 1989 Act.

LOCAL GOVERNMENT REVIEWS

Changes to municipal boundaries are currently regulated by Part II of the Local Government (Miscellaneous) Act 1958, which establishes the Local Government Commission. The process provides that, if 10 per cent of voters in an area so request, a poll must be held on a proposal. If the poll produces a negative result, it is binding on the Minister. The current poll provisions have proved time consuming and costly and have guaranteed the status quo.

Clause 3 of the Bill inserts two new parts into the Local Government Act 1989 which will replace the process set out in Part II of the 1958 Act. Part II will be repealed and the Local Government Commission will be abolished.

As part of the new process the Minister may require the board to conduct a review relating to local government boundaries. The terms of reference of any review referred to the board must be published. The board may choose to conduct the review or alternatively it may appoint a division to conduct the review. The division will report its findings to the board. The board may appoint non-board members to a division conducting a review.
In conducting the review the board may have regard to a wide range of considerations including:

- sociological, demographic, geographic, economic and employment factors in the area covered by the review;
- community or diversity of interest in the area covered by the review;
- the impact on the accessibility to, and the effective and efficient delivery of, local government services; and
- the financial impact of any proposal in the area covered by the review.

The board will submit an interim report to the Minister containing the results of its review and any proposals for change. The board will also give public notice of the interim report, make copies of the report available to the public and invite comment on the proposals contained in the report. At any stage of a review the board may conduct a survey or a poll of voters or the Minister may direct the board to do so. The survey or poll may be conducted in any manner that the board considers appropriate.

The board must also cause a poll to be conducted if it receives a request for a poll on a proposal contained in an interim report. The request must be signed by not less than 10 per cent of voters in any municipal district resulting from the implementation of a proposal contained in the interim report. Polls will also be conducted in accordance with the provisions of the Local Government Act 1989 unless otherwise determined by the board. The board must publish the results of any opinion survey or poll of voters but neither the board nor the Minister is bound by the results in considering the proposals.

After the board has considered any public submissions, the results of any poll conducted and any other matter the board considers relevant it will submit a final report to the Minister. Following consideration of the final report the Minister will make a recommendation to the Governor in Council.

The Bill provides the Governor in Council with the power to make a range of orders in relation to any municipal boundary changes. This power is set out in the new section 220Q. The orders are similar to those which could be made under Part II of the Local Government Act 1958.

An Order in Council will also be able to deal with any other matter necessary to enable effective implementation of boundary change. If the change to a boundary of a municipal district is minor in nature the Minister may make a recommendation to the Governor in Council without reference to a final report of the board provided that the Minister certifies that any council whose municipal district is affected by the proposed changes has approved those changes. That provides a fast-track mechanism for non-controversial boundary changes.

Clause 3 of the Bill inserts two new provisions, sections 220N and 220O, with the intention of altering or varying section 85 of the Constitution Act 1975. Those provisions are intended to preclude the Supreme Court from hearing any proceedings brought against the board, its members or staff, or the Minister in respect of any review or proceedings relating to a review or any other act, matter or thing incidental to the conduct of such a review. The government has inserted the clause having regard to the frequent use of litigation in recent years by councils as a means of frustrating boundary change.

The government's reasoned view is that the courts are not the proper forum for settling differences that arise in relation to proposals for boundary changes. Litigation results in unnecessary community division and costs, which are ultimately paid for by the ratepayers.

The Bill also makes a number of general amendments, and I will briefly take honourable members through the more significant changes.

ELECTIONS

Clause 7 of the Bill implements a government pre-election commitment in relation to elections. Currently, if rateable land is jointly owned or occupied and the owners and occupiers do not reside in the ward then only one owner or occupier can vote in council elections. Clause 7 of the Bill provides that all ratepayers and occupiers of land not otherwise entitled to be included on the electoral roll can apply to be enrolled. That change will not apply to the 1993 August elections.

Clause 8 includes offences relating to electoral malpractice in the list of offences for which a conviction will bar an individual from contesting a municipal election for seven years. However, there is still provision for the court to remove the disqualification if application is made to the court within 30 days of the conviction.
Clause 9 amends section 40 of the 1989 Act to clarify that it is an offence against the Act to fail to vote in the ward in which the person's principal place of residence is located.

Section 68(1) of the 1989 Act deals with the order in which councillors must retire in the case of annual elections. Clause 10 clarifies the order of retirement where two or more councillors have served the same term.

At present there is no provision under the Local Government Act 1989 whereby a candidate can retire after the close of nominations. Clause 17 makes provision for a person to retire from an election in limited circumstances and upon obtaining an order from the Magistrates Court.

Part 6 of Schedule 3 of the 1989 Act applies with standard qualifications the provisions of the 1989 Act dealing with enrolment for and voting at elections and the election of councillors, to polls conducted under the Act. Clause 18 corrects an important deficiency in the provision by making it clear that a person is able to vote only once in a poll.

Clause 19 provides a means by which a party to a matter heard by the Municipal Electoral Tribunal may enforce an order for costs.

LIABILITY INSURANCE SCHEME

The Bill amends the Municipal Association of Victoria Act 1907 to make provision for the Municipal Association of Victoria to establish and manage a mutual liability insurance scheme for the purpose of providing public liability and professional indemnity insurance. The scheme will be voluntary, with each council able to assess its attractions against commercial insurers.

RATES

Clause 14 makes provision for a person to apply to the council for an exemption from the payment of more than one municipal charge for rateable land that is farmland, in common occupation and worked as a single farm enterprise. Exemptions from the municipal charge will apply only to assessments in the one municipal district, but otherwise the provisions essentially follow the approach of the State Deficit Levy Act 1992 thus enabling single farm enterprises to be excluded from the payment of more than one charge.

COUNCIL ADMINISTRATION, POWERS AND FUNCTIONS

Section 186(1) of the 1989 Act requires a council to give public notice of and invite tenders for contracts over $50,000, unless the exemptions spelt out in subsection (2) apply. There has been some confusion in relation to the scope of the application of this requirement. Clause 15 amends section 186 to restrict its application to contracts entered into by a council for the purchase of goods and the carrying out of works. Provision has also been made to ensure that previous non-compliance with the requirements of subsection (1) does not invalidate any contracts which are not for the purchase of goods and the carrying out of works.

Clause 16 is a technical amendment relating to the registration of "easements in gross" which are acquired by councils.

A number of other clauses are minor in nature, but they will improve the operation of local government legislation as it applies in this State.

Before completing the second-reading speech I give an undertaking to the honourable member for Dandenong North that if she or other members of the opposition desire to be briefed on matters contained in the Bill, I will arrange for that to be done.

I commend the Bill to the House.

Debate adjourned on motion of Mrs WILSON (Dandenong North).

Mr MACLELLAN (Minister for Planning) — I move:

That the debate be adjourned until Tuesday, 11 May.

If the honourable member for Dandenong North requires additional time, the government will grant it.

Motion agreed to and debate adjourned until Tuesday, 11 May.

ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL

Second reading

Mr PESCOTT (Minister for Industry Services) — I move:
That this Bill be now read a second time.

This Bill provides, generally, for the partial privatisation of WorkCover. Employers will be liable for compensation for injuries to workers and they will be required to insure against that liability. That is a key ingredient of the successful NSW system.

The amendments in the Bill build on the first stage of the government's reform program, which has already brought about a dramatic turnaround in Victoria's workers compensation scheme and which will pave the way for the full privatisation of WorkCover once it is stable and fully funded.

Let me remind honourable members about the absolute necessity of the WorkCover reforms. When WorkCare ended on 30 November 1992, it left employers with an unfunded liability of more than $2 billion. It was a system under which more than 25,000 Victorians were in receipt of workers compensation benefits. Most disturbingly, it was a system under which more than 16,000 workers had been on workers compensation for a year or more, and, in the case of some 8,000 workers, more than three years. The return-to-work rates were dramatically inferior to those prevailing in the New South Wales WorkCover scheme.

The government acted quickly to address the situation — not simply by overhauling the existing system but by replacing it in its entirety. WorkCover has addressed both the financial haemorrhaging and the human cost of WorkCare by ensuring a fundamental shift from a compensation to a return-to-work culture.

In large measure, our initial reforms have already proven their worth. The deficit of over $2 billion has been more than halved — the unfunded liabilities of WorkCare had been reduced to under $900 million by the end of December 1992. Moreover, the latest actuarial estimates indicate that the unfunded liabilities had been reduced by a further $200 million by the end of March 1993. But the benefits have not just been financial.

Under WorkCover, weekly payments have been increased for seriously injured workers and during the first 26 weeks of incapacity. Medical and legal costs have been reduced, while the government is honouring its commitment to settle old common-law claims fairly and quickly. The administration of the scheme has been streamlined, delivery services integrated and costs reduced, with a commercial board now managing the scheme. Most importantly, claim numbers have been reduced and claimants are going back to work rather than staying on payments while an increased proportion of premiums is actually going to injured workers.

OBJECTS OF REFORM

The three objectives of this Bill are:

firstly, to make employers liable for workers compensation costs;

secondly, to require employers to insure their liability in a competitive private sector insurance system; and

thirdly, to introduce an experience-based premium system where an employer's premium is directly calculated on the basis of workplace claims performance.

A range of measures is also introduced to improve further the efficiency and effectiveness of the WorkCover scheme and to bring about the refinements necessary to give full effect to the government's intentions for WorkCover.

The Bill will substantially put in place the WorkCover framework and will ensure that private underwriting, when the scheme is fully funded and stable, can be achieved smoothly.

I now refer to the major areas of this Bill.

EMPLOYER LIABILITY

The Bill places the liability for workers compensation squarely with Victorian employers not with a government authority. Under WorkCare, the previous government held the mistaken belief that a government bureaucracy knew more about Victorian workplaces than those who managed them or worked in them. Restoration of employer liability will ensure that employers are held accountable for workers compensation costs in their workplaces and have the responsibility to manage those costs with their employees.

AUTHORISED INSURERS

Employers will be required to insure against workers compensation costs with an authorised insurer and not the Victorian WorkCover Authority. Employers will be able to choose the authorised insurer most suited to their workplace requirements. Authorised insurers providing an extensive range of
ACCIDENT COMPENSATION (WORKCOVER INSURANCE) BILL

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competitive services will vigorously compete for employers' business. That will be quite unlike the WorkCare system with its fragmented and consequently costly and inefficient service delivery system. Authorised insurers will issue policies to employers in accordance with accepted insurance practice. Those policies will stand as the contract between the employer and the insurer.

However the insurance risks of all insurers will be effectively pooled until full privatisation occurs, ensuring that all liabilities can be met under the policies and that insurers are not at ultimate risk until private underwriting occurs. The Bill also provides that the WorkCover Authority's liability for injuries prior to 1 July 1993 is to be assigned to authorised insurers. This will ensure that all liabilities for injuries become the responsibility of authorised insurers. Those liabilities will, however, be pooled across all authorised insurers until private underwriting occurs.

These arrangements will avoid inefficiencies associated with a situation of having insurers liable for some injuries and the authority for others. It will provide the necessary incentives for insurers to manage down all their liabilities, lead to better services for employers through having all claims managed by their current authorised insurers and pave the way for private underwriting.

However, the reintroduction of insurers will not be a return to the situation prevailing prior to the introduction of WorkCare in 1985. The Victorian WorkCover Authority will set the premium and closely regulate insurers through strict licensing requirements and supervision of service standards to both employers and employees.

NEW PREMIUM SYSTEM

The Bill also provides for the payment of premiums to authorised insurers. In February the Victorian WorkCover Authority released a premium proposal for public consideration and comment. More than 70 formal written submissions were received in response. Those submissions were carefully considered by the government and, as a result, a number of changes were made to the proposed system. These changes were announced recently.

Under WorkCare employer levies did not adequately reflect the individual performances of workplaces. There were substantial cross subsidies not only among industries but also, because of the way the bonus and penalty scheme operated, between large and small employers. The new WorkCover premium system has been designed to effectively eliminate cross subsidies among industries and among employers on the basis of size.

Under WorkCover industry rates will largely cease to be relevant in determining premium; instead, an employer's premium will reflect his or her own claims experience. The extent to which an employer's claims experience can be reflected in the premium will vary according to the size of the employer. Nevertheless, over time all employers will pay premiums that reflect their true underlying risks.

For small employers, it may take some time for that to occur, but for large employers, premiums will very closely reflect the true underlying risks of workplaces within the space of a few years. Large employers could pay premiums of up to 90 per cent of their claims costs or premiums which are as low as one-tenth of the industry rate. That will ensure premium rates accurately reflect the true costs of an employer while preserving an acceptable degree of risk pooling necessary for any insurance system to operate efficiently.

Industry rates will be relevant for new entrants that do not have an experience upon which premiums can be based; industry rates will also be used during the transition phase. The new premium system has been modelled on the very successful New South Wales arrangements but contains a number of improvements over the New South Wales system.

Firstly, the Victorian system uses full, rather than partial, experience rating, which makes the premium more responsive to individual employer performance. Unlike New South Wales, in Victoria even the smallest employers will have a premium which is linked in some degree to their own claims cost experience. In New South Wales employers with a premium of $2000 or less are charged the industry rate. However, in Victoria even the smallest employers will have a stake in their own claims performance.

Secondly, the new premium system has been devised to reduce the volatility of premiums on a year-on-year basis. In effect this means that there will not be dramatic movements in premiums year on year as a result of random fluctuations in underlying claims performance. This will provide the stability on which budgeting and cost planning can take place, particularly for small employers.
Thirdly, there will be no claims exclusions once the premium system is fully operational. However, as a transitional measure, during the phase-in from the WorkCare levy to WorkCover premiums, the exclusions previously provided under the bonus and penalty system will generally continue to apply.

Fourthly, the premium system relies heavily on case estimates of each individual claim as determined by the authorised insurer. These case estimates are the basis for the premium calculation and will be provided regularly to employers. This will ensure that employers are able to directly translate the case estimates provided by insurers into the premium payable by them. Employers will know for example that for every dollar they are able to reduce those case estimates they are in fact reducing their premiums in a proportionate manner.

Fifthly, a remuneration deductible of $15 000 has been introduced for every employer in Victoria to cushion the transitional effects between the WorkCare system and WorkCover. The deductible will benefit small employers in particular and will promote additional employment opportunities in Victoria. This measure will also reduce administrative costs for the WorkCover system.

If an employer has a payroll of, say, $100 000 the employer in effect will pay premium on only $85 000 or, put another way, an employer with a current remuneration of $85 000 can employ a junior at no additional premium cost to the employer.

Based on the success of the initial WorkCover reforms, the Victorian WorkCover Authority has recommended that the average WorkCover premium level for 1993-94 be set at 2 per cent of payroll with a surcharge averaging 0.5 per cent to be levied to eliminate the WorkCare deficit. On current estimates this surcharge will eliminate the remaining WorkCare deficit over a three to five-year period.

It should be noted that the new premium levels represent a substantial reduction from the rates that applied under WorkCare, even after allowing for the deficit surcharge. Employers will save approximately $200 million in 1993-94. This represents a significant and most welcome boost to the economic and employment prospects of Victorian businesses.

The new premium is expected to result in approximately 80 per cent of Victoria’s 150 000 employers receiving reduced premiums in 1993-94 with 60 000 employers receiving reductions of 50 per cent or more.

The Bill also provides for employers to be able to elect whether to pay premiums monthly, quarterly or annually to take account of cash flow or seasonal factors.

AMNESTY

Evidence suggests that there could be employers who have not registered and paid the WorkCare levy over the past seven years as they are required to do. Under the WorkCare self-assessment system there was no effective way of ensuring compliance.

Even if it was feasible to find these employers, the administrative costs could easily outweigh the additional premium collected. Therefore, for employers that were not registered and did not pay a levy under WorkCare, the government intends to provide for a once-only amnesty.

We are announcing this amnesty because any employer not insured after 1 July carries the substantial risk of personal liability for claims — we want all employers to participate in the new WorkCover scheme for their own sake. Moreover, uninsured employers will in future be identified through a rigorous audit program and will be liable to pay back premiums, penalty premiums and heavy fines.

OTHER MATTERS

The Bill contains other measures necessary to give complete effect to the government’s WorkCover reform program.

Magistrates Court

One of the government’s primary intentions upon introducing WorkCover on 1 December was to reduce the cost of resolving disputes in relation to claims.

In order to ensure that the government’s original objective will be achieved, the Bill includes three further measures in relation to the jurisdiction of the Magistrates Court in relation to these disputes.

Firstly, it is made clear that the Magistrates Court’s jurisdictional limit of $25 000 does not include the value of any order made by the magistrate for the payment of weekly payments.
Secondly, currently the Act imposes a limit of 26 weeks on any order a magistrate may make for the payment of weekly payments. It was the intention of the government that this limit apply only to orders for the payment of weekly payments in arrears and was not intended to limit the effect of any order a magistrate may make for the payment of ongoing weekly payments. The Bill amends section 43 of the principal Act to make this intention clear and, in addition, extends the limit to 52 weeks.

Thirdly, the Bill includes a provision that ensures that, if proceedings are brought by a worker or claimant in the County Court and the resultant judgment or decision is one that could have been made by the Magistrates Court, any costs awarded in favour of a worker or claimant must be awarded on the applicable Magistrates Court scale.

In making these three changes the government is simply giving effect to its original intention.

In order to minimise anomalies that may arise from these amendments if their introduction were delayed, these amendments will apply in respect of all proceedings commenced after today.

Contractors

Under the Bill, subcontractors that do not come within section 8 or section 9 of the principal Act will be required to take out policies of insurance for their workers.

In the event that such a subcontractor is not insured, liability will revert to the principal who nevertheless retains recovery rights against the subcontractor in respect of any claims.

These provisions will ensure that the interests of workers are protected and the employer ultimately responsible for the health and safety of a workplace is held accountable for claims performance. The Bill also addresses problems relating to double levy which currently exist.

Self-insurance for local government

The Bill provides for group self-insurance of local government bodies as a precursor to liberalisation of the existing self-insurance arrangements. To achieve this the Municipal Association of Victoria will be authorised to establish a group self-insurance scheme for local government bodies.

Indexation

Amendments to existing indexation provisions have been made to ensure that no worker’s benefits are reduced as a result of movements in average weekly earnings. Without these amendments some claimants would have had their weekly payments decreased in the current circumstances of negative indexation.

RETURN TO WORK

Under WorkCover, rehabilitation will be a workplace responsibility of employers and employees. Regulations will be made giving effect to section 156 of the principal Act, which was introduced as part of the first stage of the WorkCover reforms.

From 1 July, Victorian employers with a payroll of more than $1 million, or any employer with a worker off work for 20 days or more, will be required to establish an occupational rehabilitation program identifying:

(i) workplace return to work policies;
(ii) the person in the workplace responsible for coordinating all return to work activity;
(iii) the return-to work-plan, including any necessary occupational rehabilitation services, for each worker off work for 20 days or more; and
(iv) activities to reduce the likelihood of further injury.

Return-to-work plans will require employers to make suitable job offers within the terms of section 122 of the Act. An employer who fails to do so will be liable to a penalty of up to $25 000. Equally, a worker who fails to participate in return-to-work activities or necessary occupational rehabilitation services may forfeit entitlement to benefits.

These arrangements will ensure that Victoria builds a decentralised, workplace-driven system of effective return to work so essential to WorkCover’s return-to-work culture.

CONCLUSION

Finally, by aligning Victoria’s WorkCover with the New South Wales WorkCover system, national uniformity in workers compensation systems becomes an achievable goal. The fundamental features of both the Victorian and New South Wales
schemes are the same — they are both return-to-work schemes.

The measures in the Bill will consolidate the progress made from the first stage of the WorkCover reforms and ensure that the WorkCover system provides Victoria with the most efficient and effective workers compensation system in Australia.

I commend the Bill to the House.

Debate adjourned on motion of Mr MICALLEF (Springvale).

Mr PESCO'TT (Minister for Industry Services) — I move:

That the debate be adjourned until Tuesday, 11 May.

Mr MICALLEF (Springvale) — On the matter of time, Mr Deputy Speaker, the Accident Compensation (WorkCover Insurance) Bill contains a number of substantial reforms. I request that the debate be adjourned for at least two weeks.

Mr PESCO'TT (Minister for Industry Services) (By leave) — On the question of time, Mr Deputy Speaker, the adjournment I have suggested is just under the usual two weeks. I give the opposition shadow spokesman an assurance that if he needs additional time because of briefings he requires, and so on, the government will grant it.

Motion agreed to and debate adjourned.

Debate adjourned until Tuesday, 11 May.

JOINT PRINTING COMMITTEE

Message received from Council seeking concurrence with resolution.

Ordered to be considered next day.

BUSINESS OF THE HOUSE

Mr MACLELLAN (Minister for Planning) (By leave) — I shall make a brief statement on the business of the House for the remainder of today and the government’s intentions and hopes for tomorrow. I express my gratitude to the honourable members for Altona and Bundoora for enabling me to anticipate something of today’s program.

It is the government’s intention that item No. 11 under Government Business, Orders of the Day should be postponed and that the House should move immediately to consider the Land (Amendment) Bill. If that debate is completed by 4.45 p.m. — which is perhaps unlikely — the House should consider the Children and Young Persons (Further Amendment) Bill. If the debate on the Land (Amendment) Bill is not completed by 4.45 p.m, it is the government’s intention to adjourn the debate and move immediately to debate the Children and Young Persons (Further Amendment) Bill.

I inform the House of the sad news that it is the government’s intention to guillotine the debate to enable the duration of the debate to continue for 4 hours, which will bring us to 9.30 p.m. The government intends later this evening to debate the Casino Control (Amendment) Bill and the Gaming Machine Control (Amendment) Bill.

That is the program intended to be followed. Honourable members will perhaps have some idea of where the House will be and what will be debated.

As for tomorrow, using today’s Notice Paper as the appropriate guide, the government intends to postpone debate on items Nos 15, 16, 17 and 18 under Government Business, Orders of the Day and to resume the joint debate on the Appropriation (1992-93) Bill and the Supply (1993-94, No. 1) Bill.

Mr ROPER (Coburg) (By leave) — The procedure being proposed will effectively change the Notice Paper so that the House will move on to debate the Land (Amendment) Bill — which I have to say is a comparatively minor Bill — and then the government will curtail debate on an extremely important Bill, the Children and Young Persons (Further Amendment) Bill. If that debate were started now, a reasonable length of time would be available for it. It would be regrettable if the Notice Paper were to be altered so that the more important Bill would effectively have the time available for debate restricted.

I put to the Minister for Planning, who is acting in this case as Leader of the House, that the opposition would prefer a proper debate of the Children and Young Persons (Further Amendment) Bill and a shorter debate on the Land (Amendment) Bill, rather than the other way around.

Mr MACLELLAN (Minister for Planning) (By leave) — If the honourable member for Coburg, the Leader of the House for the opposition, is willing to go with me on this and indicate that the Land (Amendment) Bill will have a short debate, the
Ms MARPLE (Altona) — Last night when I was speaking on the Murray-Darling Basin Bill it was suggested that I might show a little more passion. I do not know if the Land (Amendment) Bill is one on which one should show some passion. I do know that the conditions under which honourable members are working are certainly placing a toll on my passions.

Regardless of whether it is called public land or Crown land it is important to all of us because it belongs to us. It is a precious item we must handle carefully. Australians are inclined to regard Crown land as just a little bit of government land without realising that it belongs to them; they are inclined to think that it is not something that should be fussed about. In reality people should not be casual about it because in many cases the land involved is part of our heritage and should be protected.

Apart from land that is part of our heritage, other varieties of Crown land are small areas that are leased by businesses in urban situations and large tracts that are used for farming. The previous government had difficulties when it tried to sell certain land that was under long-term leases and on which people had built up businesses, mostly small businesses. The difficulties arose because the Land Act 1958 provided that the land had to be sold at public auction or tender. This is unfair to people who have occupied land under lease or tender because they should be entitled to be taken into consideration when that land is proposed to be sold off by the Crown. Small business people put a lot of time, energy and money into developing their businesses to make sure they are successful and profitable, and it is not fair that they should have to abandon their businesses because they cannot buy the land on which they are situated.

The opposition supports the Bill. In fact it would have liked to have support for a similar Bill when in government. Without doubt not having the numbers in the Upper House makes a considerable difference to how a government can manage its legislative program. Nevertheless I acknowledge and appreciate the briefing given to me today on short notice.

It is important that we are clear about what is happening with the Bill. Nowadays the provisions required for selling land are totally different from those needed in 1958. Times change and we must move along with the times. If there were no change we would not need to be here debating Bills because everything would have stood still. Because of change the government must consider the various lands under its control. If land is unused and surplus to requirements the best way must be found to deal with that land. As was pointed out in the second-reading speech, land that is unused becomes a burden on the taxpayers and it can also be a burden to the people leasing the land.

The government of the day has decided that certain land should be sold to the private sector in a quick and orderly fashion. We have no objection to that but we have some concerns about the protection of members of the public who own the land. We must ensure that the public is aware of what is happening and that the government puts in place mechanisms to ensure that the public is fully informed.

The Bill provides that no sale will take place at a price lower than the valuation of the Valuer-General. The Valuer-General must be sure that the price received for the land will be the right price for the people of Victoria and also fair to the person buying the land.

The Bill also provides that people leasing the land to be sold have first option to buy. The auctioning provision hanging over the government's head in previous years was a major problem in that respect. When people have consolidated businesses on Crown land they should have the first option to buy the land if it becomes available.

A word repeatedly used in the second-reading speech is "flexibility". The Bill will allow the government flexibility in the sale of Crown land. The only concern we have is that the public is guaranteed the best return for the sale and is assured that the land is really surplus to requirements and is not land the public would wish to remain under its control.

I ask the Minister in his response to inform the House about the processes to be put in place for the advertising for sale. The public must be able to
decide if the land for sale has public, conservation or heritage importance and therefore should not be sold. We must ensure that the public knows the land is for sale, whether by private sale, public auction or tender. Local government should have a part to play.

In his second-reading speech the Minister said:

The government is mindful that there must be safeguards to ensure that the sales are managed in the best interests of the public.

The opposition is pleased with that assurance. The second-reading speech continues:

the Bill also provides that sale by private treaty of any Crown land must have the prior approval of the Governor in Council.

It continues:

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.

It is important that people have an independent monitoring group and it is seen to be independent.

The second-reading speech continues:

The Land Monitoring Unit will be required to maintain a register of all sales by private treaty.

It is important that such a register be available for public examination. The second-reading speech continues:

The second provision of the Bill provides additional flexibility in the negotiation of leases of Crown land and in the conduct of rent reviews.

For years there has been difficulty with a variety of review periods from 10-years to the present three years. That has caused some problems and the Crown lost money. Companies will be able to pay their rent up front and will know where they stand, and the Crown will have the money at the correct value available to it.

The second-reading speech continues:

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.

The rigid three-year intervals stifled business transactions not only for those who were renting the land but also for the government. Today most people are strong believers that we should be efficient. The opposition supports that view. We must be more flexible and make the most of mutual agreements. Everybody should be aware of what is happening. I compliment the government on introducing the Bill. The safeguards cannot be emphasised too strongly. I commend the Bill to the House and wish it a speedy passage.

Mr THOMSON (Pascoe Vale) — As the honourable member for Altona indicated, the opposition does not oppose the Bill. I appreciated the opportunity of having been part of the Ministerial briefing. Having been involved with the Land (Crown Grants and Reserves) Bill recently, I can see that Bill and this one go in different directions. While the first Bill tightened the conditions on Crown land requiring express Parliamentary legislation and guarantees, this Bill loosens provisions relating to the sale of Crown land. Nevertheless, the opposition is not seeking to be obstructive in the government's management of Crown land and will not oppose the Bill. The Minister's second-reading speech states:

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. He also says:

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.

That is to say, land that is under-utilised or surplus to requirements. That is a reasonable proposition. It was also a priority of the former government. I have a strong recollection of opposition from members of the then opposition, who spoke about asset and fire sales in a disparaging way and endeavoured to prevent the then government from realising the value to the community generally of land that was surplus to requirements.

According to the briefing, the majority of the land that will be affected by the legislation was in the form of Public Transport Corporation leases. There will be some capacity to sell land directly to PTC tenants. That is a legitimate objective.

The Bill includes safeguards; it provides:
... that no sale will take place under the new provisions at a price below the valuation of the Valuer-General.

The government will make an administrative change in transferring the land monitoring unit from the Department of Finance to the Department of Justice. That transfer will have the effect of making that check on land transactions more independent. That is welcomed.

The Minister indicated in his second-reading speech that the land monitoring unit will be required to maintain a register of all sales by private treaty. That register will be available for public examination. I wonder whether that important safeguard might have been better expressed in the legislation, but I accept in good faith the comments made in the second-reading speech and the assurances that the register will be available for public examination.

The other aspect of the legislation which I will speak on relates to flexibility in negotiating leases and conducting rent reviews. The Bill makes such arrangements more flexible. This also seems to be a reasonable proposition and is not something the Labor Party would oppose. There needs to be recognition of maintenance work done by tenants leasing and renting Crown land when their lease arrangements or tenancies are up for renewal and renegotiation.

In my electorate a person who was a caretaker and cleaner at Pascoe Vale Girls High School, Mr Di Pastina, was not only a victim of the government’s decision before Christmas on cleaners but also has had the property he has been renting transferred to the management of the Government Employee Housing Authority. It is negotiating with Mr Di Pastina on his future tenancy of that property.

My recollection is that his rent has been increased to in excess of treble the original amount. Mr Di Pastina and his family have been tenants of that property for at least 12 years. From my negotiations and discussions with the housing authority it seems that not enough regard has been paid to the sort of work that that family has done in maintaining the property. All honourable members would acknowledge that a property that has not been maintained for over 10 years would be worthless. The work that the family has put into maintaining the property ought to be recognised in a more satisfactory way.

Nonetheless the opposition does not oppose the legislation that has been introduced. It is my understanding, from comments made by the Acting Leader of the House, that the government intends to guillotine debate on the Children and Young Persons (Further Amendment) Bill. Members should be given a full opportunity to debate that important legislation. Having regard to that, I will say no more on the Land (Amendment) Bill except to indicate that the Labor Party will not oppose it.

Mr COLEMAN (Minister for Natural Resources) — I thank the opposition and particularly the honourable members for Altona and Pascoe Vale for their support of the Land (Amendment) Bill. The Bill facilitates the sale of land to tenants under a structure which is spelt out in the legislation and in the second-reading speech.

The critical issue is that there is the safeguard of the valuation of the Valuer-General and of existing leaseholders having the first option of refusal. The Bill provides a surety to people involved in arrangements for public land.

In the case mentioned by the honourable member for Pascoe Vale, clearly people in occupations that allow for rental of property on Crown land — for example, school cleaners — would have undertaken such leases and tenancies under award agreements. It may well be that the gentleman concerned has been paying 6 per cent of his salary in rental. Now that the building has been transferred to the Government Employee Housing Authority he will be exposed to market rental. There are plenty of cases where that process has been pursued.

The honourable member for Altona raised two issues. The first is how these properties will be determined for sale and what protection processes have been put in place in making that decision. The second is the ability of municipalities to participate in the process. I acknowledge that the briefing on this was held very recently, partly because there was a misunderstanding as to where the Bill emanates from. It actually emanates from the Department of Finance rather than the Department of Conservation and Natural Resources — but that is a little aside.

Division 6 of the Land Act deals specifically with the sale of land by auction or tender or to a municipality. This division is amended in the Bill through the inclusion of proposed section 99A. Set out in division 6 is the process by which, under the existing arrangements, municipalities are brought into the process. More importantly, all such land will be subject to an assessment of demand prior to being sold.
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Bearing in mind that this measure deals with land held under a tenancy or lease arrangement, in determining that demand it would be appropriate to say — and I am happy to pursue this between Houses — that if the land is not part of the asset disposal program whereby it has been previously offered to other instrumentalities and departments, it will be dealt with under proposed section 99A, particularly as it relates to leaseholders having the first right of refusal.

Under those circumstances the conditions of conservation and heritage issues are no different from those for any other piece of land. This matter can be clarified between Houses, but it is in the course of determining what pieces of land would be made available for sale. I think the honourable member can be reasonably assured that there are a significant number of old railway lines, road easements and water reserves — small parcels of land — held currently under lease arrangements which, in eventuality, would be engrossed into some existing title arrangement. That would address that situation.

In the assessment process municipalities are part of the consultation which will occur with departments and instrumentalities. They in their turn have the option of taking up some of this land when it becomes available. Clearly the honourable member has raised an issue of some substance. The government will get further advice for her on this, given that the legislation emanated from the Department of Finance and not the Department of Conservation and Natural Resources.

The government thanks the opposition for its support and in due course will provide the necessary information between Houses to satisfy the inquiry.

Motion agreed to.

Read second time.

Passed remaining stages.

CHILDREN AND YOUNG PERSONS (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 21 April; motion of Mr JOHN (Minister for Community Services).

Mrs GARBUIT (Bundoora) — The opposition welcomes and supports the legislation to establish mandatory reporting of child sexual and physical abuse. Although that is the main purpose of the Bill, it has a second purpose to allow officers and employees of the Department of Health and Community Services to appear on behalf of the secretary, or his or her delegate, before the Family Division of the Children’s Court.

Child abuse is an issue the community has found difficult to deal with. No-one wants to believe there are people in the community — perhaps someone they know — who are capable of abusing innocent children. Like the Hoddle Street massacre, recognition of child abuse involves a distressing admission of the presence of violence and malevolence amongst us. That is not the sort of society we want to live in.

It is the responsibility of every adult to care for the children of our community. As Parliamentarians we have the special responsibility of establishing a child protection system that will provide protection to children at risk of abuse where their parents and others cannot or will not protect them. Such a system of child protection must involve preventing abuse, detecting and stopping abuse and providing remedial services for children and families who have suffered abuse. Mandatory reporting is part of an emergency service that will strengthen our ability to detect and stop ongoing abuse, but it will not on its own stop child abuse from occurring. It is not a panacea, and the opposition does not claim that it will stop all abuse.

It must be seen as an important part of a broader network of services, each of which is important in the child protection system. For that reason it is crucial that resources are not moved from preventive or remedial areas into investigating the increased number of reports resulting from mandatory reporting. Such a move would be absolutely counterproductive; it would strengthen the system at one point only to weaken it at another or several other points. It would not assist at all in countering child abuse.

It has been a long and distressing path to this moment when we have substantial political and community agreement that now is the time to introduce mandatory reporting.

When the Labor government took office in 1982 the child protection service was in the hands of the Children’s Protection Society, a private organisation
that received little funding and whose services did not cover the entire State. Throughout its period of office the Labor government dramatically improved the child protection service.

A major policy change in 1985 saw the government take over responsibility for child protection services. They were no longer to be considered as ad hoc services provided by the Children’s Protection Society. Child protection was seen as a government responsibility. The services had to be built up from scratch to cover the entire State. Formerly only some regions received the service offered by the Children’s Protection Society. Others were handled by the police. It was a patchwork and ad hoc operation.

In 1988 the Children at Risk Register was established to collect details of vulnerable children. Previously there had been no proper record keeping and various regions and agencies did not know which children had been reported before. There was no way of checking back when new reports came in. In 1989 an after-hours child protection service was established to provide 24-hour coverage, which is fundamental. Child abuse does not take place between 9 a.m. and 5 p.m. on weekdays. The confusing dual-track system, which involved both the police and the former Community Services Victoria taking reports, was phased out.

That system had been roundly criticised by Mr Justice Fogarty and was seen to be confusing. The two agencies acted in different ways and there was a lack of consultation between them. The system had to be changed; it was phased out and a welfare-based, single-track system was introduced. The number of child protective workers was dramatically increased from 270 in 1985 to more than 500 in 1992. A major effort was put into the training, supervision, career structure, reduced turnover and increased professionalism of child protective workers. That was seen as being fundamental for an effective child protection system.

Workers had been under a lot of stress. There had been high workloads and insufficient in-service training and educational qualifications, and it was not seen as an attractive career. All of those issues had to be addressed because the strength of the system depends substantially on the quality of the staff. Significant efforts were made to increase staff, improve staff quality and retain them longer in order to build up a core of qualified and experienced workers.

In 1989 Ministerial panels were established to inquire into every death of a child in care or contact with the department. Unfortunately, since then there have been 13 or more inquiries. In his Ministerial statement of 10 March the Minister for Community Services said he will be releasing four of those reports shortly. Each report provides an evaluation of the actions of the department and allows for improvements to be made to current practice. When the Minister releases the four reports I hope he indicates that he is taking action to implement the recommendations made by the panels, because since 1989 they have been important factors in evaluating the work of the department and have led to significant improvements in practices.

In recent years a major campaign to educate professionals was undertaken. It was aimed particularly at teachers to help them to understand what to look for and to encourage them to report child abuse. It was followed last year by the Stand-up Against Child Sexual Abuse program, which led to an increase in the reporting rates.

Funding increases have been equally dramatic — from less than $1 million in 1982 when the Labor government took office to more than $30 million this year. The bottom line is that we must provide an effective child protection system. In response to these initiatives the number of reports has increased steadily — from 1300 in 1980-81 to more than 14 000 in 1990-91. I do not suggest that that is in response to an increasing rate of child abuse; it is in response to strenuous efforts that have been made to encourage people to report such abuses. The community has become more aware of the incidence of child abuse and has been much more willing to take the next step and report it.

The Children and Young Persons Act 1990 separated child protection functions from the juvenile justice process and established clear principles for decisions about the safety of the child. It was the foundation on which the current child protection services have been established.

Despite increasing community awareness, child abuse continues, and despite professionals being educated about child abuse, they are not reporting it. That is indicated by the number of reports of child abuse in Victoria compared with the reporting rates in other States; Victoria is well behind.

Reports on child protection throughout the 1980s recommended against the introduction of mandatory reporting until improvements had been
made in the system. In 1989 the Liberal Party in opposition argued for the introduction of mandatory reporting despite the recommendations made by Mr Justice Fogarty in his first report in 1989. The present Minister and his colleagues were prepared to ignore those recommendations.

In 1990 Mr Justice Fogarty again recommended that mandatory reporting not be introduced for three years until further changes had been made to the child protection service. The dual-track system was to be changed to a single-track system dealt with by the former Community Services Victoria and the training and professionalism of child protective workers was to be improved.

The former Labor government voted against mandatory reporting in 1989. The coalition made great play of that fact, but the former government understood that mandatory reporting could not be introduced if services were not in place to deal with the issue properly and to support families. The former government did not believe they were in place, nor did Mr Justice Fogarty, who examined the former Community Services Victoria in his two reports.

By 1992 the services and supports were in place, and the former Labor government believed it was then appropriate to introduce mandatory reporting. The former Minister for Community Services, the Honourable Kay Sitches, introduced legislation in August, but it did not complete its passage before the State election.

The second last chapter in this political journey occurred after the State election when a Bill and second-reading speech that bore a striking resemblance to the former Minister’s Bill and speech were introduced by the coalition government. That Bill did not include the mandatory reporting clause. The opposition urged the government to include that provision but the government voted against the opposition’s amendment.

In 1989 the coalition was prepared to ignore the lack of preparedness for the former CSV when it tried to force the Labor government to introduce mandatory reporting, but in November 1992 it chose not to include that provision in its Bill. It has not given an adequate explanation of why it changed its mind. That decision delayed the introduction of mandatory reporting by six months. Now, six months later, we are correcting that mistake.

Mrs GARBURT — The honourable member should have been listening; he might have learnt something. The government was unwilling to support mandatory reporting, which is why we must now be vigilant to ensure that the government puts a system in place to back up mandatory reporting and to ensure that it works properly. The government has been forced into accepting mandatory reporting by the community, by the media — particularly the Herald-Sun, which supported mandatory reporting after the shocking death of Daniel Valerio and the subsequent trial of his stepfather. Commentators like Neil Mitchell supported mandatory reporting. They believed the time had come for mandatory reporting to be used as a powerful weapon against child abuse.

After the trial of Daniel Valerio’s stepfather, on 22 February the Minister said on a television program that mandatory reporting was “not a priority of the government”. That statement contradicts the Ministerial statement he made on 10 March, in which he said “the government had been actively considering the introduction of mandatory reporting since its election in October”.

What did the Minister mean by “actively considering”? It is hard to tell because he has admitted that mandatory reporting was obviously not a high priority. The Minister was forced to retreat from that position by the community, his colleagues and others. I should be interested to know what he meant and I ask him to explain that remark.

Dr Coghill — Perhaps he actively considered that it was not a high priority. Perhaps that would explain it.

Mrs GARBURT — He did not have a lot of support when he opposed mandatory reporting. In fact he claimed that mandatory reporting may not save one single life. The two judges closely involved in that outrageous case said clearly that mandatory reporting would have saved Daniel Valerio’s life. Mr Justice Fogarty, who has been involved in child protective issues for many years, was on the same television program as the Minister. He said:

If mandatory reporting had been there, then there would be no argument about it. Daniel would be alive and well today.

That is a damning statement. It is a tragedy. The trial judge, Mr Justice Cummins, said in his judgment:
There is no doubt I consider that if the law in this was that child abuse be mandatorily reported, this child’s life would have been saved.

Because of that sort of pressure the Minister changed his mind and on 2 March he announced that he would introduce legislation providing for mandatory reporting. The Minister was pushed into that position by community outrage and because the media reflected that outrage. People like Neil Mitchell kept the subject before the public and before the Minister.

The Bill mirrors a Bill introduced by the former Labor Minister for Community Services, Kay Setches, and my private member’s Bill, which I tried to present on two occasions but the government was not prepared to allow it to be debated.

The Bill provides that a range of professionals — medical practitioners, psychologists, police officers, nurses, teachers, probation and youth parole officers, pre-school and child-care workers, and social, youth, or welfare workers — must report child abuse. A clause allows the Minister to add other professionals to the list if he believes it is necessary.

The opposition believes it would be sensible to consider dentists in that provision because they may see injuries from abuse when they are treating patients. Lawyers involved in family court cases could also be considered. The government may wish to consider those professionals in the future.

The penalty for non-compliance remains the same as suggested in the previous legislation.

A feature of this Bill and the previous legislation is the provision that mandatory reporting be introduced in stages to allow for the education of each professional in turn so that people are not put into the situation where they have to report on something with which they are unfamiliar or unsure about and they simply do not know the appropriate steps to take.

It concerns me, however, that no final date has been set for the proclamation of the provision that lists the professionals that will be covered by mandatory reporting and that, if the Minister is slow or reluctant to proclaim it, he may put off doing so forever. Nowhere does the Bill provide a cut-off date for proclamation of the provision, and I seek assurances from the Minister for Community Services that he has a timetable in mind and that the provision will be proclaimed in a short time.

I note also that the all-powerful Scrutiny of Acts and Regulations Committee has issued Alert Digest No. 5 of 1993, in which it comments on the staged introduction of mandatory reporting allowed for in the Bill. It is concerned that that device “may make rights dependent on non-reviewable administrative decisions”, and it has suggested some possible amendments to overcome the problem.

I shall briefly outline a few of the fundamental arguments in favour of mandatory reporting. Child abuse is seriously under-reported in this State — that is, Victoria has a much lower reporting rate than States that have mandatory reporting. There is no reason to suspect that there are fewer cases of child abuse in Victoria than there are in New South Wales, yet it has a much lower reporting rate.

In 1989-90 the number of sexual abuse reports in New South Wales was 14 per 10 000 children; in Victoria it was 3 per 10 000. That is a remarkable difference in reporting rates between basically similar communities. There is a similar discrepancy between physical abuse reporting rates: in New South Wales there were 32 per 10 000 children and in Victoria there were 22 per 10 000. That is strong evidence that the situation in Victoria is unsatisfactory and that many cases are not being reported. We can all accept that the same rate of abuse must exist here and that our children are simply suffering and no-one is coming to their assistance.

There is even stronger evidence that mandatory reporting lifts the rate of reporting by professional groups. New South Wales tightened its laws in 1987 and applied mandatory reporting to teachers, who had previously not been required to report. It was possible to compare the reporting rates among that group of professionals both before and after they were compelled by law to report abuse. In the three months from October to December 1986 before teachers were required to report, 98 cases of child sexual abuse were reported. In the same three months the following year there were 288 reports. That is obviously an enormous increase in the rate of reporting by teachers, and it is overwhelming evidence that professionals respond to mandatory reporting of child sexual and physical abuse.

One of the tragedies of child abuse is that it does not happen just once; it goes on and on for the poor
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child being subjected to it, as in the case of young
Daniel Valerio, who had been beaten many times.

One study of victims undertaken in the United
States of America showed that on average girls were
sexually abused 81 times. The emphasis must be on
stopping abuse early, and mandatory reporting will
help. People who suspect abuse but who think it
happened only once are wrong; it happens over and
again, and that is a powerful reason for compelling
people to report their suspicions of abuse.

Only adults can stop abuse; a child is powerless to
do so. All children can do is turn to other adults for
help, and when they do we must act. It is a serious
crime and it must be treated as such.

Mandatory reporting sends a strong signal to
professionals that child abuse is a serious crime that
must be investigated by authorities. It is not a
problem for the family to deal with; it is a life and
death matter for the child.

Mandatory reporting also removes the doubts of the
professionals as to when and when not to report.
Many professionals are not sure what to do. Their
responsibility is clearly outlined under the
mandatory reporting provisions of the Bill. The
community expects them to report their suspicions.

I turn now to some of the arguments against
mandatory reporting, and will dismiss them once
and for all. It is said that mandatory reporting will
send the problem underground and parents will not
take their abused children to the doctor for
treatment. Clearly, the problem is already
underground. As I have said, Victoria’s reporting
rates are low, and many cases of abuse are simply
not picked up. In addition, most people already
think doctors have to report abuse, so many people
taking their children to the doctor after abuse expect
the doctor to report it. Most children who are taken
to the doctor after abuse have presented several
times before. It is often the non-abusing parent who
takes the child to the doctor.

In 1981 a research report was produced for
Community Services Victoria which showed that
84 per cent of people think doctors are already
compelled to report abuse and only 6 per cent said it
would discourage them from taking their children to
a doctor. The evidence in New South Wales is that
the problem does not go underground; in fact, the
rate of reporting increases and more child abuse
cases are picked up.

Another argument against mandatory reporting is
that innocent people may be wrongly accused of
child abuse. We run that risk in respect of every
crime; people may be wrongly accused of murder or
theft and the accusations are properly investigated.

In the case of child abuse it is a question of whom
we should protect — the child from the abuse or the
adult from an accusation — and whose rights we
must give the greater priority. Where there is a
conflict as to the child’s right to protection from
abuse and the adult’s right to protection from
accusation, we must come down on the child’s side.
The child’s rights and protection must be our
priority, and that is what mandatory reporting is
about. Despite other arguments, our priority is
protecting our children.

Another argument is that every little scratch will be
reported and that the Department of Health and
Community Services will be overwhelmed with
reports and be unable to handle them. The evidence
in New South Wales is that that has not occurred.
The purpose of the education campaign before each
professional group is required by law to report child
abuse is to teach professionals the difference
between a scratch, an injury from a fall, a genuine
sports injury and child abuse. A substantial
professional education campaign must be directed at
each group that will be required to report before the
provisions dealing with that group are proclaimed.

Mandatory reporting also involves the question of
resources. There is no doubt or argument that an
appropriate level of resources must be made
available to handle the number of reports that will
be made as a result of the introduction of mandatory
reporting.

When the Minister for Community Services made
his Ministerial statement on child protection on
10 March there was total agreement that additional
resources should and must be made available. At
that time the Minister said that the community had
his assurance that child protection would remain the
highest priority in his portfolio and that resources
would be provided. Earlier this week he repeated
that commitment.

In the debate on the Ministerial statement the
Minister for Health, who also has some
responsibility in this area, mentioned the need for
resources and for education and training of
professionals and those who work in the child
protection area. In 1989 the then Leader of the
Opposition, now the Premier, said in this House that
it was up to the resolve of the government of the day, whether it be Liberal or Labor, to give that mandatory reporting system the resources to ensure it could back up the legislation.

The provision of resources is crucial to ensuring that mandatory reporting works. If resources are not available, there is no point introducing it.

A number of other honourable members who spoke in the debate on the Ministerial statement on 10 March said that resources would need to be provided to deal with the increasing number of reports that would result from mandatory reporting and to provide a professional education campaign for mandated professionals. The Ministerial statement said that the department is expecting notifications to increase by up to 20 per cent. I suspect that is already beginning to occur following the public debate.

Groups that support mandatory reporting and groups that oppose it have also used the argument that resources will be needed if mandatory reporting is to work. They are also concerned that resources should not come from the reduction of services in other areas. For example, the Age of 3 March says:

The Executive Director of the Victorian Council of Social Service, Mr Rob Hudson, said it was important that the government devoted more resources to the “whole range of community services needed to back up mandatory reporting”. These included child protection services and family counselling.

... the Director of St Anthony’s Family Services, in Footscray ... welcomed the State government’s review but said that without additional support to meet the very substantial rise in the number of cases that are expected, Victoria’s child protection services faced grave risks of being overwhelmed ... He was apprehensive about whether mandatory reporting would be accompanied by the necessary support for children and families once a case had been through the courts.

The Age also reported that:

The deputy coordinator of the child protection unit at the Royal Children’s Hospital in Melbourne, Ms Meryl Lukies ... said it was essential the government increased spending on child protection to meet the expected increase in reports.

Ms Margaret Roberts, Executive Director of the Children’s Welfare Association of Victoria (CWAV), an opponent of mandatory reporting, has said:

... State governments should learn from the United States system, where mandatory reporting was law but government investigative teams were underresourced and there were enormous backlogs of cases.

The point that resources must be increased has been made consistently and across the board. It has also been said that money from other services should not be diverted to fund mandatory reporting services. There is no point in diverting funds from preventative services and putting them into an emergency service like mandatory reporting. A network of services in child protection must be aimed at protection, detection, stopping abuse and counselling for families. Training must also be provided.

On 24 February the Age published a story headed “Families in crisis wait as funding gap widens”, which discusses families under stress. It refers to a woman named Deirdre who had a newborn baby and three other children under five. She had recently separated from her husband and was living alone in a new neighbourhood. She knew no-one and had no family support in the area. Her comments were chilling. She said:

I was trying to keep up but I was burning the candle at both ends ... I had no tolerance and I was very, very tired. I started to smack the kids quite heavily for doing things that were normally very minor.

I was frightened that I would tip over the edge. A couple of times I thought it would be better to put a pipe on the car and gas myself and the children. I never thought that I would just do it to myself because I didn’t want to leave the children alone.

This story had a happy ending. Deirdre received assistance from the Children’s Protection Society who provided her with family support programs, social workers who visited once a week to provide counselling and a family support worker who visited regularly to discuss ways to manage the family household. She was also provided with some respite care, and Deirdre and her estranged husband received counselling from social workers to help them sort out their differences. The family support staff worked with the family for one year and now Deirdre is strong enough to go on without their help. That means that those children are no longer at risk. Those sorts of preventive measures must be maintained, but without money that will not happen.
Children are put at risk after court appearances unless post-court services are available. Child abuse may be stopped by a court — but then the child faces system abuse!

The provision of such services is vital. Many existing services have said they are experiencing difficulties because of government budgetary cutbacks and an increased demand for their services. I refer to comments made recently by the Executive Director, Margaret Roberts, of the Children's Welfare Association of Victoria:

Preventive services like foster care and family counselling are experiencing waiting queues that are enough to make you weep.

That message is strong; those services cannot be expected to respond to increased reporting requirements without increased funding.

I also refer to a comment made by Reverend Stuart Reid of the Uniting Church — the largest welfare agency in Victoria:

This Budget will throw a lot of heavy burdens that are already being carried by church agencies which are already being extended as far as they can. There is nothing left in the till.

The message is that agencies are already struggling with the increased demand and any expectation that they can handle more cases on less funding after the introduction of mandatory reporting is unthinkable.

A perceptive comment was contained in a letter addressed to the Minister from the Southern Region Children's Services Network. It comments on what the government must consider following the introduction of mandatory reporting:

It is essential that a well-resourced community sector be maintained and expanded to provide a range of preventative services that save the government thousands of dollars in direct service provision and time in court.

Another particularly perceptive comment was:

Child protection is a community issue that can only be resolved when adequate resources allow families access to supportive, inviting services where parenting skills and family pressures can be addressed.

The opposition has grounds for concern about the resourcing of the services. Numerous concerns have
been reported in the media. Apparently the number of reports of child abuse has increased following the publicised controversy about the introduction of mandatory reporting. The Community Policing Squad, officials of the Royal Children’s Hospital and workers at the Department of Health and Community Services have complained about the increased number of reports. The number of reported cases at the hospital has increased from 1 or 2 a day to about 17. Karen Hogan from the Royal Children’s Hospital was quoted as having said that the department is not coping well. In the Herald-Sun of 28 April 1993 she states:

“Some offices are in trouble and we’re not sure why”. “They’re stretched”.

The incidence of reporting has already increased but the system cannot cope. The Health and Community Services Union reported a few weeks ago of a backlog of 350 cases in Melbourne’s western suburbs. They wonder how on earth the Department of Health and Community Services will deal with the increased number of reports if it cannot now handle the reported cases. It is not much good having people report cases of child abuse if nothing can be done about it.

Furthermore, concerns have been expressed about the budgetary cuts to the department, representing a reduction of about 12 per cent in its total budget. We know that 54 per cent of the total State Budget cuts will be applied to the Department of Health and Community Services, which absorbs only 27 per cent of the total State Budget.

I am concerned that the government has shown that its priority does not lie in this area, because it is busy cutting and slashing, as reflected in reports now starting to come from throughout the State about the implications of the budgetary cuts.

A disturbing report was contained in the Age last week. It referred to four agencies that operate residential facilities for children and adolescents. The agencies were being targeted for budgetary cuts. The article refers to affected organisations including Richmond Community Care — —

Dr Naphthine — You wouldn’t believe the Age, would you?

Mrs GARBUTT — Are you saying they are not going to be cut?

Dr Naphthine interjected.
the child protection area, comprise the majority of service providers of services such as foster care.

Father Peter Norden, a spokesman for Melbourne Catholic social services, has said that the future of about half of the 110 programs delivered by religious orders are now at risk. He also said that "approximately 50 of the smaller agencies are on the brink of withdrawing services in protest over the State government's Budget cuts and its new welfare philosophy. That is a cause for great concern".

Mr Cole — It is an indictment!

Mrs Garbutt — It is an absolute indictment of the government that it should cut not only its own services but also that a whole range of non-government agencies are at risk.

It is not only important that the Minister should give an undertaking that resources will be allocated to handle the increased number of reports but also that there be no robbing of Peter to pay Paul, no pulling of funding from preventive services to apply to emergency services and no taking of funds from post-court services for application in other areas. We do not want to see a pea-and-thimble trick where money is shuffled around and the total child protection system is not improved.

Clause 5 of the Bill provides for the Department of Health and Community Services to be represented in the Children's Court by delegates of the secretary of the department. The opposition does not oppose that provision. However, several problems do arise in relation to the child protective service that is in place at the Children's Court. Some months ago the government abolished the well-respected and well-utilised Children's Court Clinic and restructured the services into two new services. In that restructuring the Children's Court Assessment Service was absorbed into the child protection branch.

The assessment service is now the responsibility of the manager of the branch that also undertakes child protection work, prepares intervention orders and, under the provisions of this Bill, will go to court on behalf of the department. The amendment compounds the lack of independence of the assessment service, which is compromised in providing independent assessments because it is run by the department. The assessment service has also been savaged by funding and staff cuts. The overall impact of the change has been to silence the watchdog of the department's operations. The decision to make the Children's Court Assessment Service subordinate to the child protection branch has been roundly criticised not only in this House by the honourable member for Melbourne but also by the Legal Aid Commission, the Victorian Bar Council, the Criminal Bar Association, the Law Institute of Victoria, the Board of Forensic Scientists and the Australian Medical Association.

The chairman of the Criminal Bar Association, Mr Brind Woinarski, QC, has stated:

We don't believe one can objectively regard a report as independent when it is under the control of CSV, which brings care and protection applications before the court. The government must be aware of the conflict it has created but just won't do anything about it.

The second problem, which led to a recent breakdown of proceedings at the Children's Court, concerns the payment of solicitors who appear for the Department of Health and Community Services in child protection cases. It appears that the Victorian Government Solicitor's Office withdrew its services and the department could not find funds to employ private solicitors.

While the government was fighting with itself over who should pay the legal costs, cases concerning children were being struck off. The government showed what its priorities are. Although the Bill will assist in rectifying some of those matters, and I am pleased that is to happen, I am concerned about the underlying principle that the government was not prepared to decide where the money should come from while child protection cases were being delayed.

In his second-reading speech the Minister said the amendment will apply only to uncontested cases. The Bill does not specify that, but I understand the Minister intends that to be the case. This part of the Bill illustrates that every part of the child protection system must work well and must be backed up by a commitment of resources from the government. It must work in a coordinated way or it will not protect children as we want it to — some will fall through the cracks if parts of the system are crumbling away.

The government must not allow situations to develop where kids are put at risk and where cases are put on hold while the government argues over money and who pays for what. The government's
priority must be to child protection and it must be backed up by funds and by resources. That will be the real test of the government's commitment to children.

The opposition is pleased to support the Bill and is pleased that it has finally been introduced.

Mr Doyle (Malvern) — I will make a brief but I hope cogent contribution to the debate on the Children and Young Persons (Further Amendment) Bill. I shall address the first intention of the Bill as spelt out by the Minister in his second-reading speech — that is, mandatory reporting. How quickly that phrase has become part of our lexicon; how quickly it has entered our language as a commonly-coined phrase.

I wish to reflect on why mandatory reporting has become such an important part of the wider conversation of considered society. Its impact can be traced back to the welter of publicity that surrounded the most unfortunate case of Daniel Valerio, the case of that one little boy that was so widely reported across the media in Victoria and across Australia. From that story there is for me a single abiding image: the photograph of Daniel Valerio smiling shyly with blackened eyes. Newspaper after newspaper reproduced that photograph and there was not a time when I saw it that I did not feel anguish and sorrow about what that little boy must have gone through.

That photograph was one of the saddest I have seen; a little boy still able to smile while carrying the bruises of his terrible mistreatment. His eyes were particularly eloquent; they spoke not a rebuke but a plea.

Reflecting on that photograph I knew, as I believe all other members of this Parliament and the community at large knew, that something had to be done. After all, that is why we are here. I hope it is not a new member's naivety or sentimentality; I hope it is not a cliched view, but I believe honourable members on both sides of the House are here because they feel that they can do something to add to the sum total of a better society. There is no question that parties have different philosophies and beliefs, but in the end we are all here because unless we work to shape a society that protects those who are unable to protect themselves, then nobody will protect the unprotected. That would be a condemnation of us all.

I do not wish to make any political points about the Bill; I do not wish to cavil about the past because the thrust of this Bill is too important. The question before the House is what do we, as a Parliament, do? That is a hard question because for me an emotive turmoil centres around that abiding image of Daniel Valerio so painfully captured in the photograph.

However, Parliament must translate the emotive maestrom of the issue into objective law. Parliament has to get it right.

We all accept that we cannot stop child abuse, that we will not stop child abuse. So how do we do our best to get it right? This situation is akin to what I feel about my own family — perhaps what we all feel about our families. I have three young children and I look at my little boy and my two little girls and think that if I could take to myself the pain, the suffering and the disappointment they will face through life — I would. If I could protect them, shoulder all that pain for them — I would. However, I cannot do that, so I try to do the best I can to minimise any pain and stop it happening again. I believe the family analogy leads us to this legislation.

Parliament, the legal system, and support systems cannot prevent abuse. Parliament cannot be some sort of legislative Catcher in the Rye, as J. D. Salinger would have it. Just as we try to do our best as parents, and with this Bill Parliament is doing its best as a legislature.

I have thought about what our best can be, and it can be summed up in one word — vigilance. Through vigilance we achieve a degree of protection through intervention and support.

I hope that as this Bill becomes law and mandatory reporting becomes a part of our society, it may have a preventative or deterrent effect on abuse. That may never be able to be measured, but it would be an addition to the sum quality of the society in which we live.

We need to legislate about who will exercise protective vigilance; what it is that they will exercise vigilance against; and how vigilance will be exercised. Those are crucial considerations because the sexual and physical abuses about which we are talking are hidden crimes. The vigilance I have as my central, guiding tenet depends above all on a legal requirement to report abuse.

I agree wholeheartedly with the honourable member for Bundoora when she says that when a family is unable or unwilling to provide protection then the
State must protect children from serious crimes against them. That is why we are here and that is what we are doing. The protection and welfare of our children, vigilance as protection against abuse and the right mechanisms to stop abuse when it is discovered are the principles at the heart of the Bill.

The sad thing, as all honourable members have acknowledged, is that we do not have an answer to the problem of child abuse. This Bill provides the best conclusion about how to protect our children. I commend the Minister on his Bill, and I commend it to the House.

Mr COLE (Melbourne) — I congratulate the honourable member for Malvern on his contribution to the debate. I support the introduction of mandatory reporting, and this is the Bill everybody has been waiting for. For 10 years or more mandatory reporting has been debated in earnest, and the positions of many people have changed, least of all mine. In the early 1980s I wrote papers on why mandatory reporting should not be adopted, and now I am standing here supporting it, so I feel I have come a long way.

My colleague the honourable member for Bundoora adequately covered various issues. In spite of that I will make some personal reflections on mandatory reporting. The first point to be made is that mandatory reporting cannot be considered in isolation from an overall approach to community services to prevent child maltreatment. Second, and more importantly, a general community approach to child maltreatment must be developed. The first point involves one aspect of mandatory reporting, the physical provision of money and services; but there is another aspect, a broader vision on child maltreatment.

I have a concern about mandatory reporting being introduced. It is not that we have not had debate on child-care, child services and child maltreatment; we certainly have debated these issues in the past. Mandatory reporting is being introduced at a time when there is a stringent financial approach to the provision of services within the community. When something as fundamental as mandatory reporting is introduced, something so assertive in its effect on workers, it cannot be expected that some degree of controversy will not follow. It could be said that a degree of controversy has attached to the legislation.

I think the honourable member for Malvern made the point that mandatory reporting should not be seen as the answer to the problem. I am very concerned that the government has seen fit to remove funding for some of the services that the Labor government perceived as important and therefore supported — for example, family planning and the Grey Sisters. It has certainly reduced their role in the community. We should all be concerned about that. Labor Party members will be fighting to restore funding to those groups when we get back into government after the next election.

An honourable member interjected.

Mr COLE — Three years is a long term. Labor would restore funding to those groups because they are vital to ensuring that the community has the necessary network and facilities to prevent child maltreatment in the best interests of children.

I am concerned that mandatory reporting will be seen in isolation from the broader range of community services and that it will not be understood that so many services can provide respite care for people who are likely to abuse children — people in the high-risk category.

Workers and others covered by the legislation may be required to report "where they believe on reasonable grounds that a child is in need of protection because of physical injury or sexual abuse". Such workers would normally assist families by providing additional family home help, by putting the child in an occasional care centre or by providing social work support, nursing support and other such facilities. These are vital to ensure that we can address child maltreatment without necessarily taking the child out of the home.

We can prevent child maltreatment if we have adequate services such as child-care, nursing and home help. People's incomes and their capacity to cope must also be considered. These issues are relevant, particularly in the case of single mothers, and may have an influence on the incidence of child maltreatment.

Introducing mandatory reporting impinges very seriously upon confidentiality in a relationship between a patient and a doctor, nurse, dentist or welfare worker. Is it appropriate to violate that confidence by suggesting that a person who goes to a doctor may well be reported for child maltreatment, not to the police but to the relevant agency, the former Community Services Victoria? Doctors, for example, could take the risk now of reporting child abuse, but they would do so
CHILDREN AND YOUNG PERSONS (FURTHER AMENDMENT) BILL

One of my concerns, which is not the type of thing that can be covered by mandatory reporting, is the emotional and sexual abuse of children. I would be concerned if the procedures for mandatory reporting were applied in the emotional abuse area, because it is a much more subjective area than the others. It would be hard to perceive a situation where an instance of emotional abuse warranted mandatory reporting.

In considering the general issue of child maltreatment one must recognise that a range of emotional abuse may apply. It may be possible to argue that my having not seen my children for any length of time over the past three or four days contains an element of emotional abuse. But when you get home at 4 a.m. after a Parliamentary sitting and are woken at 6 a.m. by one of your children, the abuse could be the other way around.

The degree of emotional abuse suffered by children has been the subject of debate for some time, and there is much confusion as to what constitutes emotional abuse. Psychiatrists, social workers and community workers all find that area difficult. It is my view that mandatory reporting is for clear cases of physical abuse rather than for instances where someone may suspect emotional abuse. It is unlikely that suspected emotional abuse would be reported, but it is not improbable.

It concerns me that we live in a violent society. Although I believe violence has declined over the years, especially in the sporting arena, others may not accept my view. We have changed our approach to discipline in schools and in the family. What was acceptable in the past is no longer acceptable. In one sense we are setting a higher standard for the treatment of children by parents and encouraging parents not to use physical abuse. I would like to see the community embrace the idea that there should be no violence towards children — although as a parent it can be difficult to embrace the idea at times. There must be a system that establishes what constitutes fair and reasonable treatment and what is classified as abuse.

The incidence of sexual abuse in our society is frightening, and it occurs in all countries. Last Friday a close friend who had been working with the United Nations in Thailand on community programs to stop the child sex industry related some of her experiences to me in my capacity as shadow Attorney-General. I am a reasonably broad-minded person, as are most members of our society, but voluntarily; it is another thing for the doctor to have to report such abuse cases.

Ten penalty units would be applied if a person omitted to report child abuse. That person would have to pay a fine of about $1000. Proposed subsection 64(1A) inserted by clause 4 of the Bill refers to a person who:

... forms the belief on reasonable grounds that a child is in need of protection ...

It is a fairly subjective test — it is not objective. Proposed subsection (1G) states:

It is a defence to a charge under sub-section (1A) for the person charged to prove that he or she honestly and reasonably believed that all of the reasonable grounds for his or her belief had been the subject of a notification to the Secretary made by another person.

The Bill is very strict in its interpretation of what constitutes an omission to report, but the only circumstance where a charge could be made is where there has been a blatant and clear case of child maltreatment and an omission to report. This is one of the protections in the Bill. I would be interested to hear from the Minister on this point at a later time.

The phrase “forms the belief on reasonable grounds that a child is in need of protection” seems to be a fairly strict responsibility. It would be in not rare but extreme or obvious cases that prosecutions would be brought forward. It would be rare that any prosecution would be brought under this section. I raised this issue when I last spoke on this matter. As the Minister for Transport said, it is a case of deja vu.

The message we are sending to those in the medical profession is that it is not when someone first comes to them and when suspicions first arise that a case would be reported; it is not when a social worker, for example, has been dealing with a client for 12 months and working through issues where there has been some inappropriate treatment of a child. Cases will be reported only when clearly no reasonable person could believe that child maltreatment had not occurred. In those circumstances there must be a report.

Through this Bill we are not telling the community, the medical profession and welfare groups that this is the answer. We are saying that this is the message and these are the standards upon which we seek to rely in dealing with child maltreatment.
what my friend told me about child sexual abuse would shock any civil libertarian.

Travel agents in Victoria organise sex tours to Thailand. In the United States of America an organisation called the North American Man-Boy Association arranges for paedophiles to travel to Thailand and the Asian region for the purpose of having sex with children under the age of 14 years. I have been advised it is for both heterosexual and homosexual purposes. It is a frightening proposition. All communities should address the problem and develop standards and guidelines so that members of the community know what is acceptable and unacceptable.

In my years of working as a lawyer in legal services and in general what always struck me about those types of offences was the lack of consent. A 5-year-old cannot consent; a 10-year-old cannot consent; and a 13-year-old cannot consent or defend himself or herself from abuse. It concerns me that children in Asian countries, and all around the world, cannot afford to say no — their parents are selling them to tourists because they need to eat. Such incidents are at the heart of child maltreatment, both overseas and in Victoria. It is reprehensible that we allow people to travel to other countries for such purposes. It is another example of Western decadence and of Western imperialism — wealthier countries such as ours exploiting the residents of other countries.

I was mortified to hear some of the stories relayed by my friend, but I am pleased that campaigns are under way to address the issue. The United Nations and many other worthwhile organisations are attempting to stop the exploitation of young people.

Mandatory reporting will not solve the problem of child abuse. It is an attitudinal problem and while there is one skerrick of acceptance of such behaviour in our society mandatory reporting will not resolve it. I am sure the Minister for Community Services would agree with that proposition.

The Bill, which covers both physical abuse and sexual abuse, will deliver a sound message to the community that such behaviour is unacceptable and must be reported. We do not want members of the community to try to deal with such cases themselves or to say, "It will be okay. We will work through the issues". Having been actively involved in defending or supporting people in such cases, I know it is not easy to resolve them quickly. However, we can address certain things that we know are wrong and morally repugnant and try as a community to change them. We can do it as politicians from all sides of the political fence and we can do it as community representatives or average citizens. We must try to instil specific values in the community, but it will not be easy, particularly with the child sex industry. It is a sad state of affairs.

I express some concern about representation in the Family Division of the Children's Court. Clause 5 provides for the insertion of section 82(3) in the principal Act and paragraph (a) refers to "personally". The provision will mean that the member of the department who has brought the application for child care and protection can appear before the Children's Court. In the past legal representation has been provided through the Victorian Government Solicitor's Office or funding has been made available to allow those appearing before the Family Division of the Children's Court to brief counsel.

I am concerned about the provision. In the past solicitors have been briefed to appear because the matters are serious. Those people making applications — I prefer not to use "prosecute" because in most cases it is not appropriate — must do so to the best of their abilities. The applications must be made before a magistrate and in a legal setting that is suitably formal but not oppressive. All those factors are important, because the applications often have to do with taking children away from their parents.

I am concerned that clause 5, which amends section 82 of the principal Act, has been included because the Victorian Government Solicitor's Office has run out of money for the financial year. Because of a lack of money I understand officers of the department were unable to retain barristers to represent them, as a result of which 10 uncontested applications were struck out.

I must be careful not to be too critical of the judiciary, given the reaction to previous comments I have made. But it is not good enough to have 10 nolle prosequis entered for those reasons. It does not seem right to have applications struck out simply because of funding problems. The issue is very serious — after all, we are talking about applications to the Family Division of the Children's Court, not about kids failing to get their acts together over petty traffic offences.

That matter aside, I am concerned that the Bill will allow officers to appear before the court without the
benefit of being represented by or receiving advice from solicitors. That could put at risk many care and protection applications, because I am not sure that they will have the skills to match those of defence counsel — but that is for the department to decide as it sees fit.

The other side of the coin is that I understand Department of Health and Community Service officers have become upset at times when they want to proceed with applications X, Y and Z, but barristers have said, "No, we will not proceed with those, we will do only these", intending to engage in some plea bargaining, which happens on occasions. Those officers do not like being prevented from going ahead with the applications. In other words, they are not good clients, because they want to instruct counsel but are not willing to take instructions themselves. They are the sorts of clients lawyers make the most money from because they never take advice!

The Minister should review the provisions. If they are motivated by the need to save a few quid or because the Victorian Government Solicitor's Office has spent too much money or the budget is too tight, that is not good enough. If the department is saying that its budget is so tight that authorised officers and employees will have to make their own applications, many cases will be lost. If they come up against defence counsel, I am sure they will discover that they do not have the capacity to handle the rules of evidence or to make the submissions that need to be made.

The provisions could end up costing a lot more money than the department claims it will save. I do not know how the system will work. For example, they will not be equipped to engage in plea bargaining, which is often appropriate and necessary in those sorts of case. I suppose I sound like an elitist when I say that lawyers should represent the children, but it is up to the Minister to consider that. If a supposed lack of money is the only reason, I would be very concerned. We should not run the risk of putting kids' lives at risk simply to save a few quid. The question of representation is important, particularly when the parents are likely to be eligible for legal aid and so able to be represented by barristers.

I am concerned about the demise of the Children's Court clinic, which was dear to my heart. I suppose I have raised the issue on at least 30 occasions since the clinic was removed. The loss of the clinic was tragic because it was a source of independent advice for magistrates. I am aware of the many arguments that can be put on the issue of the provision of adolescent psychiatric services. But no-one could seriously argue that having a specialist adolescent service based at the Children's Court to carry out assessments for or on behalf of the magistrates was not a good thing, especially given the possibility of mistakes being made by officers of what was formerly known as Community Services Victoria.

Information the shadow Minister for Community Services and I have received shows that on many occasions those officers have made incorrect assessments, which were rectified by the expert assessments provided by the psychiatrists employed. Those assessments proved that the prognoses or analyses of the department's officers were incorrect. The service acted as a buffer between parents and children. Such a service did not exist anywhere else. For example, in criminal cases the only option available was to obtain assessments from private psychiatrists, which were not in the same league as the expert services offered by the Children's Court clinic. I am concerned that the service is no longer available to magistrates.

I understand that because the service is now dominated by the people bringing applications it no longer sits in the middle, as it were, between parents and children. I have seen the sorts of directions and instructions given to the people now working there. You have to wonder where on earth people can now go to obtain independent assessments not only of young persons either under the age of 10 or over the age of 17 exhibiting antisocial or other behavioural problems but also of families to see whether children should be removed.

The decision was made by the department in an obvious attempt to extricate the service from the Children's Court and to keep it to itself because it did not want an independent service offering advice — just as it does not want the independent advice of barristers.

The provisions in the Bill have been the subject of a great deal of consideration over many years. Members of the opposition have not approached the Bill with their eyes closed; they know what it means. We all hope that the Bill will reduce the incidence of that most horrific of crimes, the maltreatment of children.
speakers, the sensitive ways in which they have addressed the issues and their genuine concern for the protection of children. That shows the willingness of honourable members on both sides of the House to address the problem.

Mandatory reporting will increase the number of reports. It will make clear the community's expectations about the responsibility of professionals. One would ask why children need to be protected in this way. A naive view would be that all children are loved, protected and cared for in a normal family environment. If I were naive, and I am not in this regard, I could say that my children have been cared for, protected and loved in a comfortable environment. Other children in today's and yesterday's world have not had that right — I believe it is a right.

Young children today are victims of adult pressures and their entrenched social problems. Thousands of children live in a world of hurt and pain, of physical, sexual and emotional abuse. They are neglected in all manner of ways. An article in the Age of 17 March says:

While there is nothing so simplistic as a profile of the typical child abuser, the people who make 4000 calls a year to Parents Anonymous share some characteristics. They generally come from a background of abuse themselves, although specialists in the field are quick to point out that not all abused children will grow up to be abusing parents. They have difficulty establishing bonds of trust because their own trust was betrayed in childhood. They suffer low self-esteem because as children they made sense of their parents' violence by convincing themselves that they were bad and therefore deserving of such treatment. And, as adults, they find it difficult to ask for help. After all, who wants to help a worthless person ...

Simon Kennedy, a clinical psychologist and lecturer at the Australian Catholic University, makes a distinction between physical and sexual abuse, partly because there are cultural differences between what constitutes child abuse and partly because the profiles are different. People with limited personal and financial resources, little family or outside back-up and few opportunities for time-out are most at risk of physically abusing their children while those who sexually abuse their children have another range of problems, possibly in addition, such as relating to their spouse, controlling their impulses, and gratifying their need for power and intimacy.

The protection of children does not lie with one sector of the community. It is the responsibility of all people. It is the responsibility of all political persuasions and all sections of the community. We have all heard horror stories about child abuse. Each one of us is moved when we hear stories like that of Daniel Valerio and others that we read in local newspapers. Many honourable members have had involvement directly or indirectly with services for children. A number of educationalists sit in this House. Those who have not been involved in direct services will have had an involvement with their own families when they learnt how to be parents and the role of parenting.

It is heartening that we all share the view that mandatory reporting is the way to go to protect children. In 1982, 2000 reports of child abuse were recorded in the State and in 1992, 17,000 reports of child abuse were recorded — 8000 of which were of a serious nature. An article in the Sunday Age of 21 March reported on Victoria's Community Policing Squad and its involvement in all facets of family violence and child abuse. I was moved when I read the article about a day on a community policeman's beat:

This is one day on the community police beat ...

Like everyone at Altona, constables like Jo and Jane Walsh, both 22, love the job. They say they haven't wanted to do anything else since joining the force.

"I've picked up babies you can barely hold; they are so covered in bruises, but you do it because you love kids and you feel you can do something to help them," says Jane.

"You do your best to put on a front for the child, no matter what awful things have been done to them," says Jo. "They don't want you to feel sorry for them, they want you to help them. When I first started I'd go home with headaches. I couldn't believe what I'd seen. Incest, child rape and baby bashing — I wasn't aware these terrible things were a reality. I never knew how bloody common it was."

Certainly the latest case entries indicate a typical week so far; an anonymous tip of a badly bruised infant in Braybrook. A man reporting his estranged wife for hitting their children. A 14-year-old schoolgirl terrified by explicitly suggestive letters from her stepfather's grandfather. A 15-year-old reporting chronic incest with her father.
Senior Detective Wendy O’Shea types the statement by a man taped during a confrontation with the niece he allegedly raped nine years before. Detective Steve Taylor, on secondment from Footscray CIB, prepares briefs on a man reported for an indecent act on his 6-year-old granddaughter.

That is a brief summary of a day in the life of the Community Policing Squad. Hundreds of people are involved in child protection, from child protection and support workers through to the volunteers who run an op-shop in my electorate to raise money. We can all make some contribution to protecting our children.

The Bill sets out the professional workers who have been mandated to report child abuse. The success of mandatory reporting will depend on a staged process of mandating professional groups and educating them about confidentiality and other issues. It will be vital. We have a responsibility to protect and enforce protection for our young children. The honourable member for Malvern spoke sensitively about Daniel Valerio. I believe the reactions of the community following the death of Daniel are clear: we all have a responsibility to protect young people at risk. I congratulate the Minister for his sensible handling of the issue, and I commend the Bill to the House.

Dr COGHILL (Werribee) — I take pleasure in following the comments made by the honourable member for Geelong and her sensitive approach to the issue. I indicate my support for the thoughtful speech made by the honourable member for Bundoora, who put the opposition’s case, and the intelligent case put by the honourable member for Melbourne. I shall have something to say about the contribution made by the honourable member for Malvern.

When I thought about how the Bill will be applied my mind went back to the cases I have dealt with as a local member and the cases I have known about because of personal contacts. First there was a voluntary reporting that involved two teenage girls who were living with their father, who was estranged from his wife, who was living in another country.

The father came to see me, concerned that the department had intervened in having his daughters live with another family, whom he knew. He believed the other family and the department were conspiring to prevent the girls returning to the father’s home and conspiring to convince them that their best interests would not be served by coming back to live with him. He attempted to persuade me that there was no evidence of anything improper going on, other than the usual disciplinary problems that are fairly common between parents and teenage children as they mature and learn to cope with the world. It was put down to the sort of disputes one may have with teenage children: whether they should do their own washing or assist with cooking and so on. He described some incidents which, on the surface, sounded innocuous, and which most people would not regard as physical or sexual abuse.

Because of the case the man put to me and his apparent credibility, and, indeed, with support from a professional in one of the categories listed in the Bill, I took up the matter with the then Minister for Community Services, the Honourable Kay Setches. It emerged that some of the difficulties the honourable member for Melbourne alluded to in the approach taken by professional officers from the department, then known as Community Services Victoria, might have been a factor, but the Minister handled the issue excellently. Her difficulty and the difficulty of CSV officers was that confidentiality prevented them from making available to me information they had that appeared to justify the girls leaving home and seeking the protection of CSV.

It was a difficult issue for everyone concerned. In the end it came down to accepting, with good reason, and trusting the Minister’s assurances that she had looked into the matter, and that she had access to confidential information that she could not provide to me and was convinced that CSV was taking the appropriate action.

It was a case involving the issues raised by the honourable member for Melbourne. In taking over the matter directly and without the involvement of legal professionals, were the CSV officers protecting a professional interest or their own interest rather than necessarily thinking of the best interests of the children, the father or both?

It was a delicate issue to deal with and, as the local member, I found it difficult, as did other people in the community who were attempting to resolve the issue in response to representations by the father. He was a plausible, credible person on first meeting and, indeed, it was only after having received further information that was hinted at by even more credible sources that I came down in support of the action taken by CSV.
The other case that comes to mind is one that, to the best of my knowledge, has never been reported. It involved a married couple and their two daughters who, at the time, would have been of primary school age. It involved physical abuse but not sexual abuse. The wife was being abused by her husband and the abuse of the children seemed to be incidental to that and to occur less frequently and less severely than the attacks on the wife. Despite all the protections offered by the law and the social security system and the woman's knowledge of the minor injuries inflicted on her children — bruising and scratches — throughout the period she chose to stay in the matrimonial home rather than leave the physical and financial security of that domestic situation to free herself and her children from physical violence. I do not know the current situation. I rarely see the family now and do not know whether the abuse continues.

They are two examples of how difficult and sensitive some of the issues can be. Despite being subjected to physical violence to herself and despite her two primary school daughters being subjected to minor but escalating physical violence, this intelligent woman decided to stay in the family home, even though there was the real prospect of a serious injury to her and to one or both of her daughters.

The honourable member for Malvern suggested that we as Parliamentarians and the government of Victoria should do the best that can be done to deal with child abuse and offer protection to children. He implied that having the statutory provision would of itself guarantee protection for young people. That is a simplistic notion, because unless the necessary resources are available to back up the law it does not matter what the law says. The former Union of Soviet Socialist Republics had enshrined in its constitution the protection of human rights, but we all know the reality of that situation. The same could happen here unless the government — and I use that word in the broad sense to mean the people and the Parliament — is prepared to devote the necessary resources to ensure that the law can be fully implemented.

Resources must be made available so that reports can be followed through and the necessary counselling and other supports can be provided. Similarly, remedial programs and other protections may need to be undertaken. Substantial resources are required and there is a conflict between the ideal of small government and the extension of resources to cope with the level of reporting envisaged under mandatory reporting. If we move to a Third World level of government spending, we will only have Third World government services. It is as simple as that. The provision of services costs money. If it is the view of the people of Victoria, expressed through the government they elect, to have Third World levels of taxation and government expenditure, they will have to accept Third World government services.

Victoria and Australia already have the lowest levels of government expenditure of the OECD countries with which we like to compare ourselves. The only OECD countries that have expenditure comparable with Australia are the likes of Turkey, Greece and Portugal. They have many attractive features, but I suggest that most Australians would demand higher standards of living and better government services than are generally provided in those countries. The other country that has a level of government expenditure in this area similar to our own is the United States of America, and we are all aware that the level of social support provided by government in the United States is far below that provided in other OECD countries. The countries of northern and western Europe with which Australia likes to compare itself and, for that matter, Japan, have relatively high levels of government expenditure.

I must say that in his second-reading speech the Minister for Community Services really fudged the likely effect of the Bill on the level of reporting and on the level of expenditure that would lead to. He said something to the effect that the rate of substantiation was unlikely to change greatly, that there may well be a change but it was not likely to be huge. That is really not the issue. We are talking about the absolute number of substantiated cases that are likely to occur in Victoria under mandatory reporting as compared with voluntary reporting.

All the information suggests that the absolute number of cases is likely to increase dramatically because the total number of reported cases will be very much greater. Even though the percentage substantiated may not change much — it may change marginally — there is not likely to be a manifold change in the proportion of substantiated cases.

There is enormous tension between the government's ideologically driven commitment to smaller government and reducing the level of government expenditure, the number of people working in government and the level of funding provided to voluntary and non-government organisations in this area. The government simply
cannot have it both ways: if it accepts that the community is demanding mandatory reporting it also has to accept the expenditure implications. It has to be prepared to lift the level of expenditure so that it can meet the demand that will result from the Bill.

It is not a simple matter of dealing only with the increased number of cases that have to be processed. It is also a matter of looking at what can be done to reduce the occurrence of the offences in the first instance. I am reminded of the Violence is Ugly campaign conducted in the middle of last year. It was brought home to me recently by a marriage guidance counsellor who addressed a meeting of the Werribee branch of the Labor Party. He suggested that the Violence is Ugly campaign was not just about the types of incidents that were portrayed in the television advertisements but that has enormous ramifications.

For example, he pointed out that physical violence is a common reason for marital breakdown. Therefore, if it is possible to reduce the level of violence, particularly that directed by men towards their spouses, the chances are that we will gain through reduced levels of marital breakdown. By extension, we are also likely to see a reduction in the level of physical abuse of children. That seems to follow logically.

Although it is expensive to run such programs — there is no question about that — I put it to the Minister and the government that that sort of expenditure of taxpayers' money bears enormous fruit, not just economically but socially by improving people's quality of life.

That is another example of where reducing the role and size of government is counterproductive to the maintenance of the standards of living and to the quality of life we ought to be able to enjoy in Australia and to keeping pace with the countries with which we like to compare ourselves.

I refer honourable members to the report of the Scrutiny of Acts and Regulations Committee on this Bill, which as the honourable member for Bundoora pointed out was referred to in Alert Digest No. 5. I am concerned, as is the committee, about the open-ended provision dealing with the mandating — a term I find a little offensive — of particular professional groups. It is the view of the committee — and it is certainly my strong view — that a deadline should be included in the Bill by which all those professional groups must be mandated.

There must be a deadline so that we know that within a year, 18 months or two years every one of the professional groups listed in the Bill will have to be mandated. The reason is that, particularly when budgets are tight, there will be resistance from within the Public Service to the expenditure implications of mandating some of those professional groups.

It will not be much of a problem for the police, nurses or medical practitioners, but it will be a problem for professional groups where the employers will want to educate their personnel about the implications of the legislation so that reports are properly substantiated and not based on false premises. If that occurs, the children, parents and any other individuals involved will have gone through a lot of pain and anguish for nothing.

I hope in closing the second-reading debate the Minister will inform the House of the time by which the government proposes the mandating of all these professions will be completed and they will be legally obligated to report cases of child abuse.

If we do not have that undertaking from the government and if the Minister does not put it on the Hansard record, there is a very real danger that some excuse will always be given to the Minister as to why it is not yet appropriate to gazette a particular category of professional, and we may well find that at the end of this government's term of office in 1996 some professions still have not been gazetted. That could tragic effects on the children whose cases might be reported but for the failure to mandate a particular profession.

I hope the Minister is being persuaded by the Chairman of the Scrutiny of Acts and Regulations Committee, the honourable member for Doncaster, who is at the table with him, that he should give that assurance to the House when closing the second-reading debate.

I regret that the Acting Leader of the House is not in the Chamber because I wanted to congratulate him on his performance in that capacity. I remember his performance as Leader of the House between 1979 and 1981, when I was a new member, and I welcome him back to that role. The business of the House runs much more smoothly when he is in charge.
Mr MAUGHAN (Rodney) — I support the Bill. I have listened with interest to the thoughtful comments of all honourable members who have spoken today. I enjoy this type of debate because the legislation enjoys bipartisan support. The views expressed by honourable members on both sides of the House are in agreement, and it is unfortunate that the Bill is necessary.

In an ideal world, legislation to protect innocent children would not be needed. It is crazy that in a modern society legislation is needed to protect children from abuse and neglect. The causes of the high incidence of abuse and neglect are many and include the general pressures in society, loss of employment, loss of independence, loss of self-esteem and inequity.

Mandatory reporting has been in place in all States except Western Australia and Victoria since the 1980s. Although there is a lower level of reporting in Victoria than in other States, it cannot be said that there is a lower incidence of sexual, physical and emotional abuse in Victoria. Victoria has slowly moved towards adopting mandatory reporting since the abolition of the dual-track system. I welcome the report of Mr Justice Fogarty who recommended a welfare-based child protection service. Today we have heard about some of the community services that combat child abuse. I support the comments made about the Community Policing Squad, which has done a wonderful job over the years. Mr Justice Fogarty said that Victoria should move away from a policing and community services approach to a more welfare-based approach. I was pleased to support the principal legislation.

The honourable member for Bundoora referred correctly to the need for the government to provide more resources and funding than it may be prepared to. When Victoria moved to a dual-track system the then Department of Health and the then Community Services Victoria (CSV) took up the burden of investigation and no additional resources were provided, so that today there are no resources for something like 10 per cent of cases that require supervision. That is a matter of concern to all in the community.

I pay tribute to the dedication of the CSV staff, particularly those 500 people who work as child protection officers. They do a magnificent job even though many of them are stretched to their limits. Almost $30 million is now being spent in that area. I confess to having a personal interest in this area because my daughter worked as a child protection officer with the former CSV; she has now moved to New South Wales to work in the same area. From her experience I know something about the dedicated professionalism of the majority of child protection officers. However, I note that differences occur from region to region and that there are different cultures in different regions. That is something that must be watched carefully. Some officers are careful, compassionate and thorough and do all the right things, while a minority are not so thorough and can be gung-ho in their approach, which can result in mistakes being made. Although mistakes will always be made, they should be minimised.

I have been involved in assisting a father who was unfairly treated and falsely accused of sexual abuse. Although there was no evidence to back up those allegations or to lay charges against him, those accusations have caused his family enormous trauma. The child was removed for eight weeks from what appeared to be a loving and caring family — I still believe that to be the case. Had that family not been strong, that allegation would have resulted in its breaking up. The father was contacted and told not to come home because he was under investigation for sexual abuse. That example is not the norm. On the whole, CSV officers are caring, compassionate and thorough.

Mandatory reporting has for some years been opposed by many non-government agencies, including the Victorian Council of Social Service, which represents 600 non-government agencies, and the Child Welfare Association of Victoria, which represents 90 non-government agencies. They have argued that mandatory reporting will divert resources from services that provide assistance and that unless additional resources are provided Victoria will be worse off.

The incidence of child abuse in Victoria is no different from the incidence in other States, but Victoria does have a lower level of reporting. The honourable member for Bundoora said that the reporting of sexual abuse in New South Wales is 14 per 10 000 of the population and that in Victoria it is 3 per 10 000. For physical abuse the level of reporting in New South Wales is 32 per 10 000 while in Victoria it is 22 per 10 000. Those figures show that the level of reporting of abuse, particularly sexual abuse, is lower than the incidence of abuse.

The honourable member for Melbourne referred to the three different levels of abuse: physical, sexual and emotional. The community accepted that
physical abuse was not acceptable many years ago. It must now deal with the fact that sexual abuse has long-term effects on victims.

Sitting suspended 6:30 until 8:4 p.m.

Mr MAUGHAN — Before the suspension of the sitting I was referring to the three forms of abuse of children and young persons. Physical abuse has been disapproved of for some time, but the community is only now starting to come to grips with the extent of sexual abuse. The third and most insidious form of abuse — as yet virtually unrecognised by many people — is emotional abuse, which must be one of the most dangerous but important forms of abuse particularly for children in their formative years.

There is much evidence to suggest that unless children under the age of five years receive positive support from their parents and peers, their emotional growth will be stunted. Emotional abuse in their early years leads to members of the community suffering from a lack of self-esteem in later years, as a result of which they will exhibit all sorts of social problems. All the evidence suggests that we should act on those forms of abuse sooner rather than later — a strong reason for mandatory reporting.

The reported number of child abuse incidents in Victoria has risen from about 2000 some 10 years ago to about 15 000 today, of which approximately half are serious. Victoria has not introduced mandatory reporting prior to this because of the genuine concerns of those involved in child protection. One argument is that mandatory reporting will drive child abuse and neglect underground and that the people affected will fail to seek medical attention. That fear has been proven to be false because a survey undertaken by the department shows that about 84 per cent of the community believe doctors are already required to report abuse and only 6 per cent would not take their abused children to a doctor.

The key words are “believes on reasonable grounds”. The Act already provides for false and malicious reporting, which is an offence carrying a penalty of a minimum $1500, 15 penalty units, or a term of imprisonment of three months. That provision need not change. I wholeheartedly agree that the rights of the child are paramount, as the honourable member for Bundoora said. If we must choose between the rights of a person who may be falsely accused and the rights of a child, surely everyone must agree that the rights of the child are of prime importance.

Another objection to mandatory reporting is that insufficient resources will be made available. That argument is reasonable. The need for sufficient resources to cover incidents of mandatory reporting of child abuse has been debated at length in this House.

The catalyst for the legislation and the basis for community concern was the Daniel Valerio case. As the honourable member for Malvern said in his excellent contribution to the debate, no-one could have read the report of the Valerio case and not been moved to do something about what was an unacceptable level of abuse and neglect. Undoubtedly there was a community expectation that Parliament should act. The government responded promptly to community concern when the Minister for Community Services outlined in his statement of 10 March 1993 what the government proposed.

The legislation was introduced shortly afterwards, and by the end of this sessional period it will become law. The government has responded to community concerns in dealing with child abuse and neglect. The purposes of the Bill are set out in clause 1, which states:

The purposes of this Act are —

(a) to require the members of certain professional groups to report cases where they believe on reasonable grounds that a child is in need of protection because of physical injury or sexual abuse.

The Bill details those who will be mandated to report. Already many professionals voluntarily report child abuse. The Act says they “may” report cases of abuse, but the Bill changes that word to “must”. The various professionals who will be mandated are set out in proposed section 64(1C). It lists doctors, psychologists, nurses, teachers, proprietors of child-care establishments, social
workers, child-care workers, members of the Police Force, probation officers and youth parole officers, and there is provision for another prescribed class of person. Essentially anybody who comes into professional contact with young people and sees incidents of abuse will be required to report that abuse to the relevant authorities.

The legislation is not about punishing those who fail to report or those who cause the abuse, abhorrent though it may be. The main purposes of the legislation are to protect children at risk and, more importantly, to send a message to the community that child abuse and neglect will not be tolerated and that the community, through the government and the Minister, will act to protect the interests of our children.

Education is an important consequence of the legislation — educating the community and educating the various groups of professionals that I have already listed. For that reason there should be a staged introduction of mandatory reporting.

The honourable members for Bundoora and Werribee argued that the legislation should contain a specific time by which the various groups are to be mandated. I can see the point of their argument, but I believe we should take it as we go to see how long it will take to educate the various groups and not provide the Department of Health and Community Services with a huge additional workload all at once.

If the various groups are mandated in sequence once they have had sufficient training to enable them to deal with the problem, that will provide a more efficient means of moving towards mandatory reporting than would be the case if a set time were imposed.

Parliament has the role of monitoring what will happen. We must ensure that the government and the Minister do not take an unacceptably long time to mandate the various groups. We all have a responsibility to see that it happens sooner rather than later. Equally we have a responsibility not to rush into this in an attempt to give the perception that we are doing the right thing when in fact we would cause problems for the department as it grapples to provide the resources to deal with this problem.

The first professionals to be mandated will be doctors, nurses and police because they come into close contact with children and young people. They are the first line of defence. After them the other groups of professionals will come into the system after a suitable period of training.

Clause 1(b) of the Bill states that the second purpose of the Bill is:

That clause is necessary because there are restrictions on the amount of funding that is available for legal representation. In many uncontested cases before the Children's Court the officers of the former CSV are able to handle the legal proceedings without going to the unnecessary expense of engaging legal counsel to prosecute the case. This legislation overcomes that difficulty.

It is obvious from those who have contributed to the debate that the Bill enjoys bipartisan support. We are all agreed that children's rights are paramount, that awareness and education are an important part of the legislation and that resources must be provided by the government and from within the department to follow up any mandatory reporting and to take the appropriate action.

I commend the honourable members for Bundoora and Malvern on their contributions to the debate. The contribution by the honourable member for Malvern came from the heart. He spoke about the philosophies, the guidelines and the general direction of the legislation without dealing with specifics. The honourable members for Melbourne, Geelong and Werribee also made valuable and thoughtful contributions to the debate. I commend the Minister on introducing the legislation and I commend the Bill to the House.

Ms MARPLE (Altona) — The Children and Young Persons (Further Amendment) Bill has been introduced at the appropriate time. Mandatory reporting has been the subject of a great deal of discussion. Many of us do not want to face up to child abuse because it fills us with horror to think that even in a developed society the problem still exists. We all come face to face with child abuse either as parents, brothers and sisters, uncles and aunts or as professionals. We do not want to see children abused, whether physically, sexually or emotionally.

There are also various levels of abuse. For example, what one person may believe is the appropriate
correction of a child’s behaviour another person will find abhorrent. There is a need for continuing public education and discussion on what society expects and how ways of changing behaviour can be devised to ensure that children are not abused. Although most honourable members would agree that violence in society is unlikely to disappear, that should not stop us from attempting to change the situation at every opportunity.

I commend the government on introducing the Bill, which reflects what society wants. It is important not to become complacent. I am sure neither the opposition nor the government will allow that to happen, and that determination is reflected by society. I am sure the media will also be vigilant and draw attention to incidents of child abuse.

I felt privileged to be in the House when the honourable member for Bundoora described how the former government worked to achieve the implementation of this measure by building up the services that are necessary to do the job. That process cannot be rushed and, as the honourable member for Rodney pointed out, the education of professionals is being undertaken step by step to ensure that it is thorough.

We should not allow the program to stagnate because of a lack of resources or because we find that dealing with the training involved and the problem in general is all too much. I am sure the government’s efforts will be monitored as it comes to terms with the problem of ensuring that the professionals involved are properly trained and able to carry out their tasks of protecting children and giving them the best life possible. I am pleased the government has seen its way clear to continue the work done by the former government.

I am aware of the work done in the child services area of the Department of Health and Community Services. The people doing that extremely demanding work do not often receive praise. In these days of the electronic mass media any mistakes made are quickly picked up and exploited, causing suffering to many people. It is human to make mistakes — it happens to even the best-trained professionals. We should thank the people who work in the child support area.

One theme running through the debate has been the importance of providing sufficient resources for mandatory reporting. Concern has been expressed that insufficient resources will be provided or that resources may be taken from other areas of the Department of Health and Community Services so that the government can fulfil the Minister’s promise to put child protection and support services in place. I take up the point raised by the honourable member for Bundoora that services are needed to help families get through crises that can lead to inappropriate behaviour. Neighbourhood houses and other support services mentioned by the honourable member, including the Catholic family welfare services, are vital in ensuring that families can remain together and that the stresses of life can be eased as much as possible so that children do not suffer. As all honourable members are aware, children who suffer deprivation are likely to be scarred for life and often repeat the same mistakes with their own children.

People who have dedicated their lives to the protection of children have always had difficulty coming to terms with the continuing abuse of children. Mandatory reporting is not a panacea for violence against children; we must work at a variety of levels to ensure that child abuse does not occur. I hope public education programs will again be used again to make people aware that violence against children is not acceptable. It is of paramount importance to be vigilant and to continually search for ways of stopping violence against children.

Professionals working in this area need to be properly trained. Most people, particularly members of Parliament, would at some time have come into contact with the types of professionals mentioned in the proposed legislation. The Bill provides guidelines for obtaining help on child abuse. One of the good points about mandatory reporting is that professional groups across the State will be interlinked so that the incidence of child abuse can be reduced. It is paramount that the interests of children are put first.

The honourable member for Geelong referred to the work undertaken by different voluntary groups and cited an article on the Community Policing Squad. I, too, have found the work done by that squad excellent, particularly with families in my electorate. The article referred to the Altona Community Policing Squad, which is an outstanding group of men and women. I am sure similar groups of professionals can be found in other electorates. I hope they continue to be properly resourced and that their efforts filter through to all members of the Police Force. The squad has a different way of working and presents a different picture from the way police officers are normally seen when wearing uniforms and carrying guns and truncheons.
The problem of child abuse is not confined to any race or suburb and cuts across all socioeconomic groups. We must be vigilant in areas where we least expect to find child abuse, perhaps more so than in areas where we expect some problems. Much good work is being done with children and young people who have been removed from family homes after being abused. We must be aware of the problems facing teenagers — who are also children, although they do not like to be told that — because they are all under our protection.

The honourable member for Werribee referred to problems faced by some young women in their family homes. I have been associated with the youth housing program in my electorate, which provides shelter for young people who have nowhere else to live. It allows them to learn independent living skills in accommodation funded by the Federal government. They can continue with their work or studies and are provided with some community protection. The program is available to young people who are homeless, often because they have been abused at home and decide to leave. The accommodation enables them to maintain their dignity because they live with other young people without feeling that they are labelled by being in hostel-type accommodation. They are given time to face up to what has happened to them and set off in a new direction.

The honourable member for Werribee also said that if we have the sorts of services, funding and taxes the Third World has, the results will be the same as those faced in Third World countries. We must be careful about a philosophy of less government involvement in the community and fewer taxes because it may create conflict through division. I hope the Kennett government will not fall into the trap of not providing educational programs so that society understands the reason for paying taxes and what is intended by government involvement, specifically in areas such as child abuse.

The honourable member for Bundoora also outlined the various arguments against mandatory reporting, and her responses to each of the points were well thought out and set the record straight. One argument against mandatory reporting is that child abuse will go underground. As she said, child abuse is already underground and we can not allow it to stay there. I am delighted that all honourable members who have spoken in the debate have supported that concept.

Honourable members also referred to the fact that occasionally an innocent person may be wrongly accused. That has always been a problem for society. However, we have faced up to it at various levels and have tried to ensure that there is proper investigation of any incident. Our first concern must be to protect the children, and we must come down on their side when we are considering ways of hunting out this terrible scourge in our society and trying to prevent it from happening again.

Opposition members have warned the government that they do not want any of the available resources cut back or sidetracked into other areas. The Minister for Community Services said he does not want that to occur, and I hope he will put that case strongly to his colleagues in Cabinet. Much rests on his shoulders, and we all wish him well in his attempt to properly resource this important area. The western suburbs already has a backlog of 350 cases, which it is hoped will be quickly remedied. The current level of funding will probably not be sufficient when the mandatory reporting requirements are set in train, especially as reporting is expected to increase by 20 per cent.

Many honourable members will contribute to the debate tonight on this important issue because we are all concerned about the innocent children who are affected by abuse. No-one could fail to be moved by the thought of a young child coming to an early death, as several have already done in the first four months of this year. No-one can pick up his or her children or, as in my case, grandchildren, without wondering how anyone could hurt them. How could anyone not wish the best possible life for them? For those of us who have been part of nurturing families it is almost beyond comprehension that some children can suffer so much.

It is a reflection on the human spirit that even the children who suffer so much can grow into decent human beings who contribute significantly to our society. We wish this for all children. Australia is a signatory to the United Nations declaration on the rights of children, and it is important that we enforce the principles enshrined in that declaration.

Despite unemployment and the changes society is going through, most Australians are comfortable and our society is healthy. We live in a good environment, but cases that shock us are still being brought before the courts. Even those who have worked with abused children for a long time are shocked when they see a small body suffering from
physical or sexual abuse, or a young person who is so angry with society that he needs to hit out because of what has happened to him. We are often amazed that our fellow citizens could have scarred children’s minds and bodies so severely. It is important to strengthen prevention to stop these things occurring.

The legislation involves action taken after the act when a child has been abused. It is far better to prevent children from being abused so they can grow into full human beings who can contribute to society with all the skills and potential they are born with. The opposition supports the government and hopes the aims and ambitions of all of us in this area come to fruition.

The Minister must have the support of the government, especially the Treasurer. It is not good enough to say every time, “There is not enough money”. The government must have the will to assist in areas of social concern such as this. We cannot turn our backs on this issue. We must work to overcome the funding problem. No Treasurer likes parting with money. People look back on the 1980s and say that the money was flowing freely then, but I did not notice it flowing into the areas in which I was involved. I was always met with the answer that there was insufficient money. When there is general conviction and support for a measure the case for extra support to be provided is strong. I wish the Bill well and I hope the Treasurer has been listening.

Mr E. R. SMITH (Glen Waverley) — I declare my interest in this issue as I am a member of People Against Child Exploitation (PACE) in Glen Waverley, which was formed in 1985, and a member of the Australian Family Association. Both organisations are concerned with the welfare of children.

Mandatory reporting has had a chequered career. The Australian Labor Party has changed its view on many occasions. The Liberal Party has looked at the desirability of mandatory reporting, and it is to the credit of the Minister that he has had the courage to introduce the Bill. The community believes this will be a panacea for child abuse, whether physical or sexual. It is one way of reducing child abuse in the community, so in that sense the legislation is a deterrent. However, society must use other means of reducing the incidence of child abuse such as education.

Most people are particularly concerned about the sexual abuse of children — it is abhorrent to all decent members of the community and all honourable members. If Parliament is putting all its eggs into one basket, it should look at specific areas of concern, because the Bill will not in itself stop child abuse. PACE and the Australian Family Association have received information from the United States of America indicating that each year hundreds of thousands of people are being reported to the authorities for alleged child abuse, and many of them are innocent — often they are reported by people with grudges. We must ensure that does not happen in Victoria. We must be careful of people who file vexatious or malicious reports against others they do not like.

The Bill provides a maximum penalty of $1500 for people who file malicious reports and $1000 for professionals who knowingly do not report cases of child abuse.

It is interesting to examine the incidence of child abuse in Victoria over the past 10 years. In 1982, 2000 cases were reported. Last year 17 000 cases were reported. Of those, 8000 were investigated. I understand many complaints about the attitude of departmental officers being less than tolerant of people who report alleged abuse in order to traumatise families and put parents and children through extraordinarily traumatic times because of grudges or whatever.

We must spend some time sending out the message about the Bill, and we must also convey to the community the message that there will be no tolerance of people who report alleged abuse in order to traumatise families and put parents and children through extraordinarily traumatic times because of grudges or whatever.

I am delighted to congratulate the Minister for Community Services on the issues he has tackled since being appointed to that position, one of which is the bad reputation the former Community Services Victoria had in its dealings with the general public. I understand many complaints about the attitude of departmental officers being less than desirable were made by professional workers. I have received many complaints about officers being curt with families and doctors who have contacted the department seeking information or wishing to make
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statements on particular cases and who have not been dealt with in the professional manner they expected. I have discussed this matter with the Minister many times and I know he has taken action to present a new image of the department to the community.

Other complaints have been about the department's not apologising when it has conducted investigations and traumatised families and parents who have later been exonerated. I have directed that to the attention of the Minister on a previous occasion. The department must simply realise that it has to apologise when it is wrong. The individuals affected feel strongly about the matter, and an apology from the department would go some way towards overcoming the trauma it has caused a particular family.

Last year the Age published a number of complaints from general practitioners about the department's appalling track record. Those complaints have also been directed to the attention of the Minister. In closing the second-reading debate he may wish to inform the House of some of the actions he has taken in that regard. General practitioners have said the department has not acted quickly or effectively, and that is one area where constant vigilance will help to maintain morale and the confidence of the community in the department.

The Minister should consider setting up an independent office of assessment comprising trained investigators. There would not need to be many, but they could look into the possibility of whether a prima facie case existed before social workers became involved. Of course, if the case is clear cut, it would not be necessary for them to investigate, but they could consider cases where there is some doubt. As I said, 17 000 cases of child abuse have been reported in the past 12 months. That is a disturbing figure, and having an independent assessment office would make the department more accountable.

Finally, the department must take into account changed community attitudes towards reporting of child abuse. I do not believe the number of cases will increase greatly. Last year in New South Wales some 15 per cent more cases were reported than in Victoria. That factor will have to be taken into account by the Minister in allocating more funds for child protection, but I assure the House that, having discussed it with the Minister, I was pleased to learn that we will not get into trouble financially because the government believes, at this stage anyway, it will be able to handle the slight increase in the number of reports.

The message is already out that professionals must report genuine cases, and that people who make wrongful reports because they have grudges against other people had better look out! We must ensure that the system is run effectively, but at the same time we must have compassion. We must try to ensure that no child will be physically or sexually molested and that the most severe penalties are imposed on offenders. They should be put away for a long time so that the children can grow up feeling safe in the knowledge that the reprobates have been put away and cannot harm any more children in future. I support the Bill and wish it a speedy passage through the House.

Mr LEIGHTON (Preston) — I welcome the opportunity of joining the debate. In doing so I express my strong support for mandatory reporting of suspected child abuse. Indeed, it is pleasing to note that at long last mandatory reporting has the support of honourable members on both sides of the House and that the government has now joined the opposition in supporting it.

I have a conflict of interest in this case because I am a former health professional. Like many other health professionals, I have taken some time to come around to supporting mandatory reporting. It seems to me that the main argument against it is that it can drive the issue of child abuse underground. However, it is now clear from various studies comparing reporting rates in Victoria, which does not currently have mandatory reporting, with those in New South Wales, which has had mandatory reporting since 1987, that the problem in Victoria is underground and that much firmer action than simply education and awareness programs is required.

Although many health workers are reluctant to have their professional activities mandated, it is clear that as a Parliament and as a community we have an obligation in the interests of protecting young people to require just that from health workers. Although it has taken me a number of years to come to that position, I now have no hesitation in saying that I strongly support mandatory reporting of child abuse.

I congratulate the shadow Minister for Community Services, the honourable member for Bundoora, not only on her contribution to the debate earlier this evening but also on her role in pursuing the case for
mandatory reporting by moving a reasoned amendment to the legislation debated in the House in November last year and by introducing a private member's Bill. She has played a leading role in this issue and has been one of the key players in galvanising the community. The tragic circumstances surrounding the case of Daniel Valerio were such that his father can now take comfort in the fact that the community has reached the point where this Bill is now being debated.

The role of the former Minister for Community Services, Kay Setches, should be noted because last August she introduced a Bill to amend the original Act. That Bill included provisions to cover mandatory reporting, similar to those in this Bill. Even if belatedly, I congratulate the government on finally introducing this Bill. Perhaps the Liberal Party has discovered that being in government is very different from being in opposition!

When the House debated the 1989 Bill the then opposition — now the government parties — argued in support of an amendment to include mandatory reporting in the Children and Young Persons Act. The honourable member for Burwood, now the Premier, found it all very simple. He told the House:

It is then up to the resolve of the government of the day, whether it be Liberal or Labor, to give that mandatory reporting system the resources to ensure that it can back up the legislation of Parliament.

Victoria is in a special situation because other States have introduced mandatory reporting and all honourable members have heard concerns about various aspects of the policing or implementation of that program, but if it saves one child in any way then it has to be a move in the right direction.

That position was supported by the then opposition spokesperson on community services, the honourable member for Prahran, now the Minister for Education. He was so keen on mandatory reporting that he moved an amendment to the 1989 Bill to write into the legislation a provision to cover mandatory reporting of child abuse. In debating that amendment he pointed out some of the differing views among various community organisations, and during the Committee stage he had this to say:

Perhaps the major issue in the debate on the Bill today is the critical issue of mandatory reporting. I did not understand much about mandatory reporting some months ago when I became involved in the area of child protection; I found that there were strong views on both sides. I respected those views. As I moved around the community, among community organisations and spoke with workers in the field and those who studied community matters academically and researched these issues, I found that people had difficulty in making up their minds; often people were in two minds — but not all of them. Some had strong views one way or the other. It was an issue that was troubling people.

Having spoken to a number of them and having studied the matter, I have no doubt in my mind that mandatory reporting is essential and is morally right.

He further developed his argument and said that, having examined the provision, he supported mandatory reporting.

However, by the time the coalition came to government last October the subject had become too hard. The present government introduced a Bill in almost identical terms to that introduced last August by Kay Setches — except that the government had dropped the mandatory reporting provisions.

The then Minister for Community Services, now the Minister for Health, who had responsibility for the portfolio until the present Minister was sworn in, argued from the opposite end of the spectrum to the position put by the honourable member for Prahran in 1989. She argued that the coalition government had decided against mandatory reporting on the basis of advice from the Victorian Family and Children's Services Council, which had studied the issues and had advised the Minister against it. Although the honourable member for Prahran, as the opposition spokesperson for the community services portfolio, had previously acknowledged the differing views of community organisations and had come down on the side of mandatory reporting, the current Minister for Health relied on the advice of one organisation to knock mandatory reporting on the head.

When the present Minister for Community Services assumed Ministerial responsibility the Daniel Valerio case had well and truly hit the headlines. When the case was debated on A Current Affair in February last the Minister said that mandatory reporting of child abuse was not a high priority of the government, and that it would not save one extra life.

That position was clearly rebutted on the program by Mr Justice Fogarty, who has been recognised by the former Labor government and the present
government as one of the leading experts in children's services. Mr Justice Fogarty's response to the Minister's claim that not one extra life would be saved was:

If mandatory reporting had been there, then there would be no argument about it. Daniel would be alive and well today.

I shall now refer to several different Victorian reports that I regard as important in understanding the mandatory reporting debate. The first is the 1977 report of the Royal Commission on Human Relationships, which states:

Very young children cannot talk about their miseries, cannot tell us if they are being battered, burnt or neglected. Older children are sometimes afraid to talk, or out of loyalty to their parents they will not talk. Ultimately, therefore, it is a community responsibility to take action when a child is in danger.

The next report to which I refer is the 1988 report of the Victorian Law Reform Commission, entitled Sexual Offences against Children. I shall refer again to that report when I argue further in favour of mandatory reporting. In essence the commission said:

Mandatory reporting should be introduced in relation to sexual offences against children but only if there is a commitment to a review of the existing service arrangements and the development and maintenance of adequately resourced services.

The third report to which I refer is the 1989 report of Mr Justice Fogarty and Mrs Sargeant, Protective Services for Children in Victoria, in which they say:

In our view, the emphasis for the next three years in Victoria should be upon a strong publicity campaign directed to both professional groups and to the community as a whole and the encouragement of voluntary reporting through that process. When the child protection system in Victoria is on a much stronger footing, the question whether any form of mandatory reporting should be introduced can be determined in a much more satisfactory atmosphere and in the light of that experience.

That report is consistent with what the Law Reform Commission had to say in 1988. Mr Justice Fogarty also supported the principle of mandatory reporting but recognised that first the system had to be put in place.

Following the Fogarty report a number of important developments took place in child protection services in Victoria. The most fundamental of those developments was the switch from the dual-track system to the single-track system of reporting. Under the dual-track system the police and former CSV had responsibility for receiving and handling reports on child abuse. The previous government decided to move to the single-track system, with CSV having total responsibility. The move was made to a welfare-based system, which is now in place throughout Victoria.

Under the previous Labor government by March 1992 an additional $2.6 million had been allocated to implement the single-track system in every CSV region. Under the previous Labor government funding for children's protective services increased from $620 000 in 1982 to $24 million in 1992.

A number of other developments took place, including the introduction in 1988 of the Children at Risk register. All children deemed to be at risk can be registered and their names are left on the register for various periods depending on the level of the risk. A number of improvements were introduced including a 24-hour, seven-day-a-week telephone information and referral service known as the CSV Child Protection Crisis Line; an after-hours protection outreach service established in 1989 that investigates new cases of suspected child abuse; and an increase in the number of child protection workers from about 300 in 1988 to 520 today.

There were substantial improvements in the education and training of child protection workers. The development of programs included booklets, videos and so on. As a result, not surprisingly, the number of cases of suspected child abuse reported increased substantially in Victoria from about 5200 in 1985-86 to 14 500 in 1990.

While that was a substantial increase in the level of reporting, nevertheless Victoria was still well behind other States such as New South Wales, which has had mandatory reporting of child abuse for some years. In 1990-91 the number of reports of child sexual abuse in Victoria totalled 15 per 10 000 children, and of those only 2 per 10 000 children were substantiated. In New South Wales the figure was more than double, a total of 38 reports of child sexual abuse per 10 000 children, and of those 17 reports per 10 000 children were substantiated. One can clearly see the effect mandatory reporting had in New South Wales.
I return to the 1988 report of the Law Reform Commission. In examining the case for mandatory reporting the commission applied three important tests. The first was a comparison of the reporting rates under different systems — those where reporting is voluntary and those where it is mandatory.

I refer to a survey that makes that point. An examination in 1987 of cases reported by medical practitioners showed that the number of cases reported in Victoria totalled 96. That compares with New South Wales, where the total number of cases reported was 1074 — a stark contrast. If it is done on a per head of population basis one sees that for children aged 0 to 16 years 9 cases per 100 000 were reported in Victoria compared with 75 cases per 100 000 reported in New South Wales.

The second test proposed by the Law Reform Commission concerned the reporting rates before and after the introduction of mandatory reporting. The commission looked at the teaching area in New South Wales because its legislation imposed on teachers a requirement to report suspected cases of child sexual assault. The report found that in the period immediately prior to the introduction of mandatory reporting, from October to December 1986, teachers notified 98 cases of suspected sexual abuse to the Department of Youth and Community Services in New South Wales. After the introduction of mandatory reporting, in the period October to December 1987 teachers reported 288 cases — a substantial increase in the level of reporting.

The third test applied by the Law Reform Commission concerned the reporting patterns of various professionals required to report child abuse. The commission undertook a survey of 35 staff at Victorian sexual assault centres. It asked the staff whether their reporting habits of child sexual abuse would change if such reporting became mandatory.

The report found that, of the responses received, 16 staff said they always report cases where there is a reasonable suspicion of abuse; 5 of the remaining 19 said they would change their reporting practices; 4 said they would report any cases if compelled; and the fifth said she would rely on police advice in all cases. Another 8 said they would change their practices if a significant improvement in the service was perceived. Only 2 of the 35 said they would not change their reporting behaviour if reporting became mandatory. That is a clear demonstration of how professionals would respond to changes in the legislation.

The final survey to which I refer undertaken by the Law Reform Commission was on public attitudes in Victoria regarding physical and sexual abuse. The survey was undertaken in 1987 by a group called Family Action. It was a general survey which demonstrated that the majority of the Victorian population supported mandatory reporting. According to the commission's report, 76.4 per cent surveyed supported mandatory reporting while 63.8 per cent supported voluntary reporting of physical abuse. The survey found there was strong support for mandatory reporting throughout the community.

I again refer to the 1988 report of the Victorian Law Reform Commission. One of the criticisms of mandatory reporting to which the commission responds is that mandatory reporting leads to overreporting. From an examination of the Australian and overseas literature the commission found that not to be the case. For instance, the commission referred to a national American study which, although the figures varied widely between the American States, demonstrated that of all reported cases of suspected child abuse in America at the national level some 54 per cent were substantiated. The commission found that in 1987 in New South Wales some 62.2 per cent of reported cases were substantiated. That is a fairly high figure. As a number of people have said in the community debate, if mandatory reporting saves just one life it is justified.

Mr Tanner — That was 1988?

Mr LEIGHTON — Yes.

Mr Tanner — It has taken you five years to agree with it!

The SPEAKER — Order! Interjections are disorderly.

Mr LEIGHTON — Let us not forget that the former government introduced the Bill for mandatory reporting last August and in October —

Mr Tanner interjected.

The SPEAKER — Order! I caution the honourable member for Caulfield. If he persists in interjecting I will take action against him.

Mr LEIGHTON — The honourable member for Caulfield knows full well ——
The SPEAKER — Order! The honourable member for Preston will ignore interjections and get on with his speech on the Bill.

Mr LEIGHTON — Honourable members know that when the current government in October or November reintroduced a Bill to amend the Children and Young Persons Act the Bill it introduced was identical to the Bill introduced last August by the former Labor government with the important exception that it did not include mandatory reporting provisions. The former government was on record as supporting mandatory reporting. Then the coalition parties did a backflip. When in opposition in 1989 they found it easy to support mandatory reporting, but they welshed on it when they got into government. It was only when the current Minister for Community Services was humiliated in the public debate — he said mandatory reporting was not a great priority — that to save him embarrassment the government took the unusual step of introducing the Bill in the Upper House to head off the debate.

Another argument in favour of mandatory reporting is that when talking to professionals such as doctors or teachers and telling them that they have suffered some form of abuse children often request confidentiality. That puts the professionals in an awkward situation and is a good reason for legislating to override any conflict professionals may experience in deciding whether they should observe a request for confidentiality or report the abuse in the longer term interests of the young person.

Mandatory reporting is in the interests of professionals who must operate in this area. I do not wish to rake over a case that occurred several years ago involving Whittlesea council but I should point out that a nurse employed by that council who reasonably and genuinely believed a case of child abuse had occurred was accused of having breached confidentiality and was dismissed by the council when she took action to report the case to the authorities. Many people thought that to be an appalling situation and believed the nurse should have been congratulated, not dismissed.

Another benefit of the Bill is that it will enshrine in the legislation a requirement for the protection of professionals in reporting child abuse. Although the government has now introduced this Bill to provide for mandatory reporting of child abuse, it has still not decided when the provisions will come into effect for the various groups of professionals. The legislation will not have practical effect until regulations are proclaimed in relation to specific groups of professionals. It is important that the government makes resources available for the education and training of professionals and to follow up the increased number of reported cases that will obviously occur.

The passage of the Bill will really be only the first step for the government, which should make a commitment to implementing the legislation.

Mrs ELLIOTT (Mooroolbark) — I commend the Minister on introducing the Children and Young Persons (Further Amendment) Bill. I also commend honourable members for the spirit of bipartisan cooperation that has characterised the debate on the proposed legislation. It is pleasing to speak to a Bill for which there is cross-party support.

Going back a long time, even in literature, there have been examples of children being abused. Pip in Charles Dickens's *Great Expectations* lived a miserable life, as did the chimney sweep in Charles Kingsley’s *The Water Babies*, who was finally released from his dreadful daily travail through his imagination.

We have even more dreadful examples in modern-day life, particularly in war. In war, the abuse of children and young people tends to be sanctioned. In Bosnia-Herzegovina women are daily paying the price for being different. Muslim women are being raped and physically abused by people with greater physical power. Although the abusers will have to pay the price when the war is over, it is interesting that in wartime behaviour that would appear to be abhorrent in everyday life seems to be sanctioned.

In our society young women leave home much earlier than they might normally do because they have been victims of sexual abuse. Despite all the magnificent contributions to the debate on this matter one group has not been mentioned — children with disabilities. American studies — I do not think that any studies on the issue have been undertaken in Australia — have shown that children with physical or intellectual disabilities form a disproportionate percentage of abused children, particularly physically abused children.

The question of why that is so must be asked. Today our culture prizes perfection more than ever. People have been led to expect that they can have perfect children. With modern scientific medical developments, with the ready availability of
abortion and of medical procedures like amniocentesis, people expect that they will have the perfect child — in some cases they even demand to have a perfect child.

Parents of a child who is less than perfect and is in some way physically or intellectually disabled may feel that they have failed or may displace their sense of loss and grief for the child that may have been by projecting it onto the less-than-perfect child.

Children who are abused have low self-esteem and behave like victims, so are at further risk of being abused. One of the most touching things about the photographs of Daniel Valerio was that, bruised and battered as he was, he was trying to smile for the camera, almost asking to be loved. Children who are in some way not the ideal are victimised and abused, particularly in dysfunctional families and often where there is a de facto father.

Earlier I was discussing with one of my colleagues how often as parents we feel the impulse to be violent toward a child who will not stop crying. If we regard ourselves as being normal parents — and parents of normal children, in most cases — can sometimes feel an impulse to violence, imagine what it must be like in a dysfunctional family: a family experiencing poverty; one where there is a child with a disability; one where the partner is not the father of the child; a family with a child who for some reason does not sleep, does not eat properly and does not respond in the way the parents expect.

Often when a parent accused of abusing a child is brought to court he will say, “He wouldn’t stop crying so I hit him to shut him up”. It is the impulse to violence that is the undercurrent in our society. Earlier an honourable member suggested we must look at the sort of society we are to sanction such behaviour. Despite the fact that at first many groups were doubtful about mandatory reporting, it is vital that it be introduced. If ordinary normal children can be abused — and “normal” is a concept or a continuum — imagine those children in our society who are the least protected or the least able to look after themselves. They must be protected. Society has a duty to protect them, and the only way it can do that is through mandatory reporting.

It will impose a huge caseload on the Department of Health and Community Services and the number of reports will show up any gaps in community services, but we would be failing in our duty of care to the children in our society if we did not introduce mandatory reporting.

Despite the comments of the honourable member for Preston, the government has thought long and hard about the issue. I admit the Daniel Valerio case coalesced the issue, but the government was always well disposed towards mandatory reporting. The government must ensure that the proper procedures are in place to assist children when they are brought to the notice of the community by the mandated professionals.

I have no doubt that with the commitment of the Minister and the government these children will be looked after. The government can mandate professionals in various fields to report child abuse where they see it, but all members of the community have a responsibility to look out for children and young people who are in danger of abuse. We must recognise that we are living in risky times when many people have a short fuse or a low tolerance level; where they often take out their frustration and tensions on those nearest to them — often our defenceless children. Governments and individuals have a responsibility to our children. We will mandate and train the professionals. We will set in place the necessary structures to help those children. We all have an individual duty of care. If we do not have that duty of care and do not recognise our individual responsibilities, we are simply breeding another generation of abused children who will grow up to become abusers themselves.

For several years I was a leader of a group of Brownies from the high-rise flats in Richmond. Many generations lived together in those flats. Often families had no fathers or inadequate fathers and the children were abused or at risk of being abused. Unless there is early intervention from society that pattern will repeat itself. Governments have a responsibility to prevent that from occurring.

I congratulate the Minister on introducing the Bill and have much pleasure in commending it to the House.

Mr LONEY (Geelong North) — I support the Bill and welcome the opportunity of again speaking on mandatory reporting. The Bill focuses on the protection of children, one of our most important assets. We must always pay due regard to the protection of the most vulnerable groups in our society. In many ways the acid test of any society is whether it is prepared to stand up and protect those who for various reasons are not able to protect themselves. Children are perhaps the most vulnerable of all such groups in society.
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It is important to recognise that the abuse of children is not a modern phenomenon. It has been there through the ages. History records incidents of child abuse over many centuries. Child abuse is not restricted to areas or classes that are regarded as being less privileged or disadvantaged in some way. It can occur just as often in suburbs such as Brighton or Kew as it can in Footscray or anywhere else. It is important to bear in mind that child abuse has no consistent pattern. No-one can say that child abuse will occur in certain circumstances. If we could do that and readily identify the areas where abuse may occur we would be more successful than we have been to date in stamping it out.

Mandatory reporting is a step towards doing away with child abuse, but it is not without controversy. Over a number of years there has been a long and heated debate in the community and in Parliament. In my former occupation as a teacher it was an issue that I had to confront in 1988 when there was talk about the introduction of mandatory reporting. As I was working in a situation where I could have been one of the people mandated to report I seriously considered my feelings and how I thought I would cope. I worked through the issues and formed the view that it was something I had to do. I must admit that in the first instance one tends to look at it from the point of view of the person required to report rather than from the view of the child and the broader ramifications. The first reaction is to focus on one's ability and confidence to report what was happening and consider what would happen to you if you made a report that was deemed not to be correct. How would you know that what you are reporting is a case of child abuse and not just a legitimate case of injury or something of that nature? In the end, when you work through all the questions, you come to the conclusion that mandatory reporting must be introduced.

Honourable members on both sides of the House spoke at length on the Ministerial statement delivered by the Minister for Community Services last month. Tonight honourable members have referred to the relative positions of each of the parties at different times when mandatory reporting was debated in Parliament. Speakers from both sides have referred to the positions taken by the other side. Some speakers referred to the position in 1988 when the former Labor government did not support the introduction of mandatory reporting. The Labor government held that view largely because it was in line with the recommendations of Mr Justice Fogarty, who said it was clear at the time that to introduce mandatory reporting without providing the proper resources for other community services — without moving to a single-track system and doing other things — would not have been in the best interests of children and would not have worked as well as it should.

In November last year the government rejected the opposition's proposal to include mandatory reporting in the Bill debated at that time. Opposing parties are entitled to score points but, to use the football vernacular, honourable members should not lose sight of the ball in the excitement of a tackle. The ball in this case is child protection.

The majority of people, it seems, now believe in mandatory reporting, and that was brought about largely by the case of Daniel Valerio appearing in the press. I do not think any of us will ever forget the photographs of that young boy's horrific injuries; he was horribly mistreated, abused and tragically killed.

Daniel Valerio is the public face of child abuse, but he represents the tip of the iceberg because so much of it is a hidden problem. In many cases child abuse is not even suspected let alone reported. That can be because a family looks to be a model family and so the suspicion that the child's injuries or symptoms, such as the child isolating himself from others or the loss of self-esteem and confidence that may have resulted from child abuse does not arouse suspicion. In most cases not only is the abuse not treated but it is not stopped. Ultimately the most compelling reason for mandatory reporting is that, where abuse is detected, it is stopped at that point.

The introduction of mandatory reporting will bring Victoria into line with every State except Western Australia, and I hope it will shortly follow suit.

Mr E. R. Smith — It has a Liberal government, so it probably will.

Mr LONEY — It may or may not, but I hope it will follow suit. Mandatory reporting is only one aspect of the fight against child abuse, and I shall deal with the other aspects shortly. The Bill lists the mandated people, and it is consistent with the Ministerial statement. It is a comprehensive list of people who have the responsibility for reporting child abuse and includes medical practitioners, teachers, child-care workers, youth and welfare officers, police, parole officers and probation officers. Those professionals will make up a comprehensive system so that large numbers of abused children will be picked up in the net.
The Minister proposes that the mandated group will be phased in over time. There is sense in that approach because it will allow for the professionals to be trained in the responsibilities they have to undertake. However, I am concerned that there are no time lines. The Minister should set dates for the phasing in of each group, because that will remove pressures such as budgetary restraints or financial imperatives which may restrict the training or lengthen the phasing-in process. Fixing dates will assist in the professional education — it is sorely needed — of the professionals prior to their commencing mandatory reporting. Comprehensive training is essential if the best results are to be achieved, and it should cover a number of areas. I ask the Minister to consider that aspect.

Child abuse takes many forms, and although we are focusing on sexual and physical abuse because they are most readily identified, mental and emotional abuse of children can do equal if not greater damage.

_Mrs Garbutt_ — But they are not included in the Bill.

_Mr Loney_ — I understand that. The training of professionals is required so they have the confidence to identify and report the incidence of abuse. That will help form a support system for them among their colleagues and others, because the act of reporting can be traumatic and stressful. The training system must develop confidence in the system both before and after the reporting process so that professionals will know that what they are doing will lead to positive outcomes for the children they are trying to protect.

What will mandatory reporting do? It certainly will not stop child abuse, and that belief is widely accepted. But it will send a message to the community that it can no longer take the role of the innocent bystander. It is no longer good enough to stand on the footpath and look on. It will stress that the community has more than just a role in protecting our children; it has a responsibility.

Mandatory reporting is a beacon in doing that, however, we must also recognise that it is not a child protection system.

In his Ministerial statement on child protection the Minister talked about creating a child protection system. Mandatory reporting is not that; in fact, in many ways it will create and place greater strain on the system largely because it will increase the number of reported child abuse cases. The _Herald-Sun_ editorial of 14 April gave some recognition to that fact when it concluded:

Mandatory reporting is not the sole answer to the problem of child abuse. But without proper financial resources to successfully operate the legislation, the chances of more cases like that of Daniel Valerio will be greatly increased.

I believe that conclusion is correct. The most common result of mandatory reporting both in Australia and elsewhere is a large increase in the number of reported cases. In New South Wales, for example, the number of reported sexual abuse cases is about seven times the number reported in Victoria and the number of physical abuse cases reported is about 50 per cent more.

Those figures are significant particularly when one takes into account that the substantiation rates do not alter much at all. A greater number of substantiated abuse cases are coming forward in New South Wales than in Victoria, and I suggest that that is not because there are so many more abuse cases in New South Wales but simply because they are being picked up.

The increase in the number of abuse cases reported as a result of mandatory reporting means that there is a greater need for support services. If mandatory reporting is put in place, the government and Parliament must commit themselves to adequately resourcing the entire child protection system and not just the mandatory reporting component.

In light of the Minister’s estimate that the overall number of reports will increase by 20 per cent, significant pressure will be placed on the Budget. The Minister must resist any temptation to fund the child protection system at the expense of the vital preventive and remedial services that are also available; I refer particularly to family counselling, foster care and drug and alcohol rehabilitation programs.

The priority should be to work towards prevention and elimination of child abuse, not just its identification and reporting. That is basically what mandatory reporting is about. Unfortunately, a large number of services that I mentioned before are already under attack from Budget cuts, and that is why many articles have recently been published in newspapers, such as the one that appeared in the _Age_ of 24 February, which states:
Services for Victorian families in crisis face a $7 million funding gap with families being forced to wait eight weeks to get help, according to a report to be released today...

the State's family support program was under threat from spiralling demand and a shortfall in government funds.

It quotes Mrs Margaret Roberts, the Executive Director of the Children's Welfare Association:

She said some agencies had waiting lists of six months or more and many families had disintegrated while waiting for help under the program.

We cannot talk on the one hand about introducing mandatory reporting to address the problems but on the other hand reduce funding for the vital services that must also go with that. Those sorts of reductions simply cannot continue if the problem of child abuse is to be tackled properly.

As has been pointed out by previous opposition speakers, child protection means the provision of a network of integrated services. Of course, that involves proper and adequate resourcing. It is not just the services that are needed following the making of a report; it is also the resourcing of services that may play a role in removing some of the causes of abuse. That is at least of equal importance as identification, reporting and whatever follows.

Child abuse is certainly a case where the old maxim of prevention is better than cure applies, and that should be our guiding philosophy in this area. Programs that remove the causes of family stress that leads to children being abused must be given a high priority and must be adequately resourced.

As a community, we should never underestimate the role of support and counselling services that assist people in coping better in their daily lives; we should never underestimate the role of courses that help people improve their self-esteem and confidence; we should never underestimate the role of community resources such as neighbourhood houses, which enable people to break out of the daily routine that puts stress on them and find help, guidance and support and the good feelings that come simply through being with people with whom they feel confident.

The 1991-92 annual report of Community Services Victoria talks about neighbourhood houses supporting families and states:

Jenny had no family or friends in Melbourne where she and her young daughter sought refuge from a violent partner. When her daughter started school, Jenny found herself spending hours looking at the four walls and watching TV. She thought “It wasn’t long before I felt as if I would go mad, with no support and no money to spend at the shopping centres”.

A pamphlet in the letterbox was all the encouragement she needed to go to the local neighbourhood house to see what was offering. “Since then I haven’t looked back. The coordinator got me helping around the house and before long I was doing enrolments, learning the computer and how to do the books. Now I’m the resident treasurer. I’ve opened up heaps, I’m much more confident, I feel proud and can stand up to be counted.”

That sort of life-changing experience can go a long way towards removing some of the causes of child abuse in homes. Therefore, it is important when introducing mandatory reporting to also consider what is associated with it.

The introduction of mandatory reporting at this time of funding cuts to the necessary support services leaves the Minister open to charges that he is doing it only to be seen to be doing something. I might add that I do not take that view, and I certainly hope it is not the case. However, I ask the Minister to ensure that mandatory reporting will not simply be a means of charging people.

The SPEAKER — Order! The time appointed under Sessional Orders for me to interrupt the business of the House has now arrived.

Debate interrupted.

Mr MACLELLAN (Minister for Planning) — I move:

That the sitting be continued.

I inform the House that it is falling behind in its program. I advise honourable members that the sitting may continue somewhat later than I had earlier hoped.

Motion agreed to.

Debate resumed.
Mr LONEY (Geelong North) — I ask the Minister for Community Services to go the whole way towards making mandatory reporting not just a means of charging people and getting convictions or whatever, but a means of identifying abused children and removing them from the situation in which they are being abused. The system must give them support and a means of re-establishing their lives so that they can enjoy a childhood free from fear and take advantage of the many opportunities open to them in society.

We should always bear in mind that mandatory reporting is not a panacea for child abuse; it is one building block, albeit a very important one, in establishing a comprehensive child protection policy.

In concluding his Ministerial statement on 10 March 1993, the Minister for Community Services said:

We must all be unequivocal about what we want — and that is a first-class child protection service.

Government cannot do this alone. With dedication and cooperation and the single-minded determination of all sections of the community, we can work together as a partnership to protect the children at risk in our State.

I completely agree with that. In fact, to do anything else would be to fail our children. The Minister, the government and Parliament as a whole have a responsibility to lead. The participation of the whole community is necessary but we have a responsibility to show leadership. That is the framework in which I have made my remarks about adequate resourcing not only for mandatory reporting but also for the entire child protection service.

As I said at the outset, I have thought long and hard about mandatory reporting, what it means and how I would cope with it as a professional teacher. Although I am no longer in that profession I came to the conclusion that mandatory reporting was something we must adopt. I am still strongly of that view, and I commend the Bill to the House.

Mr TANNER (Caulfield) — I express pride in being a member of a Parliament that is enacting legislation requiring mandatory reporting of child abuse. I trust that the Minister for Community Services takes similar pride in the knowledge that he is the Minister who has introduced such momentous legislation for the Victorian community. The honourable member for Bundoora has played an important role in this issue, and when she reflects back on her career I hope she will take great pleasure in that.

During the past 20 years I have felt great frustration about child abuse. Like all reasonable people in the community I have shared concern about child abuse when incidents have come to my attention. I have felt frustrated that a series of Victorian governments have not enacted legislation like that now being debated. However, I am a Johnny-come-lately to this issue because the former Police Surgeon, Dr John Birrell, was calling for similar legislation 30 years ago. As many honourable members will remember, through his many calls over the years for such legislation that gentleman brought to the community's attention the fact of child abuse.

I first had instances of child abuse brought to my attention when I became private secretary to the Minister of Health in 1971. I held that post until 1973, and from then until 1976 I found myself as the personal assistant to the Chief Secretary of Victoria. Throughout those years I could not understand why a Victorian government had not enacted the needed legislation.

I first entered this place in 1979 and was disappointed that when in government from 1979 to 1982 the Liberal Party did not enact this type of legislation, and my frustration at the lack of such legislation grew throughout the 1980s as reports of child abuse became more common. Now legislation has been introduced into this Chamber, and it is pleasing that both sides of Parliament support it.

The passage of the Bill will not stop child abuse, but I trust that it will introduce a cultural change into the Victorian community and the government agencies that deal with this abuse. Earlier today honourable members heard about a change of culture in the State Electricity Commission and the corporatisation of that institution, but far more important than that is the cultural change required to accept our responsibility as members of the community when we discover cases of child abuse.

I trust this legislation will encourage members of the community to take action to bring abuse to the attention of the authorities and, if authorised under this legislation, to report the perpetrators. If the cultural change is to be effective adequate resourcing is required. Not only do the professionals affected by this legislation need to be adequately trained, but we must also ensure that, when they have reported child abuse, adequate investigations are carried out and counselling and other professional help is brought into play to stop the child abuse.
Victoria needs this legislation because until now the situation has not been good enough. I understand the concerns of many good people about the virtue of the passage of the legislation and the logical arguments on why it should not have been introduced in the past. The bottom line is that the existing situation is not good enough and that change is necessary. The legislation will bring about that change. It is long overdue and if professionals are correctly resourced can only improve the situation. The Bill is an important step forward in the development of the Victorian community.

I take pride in being a member of a party that is enacting the legislation. The Minister is to be commended for his intention to introduce mandatory reporting in stages that can be adequately resourced.

I say to all members, those who for many years have called for this legislation and those who only in recent times have been converted to its virtue, that they should take pride in the passage of the legislation. In 1988 I played a role in the Liberal Party adopting the view that mandatory reporting of child abuse was necessary. I was disappointed that the government at the time would not accept that view. Similarly, I was disappointed when the Liberal Party changed its view, but because of the actions of a number of people, including the honourable member for Bundoora, who must have played an important role in persuading her party to change its attitude, and the tragic case of the young boy that has been mentioned tonight, we have now introduced the legislation.

It is tragic that it has taken so many cases of child abuse for the Parliament finally to see the virtue of enacting this legislation. The time has now come, and the Bill is a step forward in the development of the Victorian community.

Dr VAUGHAN (Clayton) — In entering the debate on the Children and Young Persons (Further Amendment) Bill I pay tribute to a former Minister for Community Services, Kay Setches, who took the original principle contained in the Bill through the Labor Party's tortuous processes in 1992 and introduced into the 51st Parliament legislation on mandatory reporting.

The principles contained in the legislation have had a rocky road through both sides of politics. When one analyses the essence of it, one sees that mandatory reporting is only part of a system of services that a community, if it is a humane and civilised community, has in place to protect some of our most vulnerable citizens, our children.

I will not dwell on the backflips of the current government over mandatory reporting because I have a great deal of sympathy for whoever has the responsibility for community services. It has been a difficult game to call in identifying when it was appropriate to introduce mandatory reporting. The government and the Victorian community had available to them the wisdom of Mr Justice Fogarty during 1989 and 1990. His advice to the former Labor government during the 51st Parliament, that is during the period 1989 to 1991, was that the time was not right for mandatory reporting because it was essential to put in place the resources and trained personnel to cope with the increased rate of reporting that would follow, or that he imagined would follow the introduction of mandatory reporting. I accept that there will be an increase in the number of cases coming to the attention of the Minister's department and other personnel as described in the Bill. In an environment where the government is slashing the Budget and human services, it will be impossible not to remove some of the essential elements that have been put in place over the past several years, elements that were the prerequisites described by Mr Justice Fogarty for introducing mandatory reporting.

I state bluntly that in an environment where human services are being cut, family, counselling and support services, in the Victorian context provided by the non-government sector — we have seen plenty of funding cuts in the non-government sector over the past six months — the necessary services will find it difficult to cope because the government is dismembering the very structure that has been put in place with such difficulty, in a difficult budgetary climate, over a number of years.

When one analyses what a government's role should be in the care of children, since 1989 one has had to look only as far as the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989. That is a fundamental instrument in international law that sets out clearly the duties of a State in respect of the care of children. Article 19 of the Convention on the Rights of the Child reads as follows:

1. States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of
parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore; and, as appropriate, for judicial involvement.

That clearly describes the role of the State in protecting children from physical injury and sexual abuse. It is more than a coercive role; it is significantly a protective role.

I am concerned that as a result of the cuts that have been made in the past six months to support programs across the spectrum of human services we have seen the dismembering of those structures and services that are fundamental to mandatory reporting.

I pick up a point made by the honourable member for Caulfield also made the point in passing — that the purpose of the legislation is more than a coercive requirement on professionals to report. This Bill sends a message to the entire community. It has an educative and instructive function. It sends a message to all who have responsibility for caring for children. Indeed, it sends a message to potential abusers that abuse is unacceptable, if they did not already know that, and one sometimes wonders.

I regard this legislation as particularly significant because it is an attempt to send a message. It is the Parliament of Victoria saying to the Victorian community, on behalf of the Victorian community, that certain things are unacceptable; that when they occur they are not to be hidden but are to be brought out; and that the welfare of the child is to be paramount and is to transcend all other considerations. That most important principle has not always been well understood by the community at large, and has certainly not been understood by Parliament; more particularly it has not been understood by those professionals who should have known better.

The case that has received so much attention in recent months brought out clearly the inadequacies in training and revealed the inadequacies of certain professional groups in this State. In going down this path of implementing mandatory reporting Victoria is not breaking new ground in an Australian context. Other jurisdictions have introduced similar measures. A wealth of experience exists in New South Wales on how to implement mandatory reporting successfully. In discussions with departmental people in New South Wales over a number of years I have observed that they appear to have implemented mandatory reporting very well. New South Wales has implemented the coercive requirements contained in this Bill in a sequential and gradual way as the training and support services for professionals and other support services were put into place.

The community in New South Wales seems, as a result of that, to report more often. Demographically, New South Wales and Victoria have similar populations and one could say on the basis of reporting only that a higher proportion of child abuse is being uncovered in New South Wales, which means that the rights of children in that State are being respected to a greater degree than in Victoria. The New South Wales government appears to have implemented mandatory reporting quite well. We have learned from its experience.

While listening to the debate I reflected on my own capacity as a parent. Parenting is perhaps the hardest job we have in life: the rearing of children is not easy and none of us is expert at it. Daily I have my own deficiencies pointed out to me. It has not been daily this week because of the late sittings of the House; I have barely seen my children, who are my harshest critics.

In reflecting on my own capacity as a parent I realise I should have been at a parent/teacher interview tonight and probably should have attended a couple of other things with my children. People in public life do not treat their children as well as they might.

Parents in this day and age need support in parenting. The services available to parents to support them in their difficult role of parenting need to be protected in a difficult budgetary environment. Through you, Mr Acting Speaker, I say to the Minister that I do not believe sufficient protection has been given to those services. I hope the Minister will use a larger club in Cabinet on the next occasion someone wants to take a scalpel to the crucial areas of his department's budget.

Parenting is a most difficult task. When families need assistance it should be available. That assistance is frequently best provided at a community level through the non-government
sector, a sector that has not done particularly well in budgetary discussions of late. Those services are crucial if we wish to avoid the sorts of problems this legislation attempts to address through coercive and educative mechanisms.

I would describe the debate on this Bill as one of vigorous agreement. The principles contained in the legislation have finally won the day. It has been a long and difficult fight but it will all be to no effect if family support services that assist people in the role of parenting when things get tough are taken away. This will all be in vain unless those services are protected.

Mr SEITZ (Keilor) — I support the Bill. I congratulate the Minister for introducing the Bill, although this measure could have been introduced at the time the Minister presented his Ministerial statement earlier in this sessional period.

Congratulations must also go to Kay Setches, the former Minister for Community Services, who did a lot of work on this issue. I was a member of the Labor Party community services Bill committee when the late Pauline Toner, also a former Minister for Community Services, began work on the welfare issues.

As a teacher I was familiar with the dilemma faced by professionals in making judgments about whether to report. That was made more difficult by the lack of training. I recall a young student of mine who received a bad report at a parent/teacher interview. When he came to school the next morning he was black and blue. I wondered whether it was the parent who needed counselling or whether it was my fault for not explaining properly that it was not the child’s academic endeavours that were the trouble but his unruly behaviour. It has since been discovered that our genes are responsible for our behaviour, so it was probably the father who needed counselling. A factual report from a professional can have unexpected effects.

Throughout the world children are considered as society’s most important asset. On television we see parents in war zones trying to protect their children, and the main motivation for people in western countries giving aid to countries in famine is the desire to help starving children.

Victoria is coming to grips with the issue of child abuse by introducing this Bill. Funds need to be made available for families that need help and to train professional people who work to protect children from abuse. This should not become a legalistic process. These issues should be handled through counselling and discussion in community and family groups and should not involve litigation or the legal profession or be sensationalised by the media. That does the community no good. It prevents people from reporting such cases. Professionals must be careful about how they handle these matters. It will take much community education to inform the community and resolve the problem. I am sure the Minister has good intentions.

Every piece of legislation passed by Parliament is an attempt to improve the living standards of the Victorian community, but there is always someone out there trying to create a new career or business clientele who will move in if given an opportunity. Honourable members on both sides of the House are keen to ensure that the funding is made available and that mandatory reporting does not become a political football. It is important that funding be given top priority in the years ahead so that this important legislation can succeed.

In 1982, when I first became a member of the House, the issue of mandatory reporting was raised. Many steps have been taken over the years and it gives me great pleasure to be able to debate the Bill today. The Minister must ensure that the people who want to hang on to their empires and carry out certain functions do not persuade him to direct funds away from this program. Even if wrong decisions are made by interventionist workers or members of the Community Policing Squad, the Minister should not direct funds away from mandatory reporting.

It is a shame that more members are not in the House when such an important Bill is being debated. This is an historic occasion in the Victorian Parliament. For 10 years I have looked forward to the passage of a Bill of this type because it will benefit our society, particularly our children. The Bill will set a standard for parents and authorities and I hope it will be supported by adequate funds provided by the government. Newspapers often criticise programs because of a lack of funds and a lack of support workers. I hope in this case adequate early intervention programs will be provided by both the government and the non-government sectors.

The St Anthony’s Family Service has done tremendous work in Footscray and is trying to reach out to St Albans, where many families are facing crises. There are many homeless teenagers. Why has that occurred? Is it because in their early days they
were maltreated by their families and had no-one to turn to?

Young mothers are caught in the poverty trap and are afraid to leave their husbands. Many migrant women face that dilemma. A woman who is maltreated by her husband wants to leave but knows that if she does she will have no money, no support, and will not be able to get an education. All those issues are culturally bound. I urge the Minister and his department to fund education programs on ethnic radio and in ethnic communities so that people from different ethnic backgrounds can discuss the issue with officers of similar backgrounds and obtain advice and financial assistance. Sometimes all that is required in the early days is knowing what to do and where to go.

Earlier today I read a newspaper story about a father who was physically abusing his son. The mother said that she yelled at the father to stop hitting the boy but he did not. He continued belting the child for about 15 minutes. That woman must have someone to talk to and somewhere to go. Young mothers need to know that they will be supported by a government and that if they make the tough decision they will not end up destitute. They need to know that they and their children will get the support they deserve. If they decide they do not want to leave or destroy the family unit, they can be offered counselling to teach him how to control his temper.

In many families it is the mother, not only the children, who suffers. Abuse often starts soon after marriage; the woman is submitted to physical or mental abuse and when the children come along they suffer the same fate. It is important that a support mechanism be available in that sort of situation so that the children are protected and the family unit can acquire skills.

If the right steps are taken now and the right education programs are provided many families will be able to overcome their problems and children will not have to suffer in silence. Many adults today are talking about the fear and suffering they experienced in childhood. It is important that these matters be addressed by the government and that funding be available.

Sometimes mental abuse can be as dangerous as physical abuse because it affects the self-esteem of the victim. The Bill provides mainly for sexual or physical abuse but damage is also caused by emotional or mental abuse. Unfortunately it is difficult to develop a mechanism for reporting that sort of abuse because of the lack of physical evidence, but I urge the Minister to ensure that that issue is part of a family development education program. Many children have low self-esteem as a result of the mental abuse they suffer and that low self-esteem can lead to their committing crimes when they grow up.

Children run away from home to escape abuse but the problems of youth homelessness lead to the taking of drugs and the commission of other offences. The street kids in St Kilda show what can happen. If the early work is not done and parents are not trained to look after their families properly these sorts of problems will continue. Unfortunately in our modern world we become self-centred and greedy. We are concerned with our own interests and leisure and forget the extended family. The old saying about the family that eats together and lives together stays together does not apply as much as it used to.

Ms Marple — It’s a bit hard for politicians!

Mr SEITZ — It is a bit hard for politicians when we are here day and night. It is important that funds be available for early intervention programs. There is much pressure on young families, especially with the recession over the past three years. There have been many newspaper reports about people losing their homes because they cannot meet the mortgage payments. Those sorts of problems create pressure and aggression among family members, and the children are often blamed.

Parents say they would not have to pay for child-care or for school books and excursions if they had no children. Because the parents cannot make ends meet, the children are blamed. The program should be adequately funded. Instead of reducing funds to community groups and non-government agencies thus restricting their activities, they should be encouraged to expand their activities because the need is far greater due to increasing pressures on young families.

My electorate comprises a number of new homes owned by young families, members of which are unemployed and facing economic hardship. Society is selfish and many people are too busy to relate to their children. The family unit should be paramount to all honourable members.
History tells us that during periods of war, famine and economic hardship many mothers went without so their children could have sufficient food. Surely we can make the sacrifices required today so that our children are protected and so that Victoria will be recognised throughout the world as a caring society with a strong commitment to its children rather than as a society that simply mouths platitudes.

Mr ROPER (Coburg) — As other honourable members who have spoken during the debate have done, I express my pleasure that legislation introducing mandatory reporting will finally pass through Parliament. My first involvement with mandatory reporting of child abuse was in the 1970s when the Labor Party asked a number of its members to examine child maltreatment and develop a policy on a significant problem that had received considerable public attention through staff at the Royal Children’s Hospital and Monash University.

We looked firstly at the services that were available, and at that time the services were provided by a voluntary organisation, the Children’s Protection Society, which was able to fund services in only 3 of the 18 social welfare regions throughout the State. Few services were provided other than in those three regions. That was of concern to us and to many other people, but the past decade services have expanded significantly.

We also looked at what was happening in other States and examined issues surrounding the notification of child abuse. Then, as now, many people for genuine reasons regarded notification as inappropriate. We reported to the Parliamentary party that on balance it should support mandatory reporting. That report became the subject of ongoing debate about adequate services. People were encouraged to believe that mandatory reporting should not be introduced until sufficient services were available throughout Victoria. That is a sensible proposition, but a broad range of services are now in place.

The shadow Minister described the serious funding difficulties of support and family services, which may get worse. I shall not canvass those issues at length, but in my view — a view I have held for more than a decade — mandatory reporting will remove the excuse many professionals have clung to in justifying why they do not provide a notification and report to the department. It has not been in the best interests of children that professionals have not had to report the clinical material that comes before them.

The legislation ensures that over time groups of professionals will be added to the mandated list and as a result deaths such as that of Daniel Valerio will be avoided and the number of children suffering severe injuries, who often do not receive the same level of coverage, will decrease. It will enable families who have difficulties to receive assistance earlier than normal so that the disastrous consequences of not receiving assistance will be avoided.

It gives me great pleasure that Parliament is passing this legislation, and I look forward to its effective application throughout the State.

Mr MICALLEF (Springvale) — My support of the Bill is more measured than some other honourable members because I come from the position of having opposed mandatory reporting. My view was formed during the inquiries by the then Social Development Committee, which examined the issue in depth in the late 1980s. The committee visited other States and took evidence from officials in New South Wales and South Australia. There was a body of opinion that did not fully support the introduction of mandatory reporting because it believed professionals would be reluctant to get involved.

I have changed my mind and I now accept the role of mandatory reporting in society. I do not believe it is the panacea and that its introduction will wipe out child abuse. However, the fact that the incidence of reporting child abuse is seven times higher in New South Wales than it is in Victoria shows that we have a way to go. I certainly do not believe it is the be-all and end-all. What worries me is that you cannot have one approach and neglect all the other areas. You cannot cut the community services and community health budgets and funding to the support services that have played a very important role in the past in providing assistance to people. I refer to family counselling, drug and alcohol services, psychologists, family therapists and so on that families have been able to call on to prevent child abuse. As one who has been involved with a community health service for many years, I believe it would be very sad if any further cuts were made to the community health budget which would prevent those services being made available to Victorian families.

All honourable members are well aware that child abuse has been with us forever. I listened to the
remarks of the honourable member for Mooroolbark, who talked about Bosnia-Herzegovina and how people behave in war and how children are being abused in the theatre of war. If that is the situation, society has been at war forever, because child abuse has always occurred.

I do not believe one can look at those less fortunate, children with disabilities, or those on the lower socioeconomic scale and say they have a monopoly on child abuse because it occurs across the board. As in the case of drug abuse, often it is more prevalent in middle-class families, which have the resources and ability to get help. Therefore it is not correct to place child abuse in a particular section of society.

From my experience as a member of Parliament and as one who has been involved in areas like local legal services and neighbourhood houses, I certainly believe the problem has been with us for a long time and we will continue to come across it and weed it out as society gets to the stage where it will no longer tolerate such abuse taking place.

There is a need for more resources and education programs and to ensure society no longer tolerates child abuse. I will not go into detail about examples of what has happened in the community, but it is certainly very important that we maintain resources to the welfare sector, neighbourhood houses, and community health centres, continue to run education programs and ensure we have a Department of Health and Community Services that is able to provide proper backup. It would be criminal to cut those resources further.

With those few words, as I said from the outset, I give the Bill qualified support. Mandatory reporting alone will not wipe out the problem and I hope the government has the fortitude and foresight to fully support the community by providing a whole range of services so that we can deal with the problem of child abuse properly and effectively.

Mr JOHN (Minister for Community Services) — This is probably one of the most important pieces of social legislation in regard to children that has been brought before Parliament certainly in the eight years or so that I have been a member of this place.

I am very pleased that there has been a bipartisan approach to the debate on this Bill. Some 16 honourable members from both sides of the House have made substantial and important contributions to the debate and I congratulate them. It represents Parliament working at its best.

After an enormous amount of work on my part and on the part of all the people who worked with me and my committee, it is a very good Bill. It is well researched and there has been a massive amount of consultation on it.

We acknowledge that mandatory reporting is not a magic wand or a panacea, as the honourable member for Springvale pointed out very well. It is just one tool in the fight against child abuse and, on balance, experts consider it to be a very valuable tool.

I shall briefly mention a few of the members who made contributions to the debate. As shadow Minister for Community Services, the honourable member for Bundoora has been very cooperative in enabling the passage of this Bill. She considers it to be important, as I do, and I am sure her well researched speech was welcomed by the House and the community.

I thank the honourable members for Malvern, Melbourne and Werribee for their contributions. I particularly thank the honourable member for Rodney, who was chairman of the government's Bill committee and who has had an enormous input in the preparation of the Bill and the consultations that have taken place.

I also thank the honourable members for Altona, Glen Waverley and Preston. The short speech of the honourable member for Mooroolbark was very moving indeed.

I value the contribution of the honourable member for Geelong North because in the short time that he has been a member of this place I have listened to a number of his speeches on social issues and I know he has a great concern for social matters and people's welfare. Although one can disagree on philosophical approaches and politics, I have always noted that his contributions have been made with great integrity and his bona fides are unquestioned.

The honourable member for Caulfield shows great interest in social issues and I value his contribution, as I value those of the honourable members for Clayton, Keilor and Coburg. As I said, the honourable member for Springvale made some very important points.

In the debate tonight some 16 or more speakers from all sides of politics have expressed their concern about the protection of children in this State. That demonstrates that all of us are committed to the protection of children and want the best possible
child protection system in place. I therefore thank all honourable members for their contributions.

The protection of children in Victoria is of paramount importance. As has been said, mandatory reporting is only one tool in the fight against child abuse. I am proud to be part of a government that has acted swiftly in response to some issues that have arisen recently.

The matter has been well debated in the public arena and in Parliament and there has been wide consultation with the general community. I acknowledge there is still much work to be done. As many honourable members have said, we still have to address important funding issues. We must also address matters of protocol, guidelines and codes of practice.

We have been in consultation with bodies such as the Australian Medical Association on a number of occasions recently in an attempt to work out satisfactory arrangements in that area. All the people in both the government and non-government sectors with which we have been involved recently have been very cooperative. They have demonstrated an enormous amount of goodwill in an attempt to get the Bill right.

It is with sadness that I reflect on the fact that, in large measure, it has taken the tragic death of Daniel Valerio to bring the whole community together to address concerns on this matter and to try to work out a good system of protection.

The honourable member for Bundoora referred to problems with unallocated cases in the western suburbs. I acknowledge her concerns, and I did respond to her on this matter during the adjournment debate several nights ago. I have directed extra resources to that area and the department has reviewed procedures and management practices. A lot of work has been done to address the concerns the honourable member quite properly raises.

The government is committed to providing the financial resources to ensure that mandatory reporting is successful. As the community knows, the government has commissioned Mr Justice Fogarty of the Family Court of Australia to conduct a review of the present system to ensure that mandatory reporting is successful when it is introduced, and that proper procedures, guidelines and protocols are in place.

Another aspect of the Bill mentioned in debate today concerns the automatic right given to specially designated child protection officers to appear on behalf of the department in court proceedings instead of lawyers. The department will monitor that provision because it is intended that those officers will be used only in uncontested cases.

Some honourable members said that the provision could cause problems and that delays could occur because the officers will not be legally qualified. I give the House an assurance that the government will monitor the situation and make sure the officers undertake some legal training and that they are used only in uncontested cases to enhance the efficiency of the court.

From 1 July next various departments will budget for their own legal expenses so that we will not have the difficulties which occurred recently of the Government Solicitor not having the funds to proceed during the last part of the financial year and having to make urgent temporary arrangements to solve the problem. I also assure the House that to the best of my belief the department has in place three barristers who are working every day to clear the backlog of cases so that as at 30 June next there will be no problems whatsoever in the Children’s Court.

The final matter for comment relates to the Scrutiny of Acts and Regulations Committee. The chairman of the committee, the honourable member for Doncaster, raised with Parliament through a committee report the omission of a completion date for the implementation of mandatory reporting. The present drafting of the Bill provides for a staged implementation but does not include an end date by which all the categories of professionals must be mandated.

The chairman and members of the committee have done a good job in raising the question, but the government does not intend to accept its recommendations — in other words, the government will take on board the report but the legislation will not be altered.

I thank that committee for the constructive analyses and comments, and assure it that it is not the intention of the government to try to usurp too much power through the present drafting of legislation. The Bill is drafted to provide flexibility so that the department can stage the implementation of the five groups of professionals to fit in with individual circumstances. On balance it was felt that an 18-month deadline was inappropriate and that
Budgetary implications relevant to each stage of the implementation must be considered.

I thank the honourable member for Doncaster and his committee for the constructive suggestions, but the government will not implement them at this stage. I take on board the committee's criticisms and I assure the House that the government will act with integrity in the implementation of the staged proclamations. The legislation needs a flexible timetable.

I thank honourable members for their contributions. I have nothing further to add other than to tell honourable members that the government is pleased that the legislation will be passed by both Houses. I hope it will significantly improve child protection services in Victoria.

Motion agreed to.

Read second time.

Passed remaining stages.

VOCATIONAL EDUCATION AND TRAINING (COLLEGE EMPLOYMENT) BILL

Returned from Council with message relating to amendments.

Ordered to be considered next day.

CASINO CONTROL (AMENDMENT) BILL

Message read recommending appropriation.

The SPEAKER — 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.

Second reading

Debate resumed from 8 April; motion of Mrs WADE (Attorney-General).

Mr ROPER (Coburg) — The Bill implements the next stage of the introduction of a casino into Victoria, and adds to the Casino Control Act 1991, which was sponsored by the current Leaders of the Opposition in both Chambers — Mr Kennan and the Honourable D. R. White.

To some the gradual development of a casino in Victoria has been too gradual. Those involved in discussions with the then opposition about developing agreed regulations will be aware that time has been lost in developing a casino in Victoria. However, even with that time lost, a casino will add significantly to the economic and tourism activities in Victoria.

It was for that reason the Labor Party in government sponsored the casino legislation and worked with the then New South Wales Premier, Nick Greiner, to develop legislation that was so far as possible complementary between the two major States.

The opposition does not oppose the principle behind the legislation, however when a Bill contains such draconian powers Parliament has to consider carefully the way they will be applied and how they will be put into effect. The Bill gives the Minister for Gaming absolute capacity to override all other legislation that this Parliament and previous Parliaments have put into effect. It allows the Minister to override the views and objections of councils, property owners, neighbours, those concerned with historical, environmental and traffic management issues and those professionally involved in building approvals.

It provides for special powers in relation to compulsory acquisition and anything a developer could ever envisage getting in the way of his or her particular development.

The Bill removes the capacity of the courts to deal with issues relating to the casino, especially planning issues. Legislation of this type has from time to time been proposed for major development in this and other States. The current Federal Minister for Industrial Relations would appreciate what I am about to say. The legislation has a lot of Laurie Brereton about it. When he introduced legislation to develop Darling Harbour and the Sydney Harbour tunnel he made sure that the responsible Minister and subsequent Ministers had the power to carry out the intentions of Parliament.

The Bill and the second-reading speech make it clear that the government intends to ensure that delays do not occur. The second-reading speech states:

... 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 opposition has no objection to that laudable intention. However, as well as taking all steps to ensure that delays do not occur, there must be an appropriate balance that respects the roles of local government, property owners, and the community as a whole in a substantial development.

In his second-reading speech the Minister emphasised the close consultation with the councils involved in the development of the casino. I assumed I could believe what the Minister was telling the House, but I was amazed to discover that the government had not provided copies of the legislation to the City of Melbourne; it was not aware of the legislation and its details. The Minister and his department have not consulted with the cities of Melbourne and South Melbourne or other councils that may be affected by the legislation in relation to the temporary casino.

I have been informed by the Chief Executive Officer of the City of Melbourne that her council and the City of South Melbourne are happy with the discussions they are having about a permanent casino on the Southbank site. It would have been prudent for the Minister to have ensured that there was discussion between the government and the councils affected by the legislation, particularly the temporary casino arrangements. Regrettably, that did not occur, and I would like the Attorney-General to explain why.

Fortunately the cities of Melbourne and South Melbourne have now had an opportunity to examine the legislation because I sent copies of the Bill to the mayors of those cities. The Lord Mayor of Melbourne passed his copy onto his planning department. It would have been not only prudent but also proper for the Minister for Gaming to have ensured that his officers adequately consulted with the local government areas affected by the legislation. As I said, the councils are at present content with the discussions they are having about the Southbank site. Much debate can take place about whether that is the appropriate site, and there are many people with a variety of views on that matter. The Southbank site has received a lot of attention over the past decade in a planning and economic sense, and since 1983 the site has improved enormously. The area the government has set aside in Schedule 1 in the Bill as the area for the casino is the area set aside by the previous government.

The site has the same owners since prior to December 1992, and the second-reading speech makes the point that they have been part of the development process. The opposition does not see how they are affected by the substantial powers in the Bill. The opposition believes that, subject to issues I will raise shortly, there is no problem with the legislation in relation to the Southbank site. The development of the casino on that site will be part of the general upgrading of the area.

The opposition does not have the same level of confidence, however, about the legislation as it concerns the temporary casino site. I remind honourable members that the temporary casino site can be anywhere within roughly 3 kilometres of the Melbourne GPO. I had hoped we would have a map that could be inserted in Hansard.

The boundaries of the area within which the temporary casino site is to be located run from beyond the end of North Wharf into the Docklands area; through Graham Street, South Melbourne, to the South Melbourne Cricket Ground in the south; up Hoddle Street in the east and spreading well over into Richmond, Collingwood and Fitzroy; and to the north, just short of the Carlton Football Ground. The area includes the Melbourne General Cemetery, although I do not suggest the government intends to liven up the cemetery by building a casino there. It is a substantial area.

The legislation provides that the Minister has absolute power to determine where the temporary casino site is to be in that large and densely populated area of Melbourne. The Bill contains definitions of the Melbourne casino area, which is clearly the Southbank area; the Melbourne casino project, which includes the temporary casino site as well as the main site; and the Melbourne casino site. It is the Minister, no doubt acting on the advice of the Casino Control Authority, who determines where the temporary casino site shall be.

Honourable members have not been advised to what site the substantial and, in normal circumstances, oppressive powers of the Minister are being applied. The temporary casino site could be located in the Exhibition building, Chinatown or the Windsor Hotel — it could even be in this place! It has been suggested that a casino would be an appropriate use of the Legislative Council Chamber.

It is worth reminding honourable members of some of the powers provided for in the Bill in relation to both the permanent and temporary casinos. All the normal provisions relating to consultation, protection and appeal under the Planning and...
Environment Act are removed for both the permanent and temporary casino sites. In addition, arrangements relating to building control, historic buildings, acquisition and environmental effects are removed in relation to the permanent site, as are environmental effects provisions in relation to the temporary site. Under the legislation issues such as traffic management are purely at the whim of the Minister.

The Bill provides that the normal arrangements that would apply to any significant development on the site that is to be the temporary casino site do not apply, and the site could be located anywhere within a radius of 3 kilometres of the GPO.

The Bill also provides that the Minister for Gaming will be a referral authority with respect to applications for planning permits on land in the vicinity of the casino. The second-reading speech states:

This is intended to give the Minister the opportunity to object to a change of use or facade of a building near the casino.

The speech then goes on to say it would clearly be undesirable for inappropriate uses to occur and suggests that pawnbrokers or moneylenders are inappropriate uses. It may well be the case that those are appropriate uses next to a casino. If those uses are not allowed under the planning scheme, I am sure that type of business will be made available on the black market.

Mrs Wade interjected.

Mr ROPER — The Attorney-General says that this is a high-class casino. I wonder if that means people will not be able to go to a pawnbroker. If that is the case the casino will be internationally unique — and it will be attended by very few players!

The significance of the provision is that the rights of owners who are not actually owners of the site or of properties on the site but who are neighbours of the site will be significantly constrained by the legislation. I suggest that that is not a significant difficulty so far as the Southbank site is concerned, for reasons I have already mentioned, but it would be a concern for owners of properties in the area of the temporary site.

When dealing with the planning scheme amendment process in the second-reading speech the Attorney-General said:

This process is similar to developments under the previous government such as evidenced in the Royal Melbourne Hospital (Redevelopment) Act 1992.

That reference makes extremely well the point I am trying to make. Everyone knew the site in the case of the Royal Melbourne Hospital (Redevelopment) Act — it was the University High School oval. In that case many locals objected and their views were taken into account, although, in the end, they were discounted by this Parliament. Not everyone agreed with that decision, including some of my colleagues who had a particular view about it.

The point is that it was a definite site and when Parliament gave powers to the Minister in that case it was in relation to a particular site. Under this legislation we are asked to give those powers to the Minister in relation to a site that has not been determined.

The temporary site has not been made known to the Victorian Casino Control Authority, to the short-listed bidders, to the Minister or to the community. I express concern about that because the Bill provides the Minister for Gaming with powers over an undetermined site. We do not know how it will affect property owners and the local community.

If the Exhibition Building area were the chosen site for the temporary casino, the protection that neighbours of the building have sought for years would or could be effectively ripped up by the Minister, and they would have no capacity to go to the Administrative Appeals Tribunal or the Supreme Court. There are differing views on whether some of the neighbours of the Exhibition Building are reasonable and there are ways that their views can be tested, but if that were the site for the temporary casino there would be no way they could enforce their existing hearing rights.

The same would apply if the site were in Chinatown. Serious damage could be done to the area and local traders and businesses would have no capacity to influence it. In a real and legal way, their future would be affected.

Provisions of the Environment Effects Act do not apply in areas where the temporary casino is sited. Proposed new section 128G excludes that Act from applying to the Melbourne casino project, which
covers both the temporary and permanent casinos. Considerable damage could be done to traffic management arrangements without the local council — probably the Melbourne City Council — or, as a result of other provisions, the road authority having any capacity to influence the result.

The opposition expresses concern not so much about the significant powers being given to the Minister as about the way in which the powers could be used in connection with a site that this House simply knows nothing about. I suggest the appropriate time for Parliament to give the Minister for Gaming powers covering a temporary casino site is when Parliament knows where the temporary casino site is.

Honourable members should bear in mind that the planning and other arrangements that stem from this legislation will not stop in 1996 or 1997 when the new casino is opened. Works done and changes made in the period before the permanent casino opens will have the ongoing protection of the legislation post-1996 or 1997.

Mr Perton — What would you have done in government? What's the difference?

Mr ROPER — Our objection is not to the known site, a site the opposition understands and can properly debate and evaluate. Our concern is that we know nothing about the temporary site. The legislation covering the temporary casino and the agreement will not come before Parliament until the spring sessional period.

Mr Kennan interjected.

Mr ROPER — As the Leader of the Opposition said, the 3-kilometre radius was insisted on by the former opposition. We would have preferred a specific site for the temporary casino. You can have different views about where the site should be, but our concern is that the temporary casino site is not specified and need not be specified in a practical sense until the legislation comes before the House in the spring sessional period.

I sent a copy of the proposed legislation to the Melbourne City Council but the council has not yet had an opportunity to consider the issue. I have been provided with a copy of a letter of 29 April 1993 from the council’s chief executive officer, Elizabeth Proust, to the Minister for Gaming asking that the temporary casino and the powers in the Bill be reconsidered. The letter states:

The council recognises the importance of the proposed casino project to Melbourne and is keen to see it expedited. The Bill clearly allows for maximum facilitation for the casino project. The need for a smooth approvals process for the project is recognised.

The following specific points are of concern and require consideration:

1. The location, site or buildings for the temporary casino are not yet known. It is strongly recommended that the exemption provisions, particularly as set out in sections 128D and 128P, should not apply to the temporary casino. Whilst such exemption may be acceptable where a location is known, and therefore the parameters of likely issues understood, these are entirely open where the location has not yet been determined and likely impacts are unknown.

That is a reasonable proposition advanced by the City of Melbourne and one I hope the government is able to respond to positively. The letter continues:

2. Commitment to consultation with local government is included in the speech for the second reading. It would be appropriate for this to be included in the Act. The City of Melbourne and the City of South Melbourne should be identified as referral authorities and the extent of consultation defined.

That is a view the opposition does not necessarily support. The letter also refers to the dispute resolution process. It then states:

3. Inclusion of the Yarra bank within the Melbourne casino area and removal of permanent reservations is a concern. The speech for the second reading indicates government support for continuing the public promenade along the waterfront. The principle of maintaining attractive continuous public access to the waterfront area is an important one and should be provided for within the legislation to ensure its implementation. Currently, there is a generous amount of space adjoining the river, which could become much needed as the area is developed. The boundary of the building should not be allowed to encroach on this area. (The appalling walkway by the convention centre remains as a lesson in what can occur.)

That matter should be the subject of ongoing discussion, but I should like to hear from the Attorney-General some more specific commitment to the promenade and to the replacement of open space, as referred to in the second-reading speech. I understand the Attorney-General has a copy of the letter. It certainly requires consideration, particularly the first point about the temporary casino.
Some issues such as traffic and access will have to be determined for both sites. Kings Bridge and the surrounding area are important for the permanent site. Design is also important. The permanent casino design must fit in with what is occurring on that part of Southbank, so it is an important issue.

The Minister for Finance will recall that a former Liberal Premier, the Honourable Rupert Hamer, wanted a huge pyramid design, and that caused difficulties. Those issues can be adequately dealt with by consultation between the councils, the Casino Control Authority and the government.

The opposition does not know whether the issues involving the temporary casino can be properly dealt with. Because of that concern I move:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to specify the actual location and area of the temporary casino site."

It is not my intention to go to other issues in depth, but I ask the Attorney-General to indicate the government's intention for the casino supervision and control charge. It is clear the government intends to raise substantial amounts through the charge, which will recoup more than the cost of the operation of the authority. Given that Parliament is authorising the government to raise a new tax it and the bidders should know how it intends to calculate the tax.

The opposition does not oppose what are substantial and draconian powers for the Southbank site, but the application of those powers for the temporary site should follow only where community understanding and consultation have occurred and the owner knows where the temporary site is.

I commend the reasoned amendment to the House. If the government wishes to deal with this matter other than by reasoned amendment, it can discuss it with the opposition. The concerns expressed by the City of Melbourne reflect the opposition's concerns and I hope the government is able, during consideration of the Bill, to deal adequately with those concerns.

Mr KENNAN (Leader of the Opposition) — The opposition supports the Bill, as the honourable member for Coburg indicated, but some things need to be said. Although the legislation was bipartisan, it was a negotiated bipartisan position. It was not the preferred position of the Labor Party that the temporary site be any site within 3 kilometres of the General Post Office. It would have given more certainty, as the developers and bidders have firmly expressed, had a more limited number of sites or particular sites been specified. The opposition originally preferred the Dockland site, as did the Committee for Melbourne, but it would be better to have two or thee sites rather than any site within 3 kilometres of the GPO. It has been put to the government that its notion of any site within 3 kilometres of the GPO will lead to uncertainty within the process.

The government has a choice in relation to the permanent site, but the temporary site is an unsatisfactory political compromise because no particular site is specified. It is true, as the honourable member for Doncaster suggested by interjection, that at various times the Labor Party supported strong development powers for defined sites and projects, but I stress that they were defined sites. The honourable member for Frankston East reminded me that the Victoria Park Land Bill related to a particular site. The other examples relating to particular authorities and enabling legislation to provide streamlining of planning and development powers involved known sites.

Having gone down the track of having any site within 3 kilometres of the GPO, the government has now picked the permanent site for the casino. It is left in a time warp with the unsatisfactory specification of a 3-kilometre radius. The temporary casino situated within the 3-kilometre radius is now faced with streamlined and abbreviated powers. The identified site at Southbank, for a range of reasons, partly because it has been cleared and partly because of the adjoining uses or lack of them, makes it a straightforward choice.

The honourable member for Coburg gave examples of sites, and one could think of a range of other sites that could have adjoining uses where the people concerned have legitimate concerns. In supporting the reasoned amendment moved by the honourable member for Coburg the government should consider, when it has identified the temporary site, introducing specific legislation for the site. That would enable Parliament, which is being asked to grant strong powers to the Minister to enable the temporary casino to operate before the permanent casino is built and operating, to better appreciate the difficulties.

The government does not want the planning and legal processes to delay the development of a
temporary casino, but these issues could be addressed, after due process, to require the successful bidder, who has been legislated for in any event, to operate a temporary casino. The government will have to bring that legislation back here for amendment in any event. Once a temporary site has been identified, the opposition would certainly have no objection to the introduction of proposed legislation identifying that temporary site and giving the Minister those powers, depending on where the temporary site is, of course. However, the measure is extraordinary in that the Minister for Planning will be the referring authority and will have extraordinary powers in relation to every inch of land within 3 kilometres of the Melbourne General Post Office. In other words, a temporary casino could be housed in Lonsdale Street, Little Bourke Street or Swanston Street Walk in the city, in Carlton or Parkville, next to a hospital, or in a whole range of areas where this use of abbreviated powers would be inappropriate.

If such a proposal were brought before Parliament, it may wish to express reservations about those sorts of uses. There may be a range of other sites that do not involve complicated planning and amenity issues. Business factors may be an issue in some areas because the establishment of a temporary casino on a site adjoining other land used for other purposes may have enormous financial benefits for the user of the adjoining land or it may have devastating disadvantages. A whole range of legitimate interests would have to be taken into account.

There will be certain sites within the 3-kilometre range where those factors are not apparent, in which case they would be appropriate. One hopes the government will eventually pick a site that involves relatively straightforward planning issues because, if it does not, regardless of the legislative powers, the casino operator and the government will have a fight on their hands with the users of adjoining sites and the community. That would not be desirable in the community interest.

The opposition maintains its bipartisan support for a casino in Melbourne. It understands the powers the Bill gives in relation to the permanent site, which would not have been its first choice, but it welcomes the development at Southbank and it understands the arguments in favour of that site. It also understands the arguments in favour of the powers being given to the Minister for Planning to expedite that use on Southbank and it has no quarrel with that.

As I said, the opposition maintains its bipartisan support, but it expresses reservations about the unspecified site for a temporary casino and the powers being given in relation to that site. It is for that reason that I support the reasoned amendment moved by the honourable member for Coburg.

The amendment is a reasonable way to deal with the matter. It meets the reasonable objectives of the government to make sure there is a legislative mechanism in place to expedite the successful operation of the temporary casino. It allows the government to legislate specifically for the temporary casino, possibly conjointly with the legislation it will have to introduce when it finally picks a casino operator and the Casino Control Authority has gone through its process.

It is understand that further legislation will be required, including legislation for the management agreement, which may well include provisions relating to the operation of the temporary casino by the successful bidder. It seems to the opposition that there is a fairly straightforward and timely process for dealing with the location of the temporary casino and giving those powers at that time.

**Mr Ryan (Gippsland South)** — The Bill represents the next stage in the development of a project that is of great significance to Victoria as a whole.

*Honourable members interjecting.*

**Mr Ryan** — Despite the interjections coming from the other side of the House, it is a project that has important implications not only for Melbourne but also for country Victoria.

As I said, this Bill is the next stage of the process initiated in the Casino Control Act, which was introduced by the former government. The purpose of that Act was to establish a system for the establishment, licensing and control of a casino. The Bill now before the House deals with the next stage and relates to the planning aspects of the development and various other issues that need to be addressed to enable the project to proceed.

In a general sense the various amendments to the legislation may be broadly summarised on the basis that they enable the Minister for Planning to amend a planning scheme. They also enable the development of the casino and provide for the use of a property for a temporary casino. The Bill allows for a variety of consequential impacts arising
from the terms of the legislation, including an exemption from the exhibition and panel hearing provisions of the Planning and Environment Act, third-party appeals, the power of the Minister for Planning to determine who is responsible for building control under the Building Control Act, the power to compulsorily acquire land and close roads and various other amendments.

I was interested to hear the honourable member for Coburg describe the Bill as draconian, but I suppose in the absolute sense that is right. However, it is important to point out that many provisions of the Bill reflect almost directly the legislation passed during the term of the previous government. For example, it is apparent that the Bill takes a similar form to the relevant provisions of the Docklands Authority Act 1991. I refer specifically to section 33 of that Act, which deals with the planning powers of the authority. Subsection (2) states:

The Minister administering the Planning and Environment Act 1987, on the recommendation of the Minister administering this Act, may by instrument specify the Authority as the responsible authority in the docklands area for any specified planning scheme ... 

That Act contains a general power similar to that contained in proposed new section 128D of this Bill. Similarly, section 34 of the Docklands Authority Act is substantially reproduced in proposed new section 128O of the Bill.

Sitting suspended 12 midnight until 12.33 a.m. (Friday).

Mr Ryan — Section 128O inserted by clause 4 deals with dispute resolution. Section 29 of the Docklands Authority Act deals with road closures and is reproduced in an almost identical form in proposed section 128L inserted by clause 4 of the Bill.

Earlier I made the point that the honourable member for Coburg’s description of the legislation as being drafted in draconian terms may be a statement with substance, but it is a lift from that introduced by the government some months ago. The Bill will facilitate certain procedures so that a minimum of disruption is experienced. It is based on the assumption that appropriate consultations will occur.

The legislation is of particular pertinence today bearing in mind that the offers by those tendering for the casino licence close today — that is, 30 April in normal time, although it is only 29 April by the Parliamentary diary! The House is dealing with the Bill on the very day that tenders will close.

It is pertinent that the Bill is being debated now because the awarding of the licence by the authority is to be announced on 31 July next. Those factors highlight the significance of the timing of this Bill — it is imperative for Victoria that the legislation pass through the House today.

The opposition commented about the problems with the legislation and particularly about the temporary casino site. The Bill deals with a definition of “temporary casino” and the provisions are such that those living within the relevant radius will have no idea of where the appropriate provision will apply. This is “reds under the bed” stuff!

The process to be followed will be similar to processes followed by the government in every instance since it came to power last October: it will adhere to a process similar to that which identified the permanent casino site on Southbank. Obviously discussions will be held with the relevant municipal authorities. Already there have been negotiations and consultations and in due course — in the proper passage of time — the government will allocate a temporary site for the casino.

I understand the point sought to be made by the opposition, but in practical terms the consultative process will be adopted. The temporary casino will open as soon as the government can make the appropriate arrangements to give effect to its existence; the temporary casino will be for the benefit of Victoria in the short term.

This project will be of vital importance to Victoria. When I commenced this contribution I said that while it is all very well to consider the impact on Melbourne and its immediate environs, the legislation is of vital concern to country Victorians.

For many years I have travelled to Hobart, probably in anticipation of the passage of this form of legislation, and have visited the Wrest Point Casino there. An outstanding characteristic of that entity is not only the manner in which it is able to attract people for the purpose of participating in the gaming for which it is specifically designed, but also the fact that it is a venue from which all forms of tourism can be developed. One need only look at Hobart to gain an indication of the manner in which a wide variety of tourist attractions can be developed around the fabric of a casino structure.
That feature will be of significance in the development not only of Melbourne but also of centres in my electorate because with improvements to roads being made by the government, and through the ministrations of the Minister for Roads and Ports, Victorians will have the driving time from Sale to Melbourne reduced to about 2 hours.

I know of tourism groups in Gippsland who, with the assistance of the Minister for Tourism, are heavily involved not only for the purposes of this enterprise but also for tourism generally in developing packages to bring people to the area for some days at a time. In that way the local community obtains a benefit. That aspect of our tourism policy was developed by the Premier and the Deputy Premier during their contributions to debate in this Chamber over the past few days. That is all the more reason why it is imperative that the passage of the Bill be assured and that we see it enacted as soon as possible.

Mr COLE (Melbourne) — I support the reasoned amendment. I contribute to debate on this Bill primarily in my capacity as the honourable member for Melbourne, because the casino will have a significant impact on the city. I shall comment on the temporary casino, which will be located within 3 kilometres of the Melbourne central post office — that is, within my electorate.

The issues canvassed by the honourable member for Coburg are relevant to my electorate. I shall address the issue of the temporary casino site at some length. The chosen location for the permanent casino is of much interest to me as the member representing the Melbourne electorate. I also speak as a former city councillor and somebody who was lobbied, harassed and taken part in numerous planning issues where governments, both Labor and Liberal, exercised their planning powers against the council contrary to the wishes of the council and without the council having the right to take the process to the Planning Appeals Tribunal. As pointed out by the Leader of the Opposition and the honourable member for Coburg, both former planning Ministers, there is nothing wrong with the government doing that, but there is reason for concern when it is done in a vacuum, which is the case with respect to the temporary casino.

I draw upon my council experience when I say that we should be concerned about proceeding without notifying and consulting the councils affected by the Bill. Melbourne City Council has a lot of expertise and is a locally, democratically elected council that should be listened to even if it is believed that, in the interests of the development, it should not have the power to determine the site of development.

I am concerned about the chosen site at Southbank. I do not wish to be critical of the site; now that it is chosen we must get behind it and show that as a community and as a State we are supportive of that site. The casino is crucial to the development of the State through the development of tourism and of local gambling markets in relation to gambling. It is an opportunity to have an entertainment focus at Southbank. I will continue to support the government's decision to establish the casino at Southbank.

Having said that, I inform the House that my preferred site would have been somewhere within the central business district because the proximity of a casino to the city is a crucial issue. I am not sure that the location of the casino at Southbank will adequately service the businesses in the city and fulfil the entertainment role it requires.

I have spoken on this topic on many occasions and have at times been in conflict with some of my party colleagues over where the casino should be located. However, as the honourable member for Melbourne, I again put forward my views about the problems of the city and why a casino should be established there. Numerous sites in the city could have been chosen — for example, the former Queen Victoria hospital site, the Regent Theatre site or the CUB site at the top of Swanston Street. All three sites would have been appropriate locations for a casino, but my preferred position would have been the Queen Victoria hospital site, which belonged to the government and could have been used to revitalise the centre of the city.

One should not underrate the importance of the city to the development of the State. It is the focus of large retail sectors and is a primary focus for overseas and interstate tourists. It is also the primary focus for entertainment, especially with the decline in Melbourne's retail sector and the corresponding increase in retail sectors in the outer suburban areas. Because of that, if the city is to be revitalised other areas need to be considered.

The city should focus on the people who use it — that is, the work force. It should also focus on restaurants and theatres, such as the Princess Theatre across the road from Parliament House. A casino in the middle of the city would have been highly desirable.
Numerous arguments were put forward against the city as a suitable site, the major one being parking. It is not difficult to build car parks, and as soon as they are built and when they are built they are filled to capacity. A casino would have buoyed the economy of the city. Melbourne relies on festivals and big events, and a casino in the middle of the city would have been of great assistance.

Having a casino at Southbank will divert many resources away from the city.

Mrs Wade interjected.

Mr COLE — The Minister says that Southbank is better than the Docklands. I agree with her on that, and am on the record as having said so. People will drive to Southbank, park their cars there, go to the casino and then leave. They will not travel into the city to the Queen Victoria site, for example. If a casino were in the centre of the city patrons could go to dinner or some entertainment venue and afterwards go to the casino.

I had a look at the Southbank area the other day and was pleasantly surprised; it is beautiful, and I hope a casino will enhance and improve the current amenities. It will be one of the premier areas along the Yarra River in the not too distant future.

I take up the point made by the honourable member for Gippsland South about the casino in Hobart. It went from taking up two or three floors to occupying only one small room. Although it is unique, it is not as good as it once was because it is no longer exclusive to the City of Hobart. Stand-alone casinos must rely solely on their capacity to attract people who are interested only in going to the casino and nothing else. If a casino is located where there are other activities and entertainment, people with a casual approach to gambling will visit it.

The casino in Hobart has declined in size and does not have the focus it once had, and that is why I am concerned Southbank may not be the appropriate site for a casino. If it is isolated on the other side of the river with no activity during the evening it will attract only those who are interested in specifically choosing a night to go to the casino, but if it is placed in the city people may go to the movies or whatever and then go to the casino. The casino is not an end of itself; it is part of an overall entertainment package for the city, and one that is crucial to its development.

I now turn to the temporary casino, which will be within 3 kilometres of the city. There is no right of objection to a temporary casino. I accept that we cannot afford to spend too much time obtaining a permit for a temporary casino; if we had to go through an elongated process of Supreme Court hearings, a temporary casino licence may be issued sometime after people are already losing their money at the permanent casino!

There is also a need with any planning system to balance the rights of people who live in and around those areas and not to be too hasty about allowing temporary facilities to be built that will create problems in an area or do damage to an historic building.

The Exhibition Gardens are a case in point. The Exhibition Building could well be the site for a temporary casino. The residents in the area objected loudly when the Exhibition Trustees proposed to extend the liquor licence from 11 p.m. to 12 midnight, so one can imagine what would happen if it were mooted that the casino should go there.

If those gardens were to be the site for the temporary casino, the residents would have no say whatever and would have their lives disrupted for the period of operation of the temporary casino. It concerns me that we are being asked to make a decision on a general concept without a specific site being nominated. If it were proposed to move beyond a 3-kilometre radius of the GPO to areas such as Kew or Hawthorn there would be an outcry. I do not confine myself to those specific areas — it could be Geelong or Carlton, or even Neerim South. However, because it is seen as affecting only people living within a 3-kilometre radius of the GPO it is thought not to matter.

If the opposition's reasoned amendment fails, any proposal for a temporary casino will not be handled with a great deal of sensitivity or in consultation with the Melbourne City Council. The council has an extremely good planning department that has a good knowledge of planning issues and should be consulted on these issues. One would have thought that related issues would be considered before any move was made to create a temporary casino.

The honourable member for Coburg referred to what the Attorney-General said in her second-reading speech on both the temporary and permanent casino sites:
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.

That is a fairly general concept. I wonder whether a definition of a moneylender would include a bank or an automatic teller machine. Do we put banks into the same bracket as pawnbrokers, or are they a bit downmarket? I am extremely concerned about the temporary casino.

I raise two issues in relation to the Minister's powers under the Bill. The first concerns the point the honourable member for Gippsland South raised when he said the power of the Minister with regard to the temporary casino was equivalent to the power given to the Minister under the Docklands Authority legislation. That is an exaggeration.

The Docklands Authority was set up specifically to govern what would happen at the Docklands and it was agreed at the time that it would go through the proper planning processes. I know a bit about the Docklands Authority legislation because I was permitted to speak on it when we were in government.

I also remember that I was lobbied by all and sundry from West Melbourne because, by accident, the Docklands Authority was to subjugate everyone’s power. Initially, according to the West Melbourne residents, it seemed to have more power than the Prime Minister over what would happen in West Melbourne. I lobbied the then Minister for Major Projects, who is now Leader of the Opposition, and the portion of West Melbourne involved — Adderley Street and the Adderley Street closures and other areas — was taken out of the Docklands Authority plan.

The Docklands Authority legislation was enabling legislation for the purpose of developing the Docklands. That is far different from giving power to the Minister to put a temporary casino anywhere within 3 kilometres of the centre of the city without recourse to any planning requirements or anything else.

The situation of the Royal Melbourne Hospital (Redevelopment) Act was totally different from what is proposed here. A process of consultation took place on that project that at the end of the day resulted in the legislation being proposed. The proposal to develop the hospital at the University High School site started in 1953. It would be nonsense to say that that project went ahead without consideration being given to local residents, the school and so forth.

For a considerable period the University High School council would not agree to the hospital building. The then Labor government agreed that the school council had total authority over what should happen at the school. It was only after a further couple of years of negotiation and discussion and after a financial inducement was offered to the school that it agreed to allow the hospital extension and car park to go ahead.

That Act was enabling legislation to enable the planning process to be overruled. That took place, however, only after a long history of negotiation, discussion and debate. People in Parkville campaigned against it, which was their right, but nobody could say that consultation did not take place or that local residents did not know about it at the time it went through.

It is fair to say that, although the Act was not necessarily desirable from the point of view of the local member of Parliament or the residents, every possible issue was taken into account before the Bill was passed and the project went ahead.

I hark back to the point raised by the honourable member for Coburg and the Leader of the Opposition, that there are times when in the broader interests of the State the interests of local residents take second place. That is a fact of life. However, when it is done by a government it ought to be done following consultation with the local community and, in the normal course of events, there ought to be an appeal process. That is not always possible and, as was the case with the Royal Melbourne Hospital, the Docklands Authority and other projects, there are times when in the interests of the State’s development those projects must go ahead.

The opposition does not oppose the proposition of the permanent casino going ahead; it does not disagree with the concept of having a casino on a specific site and of ensuring that the development of a casino goes ahead as quickly as possible and is not delayed by unnecessary appeals or permit proposals. However, it does have difficulty with the concept that the government can unilaterally decide to establish the temporary casino anywhere within a 3-kilometre radius of the city.

Mr A. F. Plowman — Why?
Mr COLE — I thought I just finished explaining that! Do you want me to go over it again? Perhaps you can just read my speech in *Hansard*!

As the location of the temporary casino is not known the opposition believes the Bill is a violation of people’s rights, particularly if the casino is placed in a residential area where residents have no capacity to object to its construction and no right of appeal. It is wrong that a temporary casino can suddenly turn up on one’s doorstep.

There is some irony in the speed with which the government has requested that the legislation be passed. It is a developer’s dream. When the former government first mooted the casino for the Docklands, it wanted to get it up and running quickly but the then opposition, now the government, opposed any suggestion that it should be done quickly. The coalition wanted to do it slowly; in fact it did not want it to happen at all when the Labor Party was in government.

Mrs Wade — We didn’t trust you!

Mr COLE — We noticed that. That is why the former opposition, when it had the numbers in the other place, knocked off so much legislation. Now that the coalition is in government, everything must happen yesterday. Rightly or wrongly, it all has to go through quickly. One hopes that poor decisions are not made in the development process. The government should go through the proper process. Although this government is not as accountable as the Labor Party had to be in government, we can still hope it is sensitive and that we can challenge and confront the government when it is acting in an inappropriate manner.

Mr DEAN (Berwick) — Mr Speaker, you will be pleased to hear that for a number of reasons I intend to speak briefly on the Bill. Firstly, there is significant agreement about the general provisions of the Bill. Secondly, there is an obligation on honourable members to speak briefly and not to labour the point; to do otherwise shows disrespect for the House and a lack of understanding of our obligations. Thirdly, it is now after 1 a.m. and all honourable members will be pleased if my speech is short.

The honourable member for Coburg said there should not be controls on a temporary casino until the site has been chosen and can be inspected. The honourable member is happy with the controls on the permanent casino site because the land is known. The fallacy of the argument — and the reason why one must suspect the argument on close analysis — is that the controls are not there as a consequence of the shape or location of the land; they exist because a casino is not just another building project. The developer is constructing a building that has a unique function and has certain characteristics that require control.

Every night enormous quantities of cash pass over the tables and circulate throughout the casino. I understand that a high roller is a person who places bets of $10 000 per unit and that in the international section of the casino the high roller often bids in units of $50 000. When I recently visited Burswood Resort Casino in Western Australia I was amazed at the number of people involved in that casino over the evening. It is not hard to understand the enormous amount of money that is transferred around the tables each night.

If one adds to that the complexity of the methods by which the money is being transferred, the complexity of the games and the skill of those who have a great understanding of them, it does not take much imagination to understand why it is the focus of those who wish to defraud the public and obtain money by illegal methods at the expense of the public.

Confidentiality is essential when the sites for a casino are chosen and when the procedures within the casino are determined. The confidentiality is essential. The public interest will be damaged if planning controls, methods of building, security systems and all those matters are put before panels, councils and public hearings. Consequently, it is necessary to focus the decisions within a small unit, and the best unit to choose is that of the elected authority, the Minister himself.

The second point that makes a casino separate from other buildings is that the government obtains a great deal of revenue from their operation. Given the money the casino will provide for health purposes and so on, the government has a duty to ensure that it is properly run and brought on line as quickly as possible. Every day it is delayed the public does not have access to the considerable moneys that will be used for health and community projects.

Thirdly, this is a major project. I understand the casino will cost in the vicinity of $500 million. Major projects should and must have certainty with respect to controls. They must be able to be constructed with speed. Those who have invested great sums of
money must have the comfort of knowing that they will not be dragged down by red tape and municipal appeals. The owner must be allowed to build the casino and use his $500 million as quickly as possible.

We must take into account that in this case Victoria is in a race with other States. Over the past two years there has been a 50 per cent increase in the number of casinos in Australia. An $800 million casino will be opened in Sydney in 1994; a $200 million casino will open in Cairns in 1994; the temporary casino in Canberra is due to become permanent next year; Brisbane has plans for a casino in 1995; and Christchurch and Auckland in New Zealand are in the race for casinos. The Bill will ensure controls are in place so the building of a casino, whether temporary or permanent, is done with confidence, speed and in the public interest.

The provisions were in place not because of the nature of the land but the nature of the project. They will be there whether the casino is temporary or permanent. What proves the point beyond doubt is that the very controls the honourable member for Coburg will accept for the permanent casino may or may not be used. Clearly, when examining the controls many of them probably will not be used. There is no reason to suspect further land will be required on the site. There is no reason to believe that the Historic Buildings Act will be shortcircuited, but the provisions are in place because the Minister may have to use them. It is not appropriate, given the circumstances, for the Minister to have to later obtain from Parliament those powers to proceed with the project. Furthermore, the project owner will have the comfort of knowing that problems arising in the future can be taken care of.

The honourable member for Coburg is saying, in effect, “I am happy to trust the Minister in those circumstances to have those powers; I would not normally do so but because we want to promote this project we will have them there in case they are necessary”. The honourable member says with respect to the temporary casino, “Those powers should not be there unless we know the shape, size and location of the land, because they may not be necessary”. That is not the point. The powers are there to be used if necessary. The honourable member agrees with that for the permanent site, yet somehow he says they should not be there for the temporary site because they may not be needed. There is a clash there for the honourable member and it is necessary for him to deal with it, but he has not done that so far. The government does not know in what form the site will be and consequently there is no reason why the Minister for Gaming should not consult in the way that the honourable member for Coburg says he should consult on the permanent site. There is no reason to assume that the Minister will suddenly change his spots with the permanent site, but not consult on the temporary site.

The fallacy of the proposition is exposed. The honourable member for Coburg has raised the point because he cannot dispute any other provisions in the Bill, which includes proper controls. He has run with the proposition before he has thought it through and in logic it does not add up.

Mr MILDENHALL (Footscray) — I support the reasoned amendment. I shall explain in more detail to government members the delicate rights and responsibilities we have in this place to protect the community’s rights in developing major projects. It is necessary to ensure, where due process may be bypassed, that the benefits outweigh the cost.

The main purpose of the Bill is to facilitate this major significant project for Victoria. It is the climax of a long process of deliberation and brings to fruition a project of the former Labor government, which broke a community deadlock about the desirability of a casino and the specifics such as the site, and the management and control of it.

Those community debates were spectacular events because in one instance they resulted in a revolt in the Liberal Party room in the 1970s which saw the plans of Sir Rupert Hamer, the then Premier, abandoned.

When the coalition parties changed their view on the establishment of a casino, a Federal Liberal member, Mr Ken Aldred, sought to stoke the embers of that opposition. Fortunately, wiser heads prevailed. The Labor government had reservations about the development of a casino because of the findings of the Connor report in the early 1980s.

The plans do not have the bold, long-term vision that is required. The Docklands site was preferred by the opposition when in government but the Southbank site has been selected because it is well located, it was available, and Southgate has proved an outstanding success. The logic of a casino site on the river bank is hard to argue against, and the popularity and easy access of the site add impetus to a development in that area. It has much going for it as a permanent site for a casino.
The extraordinary provisions in the Bill call for attention. To a certain extent the provisions are warranted because of five significant factors. The first is that for some months media reports have identified the preferred site and in December last year a degree of community consensus developed. Many of the objections that might have been raised in regard to other sites do not seem to have been raised in relation to this site.

The second factor is that there is now community consensus that a casino is appropriate for Victoria — it is part of the repertoire of facilities of a city the size of Melbourne. As the honourable member for Berwick said earlier, there is now fierce competition between capital cities in Australia to establish a casino.

The third factor relates to the security implications. As the honourable member for Berwick said, the operation of a casino involves extraordinary amounts of cash, and facilities such as a casino have a reputation for infiltration by and attraction of — —

Mr Weideman — Name one that has been robbed in the past 25 years.

Mr MILDENHALL — The security of such facilities has dominated reports and expressions of concern in structuring both the framework of legislation and security checks.

The fourth factor involves the lack of critical planning and environmental considerations. There appears to be a heartening community consensus that on those criteria the Southbank site is appropriate.

Finally, the overall financial and economic implications to the State are of the highest order. There have been many debates and comments in recent times about the parlous condition of State finances and the urgent need to raise revenue. The revenue implications of a casino in Victoria amount to some $100 million per annum for the State’s coffers.

However, the Bill provides for extraordinary exclusions and gives numerous powers to one Minister in particular, although others are involved. That is quite unprecedented. A couple of examples have been bandied around. I shall explain why it is appropriate in some circumstances but not in others.

The powers include the planning provisions in a formal statutory sense, the environmental provisions relating to the timing and requirements of environmental effects statements, the heritage considerations of the Historic Buildings Council, building control considerations as to what authority will scrutinise and approve the building details of the project, the ability of property holders to resist or delay or have some sort of say in compulsory acquisition of property by the government, and compensation. They are serious matters.

As a former local government councillor who had many excruciatingly difficult times in dealing with compulsory acquisition issues, I know they are not processes to be entered into lightly.

The Bill removes the ability of the public to scrutinise planning procedures and have resort to legal procedures and third-party rights. It does not give other representative spheres of government the opportunity to have a say on those issues. The councils of South Melbourne and Melbourne may wish to have a say; and later, when the site for the temporary casino is selected, the Richmond, Collingwood or Fitzroy councils may also be involved.

The honourable member for Coburg mentioned the grave disappointment that the Melbourne City Council has expressed about not being consulted, and it is fair to say it fired a warning shot across the bows in an article in the Age of 15 October, in which the chief executive officer of the Melbourne council is quoted as saying:

If my organisation, which has a role in the central city, is frozen out of the process of project specification and evaluation, what hope has the community of knowing what is going on or whether appropriate safeguards are in place?

It behoves this place to have good cause to bypass both the courtesy of consulting with other spheres of government and their rights.

I accept the proposal for the permanent site and I almost accept the fascinating provision allowing the Governor in Council the ability to require a departmental head, public statutory authority or municipal council to carry out functions in the casino area within a specified time. I am sure it would prompt responses from many a chief executive or official body to stymie projects if that sort of authority is exercised.

When one examines the provisions of the Bill in detail, one sees that they are interventionist and
represent an extraordinary level of imposition by the government that will prompt reservations in the community. The ability to allow such fast-tracking of development is cause for some concern. An editorial headed "The dangers of quick-fix solutions" that appeared in the Age in 1992 talked about the casino project and some of the difficulties and failures of the 1980s in Melbourne. It states:

Developments were fast-tracked; the city council was stripped of planning powers; covered walkways ... straddled city streets; glass towers ... redrew the Melbourne skyline. The result: we damn near ruined the character of Melbourne. All for a form of economic growth of arguable benefit ...

It is imperative that we fully debate any proposals that seek to overturn basic tenets. For once they are overturned, we have redefined the society in which we live. That’s fine, provided we like our new world.

I hope I have managed to convince the House of the profound nature and significance of the powers contained in the exclusions provisions in the Bill. They may be appropriate and justifiable when there is a level of consensus and a degree of appropriateness for a site like Southbank, but it is a separate matter to have those powers apply to an unknown temporary site.

Three of the criteria for the location of the temporary casino to which I referred earlier immediately collapse. Firstly, the community has no knowledge of the site. There may be many objections by reasonable groups or individuals to the establishment of a temporary casino on a site as yet unknown and about which we have no ability to make a judgment before the exclusions may be applied.

The second criterion that collapses is community consensus. There is wide agreement about Southbank, but there is no guarantee that the community will not be split asunder if the temporary casino is located in an unknown form and on an unknown site.

The third criterion to be affected is the lack of critical planning and environmental issues. Honourable members should pay attention to the words of warning contained in the Age article about the character of the city and its unique qualities, and our responsibility not to run unnecessary risks to compromise that character.

The critical difference between the power to prescribe a temporary facility and the location of the site as specified in the Docklands legislation is that the dimensions of the Docklands site were known, as were the objectives, the manner of proceeding with development and the legislative framework. The ability of those involved in the public debate, as outlined by the honourable member for Melbourne, for a change in boundaries was able to be accommodated in the Docklands legislation.

In this legislation we are dealing with a finite site and a proposal where not only the boundaries but also the dimensions, the goals and the framework are unknown.

The balance of argument between the loss of rights and the accumulation of power versus the benefits to the community dramatically changes when one deals with the temporary site. The provisions are draconian and the risks to the community are great because of an unknown proposition — those risks outweigh the benefits the community will gain from the development of a temporary casino.

We may be dealing with only a matter of weeks. The amendment moved by the honourable member for Coburg seeks to invite the government to return here with details of a temporary site and if it satisfies the same criteria as applied to Southbank, and with a level of consensus, the view of the opposition would surely be different.

Examples of the risks referred to include the wide range of possible sites in Collingwood, Fitzroy, Carlton, South Melbourne and in the vicinity of North Wharf; the potential damage to the landscape and the integrity of Melbourne’s heritage; and, indeed, the ability to have the Governor in Council enlarge or contract that 3-kilometre radius in which the temporary casino will be located without any reference to planning authorities — it is quite extraordinary!

Even some of the minor provisions about closing, realigning or constructing roads for a temporary site, and the powers previously described including the ability to compel municipal councils to do likewise, lead to the likelihood of the provisions extending far into other jurisdictions and other powers.

The driving motivation behind this legislation causes one to question why we cannot wait until the end of the sessional period to be told where the temporary casino will be located. Why can we not be
satisfied about the need to know the dimensions — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high. The honourable member for Frankston is out of his place and is disorderly.

Mr MILDENHALL — In casting around for an explanation I believe it has something to do with friends of government. The Master Builders Association of Victoria has urged the government to fast-track the casino site to beat Sydney in the race for Australia’s biggest casino. An article in the Herald-Sun of 21 December 1992 states:

MBAV executive director Mr Brian Morison said it was vital Melbourne established its casino before Sydney.

A Sydney City Council report last week revealed plans for the world’s biggest casino — a 200-table complex attracting up to 38 000 people a day to open in 1995.

Sydney’s plans were revealed a day after the Kennett government freed a 5.5-hectare Yarra bank location for consideration as the site of Melbourne’s casino, to be operating in early 1996.

That obviously raised the stakes. The day after the government announcement the New South Wales government leapt out of the blocks and created the momentum. The Building Owners and Managers Association of Victoria refers to one of the extraordinary powers I mentioned earlier, the ability to construct roads and cause other roads to be constructed. The association urged the government to complete the Western bypass and Domain tunnel project because it is an integral part of the casino project.

Time constraints vary. Those two projects are at the other end of the spectrum compared with the three weeks that is proposed in the Bill. The opposition is trying to achieve symmetry between the permanent casino project and a temporary casino. We are at a point of judgment about this project where we are balancing the rights and responsibilities of government and its ability to override what we regard as accepted conventions and legitimate and well-held traditions of participation in the planning process.

We make judgments about those and about justifying the means. The judgment the opposition has come to on the temporary casino is that it does not justify the means of overriding the powers and rights of the community. The equation is no longer balanced in favour of that project, and I urge the House to support the amendment moved by the honourable member for Coburg.

Mr THWAITES (Albert Park) — The Minister for Planning interjected earlier that there are no residents within miles of the Yarra bank site. He put his finger on the issue. It is true that there are no residents within miles of the casino site at Southbank. The opposition would have no objection if the legislation were limited to that site, but the legislation is not limited to the Southbank site. It extends to any site within 3 kilometres of the GPO.

Mr Maclellan interjected.

Mr THWAITES — That can be extended. It is the area defined under section 7 of the Casino Control Act. Before turning to the defects in the legislation, I shall make some general observations about the Yarra bank site. The electorate that I represent includes the site. The municipality of South Melbourne, of which I am a councillor, has an interest in the site and supports its development. It has had fruitful discussions with the Minister for Planning and his department on the development not only of this site but also of the whole of Southbank.

While there is support for the site, it is important that the casino development not dominate or destroy the rest of Southbank. It is not suggested it will, but it is important that the traffic issues be designed sensitively. I refer to the major traffic problem that could occur if there is a freeway connection that ends in the Sturt Street, South Melbourne, area — the area to which the Minister referred in answer to a question about the arts precinct, where there has been a lot of residential development.

More than 600 units have been built and the Minister has assisted in that process. His department has been speedy in approving the applications. The developers and the arts community are concerned about freeway linkages in the Sturt Street precinct. I hope traffic design will not cause major problems for the new residential area. A traffic interchange could be constructed under Kingsway rather than in the Sturt Street precinct.

I turn to the issue of parking. It is proposed that there be approximately 2500 to 3000 car parking spaces at the casino. It is critical that that car park
not be used for commuter parking. If used for such purposes it will undermine the car parking limitation policies of the department, which could lead to exacerbated traffic difficulties not only at Southbank but in the whole of the city area.

Mr Maclellan interjected.

Mr THWAITES — I appreciate the Minister's interjection. I support the policy of parking limitations in the inner city area, but it is important that that policy not be undermined by allowing commuter parking in the casino car park.

Another concern is light rail and public transport. It is important that the casino not lead to a situation where a possible light rail link between Flinders Street station and St Kilda becomes unavailable. I understand the council has had a number of meetings with representatives of the consortia that are involved in the casino bid. Those meetings have been fruitful in that members of the consortia have indicated that they too see a benefit in the light rail link going through to Flinders Street. That would allow a connection between the Melbourne Cricket Ground, the National Tennis Centre, Flinders Street railway station and the casino, which would attract tourists to the casino site and would benefit not only the casino but tourism in Melbourne as a whole, which we all want to see.

I understand it is proposed to close Yarra Bank Road in July or August. The council is concerned that that closure may be premature, especially if the temporary casino is located in that vicinity, because Yarra Bank Road may be needed for access to the temporary casino.

The council is also concerned to ensure that urban design guidelines for Southbank are maintained so that the whole Southbank development proceeds in a consistent manner and that the rest of Southbank is not disadvantaged by the casino development. I am confident those guidelines will be maintained.

I now turn to the Bill itself. I understand the Bill was introduced to facilitate the use of the Yarra bank site. The site was identified by the government in January, the short-listed applicants for the casino licence are required to submit their applications by the end of April, a decision will be made by the government by 31 July and construction will follow. The government will introduce further legislation once the successful consortium has been decided upon and the licence has been granted. I presume that legislation will be introduced during the next sessional period.

An honourable member interjected.

Mr THWAITES — The honourable member may be aware that the Bill is not required to be passed prior to the licence being granted — —

Mr Weideman interjected.

Mr THWAITES — The opposition is discussing the Bill because it contains defects that should be corrected.

Mr Weideman — That is new!

Mr THWAITES — I will come to the defects next. The fact that the opposition supports the concept of a casino on the Yarra bank does not mean the government can put up any old piece of legislation that contains defects. The matters for concern are the powers granted to the Minister in the Bill on planning, building control, acquisition of land, environment effects statements and road closures.

Proposed subsection 128D(1) provides that the Minister may adopt or approve amendments to planning schemes. The defect in that subsection is that the power to amend the planning scheme is stated to apply to any land in the Melbourne Casino area or the temporary casino area. So far as I have been able to ascertain the temporary casino area is not defined in the Act.

Mr Weideman interjected.

The SPEAKER — Order! The honourable member for Frankston is a great source of annoyance to the Chair. On several occasions I have had to pull him up. I ask him to remain silent.

Mr THWAITES — I am glad the government is proposing an amendment to deal with that minor matter.

Proposed subsection 128D(3) exempts the Minister from the normal exhibition and public hearing provisions that apply to the amendment of planning schemes under the Act. Proposed section 128E makes the Minister administering the Building Control Act responsible for all building control matters in relation to casino areas. Proposed section 128F allows the Minister responsible for the Historic Buildings Act to exempt the casino area from the operation of that Act.
Proposed section 128G provides that the Environment Effects Act does not apply to the Melbourne Casino project. Proposed section 128H allows the Minister to acquire an interest in land in the Melbourne Casino area. Proposed section 128L allows the closure of any part of a road in the Melbourne Casino area by order of the Governor in Council.

The powers in the Bill are extremely broad. That in itself is not a problem provided the area to which those broad powers are to be applied is defined. Unfortunately, the Act does not sufficiently define those areas.

In proposed section 128A the Melbourne Casino area is defined as that part of the land specified in Schedule 1, and the proposed section states:

... or, if that area is varied in accordance with this Division, that area as so varied; ...

Proposed section 128C provides that the Governor in Council may increase the Melbourne Casino area or the temporary casino area by adding land to it, and that land can be any land within a 3-kilometre radius of the GPO. That is a serious point because it gives the Minister unfettered powers over a great range of areas in relation to building control and planning and it is not the case, as the Minister for Planning said, that there are no residents within miles of the area — there are many residents in that area.

Subsection (1) of proposed section 128C provides that changes can be made for the purposes of the Melbourne Casino project. It imposes some limitations, but it should be stated that it is not limited to an actual casino site or temporary casino site. For instance, if a casino developer had another site on the other side of the town hall and there was to be a land swap, in my view the provision could also be used to cover that transaction. That is a more extensive power than the Minister has indicated, and would be of great concern because the land swap may involve any piece of land within a 3-kilometre radius of the centre of the city and may affect property owners or impinge on planning and historic building issues, none of which will be able to be considered.

The power to increase the area is limited to a degree by proposed section 128C(2), which provides that it applies only if the boundaries of the casino have not been defined under section 17. Although that power does not apply when the boundaries of the Melbourne casino site have been defined under section 17, it would still apply to the Melbourne casino area, because that is separately defined.

Mr WEIDEMAN (Frankston) — On a point of order, Mr Speaker, it appears that the House is now having a Committee debate. The honourable member for Albert Park is entertaining the House by going through the Bill clause by clause. Although he will have that opportunity when the Committee stage is reached, he should not be referring to clause after clause in the second-reading debate. I suggest that is against the practices of the House and that you should bring him back to order.

The SPEAKER — Order! The Chair will always have some difficulty with these types of points of order. May says that the second-reading debate should deal with the Bill in broad principles and that only a slight passing reference should be made to clause after clause. Although I do not uphold the point of order, I ask the honourable member to make his remarks more general and not to go through the Bill clause by clause.

Mr THWAITES (Albert Park) — I thank the honourable member for Frankston for raising that point of order and for suggesting that I was entertaining the House. It is probably the nicest way he could have put it. I will not continue with the clauses in detail if there is to be a Committee debate.

Although there is certainly support for the principles of the Bill, the Bill has been drawn in such a way that the powers are not limited to an area or a specific site, and they ought to be.

Mrs WADE (Attorney-General) — I thank the honourable members for Coburg, Gippsland South, Melbourne, Berwick, Footscray and Albert Park and the Leader of the Opposition. All members who have spoken have made useful comments.

I am sure the House will have noticed that opposition speakers have had some difficulty in explaining the opposition's position on the Bill. It is clear that the opposition supports the establishment of a casino and the legislation. It would like to take part of the credit for the casino project and for the legislation. The opposition made it clear that the original legislation was passed when the Labor Party was in government.

Some opposition members said they would have liked the casino to be in the Docklands. Certainly that was the position of the Leader of the
Opposition. The honourable member for Coburg was a bit shy about saying where he believed the casino should be. The honourable member for Melbourne, although indicating his support for a casino on the Southbank site, also said he would have preferred the casino to be in the central business district. Other opposition members explained why that could not be and set out some of the problems that would occur with parking. They believed the Southbank site was preferable.

The honourable member for Albert Park added the proposal that a light rail link would join everything together and improve the tourist potential of Melbourne quite spectacularly. I am sure the Minister for Gaming and other Ministers involved in planning will consider his suggestion.

Although the opposition is in favour of the Bill and is claiming some credit for it, it appeared that it did not want to be seen to be too enthusiastic about the measure because it is now government legislation. Again the so-called draconian provisions complaint was raised by almost all opposition speakers and was supported by the reasoned amendment moved by the honourable member for Coburg. The so-called draconian legislation complaint can be summed up in much the same way as it was put by the honourable member for Coburg. He said the Bill provides the Minister for Gaming and associated Ministers with draconian powers and an absolute capacity to override all other legislation passed by Parliament and to override objections and leave aside concerns about historic buildings, requirements for building approvals and environmental considerations.

He mentioned the special compulsory acquisition powers, as did other speakers. The honourable member described the provisions as Laurie Brereton clauses. I understand Mr Brereton is now the Federal Minister for Industrial Relations.

The complaint was put forward in a limited fashion. It was said not to apply to the Southbank site or to any development on the Southbank site. The opposition said it was happy with those draconian provisions applying to the Southbank site, although the honourable member for Albert Park had some concerns about the site that he did not pass on to the honourable member for Coburg.

The honourable member for Berwick explained clearly why it is important to have those powers applying to a casino site. It is particularly important to have different planning and building controls for a casino site, principally because of security considerations.

That was one reason for the opposition’s supporting the so-called draconian provision on the Southbank site. Another reason why it could not be other than happy is that the provisions have been copied from various pieces of legislation introduced by the former Labor government. They are couched in similar terms to, although not identical with, the provisions of the Royal Melbourne Hospital (Redevelopment) Act 1992, the Docklands Authority Act 1991 and the Bayside Project Act 1988. I would be inclined to call them Jim Kennan clauses rather than Laurie Brereton clauses.

The honourable member for Melbourne tried to distinguish some of the provisions. The one that drew the most attention, proposed section 128P, is closely modelled on section 33 of the Bayside Project Act. The opposition said those provisions are draconian only in so far as they apply to a temporary casino.

I have the feeling that if the Leader of the Opposition, when Minister for Major Projects, had thought of applying these provisions to temporary projects he would have done so, and the coalition government would have a precedent for this legislation.

The reasons given for exempting the permanent casino at Southbank from the building and planning controls and the provisions in other Acts apply equally to controls for a temporary casino.

I noted, as I am sure did other honourable members, that the complaint by the opposition and the reasoned amendment were at odds with honourable members’ desire for the introduction of a casino at the earliest possible opportunity. The honourable member for Coburg said that progress had been too gradual. For the reasons I have already given the government has applied the provisions the opposition spent so much time talking about to the temporary casino. They are important for the security of the casino and for the people who may operate it.

The honourable member for Berwick explained clearly why it is important to have those powers applying to a casino site. It is particularly important to have different planning and building controls for
Melbourne city councils, that there has not been sufficient consultation between the government and the councils in relation to the temporary casino. I am advised that the Casino Control Authority has met with both councils regarding the Southbank site. The processes have been explained and the same process will occur in relation to the temporary site. The proposals for those consultations have already been discussed with the councils.

The Casino Control Authority has shown by its actions that it has every intention to consult and take into account the concerns of councils. To the best of my recollection of the advice I have received, no council has rejected the possibility of a temporary casino being sited in its municipality.

The opposition has demonstrated during the debate that it is a strong supporter of the Bill and that its heart is not in the reasoned amendment moved by the honourable member for Coburg.

The SPEAKER — Order! The question is:

That the words proposed to be omitted stand part of the question.

House divided on omission (Members in favour vote No):

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Amendment negatived.

Motion agreed to by absolute majority.

Committed

Committee

Clause 1 agreed to.

Clause 2

Mrs WADE (Attorney-General) — I move:

1. Clause 2, line 4, omit “Section 17(1) is” and insert “Sections 9 and 17(1) are”.

This amendment is consequential on my amendment No. 4.

Amendment agreed to; amended clause agreed to; clause 3 agreed to.

Clause 4

Mr ROPER (Coburg) — I move:

1. Clause 4, page 3, lines 6 to 13, omit all words and expressions on these lines.

During the second-reading debate I made the point that the opposition’s concern with the Bill related to the substantial powers being given to the Minister for Planning and the Minister for Gaming in relation to a site that is as yet undetermined. I pointed out that my views were shared by the Melbourne City Council, which has asked that the temporary casino site be further considered.

When speaking during the second-reading debate, the Attorney-General seemed to understand that the
opposition supports the provisions in relation to the permanent site but she did not seem to fully understand — I do not think the Minister for Gaming, with whom I discussed the matter the other night, understands either — the reasons for its concern about the temporary site.

The reason is that the Bill gives the government significant powers to the potential detriment of a variety of property owners and abolishes a series of protections that exist in environment legislation. The Bill does that in an area covering literally tens of thousands of properties ranging through not only the cities of Melbourne and South Melbourne but also Richmond, Port Melbourne, Collingwood and Fitzroy — such is the breadth of the 3-kilometre provision.

I am not suggesting that the current Minister for Gaming will do this, but it is possible that the Minister, or the consortia and then the Minister, may to choose a site that will have detrimental effects on the surrounding area. Despite that, neither the landowners nor the councils affected will be able to do anything other than tell the Minister of their problems; they will have no planning or legal remedy. That is why the opposition believes the temporary casino site should be treated differently from the permanent casino site.

In concluding the second-reading debate the Attorney-General said the matter was urgent and that the Bill had to proceed now. The Committee should be aware of the fact that before the temporary casino can come into effect the agreement relating to the permanent casino has to be considered by Parliament, and that it will not happen until the spring sessional period. Therefore, it is feasible for Parliament to consider the extra powers for the government at the same time as it considers the agreement to allow both the temporary and permanent casinos to operate.

I do not believe the Attorney-General has made the point about urgency, and that is why the opposition is persisting with the amendments it has prepared. I also point out to the Attorney-General — she did not comment on this in the second-reading debate — that the structure built for the temporary casino will remain after it has ceased to be used as a casino. It is possible for facilities to be developed, although in the normal course of events that would not happen. The structure may permanently change an area. The associated facilities will remain and continue to operate after the permanent casino is established elsewhere. For example, if the Exhibition Building were chosen as the temporary site, significant developments could take place, such as the establishment of entertainment and related facilities often found at casino complexes. At the end of the temporary period, those facilities would continue to operate.

The honourable member for Gippsland South is shaking his head, but I see no provision in the legislation to force the owner of those facilities to rip them down. A facility could not continue to operate as a casino but a related development could be used in an ongoing way. I ask the government to consider the insertion of a provision in the Bill to clarify the situation. That could be done when the Bill is between here and another place.

The opposition is in no way attempting to delay the development of a casino in Victoria. So long as the proper processes are followed by the Victorian Casino Control Authority and the government, the sooner the casino commences operation the better. However, the opposition agrees with the Melbourne City Council that more work should be done on the temporary site before Parliament is asked to give these significant powers to the Minister for Planning and the Minister for Gaming.

Mrs WADE (Attorney-General) — I have heard that explanation from the opposition about seven or eight times but I am not persuaded. For the reasons I put in my response to the second-reading debate, the government does not support the amendments.

Committee divided on omission (Members in favour vote No): Ayes, 55

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Andrianopoulos, Mr
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Coghill, Dr
Cole, Mr
Cunningham, Mr
Haemeyer, Mr
Hamilton, Mr
Kenna, Mr
Kirner, Ms
Leighton, Mr
Marple, Ms
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Roper, Mr
Seitz, Mr
Sheehan, Mr
Thwaite, Mr (Teller)
Vaughan, Dr (Teller)
Wilson, Mrs

Amendment negatived.

Mrs WADE (Attorney-General) — I move:
2. Clause 4, page 6, line 25, omit “area” (where secondly occurring) and insert “site”.

Mr ROPER (Coburg) — I have a number of questions to raise with the Attorney-General on clause 4 as amended. The first relates to an issue raised by the Melbourne City Council and flows from proposed section 128M, which revokes the reservations over a number of pieces of public land that were set aside as parks in the 1960s. The second-reading speech says some parkland will be put back, but the Melbourne City Council wants a clear commitment from the government that adequate land, especially along the river, will be provided to ensure that the real benefits that are being gained from Southbank are maintained. The second query relates to the resolution of disputes under proposed section 128O. The council expresses concern that there is no obligation to have adequate consultation with the parties to the dispute, and it is possible that the interests of the Melbourne City Council could be overturned.

The last item is one on which I seek the advice of the Attorney-General. Proposed section 128P, which deals with exemptions from other laws, states:

1. On the recommendation of the relevant Ministers, the Governor in Council may, by Order published in the Government Gazette, declare ... any specified provision of an Act or subordinate instrument —

(a) does not have effect and must be taken never to have had effect;
(b) has effect and must be taken always to have had effect as if varied as specified in the Order.

It is possible to read that proposed section and say that legislation such as the liquor laws could be declared not to apply not only to the casino site but also to the temporary casino site. For the purposes of clause 4 it could also be the case — it applies more to the temporary casino site — that the regulations or the statement of policy set out by the Environment Protection Authority on noise could be deemed not to apply to that site. That could have a substantial effect on the amenity of the area.

It is a significant provision that allows two Ministers with the Governor effectively to remove protections that this and previous Parliaments have thought important; it is a broad exemption clause. It could also mean that instruments such as local laws that councils might introduce could be deemed by the Ministers to have no force or effect.

This may be a matter on which the Attorney-General wishes to seek advice. I do not expect a complete response at this time of the morning. It is a matter that concerns the opposition. I suspect it is not the government’s intention that a variety of laws may be overcome in that way.

Mr THWAITES (Albert Park) — I refer briefly to proposed section 128S, which limits the jurisdiction of the Supreme Court in such a way that the Supreme Court will have no power to review matters under the Planning and Environment Act or to award compensation in respect of anything done under proposed sections 128L and 128M, which relate to road closures and the revocation of reservations.

There is a disturbing propensity on the part of the government to introduce provisions limiting the
jurisdiction of the Supreme Court. The various government members who spoke earlier this evening in the second-reading debate compared this Bill with the Bayside Project Act and the Docklands legislation, yet there are no such provisions in the Bayside Project Act or the Docklands Authority Act.

It is ironic, given the comments made by the Attorney-General, that when in opposition she opposed such provisions. Indeed, her Crown Counsel, Mr Craven, who I understand has written at least one article about the issue, has complained about provisions that remove the jurisdiction of the Supreme Court. The government's action is unnecessary and creates a bad precedent.

If this approach is adopted every time the government considers a project to be important, it will remove the jurisdiction of the Supreme Court, which provides an independent review. That will give Ministers a lot of power because the Supreme Court will have no role to play. That is of concern to the opposition.

Mrs WADE (Attorney-General) — The honourable member for Coburg raised three issues in relation to clause 4. One concerned proposed section 128M, which relates to the revocation of reservations and is a matter raised in the letter received by the Minister for Gaming from the Melbourne City Council. I am sure it was a recent letter; I believe the Minister may have received it only today and I am sure it is a matter to which he will give consideration.

The honourable member for Coburg also referred to proposed section 128O relating to the resolution of disputes. As I think I mentioned in the second-reading debate, it appears that in drafting this Bill proposed section 128O was modelled on section 23 of the Docklands Authority Act introduced by the former government. The issues that have been raised by the honourable member for Coburg were apparently not raised in the Cabinet discussions on that legislation. I will refer that portion of the honourable member's remarks to the Minister for Gaming.

The honourable member for Coburg also mentioned proposed section 128P. Again, that provision appears to be modelled closely on section 33 of the Bayside Project Act. It would appear that in drafting this legislation the Minister has relied on precedents of the previous government. I will refer the remarks on that proposed section to the Minister for Gaming.

The honourable member for Albert Park spoke about proposed section 128S, which limits the jurisdiction of the Supreme Court in relation to not all provisions in the Act but in relation to the closure of roads, the revocation of reservations and planning and environment provisions.

The honourable member for Albert Park also referred to criticisms of these sorts of provisions, which he attributed to me and to Crown Counsel. To a large extent the criticism the government had of the very frequent practice of the previous government of withdrawing jurisdiction from the Supreme Court related to the way that was done prior to the putting in place of procedures that have now been put in place to ensure that members are aware that that jurisdiction is being removed.

I agree with the honourable member for Albert Park that governments need to be careful about removing that jurisdiction. It is a matter that should be considered carefully in each case.

Amended clause agreed to; clauses 5 to 8 agreed to.

Clause 9

Mrs WADE (Attorney-General) — I move:

4. Clause 9, line 21, after “pay” insert —

“(a) on the grant of a casino licence, the premium payment determined by the Treasurer under sub-section (3); and

(b) “.

5. Clause 9, line 29, after “(1)” insert “(b)”.

6. Clause 9, page 26, lines 10 to 12, omit proposed sub-section (3) and insert —

“(3) The Treasurer, after consultation with the Minister, must determine an amount as the premium payment payable under sub-section (1)(a).

(4) The amount determined by the Treasurer under sub-section (3) must be specified in the agreement referred to in section 15(1).

(5) If a casino licence is cancelled or surrendered, the Treasurer may refund the whole or part of the premium payment referred to in sub-section (1)(a) and the Consolidated Fund is hereby to the necessary extent appropriated accordingly.
Amendment No. 4 allows the fixing of a premium payment for the grant of a casino licence. The purpose of the amendment is to clarify the government’s power to charge and receive a premium from the Melbourne Casino licence. It is a payment that has always been contemplated in discussions in relation to a casino and the relevant power is in section 15 of the Act. The government is concerned to clarify its power in this respect and the amendment is put forward on that basis. The other amendments are consequential.

Mr ROPER (Coburg) — During the second-reading debate I raised in relation to clause 9 the basis on which the casino supervision and control charge would be levied. I believe the same question also applies to the premium payment, which is specifically included under this clause. It would be helpful not only to those who are bidding for the licence but also to the general community to have an understanding of the basis on which the Treasurer, after consultation with the Minister, will set these charges. At the moment all we can think is that in terms of the premium payment it will presumably be what the market will bear. I am not sure how that is determined between the three separate groups that are currently competing for the licence. For instance, is the premium payment that is proposed in this amendment to be a standard amount or will it vary according to which of the proponents is successful in convincing, firstly, the authority, and then the government that it is the group that should proceed?

It would be helpful not only to the Committee but to the community to know on what basis the Treasurer is considering the premium payment and, as a subsequent related matter, on what basis the casino supervision and control charge will be determined. As is clearly set out in proposed section 112A, that is more than just the cost of the operation of the authority; it is specifically also set down in the legislation as a tax.

Mrs WADE (Attorney-General) — The honourable member for Coburg has raised some extremely detailed matters which require a detailed response. So far as the premium payment is concerned, my understanding is that it was to be incorporated in the management agreement under section 15 of the principal Act; that it is the up-front payment that was referred to in the Connor report and that it is a matter for negotiation between the government and the casino operator. So far as any more detailed response is concerned, I will refer the honourable member to the Minister. I also believe it would be more appropriate for him to take up the issue of the casino supervision and control charge with the Minister.

Amendments agreed to; amended clause agreed to.

Clause 10

Mrs WADE (Attorney-General) — I move:

7. Clause 10, line 15, before “casino” insert “premium payment,”.

8. Clause 10, line 18, before “casino” insert “premium payment.”.

These are consequential amendments on the amendments to clause 9.

Amendments agreed to; amended clause agreed to; clauses 11 and 12 agreed to.

Clause 13

Mrs WADE (Attorney-General) — I move:

9. Clause 13, line 28, before “charge” insert “premium payment.”.

This amendment is also consequential on the amendments to clause 9.

Amendment agreed to; amended clause agreed to; clauses 14 to 18 agreed to.

Reported to House with amendments.

Report adopted.

Third reading

The SPEAKER — Order! I am of the opinion that the third reading of this Bill requires to be passed by an absolute majority. As there is some doubt as to whether there is 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 third time.

GAMING MACHINE CONTROL (AMENDMENT) BILL

Second reading

Debate resumed from 4 April; motion of Mrs WADE (Attorney-General).

Mr ROPER (Coburg) — In speaking on the Gaming Machine Control (Amendment) Bill I remind the House that it is now more than a year since Parliament passed the original legislation and slightly less than 12 months since electronic gaming was introduced into Victoria. In that brief time almost 10 000 gaming machines have been installed in some 200 venues throughout the State.

The introduction of electronic gaming has been successful because of the careful work undertaken by the former government and the excellent work of the Victorian Gaming Commission. I pay tribute to Mr Darcy Dugan and Mr Howard Ronaldson, the former chairman and chief executive officer of the commission who, together with members of the commission, did so much to ensure the successful introduction of gaming machines into Victoria. It is unfortunate that the new government treated both Mr Dugan and Mr Ronaldson so appallingly.

Both the Totalizator Agency Board and Tattersalls have played their part in developing the gaming machine industry in this State. Those highly respected organisations have worked closely with the Victorian Gaming Commission, the government and a variety of venues to ensure that the introduction of gaming machines into Victoria was smooth and successful.

Gaming machines have provided a significant new form of entertainment in Victoria and have created significant job opportunities throughout the State. Venues have employed new staff to meet gaming and hospitality requirements — for example the Nagambie Rowing Club has five machines and some of Melbourne largest hotels such as Zagame’s of Chadstone and the Dorset Gardens Hotel Motel in Croydon have the full complement of machines and have been extremely successful. The Victorian industry will continue to develop with additional venues and machines and increased production of gaming machines, which will further assist the Victorian economy.

Increasingly machines are being developed and sourced in Victoria, which provides the State with an excellent opportunity to develop a new and modern industry. When the former Labor government was considering the introduction of gaming machines it considered carefully the importance of balance to ensure the introduction of gaming machines did not disturb various aspects of the Victorian economy.

It is now less than a year after the introduction of the machines and it is important to remember some of the balances and the need to continue them. The first was to ensure that the existing gaming organisations were able to continue to operate effectively. It was decided that Tattersalls and the Totalizator Agency Board would share the machines on a 50-50 basis. Significant concerns were raised by the TAB and the racing industry that unless the TAB-racing industry had access to the development of the gaming machines the racing industry would be significantly harmed in the medium and long term.

Mr Sercombe — Mr Acting Speaker, I direct your attention to the state of the House. Quorum formed.

Prior to the quorum being formed I was discussing the importance that the opposition and the racing industry placed on the access of the TAB and the racing industry to gaming machines. One has only to look at the reports prepared on TAB gaming to understand the long-term importance. The figures in those reports clearly show that if the TAB and the racing industry lose access to gaming turnover and profits, the racing industry will be significantly destroyed and the gap between the prize money required and the cost of operating the racing industry and the income to the industry will grow alarmingly.

Now is not the time to go into detail on those issues. I remind the government that it has an obligation to make sure the TAB and the racing industry remain part of the electronic gaming business. The reports from the government indicate that it intends to sell off the gaming part of the TAB. That would have a disastrous effect on the TAB and would significantly harm the racing industry, which is one of the main employers in the State.

The appointment of Mr Michael Roux from the Treasury to the committee involved in examining the future of the TAB adds to the concern that the government intends to sell off the gaming part of the
TAB and not ensure that the ongoing revenues from electronic gaming are available to the racing industry.

The first balance required was to ensure that Tattersalls and the TAB were maintained; that the racing industry was protected in the introduction of electronic gaming.

Secondly, a balance was needed between the interests of the club movement and the hotel industry, a well developed and important industry. If it had been the decision that only clubs could receive gaming machines, the hotel industry would have been severely damaged and there would have been a slower development of the industry than has occurred. The Labor government determined that half the machines would go into hotels and half into clubs.

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

Quorum formed.

Mr ROPER — The balance so far has been carefully maintained between hotels and clubs, even though both Tattersalls and the TAB made submissions to the former Labor government and this government that it would be better for their businesses to have more poker and gaming machines installed in hotels and that the 50-50 breakup should be varied. Extra work is required of Tattersalls and the TAB to develop the gaming industry to provide the kind of club community organisation that electronic gaming offers to Victoria, if that is what we want.

The third balance required was between Melbourne and country areas. It was decided that at least 20 per cent of machines had to go to rural Victoria. That, together with a significant effort from provincial Victoria, has ensured the effective development of electronic gaming throughout the State. Several of the provisions in the legislation, which has been added to in the period since October last year, stem from the experience of its first few months of operation. One of the early lessons the Victorian Gaming Commission learnt was that it needed to reconsider the arrangements for the licensing of special employees. That matter was raised with me while I was Minister, as was the nomination of one date for the renewal of licences. I am pleased that both those issues have been addressed in the amending Bill.

The Bill also establishes a mechanism for casino surveillance. The arguments presented by the Minister for Gaming as to why we need to add to the bureaucracy by allowing for the appointment of a separate Director of Casino Surveillance were not particularly convincing. I am certainly not convinced that this is not simply an unnecessary administrative duplication.

Another area of the Bill is significant for what it does by way of amendment of the principal Act, and even more significant for what it neglects to do. I referred earlier to the balance between clubs and pubs that had been established by the Labor Party when in government. When the legislation was being drafted it was decided to use the provisions of the Liquor Control Act to make the distinction between the amounts of revenue from gaming machines the two types of agencies could receive. Section 19 of the Gaming Machine Control Act draws a distinction between a residential and a general licence on the one hand and a club or a restricted licence on the other.

Hotels that were regarded as private for profit were allowed to receive 3 per cent of the revenue from the machines, and the clubs that were regarded as community oriented and to be fostered and developed were allowed to receive 4 per cent. The extra 1 per cent that the hotels did not receive went into the Community Support Fund, about which there will be further discussion later in the debate.

According to the Minister for Gaming — at least according to his correspondence and discussions — the division between the types of clubs has apparently acquired a sense of permanency and an air of Holy Writ. I direct to the attention of the House a letter dated 16 April from the Minister to Mr Dyson Hore-Lacy, Chairman of the Fitzroy Football Club, which states:

I find myself constrained in the sort of assistance I can offer by the requirements of the Gaming Machine Control Act 1991. Section 19 of the Act specifically links the categorisation of a venue as a club or a hotel to the type of licence it holds under the Liquor Control Act 1987.

Under these circumstances your application to be treated as a club for taxation purposes is not practicable.

There are no moves under way to make the legislative exceptions you seek for any individual venue or applicant at this time. Such a move would need to be
considered in the light of its impact and application across the industry.

In that recent statement the Minister for Gaming is saying that there is a link, that it will not be broken and that it has some sort of permanency.

I also direct to the attention of the House — and particularly to the attention of the Minister for Gaming in another place — the fact that Parliament had already created a different category apart from clubs and hotels. To be more specific, it did so on 27 August 1991 when the Gaming Machine Control Bill was debated and when an amendment moved by the then Attorney-General, now the Leader of the Opposition, inserted a new category of premises — namely, racing clubs licensed under parts I, II or III of the Racing Act. That was a reasonable recognition of a category of interest in the community that could not be simply defined as a club or hotel.

Mrs Wade interjected.

Mr ROPER — A new category was created for racing clubs licensed under parts I, II or III of the Racing Act because it was recognised that the provisions of the Liquor Control Act were not adequate to cover racing clubs. There was specific recognition that the Liquor Control Act was not an adequate source of definition for a certain group of organisations.

One can go to places such as Moonee Valley, Sandown, Caulfield and Flemington — and I am sure there will be more over time — and enjoy their excellent facilities. They are not hotels or clubs in the sense of having membership requirements — anyone can go in — and the racing clubs get the full 4 per cent of revenue from the gaming machines. It allows freedom of access, which the Minister says is almost a disadvantage or a justification for a hotel receiving a lower amount, but we treated the racing clubs quite differently. We could have treated them according to their licence category, but we did not because that was not seen to be appropriate, so the Racing Act provision was specifically introduced to cover racing clubs.

Equally important is the fact that the letter from the Minister to Mr Hore-Lacy and various other letters and statements totally ignore the fact that the Minister himself has been considering making an amendment to the relevant clause. In other words, the Minister for Gaming has decided that that provision, which differentiates between classifications of liquor licences, is inadequate and therefore must be changed.

I shall trace the history since the Act came into operation last year. I have already referred to the distinction between non-profit and private-for-profit organisations. The Victorian Gaming Commission drew to my attention a number of applications from clubs that appeared to have special membership management arrangements. They were called clubs, but it seems they were not controlled by a general membership, rather by a few special members who, it appeared, may have special financial relationships with the clubs. The Yarra Valley Club and the Knox Club were two mentioned.

The commission suggested the matter should be examined because — and there is no suggestion of any improper action by those clubs or anyone connected with them — of their capacity to generate significant private profits. The commission has prepared an amendment that makes it clear that when a party other than the venue operator has an agreement calculated by reference to gaming the commission can order an additional 1 per cent to be paid to the Community Support Fund.

That particular arrangement seemed to provide profit to a private organisation, even though it is a club. The government has quite properly, following on from matters raised with me when I was Minister, decided that the liquor control arrangement is inadequate and, therefore, its amendment provides for the commission to examine the matter and determine whether the club should pay an additional 1 per cent into the Community Support Fund.

Just as the issue of the private-for-profit club or clubs with special arrangements, if you like, was drawn to my attention by the commission, the Fitzroy Football Club wrote to me in July 1992 and said it had leased a hotel for its club but it was able to retain only the smaller proportion of the revenue because the premises was licensed as a hotel. The general manager of the club, Kevin Ryan, said:

In view of the unique nature of the hotel/football club relationship we believe that the legislation to be enacted should designate the Fitzroy Club Hotel as a social club for the purposes of determining the percentage of gross revenue to be retained by the venue.

It would be unfair to differentiate between Fitzroy Football Club and any other Victorian-based football club in this regard, particularly as the vast majority of
patrons at the hotel live within a 5-kilometre radius of the hotel and/or are Fitzroy social club members.

I was asked to consider that and further matters put forward by the Fitzroy Football Club.

A number of issues raised early in the life of electronic gaming suggested that amending legislation was necessary. However, other events intervened and there was no spring sessional period in 1992, when otherwise gaming machine legislation could have been introduced.

It is just as important to address the issue raised by the Fitzroy Football Club as to address the issues of the Yarra Valley Country Club, the Knox Club or any other club where there seems to be an arrangement for private profit. Ongoing discussions have been held and the House should be made aware of them. It has been suggested that the Minister for Gaming has a blinkered attitude about the need for change in this situation, although he is quite able to understand the need for change when there is a private profit relationship. He does not appear to understand that premises licensed as a hotel may for all intents and purposes be operating as a club, and therefore should be able to receive the additional 1 per cent.

I refer the House to a letter from the Minister for Gaming to Mr Ryan, General Manager of the Fitzroy Football Club, dated 5 January 1993. Among other things, the Minister says:

The treatment of the gaming venue as a club or hotel is dependent upon the type of licence it holds under the Liquor Control Act. While your venue continues to operate under a hotel licence there is no potential under existing provisions for it to be treated as a club under the Gaming Machine Control Act.

I certainly have no difficulty about the legal correctness of the proposition put forward by the Minister, and no doubt under the existing Gaming Machine Control Act that is the case, but the club was suggesting that there is a case for amending the legislation, just as it was amended to assist racing clubs last year and just as it will now be amended to deal with the problems of private-for-profit clubs.

The House should be aware of further correspondence sent to the Minister by Mr Hore-Lacy and dated 2 February 1993. That letter states in part:

Quite apart from the fact that the 1 per cent increase would, we believe, almost ensure the future of the Fitzroy Football Club — one of the State's older institutions — we believe there are very compelling reasons to grant our application. The problem with your suggestion that we vary our licensing arrangements is that we do not own the premises. We have a 20-year lease and we could not ask the owner to change the nature of this hotel.

We do not ask that Fitzroy Football Club be made an exception to section 136(2)(a). We do however suggest that in relation to any venue, where a licence is held under section 136(2)(b), if the profits of the business go wholly to a bona fide sporting organisation such as ours the business be entitled to retain 4 per cent instead of 3 per cent.

We do not believe that there would be any difficulty in drafting such legislation. If necessary there could be a residual discretion left to the Gaming Commission to approve such an organisation. Furthermore, the Act could specify the criteria which would qualify an organisation for such approval.

What was being proposed by Mr Hore-Lacy is the type of proposal the government has taken up in relation to the private-for-profit clubs but was not prepared to take up for a club such as the Fitzroy Football Club. Other submissions have been put to the government since that time.

In March Mr Hore-Lacy again wrote to the Minister for Gaming pointing out that, if anything, the financial position of the club had worsened and there would be reductions in the Quit sponsorship. He pointed out something the government should seriously consider, not only in terms of electronic gaming but also in terms of general policy. He said that there would be a significant revenue loss to the State if the number of AFL clubs in Victoria were reduced, and that there would be a loss of revenue and employment associated with those clubs and the games. There would also be a significant loss in payroll tax. The Fitzroy Football Club alone paid $125 000 in payroll tax last year. That was when it became apparent that the government was intending to amend this legislation and deal with section 19 of the Act, but only in one direction.

I wrote to the Minister for Gaming on 2 April pointing out that if he was going to deal with one part of the problem he should deal with the other. I sent him some amendments I had prepared and directed his attention to amendments Nos 1 and 2. I said:
When the original legislation was being prepared, it was agreed that returns to venue operators would vary according to whether or not the venue was operated by a bona fide non-profit sporting or other club, or by a private individual or company for private profit. This policy decision was put into effect by clauses 19 and 134 of the Act which distinguishes between general and club licences.

I pointed out to him:

As you are aware, since the passage of the legislation in 1991 and its operation, two types of problems have arisen in carrying out the original intent. Firstly, it became apparent that a number of "clubs" were effectively controlled for private profit and/or agreements could be entered into where lease or other agreements could effectively transfer revenue to a private individual or company.

Secondly, the Fitzroy Football Club instance has demonstrated that a genuine non-profit club which leases premises with a general licence and has no agreement to pass on a share of the gaming machine revenue to any third party cannot receive the full 4 per cent available to other clubs. While Fitzroy is the known example, there will be over time other instances where taking over premises with a general licence will be the best option for a genuine community controlled club.

I mentioned to the Minister that the Melbourne Football Club may be such a case. Indeed, that club is a case similar to the Fitzroy club; it does not have the capacity to develop an electronic gaming machine club on its premises at the Melbourne Cricket Ground, just as Fitzroy does not have that capacity.

Mrs Wade interjected.

Mr ROPER — I hope some honourable member can explain to the Attorney-General that there would be significant capital costs associated with either the Melbourne or Fitzroy football clubs setting up a club from scratch. They would be unlikely to have the funds to do so, whereas leasing premises gives them facilities that are immediately available to their members.

The Melbourne Football Club has been looking at the prospect of leasing a hotel, but it would receive only 3 per cent of the revenue rather than 4 per cent. I pointed out to the Minister that he had been quoted as saying that the Fitzroy type of situation required legislation. I agreed with that. I suggested that with the Bill before the Parliament the appropriate amendment can be made. I believed that the amendment I had prepared would remedy the situation faced by the Fitzroy Football Club and other clubs. I was specific in following the thrust of the Minister's amendment in having the Gaming Commission make that declaration.

I pointed out that as well as improving two aspects of the original legislation the amendment would provide immediate assistance to the Fitzroy Football Club, a Victorian club with a great tradition in sport which should not be lost. All other league clubs which operate machines receive the full 4 per cent. The difference in revenue to the Fitzroy Football Club would be between $150 000 and $200 000 a year, which would be enough to allow Fitzroy to continue. That was prior to the time when, as a Carlton supporter, I would have preferred Fitzroy not to continue after they beat us by 6 points in the last couple of minutes of the game! That event demonstrated clearly that the Fitzroy Club Hotel is now a club so far as Fitzroy supporters are concerned. After having the pleasure of beating Carlton more than 500 supporters went to that hotel just as they would have to the Collingwood clubrooms or to the premises of any other AFL club.

So far as the gaming machines were concerned, Fitzroy earned less revenue from that than would have been the case for the other clubs.

I mentioned previously the letter the Minister sent to Mr Hore-Lacy on 16 April. That was added to by a further letter dated 21 April, again suggesting that the Minister is not aware that he is amending his own legislation. The Minister said he was not unsympathetic. He went on to say:

I can see no way to overcome your difficulties without compromising the effectiveness of the present legislation. The public needs to be confident that the Gaming Machine Control Act 1991 is administered in an impartial way to the benefit of all. Special provisions for your club cannot be made without affecting the integrity of the legislation.

The Minister is saying that there would have to be special provision for the Fitzroy Football Club. That is not necessary, and that point has been made to the Minister. Firstly, he received amendments from me that make the point. Secondly, he said that somehow any change would affect the integrity of the legislation. The Parliament has already changed the legislation by introducing the racing club provisions. The Minister has quite properly changed the legislation to deal with the private-for-profit clubs,
and I understand he intends to move further amendments in the Committee stage to tidy up that process. While he is busily saying, "We can't change the legislation, we might be affecting its integrity," the Minister is vigorously changing the arrangements in one part of section 19.

Mrs Wade — It is very tortuous!

Mr ROPER — It may be tortuous but I can assure the Attorney-General that if she were responsible for the operation of either the Fitzroy or Melbourne football clubs she would realise that providing them with equality with other Australian Football League clubs in raising revenue is important. The government should be doing that.

The Minister’s response to my first letter did not deal with the issues raised. The Minister put out what I am sure he thought at the time was a clever press release pointing out that the Fitzroy Football Club had written to me and that I had not introduced amendments. I would have loved to have been in a position to bring in amendments last October and November, but we lost the election. Amendments can be introduced only by the government of the day. The Minister went on to say:

The change sought would create anomalies under the Act and undermine the integrity of the legislation.

Where is the anomaly? One anomaly is being overcome by the government’s amendment, and the second would be overcome by the amendment I will propose. That would in no way affect the integrity of the legislation.

Before making a decision on this matter honourable members should be conscious of the importance many people place on the successful future of the Fitzroy Football Club and of clubs like Melbourne Football Club. Regrettably, that does not seem to be fully understood.

I was concerned that the Minister may have thought I had misjudged the type of amendment that was required. In a further letter to the Minister of 26 April I specifically suggested other ways in which the amendment could be achieved. I had no desire to say, ‘There is an amendment. This is the best way to achieve a particular result’. In my letter of 26 April I included two alternative amendments. The first was:

In the opinion of the commission any profits of the approved venue passed wholly to a club — and then there is the 4 per cent benefit to the club. And the second was:

In the opinion of the commission any profits of the approved venue passed wholly to a bona fide club.

It would be up to the commission to make that determination.

In that letter to the Minister I pointed out that in one of his pieces of correspondence he states:

... there are no moves under way to make legislative exceptions for any individual venture or applicant at this time.

I go on in the letter to point out:

Your own amendment, not mine or the one sought by Fitzroy, introduces the "legislative exceptions" to the hotel/club arrangement. However, it only proposes to grab the extra revenue when a club is clearly operating for a private profit motive, not return the money when a hotel licensed premises is operating gaming machines purely for the benefits of a genuine, community-controlled club.

That is an important distinction: the government intended, and I had no objection to it, to receive the extra 1 per cent where private profit is involved. It was not intended, on the other hand, to pass an equivalent amount back to a bona fide club.

When I met with the Minister he also gave another reason: that Fitzroy Football Club was seeking advantages by operating a hotel with free entry and without club rules. I make two responses to that suggestion: firstly, as I have said before, anyone who visited the hotel premises after a football match would appreciate that it is a genuine club for the supporters of the Fitzroy Football Club. Secondly, a number of clubs have already negated that argument by effectively allowing unrestricted access to their premises for anyone wishing to play their gaming machines. In any case, it ignores the situation of the three racing clubs I mentioned earlier.

My proposed amendment, which I had sent to the Minister, makes it clear that the distinction should not depend simply on liquor licensing categories but on whether gaming machines are being operated primarily for private profit. My letter also states:

At a time when bingo centres clearly private for profit are seeking machines and one AFL club is purchasing
another club to get outside the restriction of 105 machines, such an amendment is not only possible but desirable.

I believe the government has to respond and, if it will not change its mind, must justify why it is prepared to legislate only in one direction and not in the other.

I hope, following examination of the issue, there is a better understanding of the needs of football clubs than was demonstrated by the Minister for Sport, Recreation and Racing in a letter I received yesterday, in which he says — it is almost a washing of the hands-type letter:

The Honourable Haddon Storey, QC, MLC, who has portfolio responsibility for gaming has recently conveyed to myself, those who have written supporting the above matters and the media that the government at this stage does not propose amending the Gaming Machine Control Act to enable such changes as proposed to be introduced.

The Minister then thanked me for the information I provided. The letter continues:

... and will keep in mind the issue you raised if these matters are discussed again in the future.

That is a profoundly disappointing letter. The Minister, in an off-handed way, says it will be kept in mind if the matters are raised again in the future.

The government's lack of response to the plight of the Fitzroy Football Club is in stark contrast to the way that club has set about creating a community base in Fitzroy by developing the club/hotel, working with the Fitzroy City Council in redeveloping the Brunswick Street oval and using Princes Park as its home ground. The club is very much involved in activities in that part of Melbourne.

This is an opportunity for the government not only to gain additional revenue but also to return a proportion to the community. So that the House will have the option of determining whether football clubs such as Fitzroy and Melbourne are able to earn additional revenue, I desire to move:

That all the words after “That” be omitted with the view of inserting in place thereof the words “this Bill be withdrawn and redrafted so as to allow the Gaming Commission to declare that the amounts payable under section 136 of the Gaming Machine Control Act 1991 by certain gaming machine operators holding a general licence are to be paid as if they are holders of a club licence.”

The SPEAKER — Order! Is the motion seconded?

Mr MILDENHALL (Footscray) — I second the motion.

Mr ROPER (Coburg) — I have prepared amendments and provided them to the Attorney-General. I have also suggested other forms of amendment if the Attorney-General or the Minister for Gaming consider them to be more appropriate, but unless the government takes up one of the amendments the motion is the only way the House can consider the issue. I hope the government will respond positively.

Many changes are occurring in electronic gaming. Bingo clubs are proposing to get into the act. It is claimed that the Collingwood Football Club is considering the purchase of the Northcote Bowling Club so that it can have more than the 105 gaming machines limit.

I direct to the attention of the Attorney-General a letter I received from Bruce Ruxton, the State President of the RSL, who expressed his concern about bingo outlets being licensed to have poker machines. He said that if ever an Act had been flouted it is the Lotteries Gaming and Betting (Raffles and Bingo) Act and he took a strong view on what has occurred in that industry. The government should seriously consider that issue and introduce further amendments.

The reasoned amendment is an opportunity to deal with the clubs that are private for profit and the genuine sporting and community clubs that occupy hotels or licensed premises. One has only to visit a range of private clubs to ascertain that it is comparatively easy to gain access and some of them return to the visitor a token equal in value to the gaming membership fee that he or she pays. A person who plays the gaming machines in a club is in the same position as a person who plays machines in the hotel owned by the Fitzroy Football Club.

The House should consider other issues arising from the proposed legislation, not the least of which are the matters relating to the Community Support Fund. I remind the government that in the original Bill there was overall agreement that, firstly, the moneys from the Community Support Fund would fund the Victorian Gaming Commission; secondly,
they would fund research; thirdly, they would fund sport and recreation clubs; fourthly, they would fund community services, particularly services for people who were affected by gambling problems; and subsequently arts and tourism would be assisted.

As I understand it, the government has not yet used any of the moneys, which will amount to close to $10 million this financial year, to assist financial counselling services, even though there was an agreement just prior to the election for an amount to be made available to Community Services Victoria, now part of the Department of Health and Community Services. People with gambling problems and their families would be assisted by financial counselling services. That was an important initiative in the original legislation, and it would have been extremely helpful if that money had quickly been made available.

It appears that the only publicly announced distribution of funds — amounting to $2.4 million — went to the Victoria State Opera, and it is in the lowest category of beneficiaries. The government has also suggested that it will use the fund for the Commonwealth Games bid, if that comes to pass. So far no money has gone to sport and recreation clubs, which could certainly use the assistance. Until recently no funds had been provided to assist people suffering from gambling problems or their families.

During the Committee stage I will propose amendments dealing with expenditure from the Community Support Fund and the provision of independent advice to the Minister on ways in which the fund can be distributed. I will also propose a new clause.

I hope the government, either in this place or while the Bill is between Houses, will reconsider its rejection of the submissions made to it on behalf of the Fitzroy Football Club. I believe the club has justified its position and the government will be painted as being mean, miserly and uncaring if it does not do what it can to assist one of Victoria's oldest football clubs and establish arrangements to ensure that other clubs, such as Melbourne, will not be penalised if they decide to establish their clubs in hotel licensed premises.

I reiterate that the opposition will move a number of amendments in the Committee stage, and I commend the reasoned amendment to the House.

Mr MILDENHALL (Footscray) — In addressing the Gaming Machine Control (Amendment) Bill I acknowledge the importance of maintaining the momentum of the development of the gaming machine industry and will deal with a series of issues that spring from its provisions.

The Gaming Machine Control Act was passed with bipartisan support. It established the basis for the development of an industry that has made a fundamental change to the gambling habits of Victorians. Approximately 10 000 gaming machines operate in 200 venues throughout the State, which was the target when the machines were introduced. The number of machines and the venues has expanded considerably. From July 1992 to the end of January this year, a seven-month period, total investments from electronic gambling have grown from $8.34 million to $1012.5 million — turnover has topped the billion-dollar mark in a seven-month period! However, that form of gambling has not severely affected other gambling patterns. For example, the investment in the racing industry has increased during that period by 2.25 per cent over the same period last year. One would have thought, with more than $1 billion of new gaming money being invested into the market, that the revenue to the racing industry would have suffered. It is a tribute to the rapid growth of Pubbets. However, the TAB with its focus on gaming machines suffered a reduction in turnover of 16 per cent or $24 million, a not insignificant drop in turnover. TattsLotto revenue for that period has fallen 5.5 per cent. The total racing and gaming turnover has increased by 40 per cent in that seven-month period. The raw investment figures for that period have increased from $2.45 billion to $3.48 billion.

The beliefs expressed prior to the introduction of electronic gaming that there was an untapped market that entrenched gambling had not touched have proved correct. Electronic gaming machines have changed the pattern of our gambling habits. The gaming part of the total turnover now matches the turnover of the racing industry, whose share of the gambling dollar has fallen from 65 per cent in July 1992 to 50 per cent seven months later. Obviously we are nowhere near saturation point for gaming machines and we are in the midst of a fundamental change in the way we invest our gambling dollar. The electronic gaming machine share of the gambling dollar has increased from 2 per cent to 30 per cent of the market in a seven-month period.
What are the implications of these figures? The onus is on the supervising authorities to highlight the security and probity of these activities, because the industry is moving huge amounts of cash through the Victorian economy and between venues. The onus is on government, in a broad sense, to take good care of this fledgling goose that is laying the golden eggs.

The industry must be monitored carefully. It has implications for northern Victoria, particularly the towns bordering the River Murray which, through horizontal fiscal equalisation, have benefited from the investment of the gambling dollar in venues on this side of the border, benefiting this State's economy and Treasury.

It is difficult to assess the impact on the Victorian Budget at this point, but the target of $89.6 million identified in the Treasurer's statement may well be met. The significant and dramatic change in the form of gambling highlights the importance of what may appear to be minor amendments to the Act. It is a rapidly changing situation that is having a significant effect on the finances of the State.

Clause 4, the first substantive clause, changes the special employee and technician licences from a one-year licensing period to a three-year licensing period. That is obviously an easier system to administer, but in light of the growth and significance of the gambling industry, surveillance of the industry must not be compromised.

Mr Leighton - Mr Deputy Speaker, the honourable member for Footscray is making an important contribution, but there are few members present to hear him. Therefore, I direct your attention to the state of the House.

Quorum formed.

Mr MILDENHALL - Given the maturity of the gambling industry in New South Wales, I want to know what licensing period applies in that State and whether a satisfactory balance between surveillance and administrative ease has been achieved. I should have thought the Attorney-General would have justified the extension of the licence period in her second-reading speech.

Subclause (2) removes the common expiry date for licences for special employees and technicians. It is clear that staggered expiry dates provide greater time for scrutiny and investigation of individual applications. However, opinion on that administrative arrangement is divided. Last year, before I was elected to this place, I was involved in a legislative process that sought to do exactly the opposite. In that instance a common expiry date was introduced because it was easier to administer and prevented applications slipping through the system. The onus is on the government to provide adequate resources to ensure that scrutiny is provided to the extent necessary. If the right balance can be achieved, the provisions in clause 4 may be justified.

Clause 5 repeals the requirement for the Director of Gaming and the Director of Casino Surveillance —

The DEPUTY SPEAKER — Order! I remind the honourable member for Footscray that this is a second-reading debate. Although he can refer to the clauses, he should not deal with them in depth.

Mr MILDENHALL — I acknowledge your ruling, Mr Deputy Speaker. My address is based on dealing with the broad issues. The Bill is a collection of unrelated and individual clauses, and I sought to follow the structure of both the Attorney-General's second-reading speech and the Bill in making my contribution.

The occupation of two significant positions by the same person is a vexed administrative question. The motive for including such a provision in the original Bill may have been to provide operational and policy coordination. This Bill repeals the provisions and separates the positions of Director of Gaming and Director of Casino Surveillance.

Clause 5 raises the wider policy issue of the fragmentation that characterises the government's administrative approach to the racing and gambling industries. As previous speakers have said, in seven months some $3.5 billion has been invested in the gaming industry, and it behoves the government to ensure that a strong, clear, unfragmented and unambiguous administrative structure is in place. The current structure is anything but that.

The Minister responsible for this Bill is the Minister for Gaming, who is also the Minister for Tertiary Education and Training and the Minister responsible for the arts. Tattersalls is an important part of the gaming industry and is given central policy direction by the Treasurer. The racing component, which is rapidly becoming the minor player in the gaming industry, is overseen by the Minister for Sport, Recreation and Racing.
To its credit the government has partially addressed that issue by the creation of a portfolio covering the arts, sport and tourism, but it has not collected those responsibilities into a central point. One would have hoped that clearer coordination mechanisms could have been in place to ensure that the government was able to deal with the gambling industry on the basis of one view.

The next feature of the Bill deals with the difficulties and increasingly confused situation involved in attempting to define under the Act, and the amending Bill, the position of clubs versus non-clubs and gaming machines operated by private concerns, usually in the form of private hotels.

The honourable member for Coburg addressed those issues at some length, and I shall not attempt to further argue them, but I point out that the distinction between different types of organisational entities is becoming more confused. By definition, we expect clubs to have a clear membership base, but they are now becoming more accessible to the general public and sometimes are part of wider organisations that have a profit base rather than being community oriented.

The Fitzroy Football Club has a not-for-profit orientation but it is housed in a commercial-type venue, which, according to the legislation, should attract 3 per cent rather than 4 per cent of the revenue from the machines. The honourable member for Coburg put the case in favour of an increased percentage going to the club.

The mid-point between the organisations that are at each end of the legislative spectrum is probably best understood in connection with the racing clubs, which have maximum access but limited membership requirements. They are extremely large operations.

I now address the purposes for which moneys in the Community Support Fund may be used — a central part of the amending Bill and the original legislation. It invites consideration of the whole issue of hypothecation as a source of revenue for the government. Clause 7 continues the arrangement under the original legislation of a first charge for the Victorian Gaming Commission’s administration. That sets the administrative section apart and establishes a first-charge arrangement covering certain reserve funds of the commission. The amendments, as detailed in the Bill, lock in a 70 per cent component of the Community Support Fund to be spent on sport and recreation clubs and programs to assist homeless young people, families and individuals affected by compulsive gambling. The remaining 30 per cent is to be spent on arts and tourism promotions.

At present the legislation provides for at least 70 per cent of the remainder of the funds, after the first-charge responsibilities have been met, and the amendments ensure that the 70 per cent is locked in. The effect of the changes now being debated will be to prevent the government from changing those priorities over time and more flexibly addressing its responsibilities.

One must query the rationale for such a move. Recently we heard about a number of government initiatives that could claim competing priorities for additional funds within the destinations of the hypothecated funds. Projects such as youth homelessness initiatives discussed by the Minister responsible for youth affairs, the tourism announcements some days ago and the bailing out of the Victoria State Opera, which honourable members understand to be the potential beneficiary of some $2.4 million from this source — —

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

Mr CUNNINGHAM (Melton) — Following the successful introduction of electronic gaming machines in Victoria last year the opportunity now arises for certain amendments to the principal Act. A few weeks ago I was invited to attend — and enjoyed — the launch of the recently installed gaming machines at the Golden Fleece Hotel in Melton. Those machines are the first and only gaming machines operating in the Melton area. They appear to be quite successful and are enjoyed by the local community. A number of jobs have been created. The Golden Fleece Hotel is well managed by Peter and Christine Nash, ably assisted by members of their family. Mr Deputy Speaker, you would know the Nash family quite well, as they previously had hotel interests in the Warrnambool area. There are only two hotels in Melton. As soon as current renovations are completed Mac’s Hotel will be the second hotel to receive electronic gaming machines.

I turn to the second-reading speech of 18 March, which states:

The Bill also provides for an amendment to the Casino Control Act. It is desirable to protect the integrity of the casino licence and to ensure that the goodwill of the
Melbourne Casino is not affected by the indiscriminate use of the word “casino”. At present any venue with gaming facilities may describe itself as a casino. It is proposed that the use of the word “casino” for the purpose of identifying a business or place of gaming without the consent of the Victorian Casino Control Authority will be an offence.

The opposition supports the proposition of preventing the indiscriminate use of the word “casino”, but would oppose the retrospective action of this legislation which would flow from the Bill in its current form.

Retrospective legislation, except in exceptional circumstances, is a bad principle. It makes criminals out of people who at the time of the offence were innocent citizens. Their only crime is having been in the right place at the wrong time and, in this case, with the wrong sign. It is ironic that although the Liberal opposition of the day supported the Federal Labor government’s 1984 bid to stamp out bottom-of-the-harbour tax evasion schemes, retrospectivity was opposed vigorously.

The Federal shadow finance Minister at the time, Senator Guilfoyle, said, among other things, that the opposition could not support the legislation because it imposed a new tax liability and applied it retrospectively. She was talking about a massive tax avoidance scheme.

The Australian Democrats also strongly opposed the retrospective legislation. Senator Michael Macklin of the Australian Democrats summed up the general principle of opposition to retrospectivity. In an article in the Herald of 7 June 1984, Senator Macklin is reported as saying:

Retrospective legislation means changing the law so that something which was quite legal when it was carried out is made illegal.

It is, in a sense, backdating illegality.

In a society that accepts the principle that you can punish people retrospectively any action that is within the law today may attract a legal penalty in the future.

To me that is such a dangerous situation that I, as a matter of principle, oppose all forms of retrospective legislation that seek to punish people who have acted within the law.

I recognise that there is a difference between actions that are “wrong” and actions that are illegal. Hence, even though tax avoidance is immoral I am still not prepared to make it illegal retrospectively.

To me, the proper time to change the law to prevent immoral abuses is the time when those abuses are discovered.

There are penalties of up to $1500. I understand why the casino title needs to be protected. But how significant is the problem? Where is the problem? How many business organisations are involved? How many individuals are involved? And how many premises are involved? Unless there is demonstrable proof that a problem exists, the only fair and just way to go is to accept the amendment proposed by the honourable member for Coburg, which sets the date at 17 March 1993.

On the broader issue, it is important that the interests of the Totalizator Agency Board and Tattslootto be maintained; their link with the racing industry plays a crucial role in many respects because the industry is a major employer of labour. Approximately 30 000 jobs rely on the strength of the racing industry, and it is important that those jobs are not threatened. There are also many stud farms in the Melton area. It is important that the amendment proposed by the honourable member for Coburg be considered during the next part of the debate.

Mr LEIGHTON (Preston) — I wish to refer to a number of issues, and I hope the Attorney-General will take the opportunity in closing the second-reading debate of responding to them.

The first matter is the reasoned amendment moved by the honourable member for Coburg not only to protect the Fitzroy Football Club but ultimately to save it. I believe a special case has been made out for that club. It is important, if the government rejects the reasoned amendment, that the government be prepared to go on record and explain why it is taking that course of action.

I also seek a response from the Attorney-General on clause 7, which deals with the Community Support Fund. I note that further funds are directed to youth affairs and whether the funds that
are to be channelled into youth affairs will be at the expense of other areas of community services. It should also explain where it intends to spend that money. Does the government intend to spend the money simply to alleviate youth homelessness or has it a broader agenda to fund other important areas of youth affairs, such as — —

The SPEAKER — Order! The Chair has some difficulty and requires an explanation of how the honourable member can relate his remarks to the Bill.

Mr LEIGHTON — Clause 7 amends section 138(4)(c) of the principal Act and provides for funds to be directed to government initiatives on youth homelessness. That is the matter I am canvassing. I am concerned about whether funds will be spent simply on alleviating youth homelessness. That would be a cruel irony given that the government has been cutting funding by hundreds of millions of dollars in other areas such as education, health, transport and various community services to families.

Although it is acknowledged that there is a substantial Australia-wide youth homelessness problem, the actions of the government in cutting funds will only deepen that crisis. Is it the intention of the government to simply throw a bit of money as a band-aid measure to alleviate the problem by, for instance, establishing some extra refuges or accommodation units and perhaps employing some outreach workers, or is the government prepared to tackle the youth homelessness issue properly by spending money not only on prevention but, more importantly, on early intervention and, at the other end of the spectrum, research programs?

I also seek a response from the government on what it understands by “youth homelessness”. The government defines the issue fairly narrowly and prefers to talk about street kids. Young people do not have to be on the streets to be homeless. I use a broader definition: that they have left the family home.

Young people can have a roof over their heads by being housed in accommodation units or refuges or by living with friends. When one examines the coalition’s election policy, which concentrates on street kids, one finds that people in the sorts of situations I have referred to may not meet the definition of “homeless” in that policy framework. Under the definition I prefer to use they would be considered to be homeless. I ask the Attorney-General, in closing the debate, to provide a response on clause 7 and to give honourable members, at least in general terms, some idea of the level of funds involved, an assurance that it will not be done at the expense of other important community services and an assurance that the money will be spent wisely across a number of areas servicing youth homelessness.

Mr MICALLEF (Springvale) — I promise that when I come back as Speaker in this Chamber the House will not sit until 5 o’clock in the morning! As a former occupational health and safety officer I think it is inhumane to place this sort of strain on honourable members and staff. The hours of sitting are in the government’s hands. The government should be responsible, get its house in order and run this place accordingly.

I worked on the development of gaming in this State. It has been an extraordinary success. It is unfortunate that the government, which has cut back funding so much and which complains about black holes, has been the recipient of a large stream of income from gaming. The way the government uses that income stream is questionable.

The introduction of gaming has assisted the financial position of this State enormously. The first 10 000 machines have been successfully installed and gaming has been a boon for both the insurance industry and employment in this State. The industry has created thousands of jobs. Gaming was introduced responsibly, using on-line technology that is probably the best in the world, complemented by the licensing arrangements that have been put in place.

I have visited a number of gaming venues in the Springvale area. Some of them are thriving and others are not doing so well. I foreshadow that at a later time I will raise the problems that have arisen with the way gaming is being run by the Victorian Gaming Commission and the difficulties that have been caused by differences between the police and the commission. Those differences have badly affected some hotel licensees and other operators in the industry. I will wait for the dust to settle before pursuing that issue.

The amendment proposed by the shadow Minister is worth considering. He is seeking to have the Bill withdrawn:

... so that amounts paid under section 136 of the Gaming Machine Control Act 1991 by certain gaming
I support the amendment. The industry will continue to grow. Within walking distance of my home I can eat at extremely cheap Vietnamese restaurants or at the Springvale RSL Club. I talked the club into installing gaming machines; it now has five machines and probably regrets that it did not install more. Other facilities in the area such as the Noble Park Club, the Sandown Hotel and the Dingley International Hotel are within a 5 or 10-minute drive from my home. I can eat and drink well and lose all my money gambling in my area, if I want to. However, as a strong-willed person I can resist the temptation to do all those things at once.

My partner’s daughter works in a hotel that has gaming machines, is an enthusiastic employee and enjoys the lifestyle of working in the hospitality industry. The introduction of gaming machines has created a career for someone — —

Mrs WADE (Attorney-General) — Members of the opposition raised a number of matters, but most of them were covered by the honourable member for Coburg in his contribution to the debate. The honourable member for Coburg commenced his contribution with historical reminiscences of the gaming machine legislation and gave the House his views on the future of gaming in Victoria. When he spoke about the provisions of the Bill he identified a number of issues and put forward the opposition’s view. As I understand it, the honourable member supports the provisions that change the expiry date for licence renewals for special employees and technicians. At present, the provisions introduced by the former government require that all the licences — and there were about 3000 — expire on the same day and are required to be renewed at the same time. The government believes it is not possible under those circumstances to properly assess the renewals and has included in the Bill an amendment to spread the process over a period. The honourable member for Footscray believed it would have been better if all the renewals were processed on the one day, but the government has determined that it would be more appropriate for the renewals to be processed over a period.

The honourable member for Coburg was not happy about the separation of the offices of the Director of Casino Surveillance and the Director of Gaming. In my second-reading speech I made it clear that with a new casino being established the Director of Casino Surveillance will have a lot of work on his hands and as both the casino and electronic gaming sides of the industry are important it will be better to have the directors carefully looking after each area.

Another issue raised time and again in the debate was the difficulties faced by the Fitzroy Football Club and the difference between clubs and hotels. The honourable member for Coburg commenced his argument on this issue by saying the theme of the proposed legislation introduced by the former government was to relate gaming machine licences under this Act to liquor licences under the Liquor Control Act and that there would be a different regime for clubs and hotels. Having said that, he then said they are either the same or there is not a big difference between hotels and clubs and asked why the government should make that distinction. He advised the House that the former government had introduced a new category of racing clubs. My recollection is that some racing clubs did not have
liquor licences and it was necessary to create a special category for them.

The next argument put forward by the honourable member was that as the government was amending a section of the Act that would be relevant to the Fitzroy Football Club, it was incumbent on the government to also include the amendment that would assist Fitzroy. His logic was that if the government happened to be amending a section of the Act and someone wanted another amendment made to that section, it is incumbent on the government to make both amendments.

I remind the House that the amendment proposed to be made to the section has the support of the honourable member for Coburg. It will identify clubs that are regarded as profit clubs and not the community-type clubs that attract the lower rate of tax. The honourable member suggested the Fitzroy Football Club should attract the lower tax level.

I recall raising a similar issue with the Liquor Licensing Commission last year and was told that it was not a problem. I take it that it has now been identified as a problem and in order to pick up the general plan of the legislation, which was described so well by the honourable member for Coburg when he commenced his contribution today, the amendments will bring the legislation into line with the original concept.

We had a slight variation on the theme when the honourable member tried to explain that the Fitzroy Football Club and possibly other football clubs could not afford to buy club premises and therefore were forced into leasing hotel premises. When I tried to point out that there was a problem with his argument, the honourable member made an attempt to put me down. I would be pleased to hear his explanation of why it is easy to lease hotel premises but almost impossible to lease club premises. I fail to see anything in the Gaming Machine Control Act or the Liquor Control Act that would prevent a football club from leasing club premises. The new provision that will be inserted prevents a club from doing that only where the club is not a genuine community-type club.

The honourable member said he would have liked to have remedied this problem when he was Minister. My understanding is that when he was Minister he was approached by the Fitzroy Football Club to amend the Act. Today he read letters from the club that I understand were dated early July last year. He will have the opportunity of speaking on this issue in the Committee stage so he can clarify his response to those letters. Did he advise the club that he would introduce an amendment or that it was not appropriate to do so for reasons similar to those provided by the current Minister for Gaming?

The honourable members for Preston and Coburg referred to the community fund. Discussions have taken place between the shadow Minister and officers of the commission on this issue. The government's views have been made clear. I must agree with the honourable member for Preston that the term 'homeless youth' encompasses a wider area than street kids. The situation is particularly desperate for children living in the streets. If I had a say in the distribution of the fund I would give that area a high priority. I thank honourable members for contributing to the debate.

The SPEAKER — Order! The question is:

That the words proposed to be omitted stand part of the question.

House divided on omission (Members in favour vote No):

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Mr ROPER (Coburg) — In closing the second-reading debate, the Attorney-General suggested that the purposes of the Bill would be defeated if more clubs were able to operate as hotels. She asked me to comment on that matter, and she specifically mentioned subclause (c), which states that one of the purposes of the Bill is:

- to make provision for returns by gaming operators.

My concern is that the purpose should more appropriately be to increase returns for community-run clubs. The point I tried to make to the Attorney-General is that the Fitzroy Football Club is not the only club concerned about the matter; the Melbourne Football Club is also concerned, and I have been informed by my colleague the honourable member for Williamstown that the club in her electorate is also concerned. The Williamstown Football Club is interested in leasing a licensed premises. There are a number of hotels in the area, and leasing licensed premises is probably the most sensible course for the club to take rather than going to the huge expense of building its own premises or leasing inadequate, unlicensed premises.

The government has taken a one-sided view of its obligations to clubs and hotels. The Bill should not provide for increased returns to gaming operators; it should ensure that community-controlled clubs receive the full benefit of their gaming revenue. The Fitzroy Football Club has 65 gaming machines, and they will provide between $150 000 and $200 000 a year to the club. That may well be the amount required to back up Fitzroy’s on-field success. The same could apply to the Melbourne Football Club, which just completed a major task for the people of Victoria by beating Adelaide only last weekend.

The Labor Party intended to amend the Act, but events that put the honourable member for Burwood into the Premier’s chair prevented that being done. It is regrettable that the government is not prepared to take sufficient action. I hope the government reconsiders its position when the Bill is between here another place.

Clause agreed to; clauses 2 to 5 agreed to.

Clause 6

Mrs WADE (Attorney-General) — I move:

1. Clause 6, line 28, omit “(a)”.
2. Clause 6, page 3, line 1, omit “(b)” and insert “(a)”.
3. Clause 6, page 3, line 3, omit “and” and insert “or”.
4. Clause 6, page 3, line 4, omit “(c)” and insert “(b)”.
5. Clause 6, page 3, line 7, after “provide” insert “, whether directly or indirectly,”.
6. Clause 6, page 3, after line 10 insert — “; or”

(c) in the opinion of the Commission, the terms of an agreement provide, whether directly or indirectly, for payment of revenue derived from gaming machines to a person other than the holder of the licence referred to in section 19(1)(c)”.

The amendments relate to proposed section 136A, which deals with clubs not controlled by the community and which derive profits. Such clubs are more akin to hotels, and the Victorian Gaming Commission will now be in a position to declare that the hotel rate is the appropriate rate at which such venues are to be taxed.

Mr ROPER (Coburg) — When I discussed this with officers of the Victorian Gaming Commission some weeks ago, I pointed out that I believed the Bill contained loopholes that would allow private-for-profit clubs to escape the government’s intention, which is supported by the opposition, of paying the hotel tax rate. The amendments moved by the government fill the gap that I discussed with officers of the commission when they came to see me at the instigation of the Minister for Gaming.
It is ironic that the provision that increases the number of bodies taxed at the hotel rate is countered by the fact that the government will not agree to do the reverse. The government has quite properly tightened the provisions, and I hope at some stage it will adopt a more reasonable attitude towards clubs that at present get back only the same percentage as hotels.

Amendments agreed to; amended clause agreed to.

Clause 7

Mr ROPER (Coburg) — I move:

1. Clause 7, lines 17 to 21, omit all words and expressions on these lines and insert —

'(1) In section 138(4)(c)(ii) of the Principal Act, after “gamblers” insert “or,”.'

The amendment makes it clear that the opposition believes the majority of the moneys available through the Community Support Fund, after paying for the expenses and research of the commission, should be directed to sporting clubs and community organisations that are assisting those with gambling problems.

The government has watered down the original intention of the legislation by proposing to omit “not less than”. That is an undesirable situation and inevitably will lead to more funds being made available to what were originally regarded as the third and, if you like, the fourth, fifth and sixth priorities — arts and tourism.

The Victoria State Opera has received some $2.4 million from the fund. That money was channelled through another part of the administration of the Minister for Gaming, but not a brass razoo has been made available to help those who have gambling problems.

The second part of my amendment deals with programs. When the original legislation was debated we realised that many sporting and community clubs would be either too small or not prepared to tackle the significant task of opening gaming premises or installing gaming machines in their clubrooms. Many would suffer because their fundraising methods — the proverbial chook raffle — would be affected because people would be spending money on electronic gaming machines.

The former government specifically said the fund should be targeted towards clubs, and not be available, for instance, for local government, which certainly made a bid for that money, or for programs that otherwise would be provided for by the Department of Arts, Sport and Tourism.

Some clubs deal with the problem in a rather creative way. I understand that in Hamilton, for example, a number of smaller clubs have got together and are developing a gaming facility.

Mr Hamilton — Ballarat, also.

Mr ROPER — And in Ballarat, I am told. The original legislation proposed that the significant amounts coming into the Community Support Fund — supposedly $10 million this year and $30 million two financial years down the track — should be assisting the community and sporting clubs throughout Victoria. The funds would provide a very substantial boost. The opposition’s concern about the government’s amendment is that it will tend to water down the amount of money going to clubs.

Amendment negatived.

Mr ROPER (Coburg) — I move:

2. Clause 7, line 24, omit “government initiatives on youth homelessness” and insert “support and assistance for homeless youth”.

The amendment is the result of discussions between Mr Black and the opposition’s Bills committee. The Bill limits the application of the fund. It may very well be a technicality but at the moment the money is to be used for government initiatives on youth homelessness, which, it was suggested to me, could limit it to actual government program-type initiatives.

The amendment will broaden the way in which the government is able to spend the money by making grants to sport and providing assistance for homeless youth. It will clarify the government’s intention and ensure that voluntary groups like the Salvation Army and the Brotherhood of St Laurence are clearly able to benefit from the substantial funds flowing from the Community Support Fund.

Mr MILDENHALL (Footscray) — I support the amendment. An additional key feature of the argument is not only whether we need to enable a wide range of activities to be funded and allow a wider range of organisations to conduct those activities but also the terminology in the Bill, which provides for government initiatives on youth homelessness.
The word “initiatives” in guidelines usually refers to new programs. A key issue often raised by the community sector in funding schemes of this kind is the need for continued recurrent funding and funding beyond the initiative stage.

Given the significance of the funds referred to in the Bill, it is not only conceivable but desirable that funds be used for sustaining and supporting youth programs in the medium and long term. We should not unnecessarily restrict the application of the funds to the initiation of new programs and the starting-up phase.

Mr ROPER (Coburg) — It would be appropriate for the Attorney-General to respond by giving her interpretation of the amendment. The amendment I moved was aimed at making clear what I understand to be the government’s intention. As the honourable member for Preston said, it is an intention that we certainly do not object to.

Mrs WADE (Attorney-General) — I thought I had made my position clear when I responded in the second-reading debate. I did not respond on this occasion because the comment made to me by my colleague was that the honourable member for Coburg was being picky. The honourable member is playing with words. Any sensible interpretation of government initiatives on youth homelessness would cover the sort of program mentioned by the honourable member for Footscray. Government initiative does not have to be something carried out by a government program. It can be a government initiative to provide money to community organisations. No doubt a wide range of possibilities will be considered by Ministers when they are looking at the split-up of the fund. I shall direct the matter to the attention of the Minister for Gaming. I am sure he will take it into consideration. I do not believe the words in the Bill limit the government in any way in making moneys available to community organisations.

Amendment negatived.

Mr ROPER (Coburg) — I move:
3. Clause 7, after line 24 insert —

‘(2) After section 138(7) of the Principal Act insert —

“(8) The Auditor-General must, in respect of each year ending on 30 June, transmit to the Legislative Assembly a report on whether money from the Community Support Fund applied in accordance with sub-section (4)(c) and (d) is in addition to, and not in substitution for, money appropriated for those purposes from other sources.”.

I move the amendment because of a concern that the various changes in the definitions and operations of the Community Support Fund open up the opportunity for the government, and in particular the Treasurer, to divert moneys from the fund to substitute for those that would have been provided through the Budget and the Consolidated Fund not only for sporting programs that would have been funded by the Department of Arts, Sport and Tourism but for programs in the community services area, whether of assistance to gamblers or to homeless youth, and also in the area of art and tourism.

Our concern is that the Community Support Fund, which is being contributed to by half the gaming machines, is to be used for additional and new programs, not in substitution for funds that would otherwise come out of the Budget. We are receiving a community benefit out of the 1 per cent coming from the hotels and now the recognised clubs that are regarded as private-for-profit institutions or of special financial arrangements. The amendment provides that the Auditor-General will examine the operation of the Community Support Fund and report to the Parliament whether there has been any substitution. It would be an appropriate role for the Auditor-General to undertake; it would guarantee that the purposes for which the Parliament set up the Community Support Fund were met.

It would mean a significant increase in funds to groups such as sporting clubs. Otherwise, departmental funds may be cut and replaced by funds coming from the Community Support Fund.

Mr MILDENHALL (Footscray) — I support the amendment. One of the characteristics I mentioned in the second-reading debate is that the hypothecation process is fragmented into many streams and destinations. There are six Ministers and Ministries involved in spending the funds from the Community Support Fund. A whole range of programs is referred to, and the Ministries have a range of potential recipients — tens of thousands of clubs and community organisations. Under the Act the arts and tourism groups are looking at funds potentially flowing to municipal councils, business groups, clubs of various sizes and a wide range of potential users. It is inappropriate in the circumstances for an outside observer such as the Auditor-General to carry out that painstaking work.
Mr MICALLEF (Springvale) — I support the amendment. It is not an unreasonable position; it is a keeping-them-honest provision. It is a proper process.

Dr Napthine interjected.

Mr MICALLEF — If there are problems in areas like the Victorian Economic Development Corporation it means all areas of government administration —

The CHAIRMAN — Order! The honourable member for Portland is out of order and the honourable member for Springvale should ignore interjections.

Mr MICALLEF — I will ignore him; I think he is irrelevant. The amendment is a keeping-them-honest provision. It should be one of the primary motives of the government to ensure that the funds that are generated through the gaming industry reach the designated target. I expect the Minister to examine the amendment between here and another place.

Committee divided on amendment:

Ayes, 20

Andrianopoulos, Mr       Mildenhall, Mr (Teller)
Batchelor, Mr           Pandazopoulos, Mr
Coghill, Dr              Roper, Mr
Cunningham, Mr          Seitz, Mr
Haermeyer, Mr            Sercombe, Mr
Hamilton, Mr            Sheehan, Mr
Kennan, Mr              Thomson, Mr
Leighton, Mr            Thwaites, Mr
Marple, Ms (Teller)      Vaughan, Dr
Micallef, Mr

Noes, 56

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 (Teller)    Peulich, Mrs
Doyle, Mr           Phillips, Mr
Elder, Mr           Plowman, Mr A.F.
Elliott, Mrs         Plowman, Mr S.J.
Finn, Mr            Reynolds, Mr
Hayward, Mr          Richardson, Mr
Henderson, Mrs       Rowe, Mr
Honeywood, Mr

Hyams, Mr         Smith, Mr E.R.
Jasper, Mr        Smith, Mr I.W.
Jenkins, Mr       Spry, Mr
John, Mr          Steggall, Mr
Kennett, Mr       Stockdale, Mr
Kilgour, Mr       Tanner, Mr
Leigh, Mr         Thompson, Mr
Lupton, Mr        Traynor, Mr
McArthur, Mr       Treasure, Mr
McGill, Mrs        Turner, Mr
McGrath, Mr W.D.   Wade, Mrs
McLellan, Mr       Weideman, Mr
Maclellan, Mr

Amendment negatived.

Mr LEIGHTON (Preston) — I again raise several matters concerning the direction of funds to youth affairs and youth homelessness pursuant to clause 7(c) of the Bill. I will identify a number of specific concerns and ask the Attorney-General to respond to them.

The opposition welcomes the additional funding for the critical youth homelessness area, but it is important that it is not done at the expense of other areas. I ask the Attorney-General whether it will be at the expense of sporting clubs or other community services, or whether the government anticipates that the revenue in the Community Support Fund will be more than the amount originally projected so that some of the categories I have mentioned will not miss out.

In the second-reading debate I asked about the definition of youth homelessness. I ask the Attorney-General to place on record the government’s definition of youth homelessness, because it is much more than young people simply lacking a roof over their heads. I refer the Attorney-General to the 1989 Burdekin report on youth homelessness, which identified three groups of homeless youth:

1. the chronically homeless who, for whatever reason, are unable to move on to independent living situations;
2. those who are permanently detached from their families, but require only a minimum of support in order to make the transition into independent living; and
3. a proportion who leave home for short periods but are able to return after a “cooling-off period”.

Does the government accept Mr Burdekin’s definition of “youth homelessness” as it would
apply in proposed section 138(4)(c) of the principal Act after it is amended by the Bill? Youth homelessness is a complex issue. A person who does not have a roof over his or her head may not be considered homeless. A young person may be forced out of the family home but still have a roof over his or her head because he or she is staying in a youth refuge or an accommodation unit or, as many of the young homeless do, may move from abode to abode. Although the street kids are at the acute end of youth homelessness, the definition provided by Burdekin is a lot wider. I ask the Minister whether the government accepts that definition.

I also ask the government to provide some detail on the funds that will be directed towards youth homelessness. During the election campaign the coalition committed $4.7 million to its street kids policy. I suggest that was a sleight of hand because only $2 million is State government funding. The remaining $2.7 million is comprised of $700 000 that was committed up front by the Federal government and $2 million the Federal government will provide through the Supported Accommodation Assistance Program matched by the State government on a dollar-for-dollar basis.

As I understand it, the State government is committing only $2 million. Will the $2 million come from the Community Support Fund rather than from any other source? Is the State government really only talking about $2 million in additional funding? Recent newspaper reports suggest that today the government will announce an increase of between $6 million to $13 million a year for youth affairs and homelessness. The Minister responsible for Youth Affairs has booked the Dallas Brooks Hall for a seminar later today.

Will all that money come from the Community Support Fund, or will some of it be distributed from existing programs such as those operated by the three youth homelessness task forces in Frankston, Melton and Northcote-Preston? At least $300 000 that has been committed to youth homelessness is currently lying idle. Will it come from that area?

In December last year the Minister responsible for Youth Affairs, in his capacity as Minister for Small Business, knocked off the local enterprise development initiative. Although the local enterprise development centres received funding for only the first six months, funding for the full 12 months appears in the Budget Papers. It has been suggested in certain quarters that the Minister responsible for Youth Affairs will swing that money over from the small business portfolio to the youth homelessness program.

The Attorney-General has an obligation to provide the Committee with some idea of what it is being asked to agree to because clause 7 does not contain sufficient detail.

I also seek a specific response about what areas of youth homelessness the government intends to spend its money on under proposed section 138(4)(c). It is important that assistance be provided to our homeless youth by providing additional funds for refuges and accommodation units and perhaps for outreach workers. The alleviation of homelessness is only one aspect of the broad range of programs required for Victorian youth.

In fact, the irony is that because the government is slashing the education, health, transport and community services budgets the situation is exacerbated and youth homelessness will increase. The government will throw a few million dollars at the problem as a band-aid solution.

I seek an indication from the Attorney-General that the government is committed to allocating funds to youth homelessness and the early prevention programs, which are critically important. If the government funds refuges and accommodation units it runs the risk of institutionalising people provided with shelter. The government must do more. It must allocate funds to adolescent mediation programs to get the young people back home or into some form of training.

The government has a responsibility to define youth homelessness and indicate how much it will allocate to this desperate situation.

Progress reported.

The SPEAKER — Order! The Chairman of Committees reports that the Committee has made progress and seeks leave to sit again. The question is:

That the Committee have leave to sit again.

House divided on question:

Ayes, 57
Ashley, Mr  McNamaara, Mr
Bildstien, Mr  Maughan, Mr
Brown, Mr  Naphine, Dr
Clark, Mr  Paterson, Mr
Coleman, Mr  Perrin, Mr
Mr MACLELLAN (Minister for Planning) — I
declare this Bill to be an urgent Bill, and I move:

That this Bill be considered an urgent Bill.

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

House divided on motion:

Ayes, 57

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Noes, 21

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Motion agreed to.

Mr MACLELLAN (Minister for Planning) — I move:

That the time allotted for the remaining stages of the Bill be until 7 a.m. this day.

Mr ROPER (Coburg) — On the question of time, it was not necessary to handle this Bill during the night hours, as the House has done, but having sat through the night and having debated the Bill, the Chamber has arrived at only about the halfway point of the Committee stage. The Committee was dealing with key provisions of the Bill.

Clause 7 relates to the Community Support Fund and a number of issues must be addressed. An expenditure of some $30 million from the fund is a...
sufficient ground for a reasonable debate. The government has moved amendments about the use of the word “casino”. A number of organisations, including Tattersalls, and clubs have asked the opposition to question the government about that amendment and to move another amendment. It is obvious that the government does not want to debate such an amendment because it is now taking action to try to ensure that debate on what is essentially a bureaucratic and unnecessary amendment is stifled.

As a result of consideration, particularly of clause 7, I have developed a proposed new clause providing for the establishment of an advisory committee, details of which are in the hands of honourable members.

The SPEAKER — Order! Is the honourable member for Coburg debating the question of time?

Mr ROPER — Yes, Mr Speaker, I am pointing out to you and other interested honourable members that two major amendments have been circulated but the motion of the Acting Leader of the House will in all likelihood prevent the amendments not only from being debated but probably from being moved.

The amendment I was referring to when you sought my advice, Mr Speaker, was the proposed new clause, which I believe the House should have an opportunity of debating. Suffice to say this initiative would mean that the government had a capacity to obtain advice on how $30 million could be spent.

The government has now decided to provide only 30 minutes for debate on the remaining provisions of the Bill and is virtually preventing my two circulated amendments from being moved.

The government obviously wishes to avoid a third-reading debate because that debate would make it crystal clear that the government does not intend to help clubs like the Fitzroy Football Club; it simply wants to grab more money but give nothing in return.

It is appropriate that there should be time for a third-reading debate on the Bill. I am sure honourable members look forward to the Leader of the House, the Minister for Industry and Employment, replacing General McClellan — and I notice honourable members opposite welcome that suggestion. The last General McClellan was responsible for three years of union defeat — except that that union was the Union Army and he was the general commanding the troops!

The Acting Leader of the House, the Minister for Planning, has prevented a third-reading debate. Although there are limitations on what can be argued in such a debate, some time should be allowed for Parliament to further debate the provisions of the Bill.

Therefore, I move:

That the expression “7 a.m.” be omitted with the view of inserting in place thereof the expression “9 a.m.”.

My reasons for proposing an additional 2 hours of debate on the Bill are to ensure a full Committee debate, to allow the opportunity for divisions if the government chooses not to accept the amendments, and to ensure that there is adequate time for a third-reading debate.

It is not minor legislation; it is legislation for an industry that turns over more than $2 billion a year. It should not be rushed through Parliament as the Acting Leader of the House is proposing.

When we discussed the Bill in Committee, I directed attention to the purposes clause. When the Acting Leader of the House moved the adjournment, we had dealt with only three of the five purposes. We had not dealt with the purposes set out in clause 1(d) and (e), as follows:

(d) to amend the manner in which the Community Support Fund may be applied;

(e) to restrict the use of the word “casino”.

It is the responsibility of the House to allow adequate opportunity to debate the five purposes of clause 1, not just the three that had been debated when the guillotine motion was moved. It is generally a bad principle to move the guillotine, as the Acting Leader of the House has done. He did not give the opposition the opportunity of debating clauses 10 and 11, particularly the provision that deals with licences and the date on which the new licensing arrangements come into effect. That transitional provision is important and one on which some members of the House may have wished to speak.

I believe two and a half hours would be more than enough to enable the Parliament to complete debate on the legislation.
Mr STOCKDALE (Treasurer) — Yet again the opposition's conduct is incompatible with its argument. Over the past few years we have seen indulgence and hypocrisy in the arguments advanced in support of the guillotine motion. We have not only had the honourable member for Springvale arguing that Parliament should not be sitting and debating this matter; we have had members of the opposition repeating speeches virtually word for word — absolute tedious repetition — not only on one clause but on a succession of clauses.

Honourable members interjecting.

Mr STOCKDALE — Unfortunately I was here often enough to hear the honourable member for Preston repeat the same sentence several times. The opposition has used up virtually the whole of the time allowed for the Committee stage of the Bill and has not constructively argued the points with any lucidity; it has simply repeated the same tedious argument.

The debate has been going for more than three and a half hours on this relatively small amendment to what is undoubtedly an important Bill. The amendments are important, but they are straightforward.

The opposition has used virtually the whole of the time allotted for debate to protest about the debate continuing, yet when the government moves to bring it to a close after a more than reasonable time allocation, the opposition demands more time. Its conduct is incompatible with its argument. Moreover, since the Acting Leader of the House moved to bring the debate to a conclusion, the opposition has used up an additional 8 minutes by calling two futile divisions — not just one to mark its protest, but two. Not only that: the honourable member for Coburg took the time available to him to debate the question of time.

We will now have a repetition of what happened consistently throughout the spring sessional period: whenever the government moves to close a debate, the opposition will use up all of the remaining time in protesting so that there is no time available for substantive debate. I do not doubt that is exactly what we will see, and it ill behoves opposition members to protest that they did not have time to put their views. Time was available: we could have had substantive debate.

Mr SERCOMBE (Niddrie) — The government has brought about the farcical situation of having Parliament sit all night. Under normal management by the Leader of the House, the situation would not have degenerated into the farce we now face. All members of the House have had an onerous week with late sittings. The government chose in the small hours of this morning to introduce an item on the Notice Paper in circumstances where it would seem that the Minister for Planning had decided to test his capacity as the deputy Leader of the House in an atmosphere of imminent change to the government leadership.

The opposition has indicated that it wished to introduce several major amendments. The honourable member for Coburg has indicated his desire for a third-reading debate on important aspects of the Bill. We recognise that a third-reading debate is a somewhat narrower debate than a second-reading debate.

Legislation such as this deserves a third-reading debate. We are dealing with a major industry in Victoria that deserves significantly more detailed attention than it has been given on this occasion. The honourable member for Preston directed major policy issues to the attention of the House. He is entitled to make his contribution in several forms during the course of the debate but he has been unable to do so because, when he sought expressions of views from the Attorney-General, he was unable to get anything satisfactory.

For the Treasurer to belittle the contribution made by the honourable member for Preston is unnecessary and unreasonable. The honourable member for Preston has attempted to obtain answers to important questions that bear on the Bill, but has been unsuccessful. The opposition has not unreasonably moved for an extension of the debate until 9 a.m. I presume that in that period the sitting of the House will be suspended for breakfast, but I do not know what the government's intention is in that respect. However, it is scarcely unreasonable to request extra time to deal with the several considered amendments, which will improve the Bill, that the opposition will propose.

The opposition has also flagged its desire to seek further clarification on a number of matters in the third reading debate. The honourable member for Preston, in particular, is seeking clarification on substantive policy questions. The opposition requests that the government consider its not
Mr MACLELLAN (Minister for Planning) — By leave, I move:

That the question of time be debated for a further 30 minutes after the House resumes following the suspension of the sitting for breakfast.

Motion agreed to.

Mr CUNNINGHAM (Melton) — Earlier I raised with the Attorney-General matters concerning the amendments proposed in the Committee stage. The Minister was not in the Chamber at the time. I also mentioned the opposition's support for the thrust of the amendments to clause 9 and mentioned the opposition's concerns about the retrospectivity of that clause. I asked questions specifically related to retrospectivity, because an amendment to be proposed by the honourable member for Coburg refers to 17 March and there is nothing in the Bill or in the Minister's second-reading speech — —

Mr ROPER (Coburg) — On the point of order on the question of time, Mr Speaker, if the honourable member for Mornington, who seems to raise these points of order at opportune times, had been in the Chamber during the second-reading debate on this matter he would have been aware that the honourable member for Melton raised the issue of clause 9 and because the Minister was absent for a considerable time she did not respond to the issues he raised. I put it to you, Mr Speaker, that the honourable member for Mornington would not have had to raise his point of order if he had been in the Chamber and had known what occurred in the earlier debate.

Mr CUNNINGHAM (Melton) — On the question of time, Mr Speaker, no opportunity was available for the Minister to reply to my original remarks in the second-reading debate — —

Mr COOPER (Mornington) — On a point of order, Mr Speaker, the debate on the question of time is a very narrow debate, as successive Speakers in my time in this place have pointed out to members who have attempted to debate the issue.

Mr CUNNINGHAM (Melton) — I was saying, Mr Speaker, that I did not receive an appropriate response from the Minister, who was absent from the Chamber. She replied on the points raised by a number of other speakers but did not address my queries. Included among my questions were: how significant is the problem regarding casino signs, which would become illegal once the amendment was passed? Where is the problem? How many business organisations, individuals and premises are involved?

Mr COOPER (Mornington) — On a point of order, the debate on the question of time is a very narrow debate, as successive Speakers in my time in this place have pointed out to members who have attempted to debate the issue.

The honourable member for Melton has hardly used the word “time” and has not touched on the subject of time. You, Sir, have attempted to bring him to the point. He is now debating the substantive issues of the matter before the House. He is not debating the question of time.

I suggest that if the honourable member has nothing to add to the debate on time he should sit down so that the House can resolve the matter and then get on with the substantive issues before it.

An Honourable Member — You need more time.

Mr CUNNINGHAM (Melton) — I need more time to see how the Minister will handle the question of retrospectivity in regard to clause 9. If the Minister's response is not made soon I will not have information I need to debate the matter further. I was seeking from the Minister — —

Honourable members interjecting.
Prior to that the Bill was in the Committee stage and had reached debate on clause 7. When I spoke on clause 7 I raised a number of important issues relating to youth homelessness and I put on the table four issues that I believe require detailed and substantial response from the government. If the guillotine is applied I will not receive that response. One wonders whether a reason for moving the guillotine was to protect the Attorney-General so that she did not have to respond. My rights as a member have been denied. Apart from clause 7 a further four clauses need to be debated and a half-hour would not have been sufficient time for that debate. In addition further amendments were to be moved by the honourable member for Coburg and he will not have the opportunity of moving those amendments if the guillotine is applied.

The government has the numbers in this House and therefore has control over the time allowed for debate. It is not the fault of the opposition that the government was caught short by having no legislative business for the first two weeks of the session. It is not the fault of the opposition that the government now has a log jam of Bills and is seeking to move the guillotine on one Bill after another to clear that log jam. The government could have introduced its Bills at the start of the session and allowed adequate time for orderly debate on each Bill. The session did not commence until 9 March. It was in the hands of the government to start the session some time in February, and that would have allowed a number of additional sitting weeks with an orderly schedule allowing adequate debate of Bills. The government is now proposing to allow only a further half-hour for debate on this Bill, and that time has already expired.

Having previously determined that the House should sit on Friday of this week and having kept the House sitting all Thursday night, the government is now cynically trying to leave the Chamber before it has to face question time. That is no way to conduct the business of the House. It is not sensible for the participation of members or for the health of staff, nor is it consistent with Westminster principles. It is open to the government to discuss with the opposition the scheduling of Bills and the time that should be allowed for debate on each rather than ramming through Bill after Bill.

This is clearly just the start of it. One Bill was guillotined early this week; this Bill is now being guillotined, and Bill after Bill will be guillotined in the next few weeks as the government becomes increasingly desperate about getting its Bills through
quickly and without debate. The community is the loser. Although in the immediate sense the members on this side of the House are having their rights removed, it is not only the rights of the members that are affected but also the rights of their constituents.

Members on the other side of the House should be equally concerned that only half an hour has been allowed for debate because it will mean they will also have no opportunity to speak. I suspect they take some comfort in that fact. The oncers on the other side are not allowed to take part in these debates. They do not have the capacity to do so. It then becomes very easy for the oncers to go back to their electorates and say, "Sorry, we couldn't put views on behalf of our local communities because there wasn't the time to do so". You will not get away with that. Your local communities — —

The SPEAKER — Order! You will address the Chair, Sir.

Mr LEIGHTON — The communities that these oncers are not representing will see that their representatives are not participating in the affairs of the House. Those members will not be able to get away with hiding behind guillotine motions.

We are only half way through the session and it is outrageous that the government is resorting to guillotining legislation at this stage. It does not augur well for a number of other important pieces of legislation that are still on the books. If honourable members opposite have any commitment to the Westminster principles, they should stand up for them, resist the guillotine and ensure that the rights and privileges of members on both sides are observed so that everyone is given the opportunity to participate in debate.

The SPEAKER — Order! I call the honourable member for Werribee.

Honourable members interjecting.

Dr COGHILL (Werribee) — I thank members opposite for welcoming me to the debate. The motion on the question of time was moved by the Minister for Planning in his capacity as Acting Leader of the House. It is with some regret that I am reminded that as late as yesterday afternoon — technically it is the same sitting day — I praised the capacity of the Acting Leader of the House on the basis of my recollection of the skill he displayed from time to time as Leader of the House during my first term in Parliament. Perhaps I gave him the kiss of death in making those remarks!

The SPEAKER — Order! I do not know about the kiss of death, but you will get the coup de grâce if you do not get on to the question of time.

Dr COGHILL — Thank you for your guidance, Mr Speaker. In moving the motion before the Chair, the Acting Leader of the House has betrayed the capacity he displayed in the past. It is regrettable that the motion was moved. Essentially it arises because the House is unable to organise its business in an orderly fashion in the manner described by the honourable member for Preston. That has occurred for the sorts of reasons that we have discussed on many occasions in the past, including discussions in which the Minister for Planning took part as a member of the Standing Orders Committee.

The Acting Leader of the House again betrays his capacity to address the underlying problems that led to the current position in which the House finds itself. If he had taken the trouble, for example, to examine the way the South Australian Parliament orders its business, he would know that the question of time now before us would not have arisen. He would know that there would have been a motion before the House that would effectively prevent this sort of occurrence.

I will not debate in detail the mechanism used in South Australia, but our neighbouring State, which also has a Westminster-style Parliament, has shown the way by using a simple mechanism to allow the orderly arrangement and consideration of the various questions that come before the House, regardless of whether they be Bills or other matters.

That issue has been previously considered by members of the House — by the Standing Orders Committee of the previous Parliament and by the Legislative Assembly of the previous Parliament, so this House has had the opportunity to take some action to prevent this absurd situation from arising again. It is simply a matter of the will being there, particularly the will of the majority of the House.

Mr Speaker, as you would be aware, it was the lack of will of the Parliamentary Liberal Party as distinct from the coalition during the life of the previous Parliament that prevented the introduction of such an orderly system into the Victorian Parliament.

The SPEAKER — Order! I have to interrupt the honourable member. He must get back to the
question of time. He is canvassing a host of issues and must relate those to time.

Dr COGHIll — I suggest that the question of time would not be before you, Mr Speaker, or the House, if we had a more orderly system for dealing with business, whether it be government business or other matters. The way in which the motion was moved and is now proceeding is absurd. I do not recall the exact time at which the motion was moved, but it was somewhere around 6.35 a.m. At that time the Acting Leader of the House proposed that the time for debate on the principal question be until 7.00 a.m.

The Standing Orders provide for debate on the question of time to proceed for 1 hour. A 25-minute period was proposed for debate on the principal question before the House, the conclusion of the Committee stage of the Bill and the third reading. It was an absurdity to move such a motion. Quite frankly, all of us know that the Acting Leader of the House is capable of a much better performance than that. The amendment moved by the honourable member for Coburg is the only sensible and logical course of action to be taken. It is long past 7 a.m.; it is approximately 8.47 a.m. In those circumstances, it would be absurd for the House to reject the amendment proposing that the time allotted be until 9 a.m. and to support the principal motion before the House.

There are many good reasons why there should be at least some time provided between now and 9 a.m. for debate on this question. Fitzroy supporters in particular are very interested in the implications of a number of clauses in the Bill. Members of the House deserve to have the opportunity for the community to hear their views through their contributions to the debate. I will not go into the merits of the case. I know that you would not permit me to do that, Mr Speaker. The question of time is to be considered.

In addition to the provisions and the proposed amendments that apply to the Fitzroy Football Club, a number of other provisions are particularly important. I have a lot of sympathy with my colleague in a neighbouring electorate, the honourable member for Melton, who wants the Minister to respond on the issues he raised concerning clause 9. I will not go into the merits of the case he put forward, but it is only fair and proper that the Minister have the opportunity of responding to those concerns about the possible interpretation and effect of clause 9. I will not speak in detail on the remaining provisions. I want to provide the opportunity for others to speak if they wish to do so.

I reiterate that it would be absurd in the current circumstances to support the motion. The logical thing to do is to support the amendment. In the longer term, the logical thing to do is to introduce a mechanism whereby the House can avoid this absurd situation and properly organise its business.

Mr CLARK (Box Hill) — Since 8.30 a.m. I have been listening in total amazement to the utter humbug coming from the honourable members for Preston and Werribee. Anybody reading the record of the debate will see that those honourable members have condemned their case from their own lips.

Having protested about the need for more debating time since 8.30 a.m., and after the honourable member for Werribee having remarked about the desirability of debating the issue prior to the expiry of time proposed by the honourable member for Coburg at 9 a.m., the honourable member for Werribee then proceeded to use up at least another 3 minutes of debating time. Both honourable members made their case look ridiculous by their very own words; their conduct is simply a continuation of the filibustering tactics employed by the opposition over the past few days which are bringing this Parliament into total disrepute.

I know the honourable member for Werribee has some level of commitment to the institution of Parliament. If the opposition wants to make this Parliament work properly its members should behave with some sense and sensibility and allow the Parliament to work properly rather than wasting its time and the taxpayers' money, as has been the case over the past few days.

Mr THOMSON (Pascoe Vale) — I am invited by the Acting Leader of the House, General Maclellan —

The SPEAKER — Order! The honourable member for Pascoe Vale knows better; he should refer to members by their proper titles.

Mr THOMSON — According to history, General George B. McClellan, the namesake of the Acting Leader of the House, lost most of his troops in battle!

I support the amendment of the honourable member for Coburg. I am concerned that honourable members on both sides of the House — I include
myself — have not been given the opportunity to speak on this important Bill.

The way the business of the House has been conducted, particularly overnight, is nothing short of disgraceful. All honourable members on both sides of the House have been concerned about this situation. No-one is happy about the way Parliament has been conducted overnight; it reflects no credit on government or opposition members of Parliament when Parliament sits overnight, damaging the health of its members. The capacity of the government to run the affairs of the State is diminished.

The current situation will not be resolved by the motion moved by the Acting Leader of the House to guillotine the Bill. It is absurd that the effective time for debate will be nil. Government members should not support the motion enforcing the guillotine, but I daresay they will. A sensible approach should be taken to the management of the business of the House. This can be achieved if there is a will. It is not a question of using the guillotine in the way the Acting Leader of the House has suggested; it is a matter for the government to manage its business properly.

In case the fact has escaped honourable members opposite, it is the responsibility of the government to manage the affairs of this House. It is the responsibility of members of Parliament to introduce Bills in a timely way early in the session. If the legislative program cannot be dealt with in sufficient weeks, it is the responsibility of the government to add additional days at the end of the session, not to inform the House that the Premier has to go overseas, and that cannot be done.

If the session were extended, the business of Parliament could be conducted in an orderly and proper fashion. Sufficient time would be allowed for question time, which government members seem to want to avoid, and the current absurd situation would not recur.

Honourable members on both sides of the House are aware that the business of the House can be better managed than has been the case overnight or, indeed, over the past few weeks and during the last session of Parliament. It is the responsibility of all honourable members to manage the affairs of State properly. That responsibility includes the timely introduction of legislation and agreement on the time for debate and, if necessary, extending the number — —

Mr LEIGH (Mordialloc) — On a point of order, Mr Speaker, are you aware that there is a television camera in the House?

The SPEAKER — Order! The matter is being dealt with.

Mr THOMSON (Pascoe Vale) — It may be necessary to extend the Parliamentary session so that Bills can be debated sensibly by members of Parliament, so that they can properly represent their electorates and so that Parliament is not compromised by the absurd sitting times that have been experienced overnight and over the past few weeks. I ask the government to take a more sensible and long-sighted approach to the management of its affairs.

Mr LEIGH (Mordialloc) — I support the Acting Leader of the House and the decision to push the legislation through. Enough time has been taken up with this matter. As the honourable member for Coburg well knows, he was the Leader of the House in the former Labor government, and as the honourable member for Pascoe Vale knows, this is a disgrace. All honourable members have responsibility for the management of Parliament, not just government members — —

The SPEAKER — Order! The honourable member must relate his remarks to time, as he has told other members to do several times.

Mr LEIGH — The reason the government has arrived at this decision is that the opposition is not prepared to cooperate in the interests of Parliament. The opposition is frustrated; it is attempting to frustrate the will of the people of this State. Honourable members have a responsibility to accept that the imposition of the guillotine is in the interests of Parliament. Parliament can then proceed and protect the health of its members! If the honourable member for Pascoe Vale is so interested in protecting the health of members of Parliament he should vote with those on this side of the Chamber.

Mr MICALLEF (Springvale) — It is an absolute disgrace that honourable members are debating this Bill at this hour of the morning. As somebody said on the radio, we are at our worst at 3 a.m. I beg to differ; I think we are at our worst at 9 a.m! Before debating this Bill properly honourable members need a lot more time and a good night’s sleep. A proper time frame is required — not just any time.
Three clauses remain for debate; each one is important and needs to be considered individually. Honourable members need more time to examine the clauses so that they can fully understand the ramifications of the Bill. We are being denied the chance to properly scrutinise the Bill, and that is an absolute disgrace.

Honourable members interjecting.

Mr MICALLEF — The guillotining of the Bill shows that the government has lost the plot. It is all over the place. It is absolutely leaderless!

Honourable members interjecting.

The SPEAKER — Order! The Chair has made allowances for the fact that everybody is tired and scratchy, but enough is enough. Honourable members have gone too far. There are too many interjections and too many conversations on the side. The honourable member for Springvale will be heard in silence.

Mr MICALLEF — The government has lost the plot. It is trying to ram through Bills without proper debate. That is unacceptable to my electors — and it is unacceptable to the media. You lot will get an earful from the media this morning! The government will be asked why it has kept honourable members up all night to force through legislation without allowing time for its proper perusal.

Honourable members have been fed scrambled eggs and bacon in an attempt to try to keep them awake.

Mr LEIGH (Mordialloc) — On a point of order, Mr Speaker, when I raised this matter a short time ago you said the matter was in hand. I point out to you that the television camera is now filming. Have you given permission for that?

The SPEAKER — Order! By resolution of the House permission has been given for the filming of the proceedings. However, the television camera must be focused only on the honourable member who is speaking. It is not to be panned around the Chamber, filming the results of an all-night sitting!

Mr MICALLEF (Springvale) — That is a very sensible decision, Mr Speaker, because the forcefulness of the arguments of honourable members on this side of the Chamber for more time to examine the three clauses can be recorded on film by the television camera. Honourable members must be given the time to go through the clauses one by one so that they can put their cases and so the Attorney-General can explain what is meant by homelessness and government action and what effect government inaction will have on the Bill.

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

Amendment agreed to.

The SPEAKER — Order! The effect of the amendment is that the time allotted will be extended to 9 a.m.

Motion agreed to.

Committed.

Committee

Resumed from earlier this day; further discussion of clause 7.

The CHAIRMAN (Mr J. F. McGrath) — Order! The time allotted for the Committee stage of the Bill has expired.

Committee divided on clause:

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Mr MACLELLAN (Minister for Planning) — I declare that these Bills are urgent Bills, and I move:

That these Bills be considered urgent Bills.

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

House divided on motion:

Ayes, 55
Ashley, Mr 
Bildsten, Mr 
Brown, Mr 
Clark, Mr 
Coleman, Mr 
Cooper, Mr 
Davis, Mr 
Dean, Mr 
Doyle, Mr 
Elder, Mr 
Elliott, Mrs 
Finn, Mr 
Hayward, Mr 
Henderson, Mrs 
Honeywood, Mr 
Hyams, Mr 
Jasper, Mr 
Jenkins, Mr 
John, Mr 
Kennett, Mr 
Kilgour, Mr 
Leigh, Mr 
Lupton, Mr 
McArthur, Mr (Teller) 
McGill, Mrs 
McGrath, Mr J.F. 
McGrath, Mr W.D. 
McLellan, Mr 
Maclellan, Mr 
Micallef, Mr 
Mildenhall, Mr 
Pandazopoulos, Mr 
Roper, Mr 
Sandon, Mr 
Seitz, Mr 
Sheehan, Mr 
Thomson, Mr 
Thwaites, Mr (Teller) 
Vaughan, Dr (Teller) 
Wilson, Mrs

Nees, 24
Andrianopoulos, Mr 
Baker, Mr 
Batchelor, Mr 
Coghill, Dr 
Cole, Mr 
Cunningham, Mr 
Garbutt, Mrs 
Haermeyer, Mr 
Hamilton, Mr 
Kirner, Ms 
Leighton, Mr 
Marple, Ms

Mr MACLELLAN (Minister for Planning) — I move:

That the time allotted for the remaining stages of the Bills be until 11 a.m. this day.

Mr ROPER (Coburg) — The government has lost the plot; it has no idea how this place should function. This will be the briefest debate on a Budget or Supply Bill for more than 20 years. So far there has been only 12 hours of debate on this disastrous mini-Budget as opposed to the 24 or 30 hours of debate that normally occurs on the Budget.

The Premier and the Leader of the House say that these are urgent Bills. The 1992-93 Appropriation is largely historical. It is as much a report about what has occurred this year as it is about what will occur in the future, and the Supply Bill does not come into effect until 1 July. Where is the urgency about that? There is all of May and June when the Bills could be passed.

This motion makes a total lie of the Governor’s speech. The Governor said Parliament would have meaningful debate. The government is not allowing that to happen; it is using its numbers to ram
through this mini-Budget without allowing the members who wish to take part to speak. We are already in a situation — —

Honourable members interjecting.

The SPEAKER — Order! I do not want to take up the honourable member’s time, but the House must come to order and the noise must cease.

Mr ROPER — In this session we have already had as many guillotine motions as we had in the four years that I was a Minister and Leader of the House. The government is avoiding debate by moving guillotine motion after guillotine motion. Previous Budgets and previous Supply debates had more than 20 hours of debate before the guillotine was moved. As honourable members opposite would be aware, on almost every occasion when members of the opposition wished to speak they were able to do so. That happened time and again through the 1980s and it also occurred during the 1970s when the Hamer government was in place. Those governments allowed debate on the Budget; they did not simply make their Budget, shut up shop and fly away. Parliament must demonstrate that adequate time is allowed for debate on these Bills. Therefore, I move:

That the expression “11 a.m.” be omitted with the view of inserting in place thereof the expression “6 p.m.”

That will allow every opposition and government member who wishes to make a contribution to do so.

This type of restriction has not occurred before and I hope it will not occur again. If one takes into account the time the Treasurer and the shadow Treasurer spoke on these Bills, almost no time has been allowed for other members to speak. The Treasurer and the Premier are simply running away from their mini-Budget and do not want it discussed in this place.

Mr KENNAN (Leader of the Opposition) — In opposing the motion moved by the Leader of the House and supporting the amendment moved by the honourable member for Coburg it is important to note that there was no need for what has occurred. There was no need for the House to sit all night. There is little on the Notice Paper for next Tuesday and Wednesday. The government has moved to recall the House next Tuesday and Wednesday.

Mr KENNAN — The bulk of the government’s Bills are for next Thursday and there is ample time for them to be dealt with. After keeping the House sitting all night, it is extraordinary to suggest that the Budget debate should be truncated at 11 a.m. Apart from the Treasurer only four members on the government side have spoken in this debate. The government is not only denying the right of opposition members to speak but is obviously keeping its own backbenchers on a short leash.

Many opposition members still want to speak. This is a record low in the number of hours allowed for the Budget debate and it is clear that we have no more than an hour to debate the Bills, whereas we could easily have the remainder of the day.

It is also to be noted that the government went to unprecedented lengths to say to the public of Victoria how important this mini-Budget is. It took out newspaper and television advertisements and changed the graphs around. It sent out leaflets and distributed a lot of propaganda. The government claims that the mini-Budget is of critical importance to the present and future generations of Victorians but it will now apply the guillotine and allow only until 11 a.m. for debate. The amendment moved by the honourable member for Coburg will allow debate until 6 p.m.

No Bills were debated in the first two or three weeks of this session. In fact, the government had to pad out the Address-in-Reply debate; the House had a record number of speakers in that debate because there was no other business available to be debated. The government now moves this guillotine because of its incompetence in not having a legislative program organised so that Bills were ready when the session began. The government now wants to extend the session, apparently because of the Premier’s engagements.

Mr Kennett interjected.

Mr KENNAN — Apparently the Premier interjects that the government cannot sit next week. The opposition is available next week.

Mr Kennett — So are we.

Mr KENNAN — We can sit Tuesday and Wednesday but there is not much on the Notice Paper.

Mr Kennett interjected.
Mr KENNAN — The Premier is now confirming by interjection that we will sit next Tuesday and Wednesday. Also Thursday and Friday?

Mr Kennett — Not Friday.

Mr KENNAN — The Premier has certainly confirmed Tuesday, Wednesday and Thursday.

Mr Stockdale interjected.

Mr KENNAN — The Treasurer has said to the public of Victoria how profoundly important he is, apart from the importance of the mini-Budget that he has brought down. He is well known for taking himself excessively seriously. Although he says that this mini-Budget is enormously important, it is obviously not so important that Parliament can properly debate it. When it comes to importance, time in Parliament does not rate on the government’s scale. What is important to the government is the media space it can buy with taxpayers’ money. When it comes to a full and proper debate in Parliament, time for debate is reduced to a record low.

That reflects the contemptuous attitude of the government towards members of Parliament and all the people they represent. It is absolutely contemptuous of the people of Victoria for the government to say that it will allow only a tiny number of hours for debate on the Budget Bills.

Having kept us up all night when we were ready to continue debate through the day and sit next Tuesday and Wednesday, the government now says that we must wrap it up by 11 o’clock. What possible justification can there be for wrapping it up at 11 o’clock? We know that a couple of Ministers have media appointments this morning, but that is no excuse.

The government wants to wrap up debate on the mini-Budget that it says is profoundly important. This will no doubt be the recurring pattern of behaviour; the opposition will resist on this occasion and on other occasions.

Mr KENNETT (Premier) — It has just been demonstrated to the House how the current, new and temporary Leader of the Opposition and the honourable member for Coburg are adopting in this place the same tactic that John Halfpenny adopts outside.

Let me clearly explain what has happened today. On Tuesday, the first day of this week’s sitting, two pieces of legislation were passed between 2 p.m., the time at which we began sitting, and 4 a.m. That was simply because opposition members, for political reasons, adopted the tactic of filibustering. There was no substantive content in the majority of speeches. Members of the opposition used up all the available time in meaningless repetition. So Parliament sat from 2 p.m. until 4 a.m. without the opposition giving any consideration to the wellbeing of members or staff. The government did not apply the guillotine; it hoped at some stage the opposition would come to its senses and use the time correctly. On Wednesday the same situation arose. Today, Thursday, when debate started, as the Leader of the Opposition knows, we had an understanding that debate on one Bill would be finished by 9.30 p.m. Debate on that Bill went an hour and a half beyond that. When speaking about where we were going today, the Leader of the Opposition said, “I am sorry. I was not here at the time”. He recognised that what the opposition was doing was totally unacceptable.

We will not allow the staff of Parliament or members to tolerate the performance of the opposition, which is introducing tactics that totally disregard the rights of the community. In the interests of staff and members, the operation of the federal system should be considered. I thought that, with agreement, we could introduce those arrangements to Victoria. We have tried it this week and it has not worked because the opposition has filibustered. I hoped debate would be finished at 10.30 every night and the adjournment would then be moved. To sit until 4 a.m., 2 a.m. and then all night is unacceptable, but the opposition has demanded that we occupy that time with monotonous repetition for political reasons, with total disregard of the public interest.

Mr Sercombe — We only had four speakers.

Mr KENNETT — Let me be honest and let the Leader of the Opposition be honest. The number of Bills introduced by the former government on which no Labor backbenchers spoke, including the former government’s Budget Bills, show the opposition’s total hypocrisy. It is motivated only by politics.

An honourable member interjected.

Mr KENNETT — We will get the figures out and show how irrelevant its backbenchers were to the Labor government.
Mr Leighton — How about your backbenchers?

The SPEAKER — Order! I ask the Premier to resume his seat. I do not want to take action against any member, but I will not allow that sort of interjection again. I ask the honourable member to cooperate, as I ask all honourable members to cooperate with the Chair.

Mr KENNETT — Government members want to work in a way that allows people to make constructive contributions to the debate. If the full time allotted for debate is needed, it should certainly be used. The quality of a speech is not based on the time taken but on what is said — it is content rather than length.

An honourable member interjected.

Mr KENNETT — That is a typical example. Between sessions a new Sessional Order will be considered.

An honourable member interjected.

Mr KENNETT — It will be based on the Canberra model, one used by the Labor Party in government in Canberra.

Mr Kennan interjected.

Mr KENNETT — The number of weeks the Federal Parliament will sit this year will be substantially fewer than the number of weeks this Parliament sits. The Federal model preserves the interests of staff and members. As I understand it, the Federal Parliament sets out a program for the session. The House moves the adjournment every night at 10.30. At the end of the session, any legislation that has not been debated is automatically passed. In other words, a discipline is imposed on members to make constructive contributions. This is the way in which a Parliament should work.

Parliament is sitting these hours against the will and whim of, I suspect, staff and members for one reason only. The government tried on Tuesday and Wednesday to allow the opposition to make constructive contributions, but it used this place in the same way that Mr Halfpenny uses the public — to disrupt. In the interests of the staff, members and the Parliament, the government has decided that enough is enough. It is time for Parliament to address the legislation. Having tried in this session to give the opposition the opportunity to participate in a meaningful way and the opposition having again failed the test, we will look at the Federal system. The staff and members of the Victorian Parliament deserve better. Unfortunately the Leader of the Opposition has failed to show any sense of leadership or discipline in the interests of people. Through the motion we are taking charge of the Parliament so that the government can get its legislation through. We have given the opposition weeks but it has abused the system, the staff and the process.

House divided on omission (Members in favour vote No):

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Second reading

Debate resumed from 21 April; motions of Mr STOCKDALE (Treasurer).

Mr KENNAN (Leader of the Opposition) — The tacky end to the debate on the mini-Budget — the dishonest way in which the government has pursued its arguments, the authoritarian streak that is evident in its approach to closing down Parliament and guillotining debate, the attempts to instil fear and the threats inherent in the Premier’s intervention — characterise the mini-Budget itself.

The mini-Budget is informed by the same meanness and the same authoritarian, rigid and ideological doctrines that inform the government’s approach to the debate itself. In 1991-92 no fewer than 61 hours were allotted to debate on the Budget. In allowing only 13 hours for debate on the mini-Budget, the government gives the lie to any suggestion that it is serious about trying to take the community or Parliament along with it.

The shadow Treasurer has competently outlined the government’s flawed financial strategy. The mini-Budget does not provide any answers because it oversimplifies the problems. The financial management issues facing Victoria do not have as their cause the alleged excesses of the previous Labor government, which the Treasurer and the Premier have spent so much time propagandising about. All the graphs the Treasurer has published, including the graph showing the trend line for unchanged Labor Party policies - a government invention - go right off the wall. They are massively dishonest.

The Labor Party might as well publish a graph that shows extrapolations of all the cuts the government intends to make over the next two years. The graph would show that if those policies remained unchanged, by 2005 not one person would be left in the public sector and the State debt would stand at over $100 billion!

Mr Stockdale interjected.

Mr KENNAN — The Treasurer says it would not be accurate. He came right in! Nor are his graphs accurate — the point is the same.

For the past 20 years or more Victorian industry has been going through the most significant restructure in its history as part of the internationalisation of the Victorian economy. Anyone who thinks about the
issue and who examines the figures for that time knows that government revenue has been hit hard by three factors: firstly, the recession; secondly, changes to Federal-State funding arrangements, which have disadvantaged Victoria by some $800 million or more depending on the figures that are used; and thirdly, a period of high interest rates.

Expenditure on government services had been reduced. On every indicator, during the six years prior to the Budget brought in by the incoming coalition government, expenditure did not increase; in fact, it decreased as a percentage of gross State product from 19 per cent in 1986-87 to 17.5 per cent in 1990-91.

The Kennett government has simplified the financial issues facing Victoria and, after delivering two financial statements — a number of commentators have pointed out that this is not a Budget in the real sense because it sets out a number of one-line targets without any description of how they will be met or the programs that will be altered to meet those targets — all we know is that the government has a plan to remove 30 000 public servants from the public sector by borrowing $2.3 billion, which will add to the State debt and future interest payments, and that expenditure is to be cut by a further $706 million over the next two years.

This is the strategy of a mini-Budget that claims to reduce debt and the burden of interest payments by 1995-96. However, there will be a 19 per cent increase in debt, which will increase expenditure by a further $6 billion and there will be a 34 per cent increase in interest payments of $595 million!

The government’s narrow, dry, boring, unimaginative, destabilising, fear-instilling, authoritarian and anxiety-adding objectives will fail because, despite the cuts, the problems are not being faced. The issues facing Victoria are more complex than the government, for all its ideological rhetoric — we know the government is fixed in time —

Mr Baker — Especially the Treasurer!

Mr KENNAN — Especially the Premier, the Treasurer and the Minister for Industry and Employment. Their agenda is set in concrete. It was set in their minds in the 1970s. The Minister for Industry and Employment confessed this. Although light reference was made to his whisky, the important point in his remarks is that he was living out an obsession. He went away and thought about the things he did not like about unions. He reflected on his period as an industrial advocate and considered all that he would like to do to unions. He said, “If I had the power, what would I want to do to my industrial opponents?”

The Premier ran an advertising agency during the 1970s that brought the first Supreme Court action for a long time against the Printing and Kindred Industries Union and a union official. The agency got an order for an injunction and an order for costs and it executed the order for costs. This was long before the H. R. Nicholls Society began. These are the attitudes that were set in place a long time ago.

The Treasurer’s strategy is set in the rigid mind-set of Reagan and Thatcher economics. He does not believe the government should play a role in market forces; he believes all that is necessary is for the government to get out of everything and allow the market to take over. It is not a doctrine that is espoused in any Asian country. The Premier will not be espousing it in any of the countries he will be visiting. He wants to wind up Parliament so that he can visit Asia. The government’s strategy has been massively rejected in the United States of America.

The government is frozen in an intellectual, ideological and political attitude; it is fossilised. While the rest of the world has moved on, it is still practising methods that were set in its mind a long time ago. Tensions are emerging. The government was criticised quite properly by the opposition for bringing down a mini-Budget that damages confidence —

Mr Leigh interjected.

Mr KENNAN — The honourable member for Mordialloc is the government’s intellectual high point. He is the witty person on the government benches and, as he sits next to the Treasurer, that is not a hard task! The government got a caning from the press because of its mini-Budget. The Australian Financial Review had a headline, “Victoria’s Budget hobbles national economy”.

I put this question rhetorically, because I know the sensitive mind that inhabits the Chair! What other State has been accused by a major financial newspaper of bringing down a Budget that is damaging to the national economy? This is a first! The economic rationalists were going to set the State right, but not only Victoria but the whole of Australia has taken fright! A week later the Premier was running around — because he realised there
were enormous dangers in the strategies the government had embarked on — desperately looking for major projects to invest in. After the government had cut $1 billion from the capital works program he suddenly announced that it would be spending $1 billion on a capital works strategy.

There was mention of a petrol levy. We know the Treasurer and the Treasury do not like the notion of a petrol levy. We know the trend for roads is bleak. The government has been trying unsuccessfully to get an appropriate share of Federal funds for Victorian roads. The government's internal documents show that road building throughout Victoria has suffered massive cuts. Over the life of this Parliament the Goulburn Valley Highway, the Western ring-road and the Western bypass has been slowed down because the government has cut capital works.

Mr Finn interjected.

The ACTING SPEAKER (Mr E. R. Smith) — Order! The House will come to order.

Mr KENNAN — Thank you for your protection, Mr Acting Speaker. One can understand the honourable member for Tullamarine being toey because the former Labor government got the Western Ring-road going. As Minister, I turned the first sod. It was opened before the State election, but the coalition government is now running away from it.

Mr Finn interjected.

The ACTING SPEAKER — Order! The honourable member for Tullamarine is out of his place and is out of order.

Mr KENNAN — We can see there is massive tension. The financial press says that the mini-Budget will not only damage Victoria but it will damage Australia. Honourable members can take heart from the fact that no Asian country has said anything about it. Japan has not said, "This is so bad it could damage Japan". The Japanese Prime Minister is in Australia at present, but he would be too diplomatic to express such sentiments. Perhaps that is the high-water mark. At least the Treasurer can be consoled by the fact that he was only damaging the Australian economy and not the international economy.

Ever since then we have seen the Premier suddenly decide that it is the role of government to try to do something to support the Victorian people, to build confidence and to plan and invest in the future. But it is too late. The Premier's plan is haphazard and is resisted by the Treasurer.

Mr Leigh — How did you pay for it?

Mr KENNAN — By a levy on petrol. The government should have started major infrastructure work by now. The former government did the hard work and the plans were on the drawing board, but this government is paralysed by indecision and infighting.

An enormous ideological divide exists between the Premier, who rushes around intervening now and again and understands in brief flashes that it is important to fix up the City Square and to continue what the former government started, and the Treasurer, who understands now and again the importance of infrastructure in and around Melbourne and who ironically has decided to expand the National Tennis Centre! Isn't that amazing? The Pauline convention does not hold a candle to this government and its dishonesty.

Mr Leigh interjected.

Mr KENNAN — The honourable member for Mordialloc is the intellectual humorist of this government! The opposition understands his intellectual influence on this government.

Suddenly last week a range of projects were announced by the Premier, two weeks after the Victorian Treasurer was accused by the Australian Financial Review of hobbling the national economy by cutting $1 billion off capital works. That signifies the chaos in the government. Its Budget strategy is unravelling, and the divisions in the government are becoming apparent. The Premier and the Minister for Industry and Employment have been fighting over where the Office of Trade and Investment should be located. Further, this government has no commitment to industry policy. That is an area that has suffered the heaviest cuts in the Budget.

Mr Leigh interjected.

The ACTING SPEAKER — Order! The honourable member for Mordialloc is out of order and out of his place.
Mr KENNAN — Go back to your seat and interject from there.

The ACTING SPEAKER — Order! The Leader of the Opposition, without assistance.

Mr KENNAN — The government is very tense. Its ideology is breaking up and fights within the ranks of the government are becoming increasingly apparent. What is really worrying is the damage that that will do between now and the next State election. The government does not seem to want to invest in the future of or instil confidence in Victoria. The Budget is concurrent with a political strategy of constantly creating crisis.

Unfortunately the people running the State can only work in crisis. Suddenly they decide to sit all night but then come back at 10 o'clock in the morning and suggest that Parliamentary reform is needed. They did not want to discuss it when they were in opposition, nor did they want to discuss Parliamentary reform at 4 o'clock yesterday afternoon. All they want to do is whip up a lot of false fears instead of solving the State’s problems. They do not understand the damage they are doing.

This is an age of anxiety in which the fabric of people’s lives, whether in domestic living, in work patterns or in the sense of the nation, are being changed — something that the Premier is off the air about. Australia’s economic place in the world is the key to that anxiety. Government members are marching to the tune of a drum that was beating in their heads a long time ago, but the procession has moved on. There are new ideas.

Honourable members interjecting.

The ACTING SPEAKER — Order! Two government members are annoying the Chair. If they keep it up, I will take action.

Mr KENNAN — Instead of an industry policy the government introduced the Employee Relations Act, which sent a signal to the people that they would be paid lower wages and work longer hours. That was supposed to attract business to Victoria and the government would not have to do anything but deregulate the labour market and introduce a few criminal penalties. But business did not turn up because people did not like the constant atmosphere of crisis the government had been keen to engender.

Since the government was elected the State’s economic performance has reflected this crisis, as is shown in the slump in factory approvals. The last five months of the Kirner government saw factory approvals of $190.3 million compared with a total of $44.8 million of factory approvals in the first five months of this government — that is less than a quarter.

For two or three years before the election the constant rhetoric of the current Treasurer and the current Premier was that under a Liberal government there would be an enormous swell of confidence and a rush of new investment to Victoria. What a disappointment for anyone who was silly enough to believe that!

The government does not believe in helping industry. The Treasurer believes the government does not have a role in that area. He believes the government should become smaller, and everything he does is influenced by that one doctrine. But that is not surprising because it means he has to remember only one thing. It is very simple and does not cloud his imagination or vision. His mind is not clouded by the normal responsibility of a Treasurer of any Westminster or fair democratic system to instil confidence in the State.

Many economic commentators have said that hitherto it has been a sackable offence for a Premier or a Treasurer to talk down a State. If the State is talked down overseas, investors will not be attracted to it and its economy will be damaged. The suggestion that a Treasurer in any democratic system can remain in office after slagging his own State is novel. The sense of crisis and chaos the Kennett government has engendered in this State is part of the word processing package for Ministers’ press releases and speeches. They have been told that whatever they do they should bag Victoria and remind people how bad things are in this State. Even Des Moore — who is fairly high on the watermark of dries at the Institute of Public Affairs — said on radio the other day that there is no crisis in this State. I suspect that he said that because he recognises the damage that the negative talk and chatter is doing to Victoria. He understands that the constant suggestion that Victoria is in crisis could become a self-fulfilling prophecy. We face an important challenge.

The government should set out what it believes to be the role of government in service delivery and it should set out in detail the income it needs to provide that service delivery. It should also set out its policies and its vision for future development and growth of the State economy. Rather than simply...
telling people how difficult things are, the government should involve the community in understanding the issues facing this State and in seeking solutions.

The starting point should be a realisation that Victoria and Australia are becoming more closely integrated in the world economy. In the past six years imports have grown from $13.7 billion to $15.3 billion and exports have grown from $7.4 billion to $9.5 billion. In that time the fastest growth has been in the manufacturing industry. From 1985-86 to 1990-91 Victoria's exports of manufactured goods doubled from $3.4 billion to $7 billion. No-one has ever heard the Treasurer say that. He has never said that from 1985-86 to 1990-91 Victoria's manufacturing industry performed excellently and that there is good reason for profound optimism on the basis of that performance. Manufactured exports now account for almost 98 per cent of Victoria's exports, an increase of 50 per cent in the past six years.

The government does not believe its role is to instil confidence, build up strengths and talk up the economy because that is contrary to its whole psyche of instilling fear and creating a sense of crisis.

Tourism has also grown, but more needs to be done. The infrastructure must be built, for instance, between the airport and the city. Every successful city in the world has become so by concentrating on its infrastructure, but we are not doing it. The Treasurer and his department might talk about tourism, but they do nothing. The Minister for Sport, Recreation and Racing said on grand final day 1992 that had his party been in government it would not have built the Great Southern Stand at the MCG. The same applies with the National Tennis Centre, Southbank and Southgate. The coalition would not have spent a cent on the infrastructure for those projects, which have proved to be some of the greatest boons to tourism in Victoria. All that can be said about the government's attitude to those projects is that it has been consistent and honest in saying what it believes about them!

If the coalition had been in power in the 1980s this State would have been vastly impoverished. It will not remain in power after the next election if it does not change its Premier, its Treasurer and its policies. Victorians do not want to be inflicted with these people who do nothing but give the average Victorian a sense of loathing and shame for their State. When the newspapers run articles about people wanting to leave Victoria the Treasurer and Premier think that their propaganda has been successful. They certainly have been successful, because they are driving ordinary, decent Victorians out of Victoria.

The role of State government should be: to build the international links to which I have referred; to help the manufacturing industry get infrastructure in place; to provide excellence in service delivery; to provide proper levels of government support for people in the community who need it; and to invest in education and future human resources. Instead this government has the notion that its role is in industrial relations with individual contracts filleting people off, as the Prime Minister says. Industrial relations should be about collective, enterprise-based and team approaches.

I recall the manager of the Heinz company saying the other day that his company had a team approach that is contrary to the policies of this government; it believes in rugged individualism and intimidation. The team approach that the manager of Heinz spoke about is also applied in the motor car industry. The John Holland Group Pty Ltd successfully built the Toyota factory in Victoria and did it so well that the Japanese firm of Toyota sent out its people to interview John Holland to see how they did it and to encourage them to tender for Asian projects.

Has anyone heard the Premier and the Treasurer boasting about Victoria and saying what a terrific group of people we are because we have doubled manufacturing exports in five years and we have built the wonderful Great Southern Stand and a great National Tennis Centre? Thank heavens the Labor government fixed up Southbank and brought the river to the city and allowed the achievements of Toyota and AMECON. We do not hear any of that from the government because its role seems to be to instil shame into the Victorian people. That is a tragedy for this great State and this city, which has an abundance of excellence in its education and in its inherent strengths of human resources, skills and ability. It is a pity the government does not see its role as harnessing and bringing forward investment in the future rather than slashing, burning and smashing. The best that can be said about the government's approach not only to the Budget debate but also to running Parliament is that it is lacklustre.

The ACTING SPEAKER — Order! The honourable member's time has expired.
Dr NAPTHINE (Portland) — The most important thing to focus on in dealing with the mini-Budget is a sense of responsibility. Unfortunately that was not displayed by the Leader of the Opposition in his contribution, nor was it when his party was in government. Neither he nor his government displayed any sense of responsibility over the years of Labor government, and that was evident again in his contribution today. He displayed the superficiality of his party when he spoke about the glitz and glamour of the National Tennis Centre. He did not once raise the issue of how the centre was financed and who is paying for it. He said it was a wonderful thing for Victoria. Something is only wonderful if it is financially sound.

Honourable members interjecting.

The ACTING SPEAKER — Order! The Leader of the Opposition was heard in relative silence and I ask that that silence continue during the speech of the honourable member for Portland.

Dr NAPTHINE — One should examine the Auditor-General’s reports over the years, especially the most recent one that deals with the National Tennis Centre to find out how sound the financial base of the tennis centre really is. The Leader of the Opposition has not learnt that one cannot continue doing wonderful things without a sound financial base, so he does not really have any basis for what he is saying. All he has is a superficial style.

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

Quorum formed.

Dr NAPTHINE — The government is doing the right thing by repairing the damage inflicted on this State and its people by the Leader of the Opposition and his colleagues when in government. It was a disgraceful government, yet the Leader of the Opposition comes in here and talks about the glitz and glamour of the days of the previous government. He does not offer any solutions for the problems the former government created.

In his speech the Leader of the Opposition also purported to convey what the Australian Financial Review had said about the mini-Budget. He said it was criticised by the Australian Financial Review. Once again his speech is not supported by facts. The editorial of the Australian Financial Review, under the sound headline “Kennett does a repair job” states:

With his second mini-Budget, Mr Kennett will repair the fiscal damage left by the Labor government.

Mr Cunningham interjected.

The SPEAKER — Order! I call the honourable member for Melton to order.

Dr NAPTHINE — For the sake of the honourable member for Melton, I will repeat those words because they are very important. He should understand them because he was a member of the disgraceful Labor government. The article states:

With his second mini-Budget, Mr Kennett will repair the fiscal damage left by the Labor Government.

Yesterday’s measures will restore the Victorian government’s recurrent budget to surplus by 1994-95 and allow Victoria to keep, and ultimately improve on, its AA (Standard and Poor’s) rating.

The cuts will be spread over two years. To those in the opposition and public sector unions who argue that the adjustment should have been spread over a longer period, Mr Kennett has rightly pointed to the financial cost of delay.

The Australian Financial Review says that it is a responsible mini-Budget and that the government is doing the right thing for Victoria in trying to repair the damage inflicted by those opposite. They have not changed one bit, they have not shown any remorse and they have not apologised to the people of Victoria. Instead they make snide comments about the Treasurer and the government. It is to their shame and disgrace that they have not faced their responsibilities and admitted to the people of Victoria what they have done. The people of Victoria will continue to reject Labor as they did last October until it faces up to the need for responsibility in managing the finances of the State.

It is interesting to note what the credit rating agencies have said about the government. An article entitled “No new debt rating for Victoria” in the Herald-Sun of 23 March states:

Victoria is unlikely to qualify for a credit rating upgrade for several years because of its high debt levels, according to Standard and Poor’s Australian Ratings.

That is very serious. The next paragraph explains the situation:
However if Labor had stayed in power Victoria's credit rating would have been further downgraded, agency director Alan Tregilgas said.

The article continues:

Mr Tregilgas praised the Kennett government, saying it had prevented a further downgrading.

That ought to be a salutary lesson for those sitting opposite. Over the years of Labor government there were continual downgradings of our credit rating. Every time our credit rating is downgraded, it costs $80 million to $100 million in additional interest — $80 million to $100 million that the government cannot spend on health, education and community services. It is pointless for the opposition to cry crocodile tears about cuts to education, health and community services because the former Labor government is responsible for the cuts. Over 10 years in government it was irresponsible, and it has left the State in such economic disrepair that severe measures were necessary to try to do the right thing and bring the State back onto an even keel.

Two basic problems face Victoria, and one is our enormous accumulated debts and liabilities. These are not only in the Budget sector, they are also accrued through superannuation, which has been the subject of discussion in the community in recent weeks. The Commission of Audit is now looking at those enormous debts and liabilities. Many pundits suggest — as I do — that debts and liabilities will total about $60 000 million to $65 000 million.

The other problem is our current account. The States should be running balanced Budgets. However, the Labor government when in power made an art form not only of running deficit Budgets and spending more than it earned but also of finding new ways to run funny-finance deals, be they the sale and lease-back of assets such as trams and trains, deferring interest, rolling interest into capital and reborrowing the money, selling accounts in advance or the myriad other things that would have done the accountants who invented bottom-of-the-harbour schemes proud. These were the practices of the previous government.

The former government left significant debts, liabilities and current account problems. We have a responsibility initially to address current account problems. The Treasurer and the government should be congratulated on having the political will to do the right thing by Victoria and bring the current account under control as soon as possible.

The problem with our debts and liabilities is shown clearly in the diagrams the Treasurer produced in the Budget Papers. The diagrams were widely circulated in the community so that the community was well aware of what was happening in the mini-Budget. The diagrams highlight the fact that if we have huge interest payments and superannuation liabilities, not only do they hang over the heads of our children and our children's children for generations to come, but also they affect the daily spending of the government because annual interest and superannuation payments will increase significantly in the current account.

In 1982-83 interest and superannuation made up 16 per cent of total Budget outlay, which left 84 per cent of the total Budget to be spent on services. Following unchanged Labor policies throughout the 1980s to the year 1999-2000, 28 per cent of Budget would be consumed in interest and 12 per cent in superannuation payments — 40 per cent of the Budget. A couple of payments would go to Tricontinental and the Portland Smelter Unit Trust, leaving 58 per cent for services. It is vital to understand that this is why there is a squeeze on health, education and transport services. We have a diminishing dollar because of the legacy of 10 years of irresponsible Labor government.

Labor would not face up to budgeting to cover debt and superannuation liabilities. It kept putting more things on Bankcard, even when it was overdrawn. The Leader of the Opposition would have us believe that the only solution is more of the same. Quite clearly that is what he told us this morning. His strategy for the Budget is not to identify problems and not to present positive solutions, it is more spending. He has no sense of accountability.

The government not only has acted responsibly in the mini-Budget but also has moved in a number of areas to promote growth and economic development in Victoria. We have only to look at one simple area to see that: the change from WorkCare to WorkCover. In less than six months, with the changes instituted by the government, the accumulated liability of the scheme has gone from over $2 billion to less than $900 million.

At the same time as that has happened the government has introduced legislation reducing premiums. Premiums will be paid by Victorian employers. Employers will benefit, particularly those who have good safety records in the workplace. We will reward those workplaces and
employers with lower WorkCover premiums and they will be able to employ more people.

They will have more money in their pockets to invest in their businesses and to employ more staff. In their contributions to the debate many speakers have highlighted the effects the mini-Budget will have in their electorates. Over the past six months my electorate has enjoyed a series of good-news stories.

On 19 March the Premier opened the newly redeveloped Portland District Hospital — an excellent achievement. I freely admit the funding for that project initially came from the former Labor government. However, the hospital was completed under a coalition government and is now operating efficiently. Under the case-mix formula that will be introduced by this government an efficient hospital like the Portland District Hospital will benefit significantly; it will not be handicapped by an historical funding base that discriminated against Victorians because their money went into inefficient hospitals and not into the hospitals most in need.

In the next month or so the natural gas pipeline will be connected to Portland, and that is another achievement. Natural gas will be of enormous benefit to Portland’s industrial development. When the pipeline is connected to Hamilton that city will also have every opportunity for future industrial development. That is in line with the commitment given by the Premier when he was Leader of the Opposition in the run-up to the 1992 election.

In May this year the Portland Aquatic Centre will open. The development will provide a heated pool for Portland using geothermal energy. The pool can be covered and used as a gymnasium. The development of the centre was assisted by funding of $300 000 from the Minister for Sport, Recreation and Racing, the Honourable Tom Reynolds.

In the six months since the government’s election seven additional police officers have been appointed to Portland and six additional police officers have been appointed to Hamilton.

Later this session honourable members will have the pleasure of debating the Forests (S.E.A.S. Sapfor Ltd Agreement) Bill. The excellent result will be that the Portland area will benefit from the development of an international best practice sawmill capable of handling 180 000 cubic metres of softwood sawlogs annually, providing jobs for more than 100 people. Some 250 people will be employed during the construction phase. That is yet another achievement of the coalition government, which made sure the agreement was finalised; it had been sitting around unsigned for four years under the previous government, which was unable to deliver.

The Minister for Public Transport announced in March this year that the Ararat to Portland rail line will be upgraded to standard gauge and linked with the national freight line. Again, that great achievement for Portland and western Victoria will ensure the efficient transport of grain from the port of Portland, an excellent port that has been underused over recent years. Being on the national rail grid will ensure the further development of the port.

In the private sector an announcement was made this year of a $4.7 million investment in a liquid pitch plant. Liquid pitch is used in the aluminium smelting industry. The new plant will be developed to service the very efficient Portland aluminium smelter.

There has also been private investment in Hamilton in the important area of wool processing. I am sure the former Minister for Food and Agriculture, the honourable member for Sunshine, would recognise the need for value adding in the agricultural industry and the potential that exists not only in wool processing but also in the food industries. Victoria and Australia should have a greater share in the rapidly growing Asian market. The Asian food market is growing at 22 per cent a year and Victoria is well placed to take a significant share of that market. Although in recent years Australia’s market share has been increasing, its competitors have been increasing their share much faster, and Australia needs to address that problem.

Australia also needs to make itself more efficient by addressing other issues such as micro-economic reform on the waterfront and exploring opportunities for reforms in the transport and telecommunications areas.

Victoria’s Employee Relations Act will go a long way towards assisting our food industries; it will provide leadership in the Federal arena for changes to workplace relations, which will lead to the betterment of industry and employees.

A $22 million investment was made during the past 12 months by Australian Topmaking Services Pty Ltd of Hamilton. The wool processing plant will
undertake wool scouring, wool carding and wool combing, adding another 60 to 70 jobs in the area.

The government has also announced that scientists previously working in plant pathology will be relocated from Burnley to Hamilton and Horsham.

Mr Baker — They will disappear!

Dr NAPTHINE — I am very disappointed at the lack of understanding displayed by the former Minister for Food and Agriculture. He does not understand that the best results in pasture plant breeding are achieved by having scientists located where the pasture plants are grown. We should not locate our plant pathologists in Burnley when the plant breeders are located 300 kilometres away in Hamilton. That was the case when the honourable member for Sunshine was the Minister for Food and Agriculture. The current Minister for Agriculture knows about agriculture; he understands what is required. He is moving the plant scientists and pathologists to where they belong — Hamilton and Horsham.

The list of achievements goes on and on. I am up to item 10 in the list of achievements in my electorate, and that is after just six months of a coalition government!

The Hamilton campus of the South-West College of TAFE has been relocated on to a new site in Hammond Street, where a factory has been converted into study areas. With support from the government, the college has provided six additional classrooms. In Portland the college has been provided with funding to purchase extra land to expand its facilities.

After a decade of indecision and non-action by the former government, the Henty Bay residents are finally being protected. When he was the planning Minister in the Labor government the honourable member for Coburg responded to my questions during the debate on the motion for the adjournment of the sitting by saying he would not do anything for the Henty Bay residents. He said, “I am not King Canute; I cannot turn back the tide — let your houses be washed away”. This government has now provided $270 000 to protect the residents’ houses from erosion.

After being on the market for two and a half years the Borthwicks export abattoir at Portland was recently sold to a Ukraine-based company, Gussada Meat Holdings Pty Ltd. The company knew that under a Kennett-led coalition Victoria is a good place in which to invest. That can be contrasted with the 10 years of Labor government when people ran away from investing in the meat industry. The recent successes announced by the Minister for Public Transport — —

The SPEAKER — Order! The honourable member's time has expired, as has the time allotted for the second reading of the Bills.

House divided on motions:

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Motions agreed to.

Read second time.

Passed remaining stages.

ADJOURNMENT

Mr MACLELLAN (Minister for Planning) — I move:

That the House do now adjourn.

Public sector superannuation

Mr BAKER (Sunshine) — I direct to the attention of the Minister for Finance a matter that exposes the government's campaign to make major cuts to the Public Service superannuation benefits as a sham based on rubbery figures. Firstly, the cost projections produced by the Department of Finance have failed to take account of the effect of 15,000 public servants leaving under voluntary redundancy programs. Secondly, the government has been calculating that every public servant will remain in service until the age of 65, including women. Thirdly, the government has ignored the effect of the 1988 amendments to the superannuation legislation by the former Labor government, which made it a lump-sum scheme, and transferred the emphasis away from pensions.

Dr NAPTHINE (Portland) — On a point of order, Mr Speaker, the honourable member for Sunshine has been speaking for 1 minute and although he has said he is addressing a matter to the Minister for Finance he has not yet asked for any action. The debate on the motion for the adjournment of the sitting is not an opportunity to make a speech but to ask for administrative action.

The SPEAKER — Order! The honourable member for Sunshine is in order. He has 3 minutes to get to the point.

Mr BAKER (Sunshine) — Thank you, Mr Speaker. Thirdly, the 1988 amendments to the legislation transferred the payout emphasis away from pensions and towards lump sums. Fourthly, the government has underestimated the tax credits for inner-Budget taxed and untaxed funds.

The Minister does not appear to have an understanding of what is going on. He is a joke. This is a massive miscalculation and it has become the subject of a major row between the Treasury and the Department of Finance. I ask the Minister to put aside his plan to slash benefits until he understands the details and is able to produce the figures to satisfy the Treasury, the trade union movement and the 400,000 members of the superannuation funds and their dependants who are being used so callously by the Minister in yet another campaign to manufacturer a financial crisis in Victoria.

Police stations

Mr LEIGH (Mordialloc) — I direct to the attention of the Minister for Police and Emergency Services plans for the construction of police stations, a subject I have raised on previous occasions. Plans had been made for the construction of the Moorabbin police station and plans for the construction of a number of other police stations are under way, plans that the former Labor government said it would speed up but which cannot be identified. That matter was reported in the Herald-Sun.

During the election campaign the then Minister for Police and Emergency Services, the honourable member for Carrum, spent considerable time talking about model police stations, but it appears they do not exist in the department files. The plans are either a figment of the former Minister's imagination or in the lead-up to the election the former Labor government destroyed those documents, which caused shredding machines to blow up. In my opinion government documents have been destroyed.

Mr SANDON (Carrum) — On a point of order, Mr Speaker, this is the third occasion on which the honourable member for Mordialloc has raised this issue. How many times can the honourable member raise the same sort of issue? He raised it in a previous adjournment debate, a grievance debate and now he raises it again. He continues to raise the same issue and to make certain accusations. I have asked him to repeat them outside the House and I ask you, Mr Speaker, to rule him out of order.

The SPEAKER — Order! The honourable member for Mordialloc can raise issues more than once, but he cannot make imputations against another member. That is against Standing Orders. I understand there is nothing to prevent the
honourable member for Mordialloc raising the same subject with minor variations.

Mr LEIGH (Mordialloc) — If the honourable member for Carrum believed I was referring specifically to him, that is a matter for him. It is a fact that members of the government and many members of the opposition observed files being destroyed. Some police stations were mentioned in the files but others were not. That brings me to the question of what the former government did with the files on police stations or whether those files ever existed.

Public sector superannuation

Mr SANDON (Carrum) — I direct the attention of the Minister for Finance to correspondence from the Association of Post-Primary Institutions about superannuation. The association has brought to my attention the catastrophic effect of the current uncertainty about superannuation on contributors and the employers. Not all employers are government departments. School councils are reeling from government proposals affecting the State Employees Retirement Benefits Board (SERBB) scheme.

The scheme covers school council employee contributions to the scheme. School councils must contribute the employees’ contribution from their government grants. As a result of the massive education budget cuts and the massive cutback in cleaning functions, school councils are now required to meet more financial responsibilities from their grants. They are also being asked to make greater SERBB payments, which increased in 1989 from 7.5 per cent to the current figure of 15 per cent. The government is now asking school councils to pay 20 per cent from May.

The scheme was closed off to new entrants in 1989. In the past school councils have met their financial obligations and their contributions have been built into their budgets. Now in this time of financial stringency school councils are being asked to find more funds not for the education of children but to pay increased superannuation contributions because the government is encouraging people to leave the public sector through the voluntary departure packages. That has caused a cash-flow crisis of the government’s own making but school councils are expected to pick up the tab.

School councils should be able to concentrate on the education of children and not on fundraising to meet government-induced financial problems. The councils have been told that the scheme is in major financial difficulty and that they must increase their contributions to 20 per cent. They have also been told that they must fund 105 per cent of recipients’ pensions during the life of the pensions. That is a long-term commitment, and I ask the Minister for Finance to ensure that that unjust financial imposition is withdrawn.

Mr KENNAN (Leader of the Opposition) — I direct to the attention of the Treasurer the concern of retired public servants about their superannuation benefits. I have received many letters from retired public servants expressing grave anxiety about their future entitlements. I received one letter from a person who had been a public servant for 42 years and who had retired in 1983. He is worried about his future income.

I understand that the Premier does not intend to touch accumulated or accrued benefits, but it has not been clarified whether the government’s view of indexation of accrued benefits will result in alterations to indexation of pensions.

Both present and retired public servants are frightened by the government’s announcement to change public sector superannuation. It damages not only their hopes but also hopes for the economy. Many of the people who have written to me have put spending proposals on hold. They have no confidence to spend while this sword is hanging over their heads. Their financial future is uncertain.

The honourable member for Sunshine has said on previous occasions that government leaks are suggesting dissent between the Treasury and the Department of Finance and that there could have been a massive over calculation of the long-term costs of the State scheme, which will balance itself in a quicker time than publicised. The leaks also suggest that the government will not legislate on the matter in this session, which means that this uncertainty will continue indefinitely. The matter will certainly not be resolved in the next two or three weeks of sitting.

Will the Treasurer make available the material prepared by his department and clarify the situation for superannuants?

Sandringham police station

Mr THOMPSON (Sandringham) — I direct to the Minister for Police and Emergency Services, through
the Minister at the table, the Minister for Planning, the promise made by the Labor candidate at the 1 October 1988 State election that the former Labor government would spend $4 million to rebuild the Sandringham police station by 1990. On the eve of the 1988 election the Labor candidate was reported in the Sandringham-Brighton Advertiser as saying that he did not know the full details of the plans because all information about the police station was directed from Mr Crabb’s office. If in 1990 one had purchased a train ticket and travelled to Sandringham, one would have found that no new $4 million police complex had been constructed. I believe the announcement was made at that time as a vote-grabbing move by a Labor government that was in full election mode.

Recently the Sandringham police have dealt with a variety of community concerns and law enforcement matters ranging from the discovery of a body on the foreshore, a bank robbery and the enforcement of flora and fauna laws along the peninsula area of Beaumaris.

I am concerned about the disparity between election promise and performance by the former Labor government, and I ask the Minister for Police and Emergency Services to evaluate the progress of the construction of a new police station in Sandringham so that I can report back to my constituents.

**Early childhood field officer**

Mr McARTHUR (Monbulk) — I ask the Minister for Community Services, through the Minister at the table, the Minister for Planning, to clarify the funding situation for an early childhood field officer in the Shire of Sherbrooke. The field officer provides support to preschools and kindergartens in the area. Recently the government increased funding for kindergartens and preschools, and that has benefited enormously preschools in the Monbulk electorate. In doing so the Minister has shown this government’s commitment to ensuring children receive a full year of preschool education before they enter primary school. This has benefited the families and children involved.

Late yesterday I received correspondence about funding for the early childhood field officer at Sherbrooke. The letter was supportive of the woman who is the early childhood field officer at the Shire of Sherbrooke. She works with individual children, especially those who need additional attention. She is able to encourage children to get the most out of their preschool experience, and she has been able to overcome difficulties that have arisen in group situations.

Will the Minister to explain the current funding arrangements for the position of an early childhood field officer in the Shire of Sherbrooke, because that officer is extremely valuable and assists the work of preschool teachers in the area?

**Public sector superannuation**

Mr THOMSON (Pascoe Vale) — I ask the Minister for Finance to investigate and respond to reports that without consultation with and the approval of Parliamentary Counsel, Freehill Hollingdale and Page has been instructed to commence drafting the legislation that will slash the benefits of 400 000 members of State superannuation funds. If that is correct the Parliament should be gravely concerned, because it has been a time-honoured practice that in the preparation of legislation Parliamentary Counsel should be consulted.

The use of private legal firms carries with it an array of risks, including the potential problem of conflict of interest. It means that private persons can have access to the intellectual property of legal changes, and those issues should be resolved in this place. When the Employee Relations Bill was drafted by the same firm, Freehill Hollingdale and Page, it held seminars on that legislation and made use of the knowledge it had acquired from drafting the legislation.

The private firm did not account to the government for the intellectual property involved, and that issue needs to be resolved. If the government intends to have legislation drafted by private firms, the tendering issue needs to be considered.

Finally I refer to the importance of the role of Parliamentary Counsel in the drafting of legislation. Its traditional role is to be consulted about draft legislation. Will the Minister outline the circumstances in which Parliamentary Counsel will be involved? When and how will counsel be involved in the preparation of superannuation legislation?

Mr COLE (Melbourne) — I refer the Minister for Finance to the proposed changes to superannuation legislation and other matters. A constituent of mine, Mr Jack Johnson of Brunswick — not the former boxer — was a member of the Public Service for some 42 years. For many years he was private
ADJOURNMENT

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secretary to the late Sir Arthur Rylah. He wrote me a poignant letter about his financial situation in light of possible changes to the superannuation scheme. Many other constituents who are former and current public servants have also contacted me expressing grave concern about possible changes to their superannuation entitlements.

Mr Johnson's concern is that he cannot see why he contributed for 41 years to a superannuation scheme if that contract is now to be breached. I might add that he contributed to the scheme well before the Labor government was elected in 1982, so he contributed for many years under a Liberal administration with the expectation of receiving future benefits. He cannot understand why his contract should be breached and why he should lose consumer price adjustments or indeed possibly his superannuation.

Mr Johnson has served this community with distinction and he deserves to be treated with a degree of respect rather than in the pre-emptory fashion in which the government made the announcement in the newspaper and its trumped up stunts such as attempting to have a joint sitting of Parliament to explain to all and sundry how bad Victoria's situation is.

In view of the facts exposed by the shadow Treasurer tonight it would be appropriate for the Minister for Finance to meet with Mr Johnson who, with all his experience in the Public Service, probably knows a lot more about superannuation than the Minister for Finance. The Minister might know something about individual superannuation matters, but he gets the broader picture a little bit wrong.

On behalf of Mr Johnson I specifically ask the Minister to reconsider his position and not to introduce a measure for the abolition of State Parliament. I note the Premier left the Chamber as soon as this matter was raised for his attention.

Mr LEIGH (Mordialloc) — On a point of order, Mr Speaker, my understanding is that when a member is said to be in the House he or she is actually in the Chamber but at no stage while the honourable member has been speaking — —

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

Mr Leigh — The Premier was not here.

The SPEAKER — Order! Will the honourable member resume his seat.

Mr Leigh interjected.

The SPEAKER — Order! If you want me to deal with you I will do so even though it is late in the day. You will remain silent!

Dr COGHILL (Werribee) — This fundamental matter affects this institution and the government of Victoria. In question time today the Premier made a strong commitment to the future of the States in the Australian Federation. There is an apparent contradiction with the Premier's statement that he supports the abolition of State Parliament. We should remember that the State Parliament comprises Her Majesty, represented by the Governor, this Chamber and the other place. The Premier says he supports the abolition of this tripartite institution and, against that, he says he supports the continuation of the Australian States within the Federation.

There is one possible explanation. I find it most unlikely but, if there is a grain of truth in it, it is frightening — that is, the Premier seeks to abolish the State Parliament and replace the government of Victoria with another form of government, a non-Parliamentary form of government, perhaps a Kennett dictatorship.

Honourable members interjecting.

Dr COGHILL — It appears a far-fetched option but it is one possible explanation for the contradiction in the Premier's statements. In light of the current debate about Australia's constitutional structure, the Premier owes it to this House and to the people of Victoria to clarify exactly where he stands, where the government stands and what sort
School crossing supervisors

Mrs GARBUlT (Bundoora) — I direct the attention of the Minister for Public Transport as the representative of the Minister for Roads and Ports in this place to the impact of cuts in the number of school crossing supervisors and how that is now working its way right down to the local schools.

I received a letter from the City of Heidelberg outlining the impact that the cuts are having on schools in that municipality. The council has decided it cannot afford to pick up the extra costs and so it has made a series of decisions about the school crossings in that city. School crossings have been withdrawn — the lines on the roadways have actually been painted out. Not only have the supervisors disappeared but in two schools in the electorate of Ivanhoe and two schools in my electorate, the actual crossings have disappeared.

Furthermore since the end of term 1, school crossing supervisors have been withdrawn from 10 schools. Students crossing busy roads in my electorate or in the electorate of Ivanhoe have no supervisors. The students of St Martins Primary School have to cross Lower Plenty Road, which is part of the Greensborough Highway. They are making their way unsupervised across a designated highway. Other schools on major roads have had supervisors withdrawn.

All other schools with crossings are being asked to contribute to the shortfall. One school told me that it has been asked to contribute almost $300 for the remainder of this year and $585 for a full year. Schools cannot find the sort of money especially in this economic climate where the government has asked them to make many extra contributions. If they cannot find the extra money, the number of school crossing supervisors will be reduced accordingly.

Schools such as Yallambie now find they have three weeks of unsupervised crossing time on the busy Yallambie Road. It is not the only area being affected in my electorate. The Eltham council is being asked to contribute out of West Riding funds to the Lower Plenty Primary School crossing which is on a major highway. The police regularly set up radar traps on that dual highway and there are often accidents there. Children have to cross the road twice.

Western Region Commission

Mr SEITZ (Kellor) — I raise a matter with the Minister for Industry and Employment. The Western Region Commission comprises the nine municipalities in the western suburbs and has been subject to brutal funding cuts. The Minister said in a letter to the commission that there is no funding beyond January. I ask the Minister to consider that statement because the commission will have to compete with other areas.

The Western Region Commission has long been established in developing economic growth, employment and apprentice training for the western region. Other Ministers have expressed concern about youth unemployment in the western region. I urge the Minister to give further consideration to this and not to take the funds allocated to the Western Region Commission and allocate them to some other area. From what the honourable member for Portland said in his speech, all the money from the western region seems to be going to Portland!

The SPEAKER — Order! The Minister for Planning, who is at the table, will reply on behalf of the Minister for Finance to matters raised by the honourable members for Sunshine, Carrum, Pascoe Vale and Melbourne and the Leader of the Opposition.

Responses

Mr MACLELLAN (Minister for Planning) — Mr Speaker, there may be some slight differences between my notes and yours.

The SPEAKER — Order! I can assure you that mine will prevail.

Mr MACLELLAN — I will raise with the Minister for Finance the matters raised by the honourable members for Sunshine, Carrum, Pascoe Vale and Melbourne and any other matter the Speaker directs to be taken up.

I will take up with the Minister for Police and Emergency Services the matters raised by the honourable members for Mordialloc and Sandringham.

I will take up on behalf of the Leader of the Opposition the matter raised, according to my notes,
with the Treasurer regarding Public Service anxiety about pensions after, say, 42 years of service.

Also, on behalf of the honourable members for Werribee, Bundoora, Keilor and Monbulk I will raise their concerns with the various Ministers. Obviously the long hours have become something of a strain for the honourable member for Werribee. I was not sure what matter he was raising. Whatever it was, or whatever Hansard has made of it, I will make sure it is raised with the Leader of the House and I shall request all Ministers to make suitable replies. In wishing you, Mr Speaker, and honourable members a peaceful and safe weekend, I point out that honourable members obviously should not expect to receive their replies this week.

Motion agreed to.

House adjourned 11.43 a.m. (Friday) until Tuesday, 4 May.
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The SPEAKER (Hon. J. E. Delzoppo) took the chair at 2.6 p.m. and read the prayer.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the House that the Minister for Public Transport will be absent during question time.

QUESTIONS WITHOUT NOTICE

PETROL LEVY

Mr KENNAN (Leader of the Opposition) — In light of the government’s decision that major road works in Victoria will be delayed and that one-third of the revenue raised by the 3 cent a litre petrol levy announced yesterday by the government will be for the construction of new rural roads, will the Treasurer explain to the House how the government intends to finance the construction of the $1 billion-plus Domain tunnel and Western bypass projects?

Mr STOCKDALE (Treasurer) — What a treacherous question to the interests of the people of Victoria! Her Majesty’s opposition in the Victorian Parliament is seeking to pre-empt the Australian Loan Council and the special Premiers Conference doing for Victoria what until this moment has had bipartisan support — getting a better deal out of Commonwealth funding arrangements.

The Leader of the Opposition and the shadow Treasurer know — because they have complained about it in the past — that Victoria subsidises the other States by around $800 million to $1000 million every year, depending on how one measures it. The Victorian government is seeking a better deal from the Commonwealth, and despite the troglodyte attitude of the Victorian Labor Party I am confident that the signs are there for the Commonwealth government to recognise that Victoria and New South Wales are unfairly subsidising the other States through general and road funding.

Victoria will seek — and I am confident it will obtain — a better deal to protect the State’s funding base. Whatever funding the Commonwealth provides, the initiative announced yesterday by my colleague the Minister for Roads and Ports will give the government an additional capacity to fund works. Unlike the previous Labor government, this government has no intention of piling debt upon debt and borrowing to pay interest so that in the years to follow there is more debt. Roads will not be financed on Bankcard as the Labor government tried to do.

The government will build roads in accordance with its funding capacity. That initiative has wide support in the community, and it will attract editorial support — as it has done already — and the support of the representative organisation of motorists, the Royal Automobile Club of Victoria. The resultant development of infrastructure will not only confer enormous benefits on this State but will lead to the re-election of the Kennett government again and again.

INDUSTRIAL ACTION

Mr DEAN (Berwick) — Will the Premier inform the House of any likely damage to Victoria’s national and international standing particularly with potential investors and credit rating agencies as a result of tomorrow’s protest rally and the 74 days of rolling stoppages planned by the Victorian Trades Hall Council boss, John Halfpenny?

Mr KENNETT (Premier) — Once again the Victorian Trades Hall Council has decided to hold the people of Victoria to ransom and impose whatever inconvenience it can on the operations of the State tomorrow. Mr Halfpenny said that after tomorrow no more major industrial action will occur but that strikes will be called intermittently over the next 74 days.

Nothing could be more against the public interest than to have the Trades Hall Council, supported by the opposition, continuing a campaign of industrial action against fair-minded Victorians, especially when the people Mr Halfpenny has called on to join him tomorrow are those who are paid by the public to deliver a service. It is even worse than that.

Mr Sercombe interjected.

Mr KENNETT — The Deputy Leader of the Opposition is supporting not only tomorrow’s strike but also 74 days of hit-and-miss industrial action designed to cripple and hurt Victorians. It goes further because the 74 days of industrial action —
and the honourable member for Coburg should listen to this — begins on 17 May.

Honourable members interjecting.

Mr KENNETT — I hope the television cameras record the irresponsibility of this discredited opposition!

The 74 days of hit-and-miss industrial action will begin on 17 May, which falls in the week when Victoria hosts 20,000 Rotary delegates for what will be the biggest single event hosted in this State since the 1956 Olympic Games. John Halfpenny and the Victorian ALP are embarking on a campaign that will demonstrate to our international guests that the very best we can do in Victoria is to have a group of people taking industrial action to try to hurt other Victorians.

Honourable members interjecting.

Mr KENNETT — It appears as if John Halfpenny and his Victorian ALP mates, having tried and having failed to deliver body blows to the government and the community, are intent on kicking all Victorians in the ankles for that 74-day period.

The Victorian community should clearly understand that the Leader of the Opposition, Jim Kennan, supported by all members of the Labor Party and John Halfpenny, is embarking on a campaign to further undermine the reputation of the State before 20,000 guests.

Government Members — Shame, Shame!

Mr KENNETT — Rather than encouraging and giving solace to John Halfpenny, I challenge the Leader of the Opposition —

Honourable members interjecting.

The SPEAKER — Order! The Chair has been tolerant and has allowed too many interjections. I ask the House to come to order and listen to the Premier in silence.

Mr KENNETT — In the interests of Victoria’s reputation and employment opportunities, I challenge the Leader of the Opposition to join with me and call on Mr Halfpenny to cancel the 74 days of industrial action, which will undermine Victoria’s credibility to our guests.

Victoria desperately needs to grow out of this period of recession that the opposition, when in government, together with Mr Halfpenny, helped to create, and requires the community to work together to bring about new opportunities. Victorians expect their elected representatives to support the public, not Mr Halfpenny. I challenge the Leader of the Opposition to come out publicly and tell Mr Halfpenny, “Enough is enough” and to put the interests of Victoria foremost and clearly above all other interests.

PETROL LEVY

Mr KENNAN (Leader of the Opposition) — In the light of the Treasurer’s failure to explain to the House how the Domain tunnel and Western bypass projects will be financed, will he give the House an undertaking that no further petrol levy or road toll will be imposed to fund those projects?

Mr STOCKDALE (Treasurer) — When I come to work every morning I have to face up to the mess that these cowboys opposite left behind! It offers no consolation at all to be lectured in this House, particularly by the architect of the Bayside and MetTicket fiascos, on how to fund government projects.

Honourable members interjecting.

Mr STOCKDALE — You are discrediting yourself with your backbench as well as with everyone else in the community.

The government will approach the appraisal and funding of major capital works on the same basis as it has approached financial management since the day it was elected to office: sensibly, with prudent management and in the interests of Victorians. The Leader of the Opposition can carp and drag down all he likes, but he was a member of the former government that was unable to deliver on many major projects. During the course of bungling their management he inflicted tens of millions of dollars of losses on the people of Victoria, which is the cause of the government’s reduced capacity to provide capital works across the State.

Mr ROPER (Coburg) — On a point of order, Mr Speaker, the Treasurer is debating the question. The question the Leader of the Opposition asked was specific: whether a further levy to fund these two major projects would be imposed above and beyond the levy the government announced yesterday. That question does not require debating in the way the
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Treasurer has responded. I ask you, Sir, to request the Treasurer to either directly answer the question or say that he is not prepared to tell the community what the government's intentions are.

The SPEAKER — Order! I uphold the point of order and ask the Treasurer to come back to the question.

Mr STOCKDALE (Treasurer) — Yesterday the government announced an initiative that will create a fund for major infrastructure development. The government announced a levy that will fund around $50 million a year of country roadworks in addition to other major roadworks and associated infrastructure. It follows from the logic of that announcement that if the government had any current plan to introduce a further tax for that purpose it would have done so yesterday.

The government has no plan to introduce any further levy. The government intends, as stated yesterday in its announcement, that the fund will be allowed to develop until the government has completed the appraisal of various roadwork projects, including those mentioned by the Leader of the Opposition. Whether any of those projects can be properly funded will depend upon a responsible analysis which is currently being conducted. When the government is in a position to announce projects it will do so. In the meantime, there is no plan for any further extension of the levy announced yesterday.

REPUBLIC ADVISORY COMMITTEE

Mr TURNER (Bendigo West) — Will the Premier advise the House whether the government has made any decision in response to the Prime Minister's invitation to nominate a person to represent the more populous States on the Republic Advisory Committee?

Mr KENNETT (Premier) — As the House will be aware, last week I received a letter from the Prime Minister announcing the establishment of the Republic Advisory Committee, a matter that was of concern to me because of the speed at which the committee had been created and because the people already appointed to it had clearly predetermined in their minds the need for a republic.

The Prime Minister has invited the Premiers to select two representatives to serve on the Republic Advisory Committee. I have already indicated that regardless of my private view, which is that the current system be retained until it is clear what system should replace it and how that would improve conditions in Australia, it is our responsibility to ensure we participate in a mature debate. In order to do so it is incumbent upon the Victorian government to put forward the name of a suitable person to serve on the committee with those already selected by the Prime Minister. The person selected is Professor Geoffrey Blainey.

Honourable members interjecting.

Mr KENNETT — He is a most distinguished Australian with a good personal background in provincial Victoria. He has played an active part in public affairs, having served as the Chairman of the Australia Council from 1977-81 and as a member of the Australia China Council from 1979-84.

Professor Blainey's participation on the committee is supported by the other Australian Premiers, and he will bring to it a great sense and knowledge of Australian history and a real vision for the future. After comparing his performance and his intellect with those of the people who have already been selected to serve on the committee, I am confident that he will add substantially to the success of the committee's deliberations.

If the Prime Minister persists with the time frame he has set for the report to be made — 1 September, which I believe to be inadequate — the committee will not be able to involve the community in its deliberations. The Prime Minister should consider one other matter. If it is good enough for the Prime Minister to consider the removal of the monarchy from its position at the head of the Australian Federation and, potentially, of the States, it also follows that under section 128 of the Constitution he can also propose the abolition of the States. I should have thought that if that is a possibility, and the Leader of the Opposition agrees that it is, the Prime Minister ought to seriously consider allowing each State to be represented on the committee. That would go a long way towards reassuring the community because the committee would then be more broadly based while representing the views and desires of the Prime Minister and the States. When the potential exists for the removal of the monarchy and the abolition of the States I believe each State has a right to participate fully on the committee. If the Prime Minister does
not accept that view, the worth of the deliberations of his committee will be put in doubt because it could be accused of bias.

I trust the other State Premiers will recognise the strength of the qualifications of Professor Blainey, which I believe will add a great deal to the work being done by the other members of the committee. It gives me much pleasure to put his name forward to represent not only the government but also the people of Victoria, because at the end of the day the contribution made by Professor Blainey will be noteworthy.

PUBLIC SECTOR SUPERANNUATION

Mr BAKER (Sunshine) — Will the Minister for Finance make public the draft legislation being prepared by the law firm Freehill Hollingdale and Page on public sector superannuation so that it is available for public scrutiny, consultation and debate?

Mr I. W. SMITH (Minister for Finance) — That is a strange request from a former Minister who was not in the habit of doing the same sort of thing himself. Although opposition members request this sort of information, they have absolutely no policy at all on how to cope with superannuation benefits.

Honourable members interjecting.

Mr I. W. SMITH — Wait for it! Our policy will be clearly spelt out in the legislation that will be introduced into Parliament.

ECONOMIC RECOVERY

Mr WELLS (Wantirna) — Will the Premier inform the House of the government’s reaction to the attempt by Bill Deller and John Halfpenny to stall economic recovery in Victoria and to sabotage the State’s finances by calling on the Federal government to intervene in the Victorian government’s economic program?

Mr KENNEDT (Premier) — I thank the honourable member for his question.

Mr Micallef interjected.

Mr KENNEDT — The honourable member for Springvale interjected by saying, “Tedious repetition”. We are about to see 74 days of industrial kneecapping by the Trades Hall Council (THC), which you support — and you complain about tedious repetition!

Those who enjoyed positions of privilege under the former Labor government are starting to squirm and squeal, but at the same time they are continuing to attack the Victorian public because they cannot get their own way. Today Mr Deller clearly spelt out on radio what he, Mr Halfpenny and the Victorian opposition are about. Mr Deller said, “Look, we provided all the support for the Keating government going into the last election. He loves us and now is the time for him to deliver. It is pay-off time”. Mr Deller and Mr Halfpenny agree they are trying to get the Federal government to intervene against the duly elected government as it works towards repairing the damage done by the former Labor government. If the community wants a clear indication of the priorities of the Federal government it should forget the debate initiated by the Prime Minister, Mr Keating, on whether we should become a republic or whether we should retain the current system. Mr Halfpenny, Mr Deller and others have asked to see the Federal government on Thursday and they are going to meet with the Federal Treasurer, Mr Dawkins, who has said, “Come on down we will talk to you”.

I have said that on occasions we have met with the Prime Minister and the Federal Treasurer and have had professional discussions; but since the Prime Minister was re-elected, he and the Treasurer have refused to see us. They may believe it is good politics, but it is not good for this country and it is not good for this State. The fact that they are prepared to work with and acquiesce to the Australian Council of Trade Unions and, more importantly, the Victorian THC and work against the elected government and the legislation we have put in place is an indication that nothing has changed in Canberra. The Prime Minister is still at the beck and call of the Dellers, the Halfpennys and those who sit on the opposite side. It is clear that Mr Halfpenny and Mr Deller are saboteurs.

Tomorrow there will be some sort of demonstration, when Mr Halfpenny will call for 74 days of industrial kneecapping, which he and his supporters will undertake to the detriment of Victorians in hospitals and in schools — and Mr Halfpenny believes that is acceptable. Moreover the Federal government is going to enter into another coalition with the Victorian THC against the interest of Victoria.

An honourable member interjected.
Mr KENNETT — It is not against the elected government because the elected government is the first in years to get on with the job of governing.

Honourable members interjecting.

Mr KENNETT — Everything that John Halfpenny or Bill Deller does is against our young and our sick. I trust and hope that gives the opposition a great deal of pride!

By joining with the Dellers and the Halfpennys, the opposition is simply committing itself to irrelevancy. The House has not heard one constructive comment from the Leader of the Opposition since he became Leader. Time and again he has simply fallen in with those from the Trades Hall Council who call the tune.

I call upon the Leader of the Opposition to explain to the House where he stands on tomorrow's action and the 74 days of kneecapping by the Trades Hall Council.

Mr McNamara — He’s probably leading it.

Mr KENNETT — For once he should speak up on behalf of Victorians, and on behalf of the sick and the schoolchildren; or will he continue to be irrelevant, and to be a man of no policy and no principle? The Leader of the Opposition owes it to Victorians to say to them, "The interests of the people of Victoria are more important than the kneecapping activities of John Halfpenny and Bill Deller".

SCHOOL COUNCIL SUPERANNUATION PAYMENTS

Mr SANDON (Carrum) — Will the Minister for Education confirm that, as a result of the government's Budget strategy of retrenchments and redundancies, school councils have been told that they must meet the employer contributions to superannuation and, indeed, that the contributions will increase from 15 per cent to 20 per cent; also, that they will have to pay for 105 per cent of pension requirements and payments? Will he confirm that the school councils have been told that they must do this without an increase in their grants?

Mr HAYWARD (Minister for Education) — The issue is complex. Schools have not been told what the honourable member for Carrum has just said, and I call upon the honourable member — in his position as shadow Minister for Education — to request teachers tomorrow to put the interests of students first, and to take a responsible attitude towards their jobs.

NATIONAL HEALTH SUMMIT

Mr McARTHUR (Monbulk) — Will the Minister for Health outline the progress made towards a national health policy at last Friday's national health summit and, in doing so, refer to the impact the summit will have on all Victorians?

Mrs TEHAN (Minister for Health) — The national health summit, held in Sydney last Friday, was hosted by Ron Phillips, the New South Wales health Minister, and was attended by all six health Ministers, the new Federal health Minister, Senator Graham Richardson, and representatives of the two Territories. It was a most productive day.

It was interesting that each of four of the Ministers present had not occupied the portfolio for longer than six months. That engendered a fresh spirit — they were not carrying the baggage of past experience, and they were not ideologically bogged down — and it provided an opportunity of addressing some of the problems that every person holding a health portfolio felt should be addressed.

Agreement was reached that there should be a national health policy, and that first and foremost the policy should address diseases in Australia at a national level. Four areas of disease were selected: cancer, heart disease, mental disorders, and accidental. A combined policy to address those disorders will be formulated during the next 12 or 18 months. I think I can safely say that during the next 12 to 18 months the Commonwealth and the States will work together in a national onslaught on the problems of the untimely onset of diseases, their treatment, and premature deaths from diseases.

The second important outcome for Victorians was a better opportunity or atmosphere for addressing what has been a series of ongoing problems between Commonwealth and State responsibilities for health: who should do what, who should pay for what, and who should be responsible?

A program was brought forward whereby the Commonwealth will take over a pilot study for the next 12 months on the funding of outpatient services
in every State. The study will later be assessed to ascertain the best financial arrangements for the delivery of those services.

The summit was most important in that it provided the opportunity of addressing funding and service delivery problems, of building up a national health policy, and of addressing the Commonwealth-State problems that have been manifest during the past 10 years. The national health policy — which was commenced at the summit last Friday — will provide a much better health outcome for Victorians.

WORKCOVER PAYMENTS

Mr MICALLEF (Springvale) — I refer to the Minister for Industry Services the operation of the government’s WorkCover legislation, which has resulted in the termination of weekly payments to large numbers of injured workers. Will the Minister quantify what effect that will have on Commonwealth outlays for social security payments?

Mr PESCOTT (Minister for Industry Services) — I thank the honourable member for his question, and I congratulate him. We have now been in office for well over six months — —

Mr Sercombe interjected.

Mr PESCOTT — That is what I am getting to.

Honourable members interjecting.

The SPEAKER — Order! By whatever means, including by interjection, reflections on the Speaker are disorderly.

Mr PESCOTT — This is the first time the honourable member has actually asked a question, and I congratulate him on that.

The opposition has a great deal of difficulty understanding definitions and understanding what happened in Victoria while it was in government.

Mr Baker interjected.

Mr PESCOTT — The honourable member for Sunshine, who is interjecting, was the architect of a disastrous workers compensation system in Victoria. Since coming to office the coalition government has endeavoured to correct that disastrous scheme, which, because of the way it was structured and the way workers were able to rort the system, was bleeding Victoria.

Mr MICALLEF (Springvale) — On a point of order, Mr Speaker, perhaps because it is my first question to him the Minister does not understand the nature of the question. My question was about the number of people who are no longer receiving benefits under WorkCover.

Government members interjecting.

The SPEAKER — Order! I ask government members to remain silent. It is hard for the Chair to understand what the point of order is about. I ask for cooperation.

Mr MICALLEF — My question specifically related to those who had previously received workers compensation benefits under WorkCare and who are now receiving social security benefits. How much is it anticipated that will cost the Federal government?

The SPEAKER — Order! The honourable member for Springvale raises a question about how Ministers should answer questions. The House will be well aware that that is not in the hands of the Chair. The Chair has the responsibility to ensure that the Minister’s answer is relevant. Up until this point I rule that the Minister’s answer is relevant, but I ask him to come to the point of the question.

Mr PESCOTT (Minister for Industry Services) — As I said before, the opposition has some difficulty about definition. Since the introduction of the WorkCover legislation a record number of people have gone off WorkCover and returned to work. Under the previous government a large number of people were able to rort the system. The honourable member for Springvale asks me, as a Victorian State Minister, to provide information which presumably is readily available to him through his Commonwealth colleagues. It is absolute nonsense that a bogus question like this should be asked, because it does not get anywhere near to explaining what a successful story WorkCover has been under the coalition government. We have been able to get more workers returning to work and to tighten up the definitions of people who were claiming under the workers compensation system. It is about time that the honourable member for Springvale understood that the changes the government is making are beneficial to the Victorian work force. He should ask his colleagues in Canberra to supply the sort of information he has requested.
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VICTORIAN PRINCIPALS FEDERATION

Mr DOIYLE (Malvern) — Following the meeting of the Victorian Principals Federation at the weekend, will the Minister for Education advise the House of their position on the government's education reforms?

Mr HAYWARD (Minister for Education) — The Victorian Principals Federation was strongly supportive of the government's Schools of the Future program. That was reinforced by a radio interview that the president of the federation gave yesterday when he said:

... we've committed and reaffirmed this yesterday —

In other words, they support the Schools of the Future program:

... to the whole concept of school based self-management — there's no question that principals generally support that —

He went on to say that this is a worldwide trend.

It is a shame that the former government put its head in the sand because it was under the control of the teacher unions and did not realise that this is the important way to go so far as improving education quality is concerned.

A former Minister for Education, Mr Cathie, attempted to move towards school-based management but was sabotaged by the teacher unions and by the left wing of the Labor Party.

The government is committed to the Schools of the Future program and to giving schools control over their own destiny.

PRIVATISATION OF HEALTH SERVICES

Mr ROPER (Coburg) — Will the Treasurer advise the House of the extent of cost shifting to the Commonwealth in the health area by privatising pathology and outpatient services and stopping the provision of pharmaceuticals? Will he inform the House of the amount the State may lose as a result of the Medicare agreement as a result of the cost shifting being carried out by the State Minister for Health?

Mr STOCKDALE (Treasurer) — I thank the honourable member for his question, although I question the commitment of the Labor Party to Victoria because such questions play into the hands of people who seek to have Victoria obtain a poorer rather than a better deal.

The government has a wide range of policies that are designed to do two things; one is to create sustainable discipline in the use of resources to improve the efficiency of the operation of what are at present government-owned enterprises, and the second is to maximise the amount of competition in activity in the State to deliver the maximum power to consumers, including the patients in our health system.

My understanding was that there was a degree of bipartisan support for policies such as contracting out, that the previous government had actually taken initiatives in exploring the greater involvement of the private sector in improving the efficiency of Victoria's health services.

The part of the question that addresses the wider reform agenda, which plays a relatively small part in health but involves more competition, more private sector involvement and more discipline for continuing efficiency, appears to have been abandoned by the Labor Party despite the fact that it was its own policy.

The government is not engaged in cost shifting to the Commonwealth: the reverse is the case. As part of the negotiations on Commonwealth-State financial relations before the last Federal election, the present Minister for Health was successful in obtaining guarantees from the Commonwealth — as I understand it, endorsed by the Commonwealth Treasurer — that Victoria would get a better deal than had originally been proposed by the then Federal Minister for Health, Mr Howe. That involved a substantial amount of money.

It appears as a result of the deliberations of the Australian Grants Commission that that has not been fully reflected in the proposed funding formula. As a result, the Victorian government has initiated discussions with the Federal government, although there is no ironclad guarantee pending the finalisation of these arrangements, as is normal. The Commonwealth has given every indication that it proposes to adhere to the agreement and to the guarantees that it gave before the Federal election, and that Victoria will stand to benefit substantially from additional Commonwealth funding reflecting,
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among other things, improvements in health management that the present Minister has brought about compared with the debacle that she inherited from her predecessors after the honourable member for Coburg conceded in 1982 that he had inherited the best health system in Australia from the predecessor Liberal government. Despite the fact that Labor had driven the system into the ground for 10 years it is well on the way to being restored. I am confident that the Commonwealth will honour the commitments it gave the Minister for Health prior to the last Federal election.

YOUTH AFFAIRS

Mr Finn (Tullamarine) — Will the Minister responsible for Youth Affairs inform the House of government initiatives in youth affairs?

The Speaker — Order! I caution the Minister that the question is very broad and I ask him to confine his answer to as short a time as possible.

Mr Heffernan (Minister responsible for Youth Affairs) — I thank the honourable member for Tullamarine for his question and his ongoing interest. Over the past six months my department and I have had 150 meetings with different youth organisations and people involved in youth areas.

Mr Gude — How many?

Mr Heffernan — We have had 150. At the Sir Dallas Brooks Hall last Friday 300 people attended a forum where I outlined the direction my department and the government are taking in their efforts to attack youth homelessness and other youth problems in society. That meeting was an enormous success. The youth groups working in the system throughout Victoria came on side in the belief that the direction the government is now taking in supplying real services to youth is the only possible direction it can take in light of the circumstances that have arisen in the past where there was a breakdown in the references to some of the initiatives which I will cover and which I announced at that forum.

The major initiative I announced was that the “Street Kids” policy would be reaffirmed. I put on record my thanks to the Minister for Community Services, the Minister for Housing in another place and the Premier for their support in attacking the problem facing our young people. Regional coordination is the main area of breakdown in youth services. There is no coordination, although people working in the sector are endeavouring to achieve the same result. The lack of liaison between these people is obvious. My first step will be to seek a more coordinated line for the provision of youth services throughout Victoria.

A central computer system costing $40 000 will be set up in conjunction with the City of Melbourne and youth workers. A group of young people, which includes John Daly, Dean Smorgon, Olivia Anderson, Michael Carp, Kate Happell and Lana Tashi, has promised to raise the $40 000 needed to pay for that computer. That gesture illustrates that the problems confronting young people are problems for everyone and not just for the government. The government is also investigating what other help it can give youth workers, particularly in the major problem area of alcohol abuse.

Smorgons has agreed to coordinate its efforts with my regional committee. Another organisation has indicated to me it will provide $5 million over five years to help the government tackle youth problems. The announcement of that trust will be made at a later date, and it is an example of a major voluntary organisation working with the government to initiate constructive programs for homeless youth. It seems the only way of effectively tackling the problem. The community now realises that the government cannot overcome every problem in society.

I thank those people who assisted in the seminar on Friday. We may now produce the results that young people of Victoria have been waiting for.

GOVERNOR'S SPEECH

Address-in-Reply

The Speaker — Order! I advise honourable members that the Address-in-Reply to the Governor’s speech on the opening of Parliament will be presented at Government House at 10.30 a.m. on Thursday, 6 May 1993. Transport will be available at the front steps and will leave at 10.10 a.m. It would facilitate transport arrangements if members could advise the Sergeant-at-Arms of their attendance. It is requested that as many members as possible accompany me to this presentation.

PETITIONS

The Clerk — I have received the following petitions for presentation to Parliament:
Institute of Educational Administration

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

Receive the humble petition of the undersigned citizens of Victoria which relates to the Institute of Educational Administration.

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

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

By Mr Maughan (20 signatures) and Ms Kimer (21 signatures)

Laid on table.

CONSULTATIVE COUNCIL ON OBSTETRIC AND PAEDIATRIC MORTALITY AND MORBIDITY

Mrs TEHAN (Minister for Health) presented report of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity for the year 1990.

Laid on table.

PAPERS

Laid on table by Clerk:

Dental Board of Victoria — Report for the year ended 30 September 1992

Greyhound Racing Control Board — Report for the year 1991-92

Harness Racing Board — Report for the year 1991-92

La Trobe Regional Hospital — Report for the year 1991-92

Monash University — Report of the Council for 1990 together with Statutes approved by the Governor in Council

Planning and Environment Act 1987 — Notices of Approval to amendments to the following Planning Schemes:

Alberton Planning Scheme — L25

Bairnsdale City Planning Scheme — L29

Benalla Shire Planning Scheme — L11

Berwick Planning Scheme — L54 Part 1, L56

Bright Planning Scheme — L14

Brunswick Planning Scheme — L26

Camberwell Planning Scheme — L31

Essendon Planning Scheme — L42, L44

Geelong Regional Planning Scheme — L131, 133

Hastings Planning Scheme — L63, L75, L104, L110

Heidelberg Planning Scheme — L26, L35

Melbourne Planning Scheme — L73

Moorabbin Planning Scheme — L29

South Planning Scheme — L48

West Gippsland Hospital — Report for the year 1991-92

Woorayl District Memorial Hospital — Report for the year 1991-92

Wildlife Act 1975 — Notice of closure of areas to hunting pursuant to section 86.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer), by leave, pursuant to Standing Order No. 169(b), introduced a Bill to amend the Business Franchise (Petroleum Products) Act 1979, and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Mr ROPER (Coburg) — I desire to move, by leave:

That the Standing Orders Committee have power to inquire and report on the programming of government and general business of the House to provide for more efficient and effective use of Parliamentary debating time, and that the committee report no later than the first sitting of the spring 1993 sittings period.
Mr GUDE (Minister for Industry and Employment) — Leave is refused.

Mr ROPER (Coburg) — I give notice that tomorrow I will move that motion.

PARLIAMENTARY REFORM

Mr ROPER (Coburg) — I desire to move, by leave:

That this House adopts in principle the following proposals to alter Standing Orders outlined in the Ministerial statement concerning Parliamentary reform made by the former Premier in this House on 18 March 1922 to allow for:

(a) the discretion to the Speaker to allow question time to be extended if opportunity for asking an adequate number of questions is not available;

(b) the opportunity for a grievance debate to be held on a more regular and frequent basis (every third Thursday on which the Assembly sits);

(c) reduction of time limits on speeches in debate (with discretion to the Speaker to extend the time allowed if a member's rights are unreasonably affected by interruptions);

(d) agreed times for the duration of debates;

(e) the introduction of set times for the resumption of second-reading debates; and

(f) the adoption of the Australian Senate procedure relating to the protection of persons referred to in the House —

and requires the Standing Orders Committee to prepare amendments to the relevant Standing Orders for adoption by the House based on the proposals and that the committee report not later than the first sitting of the spring 1993 sitting period.

STRATEGIC MANAGEMENT REVIEW
OF PARLIAMENT

Mr ROPER (Coburg) — I desire to move, by leave:

1. That a Joint Select Committee be appointed to further inquire into and report upon the administration and funding of the Parliament and into all issues contained in, and the recommendations of, the Strategic Management Review of the Parliament of Victoria, February 1991.

2. That the committee shall consist of eight members comprising not more than four members of the Council and not more than four members of the Assembly.

3. That five members of the committee shall constitute a quorum of the committee.

4. That the committee shall elect two of its members to be joint chairman.

5. That the committee may sit in such places in Victoria as seem most convenient for the proper and speedy dispatch of business.

6. That the committee shall not sit while either House is actually sitting except by leave of that House and may not, while either House is actually sitting, sit in any place other than a place that is within the Parliament building.

7. That the committee may send for persons, papers and records and report from time to time.

8. That the committee shall, unless it otherwise resolves, take all evidence in public.
9. That the committee shall keep a record of all evidence given before it and determinations made by it.

10. That the committee have power to authorise publication of any evidence given before it in public and any document presented to it.

11. That as soon as practicable after the completion of each day's proceedings a transcript of the evidence taken in public by the committee shall be published.

12. That the foregoing provisions of this motion so far as they are inconsistent with the Standing Orders and practices of the Houses shall have effect notwithstanding anything contained in those Standing Orders.

13. That evidence taken before the previous Parliament of Victoria Committee shall be considered by the committee as if that evidence had been given before and for the information and guidance of the committee.

Mr GUDE (Minister for Industry and Employment) — Leave is refused.

Mr ROPER (Coburg) — I give notice that tomorrow I will move:

1. That a Joint Select Committee be appointed to further inquire into and report upon the administration and funding of the Parliament and into all issues contained in, and the recommendations of, the Strategic Management Review of Parliament of Victoria, February 1991.

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12. That the foregoing provisions of this resolution so far as they are inconsistent with the Standing Orders and practices of the Houses shall have effect notwithstanding anything contained in those Standing Orders.

13. That evidence taken before the previous Parliament of Victoria Committee shall be considered by the committee as if that evidence had been given before and for the information and guidance of the committee.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

- Accident Compensation (WorkCover Insurance) Bill
- Audit (Tender Board) Bill
- Caravan Parks and Movable Dwellings (Amendment) Bill
- Crown Land Acts (Amendment) Bill
- Docklands Authority (Amendment) Bill
- Education Acts (Teachers) Bill
- Ethnic Affairs Commission Bill
- Institute of Educational Administration (Repeal) Bill
- Land (Miscellaneous Matters) Bill
- Local Government (General Amendment) Bill
- Police Regulation (Discipline) Bill
- Stamps (Amendment) Bill
- Tertiary Education Bill
Mr COLEMAN (Minister for Natural Resources) — I move:

That this Bill be now read a second time.


I turn now to the specific amendments proposed by the Bill.

The amendments to the Land Act 1958 are required to overcome difficulties associated with the validity of grazing licences and renewal processes for these licences.

The Land Act 1958 contains no express provision to deal with the renewal of grazing licences, which have historically been issued and subsequently renewed by forwarding an invoice for appropriate fees. Renewal has been considered to be effected once payment of the fees has been received. This practice had been adopted for many years and in some cases dates back to licences first issued more than 60 years ago.

Recent advice from the Victorian Government Solicitor suggests that the practice of renewing licences in this way is not substantiated by the Land Act 1958 and that there is doubt about the continuing validity of grazing licences. The amendments will settle the issue of validity and provide for the existing practice of renewing licences by way of invoice and receipt to legally continue.

The amendments to the Crown Land (Reserves) Act 1978 are required to overcome anomalies in relation to the leasing of Crown land reserves. The Crown Land (Reserves) Act 1978 currently prevents leasing in certain classes of reserves such as those reserved under section 4(1)(w) for public parks and gardens.

Two examples are a proposed restaurant, tea rooms and kiosk complex in Queens Park, Essendon, and the use of a portion of the lower reserve, Camberwell, by the Camberwell Primary School for recreation purposes. In both of these cases, the use proposed is supported by the municipal council and the general public and would not be detrimental to the amenity of the areas.

In order to enable leases to issue in these areas, the Bill includes in the Crown Land (Reserves) Act 1978 a provision to enable the Minister to approve the granting of leases and licences where he is satisfied and states in the approval that the proposed use of the reserve is appropriate, having regard to the particular circumstances of the reserve, and that the issue of the lease will not be substantially detrimental to the adjoining reserved land.

This approval process will allow committees of management, which in most cases will be the local council, to put a case to the Minister to issue a lease for a particular use and for these applications to be examined on merit after examination of the circumstances which are particular to the reserve.

This approval is made by the Minister by order published in the Government Gazette. The order is required to be tabled in both Houses of Parliament within five sitting days and can be disallowed by either House within 10 sitting days of the tabling of the order.

The amendments proposed to the National Parks Act 1975 are required to widen the leasing provisions of the Act in relation to commercial facilities in the Mount Buffalo National Park.

The government owns a range of commercial facilities at Mount Buffalo, including ski lifts and the Mount Buffalo Chalet. The facilities have been loss-making enterprises over many years. With the exception of the chalet, most of the facilities have recently been leased to a small private operator. The chalet continues in government ownership and is
leased by Victorian Snow Resorts Pty Ltd — and it continues to incur losses.

The provisions of the National Parks Act 1975 prevent leases of many of the commercial facilities at Mount Buffalo to the private sector for more than seven years. That is a serious impediment to successfully leasing the chalet. The Bill will enable leases to be issued in respect of facilities at Mount Buffalo for up to 21 years. That will greatly enhance the likelihood of successfully leasing the chalet to the private sector, which is best suited to managing commercial tourist facilities of that type. In addition, the 21-year period will enhance the commercial viability of other private operations such as Tatra Inn.

The amendments to the Conservation, Forests and Lands Act 1987 are required to give clear legal status to the corporate body now known as the Secretary to the Department of Conservation and Natural Resources. Although changes in the names of government departments can be effectively dealt with by administrative arrangements orders, that may not extend to changes in the name of the corporate body. The amendment simply clarifies the issue.

In conclusion, all the amendments in the Bill will improve the efficiency of management of Crown land for all Victorians.

I commend the Bill to the House.

Debate adjourned on motion of Ms MARPLE (Altona).

Debate adjourned until Tuesday, 18 May.

SUBDIVISION (AMENDMENT) BILL

Second reading

Mr MACLELLAN (Minister for Planning) — I move:

That this Bill be now read a second time.

The Subdivision Act was passed by Parliament in 1988 and came into operation on 30 October 1989. The Act streamlined and simplified the complex subdivision process which had previously been governed by a number of separate pieces of legislation. The Act sets out the procedure for the subdivision and consolidation of land and for the creation, variation or removal of easements or restrictions. It also regulates the management of common property and the operation of bodies corporate.

In addition, the Act specifies the procedures for obtaining council approval, service authority approval and registration with the Office of Titles of a wide range of subdivisions. The Bill makes a number of useful technical amendments to the Subdivision Act 1988 and to related provisions in the Sale of Land Act 1962 and the Transfer of Land Act 1958.

The Bill responds to positive suggestions made to the government by the development and conveyancing industry and the Office of Titles and builds on the major regulatory review that led to the passage of the principal Act in 1988 and a package of amendments in 1991. The current Bill has been developed on the basis of further practical experience with the application of the legislation. It will result in general improvements in the administration of the legislation and does not introduce any significant new matters of policy.

Among the changes proposed in the Bill, which will enable the legislation to reflect accurately current subdivision practice, are those proposed to both the Transfer of Land Act and the Sale of Land Act, which take account of the increasing use of pre-selling provisions previously introduced into the legislation.

Changes recommended by the Office of Titles will, once enacted, clarify the meaning of certain provisions and enable that office to adopt a more business-like approach when processing documents received from banks and other similar institutions. Documents signed by agents, including delegated bank officers, can now be accepted at face value without giving rise to any compensation claims if they are subsequently found to be inaccurate.

The Bill includes an amendment to a provision which has been of significant concern to local councils. It involves the timing of the payments for public open space from developers to councils. The intention of the existing Act is to ensure that, where a cash contribution is made, it cannot be demanded by the responsible authority too far in advance of the subdivision plan being approved. Hence, the Act includes a restriction on payment to a period within seven days of the statement of compliance — that is, plan approval.
Unfortunately, the current wording of the Act has been interpreted to mean that the very requirement for open space — that is, not just payment of the cash if the cash option has been chosen — must be made within seven days of the statement of compliance. Given the statutory notification period for applications and referrals for subdivision plans, this interpretation effectively prevents the open space policy being implemented.

The Bill amends the intent and frees the payment provision so that the timing of a payment is at the discretion of the applicant if made prior to the statement of compliance. Payment can be deferred until later by agreement between the council and the applicant. The Bill will also permit councils to process plans of subdivisions, notwithstanding that separate applications have been made to amend title boundaries under the Transfer of Land Act. The recording of easement information on plans is also simplified.

Together, the amendments to the Subdivision Act now before the House will further facilitate the effective operation of the system of subdivision and consolidation of land in Victoria.

The opposition has requested a briefing by technical advisers. Those advisers will be made available at the earliest possible opportunity.

I commend the Bill to the House.

Debate adjourned on motion of Mr DOLLIS (Richmond).

Mr MACLELLAN (Minister for Planning) — I move:

That debate be adjourned for one week.

Mr DOLLIS (Richmond) — It would assist if the Minister were to adjourn the debate for two weeks instead of one week.

Mr ROPER (Coburg) — As honourable members would be aware, this is a highly complicated part of the law. At one stage I was responsible for a subdivision Bill, and I am only too aware of the complications that can arise and the large number of professional organisations and people who need to examine the Bill. Although many of them may have had some input already, my experience is that, as competent professionals, they like the opportunity to examine the Bill and to make appropriate comments. It is basically unrealistic, not only from an opposition viewpoint but also from a government viewpoint, to expect that consultation process to be concluded by next Tuesday.

In the previous Parliament, Bills of this complexity were often adjourned, in effect, for more than a month and subsequently considered further in the Legislative Council. Some Bills were held over for consideration in the following sessional period and, as a result of submissions made, significant amendments to those Bills were put forward by both the government and the opposition.

The Minister has given an undertaking that extra time will be allowed if it is required. Although that is better than nothing, I believe that in accordance with the custom of the House the debate should be adjourned until 18 May so that the Bill may be dealt with properly not only by the government and the opposition but also by professional organisations. Following an adjournment of two weeks, Parliament would have a week for the matter to be considered by both Houses. The Upper House may decide, in any case, to meet for additional days in the following week.

There is a compelling case for allowing additional time so that the Bill can be properly considered. Therefore, I move:

That the words “one week” be omitted and replaced by the words “two weeks”.

The opposition appreciates the agreement of the Minister to provide technical expertise on what is highly technical legislation. However, as those who have held responsibility for this area know, not all the available expertise is to be found in the government service and other experts are often able to provide additional advice.

Although I do not suggest there is likely to be huge public input to the Bill, there needs to be an adequate opportunity for expert input to take place.

Mr MACLELLAN (Minister for Planning) — I made it clear that the government was prepared to adjourn the debate for a week with additional time being made available if required. I made it clear that the government was prepared to provide briefings. If the opposition wishes to insist on its amendment the government will not oppose it. However, that will mean that the Bill will not be passed during this sessional period. If a week with additional time is not sufficient to satisfy the shadow Minister and the former Minister — it is the intervention of the
former Minister, the honourable member for Coburg, that makes clear what the opposition’s views are — and they want to stuff this up for that length of time — —

The SPEAKER — Order! The Minister used an unparliamentary expression and I ask him to withdraw.

Mr MACLELLAN — If the opposition wishes to make it difficult in that way I am happy to assist it in that wish. The government will not oppose the motion, so there is no need to discuss it further. I will simply send the Hansard report to the municipalities that find it difficult to cope with whether they will be able to get money instead of public open space. Let it rest on the shoulders of the former Minister, who is not willing to accept an offer of an adjournment of a week with additional time if required. Frankly, it is time the opposition began to understand its responsibilities to this Parliament.

Mr DOLLIS (Richmond) — On the amendment, Mr Speaker, I do not think it is necessary for honourable members to engage in acrimonious debate on the question of time. I asked the Minister in a gentle way for an adjournment of two weeks to give me and anyone else who may wish to examine the Bill adequate time not only to avail themselves of the generous offer made by the Minister for expert advice from officers of his department but also to consult with relevant authorities.

In addition, an adjournment of two weeks would not in any way interfere with the capacity of the House to deal with the Bill and thereby provide an opportunity for the Upper House to deal with the Bill.

Mr McNamara interjected.

Mr DOLLIS (Richmond) — The Deputy Premier would not have a clue what is in the Bill. The Minister was genuine in making a fairly generous offer of advice on the legislation and the opposition has no problem with that. It was for that reason that the opposition intended to deal with the question of time in a way that would not produce unnecessary antagonism in the House.

The Deputy Premier has now begun, in a frivolous way, and by interjection, to deal with the question of a complex Bill, yet he would not have a clue what it contains and will still not have a clue what it contains after it has become law.
I am not a lawyer. Like you, Mr Speaker, I come from one of the disciplines that experiences more rigorous training, and because of the mysticism generated by the language in which this legislation is couched — it raises the mysticism of legalism to an art form — members of the opposition and other groups in the community that are interested in the legislation need two weeks for the legislation to be interpreted and translated into a logical form so that it can be understood.

Although it is not in my area of policy interest, the groups that come to mind at first glance in seeking a variety of opinions across the broad spectrum are the Municipal Association of Victoria, which I am sure would be most interested in analysing and dissecting the Bill at some length, municipal councils, provincial city councils, city councils and inner city councils. They would all bring varying views to this complex, wide-reaching and all-encompassing legislation.

Similarly, I should have thought that the coalition parties would be most interested in the view of the Real Estate Institute of Victoria, which I always understood to be one of their natural constituents.

Surely the Minister for Planning, who is at the table, if he has been a good Minister and has been on top of his portfolio, would have been able to manage his business in the House and in government rooms. Perhaps he needs to form a closer association with those involved so that the Bill, if it is as critical as he has made it out to be in his petulant, foot-stomping way, would have been moved up the list and we would not have had this difficulty.

The opposition should properly represent the community on such a complex matter. If the matter is so complex, how can the Minister expect the opposition to run the legislation through the House because he is not up to managing the affairs of his own Ministry and the legislative program?

I urge all members of the House to grant the modest adjournment of two weeks. The Minister in his opening remarks indicated that he was prepared to give extra time. To me that sounds like two weeks. If he is prepared to offer this time, why did he not say so?

The SPEAKER — Order! The Minister has moved that debate on the Bill be adjourned for one week. The honourable member for Coburg has moved an amendment:

That the words “one week” be omitted and replaced by the words “two weeks”.

Amendment agreed to.

Amended motion agreed to and debate adjourned until Tuesday, 11 May.

BOARD OF STUDIES BILL

Mr GUDE (Minister for Industry and Employment) — I declare that this Bill is an urgent Bill, and I move:

That this Bill be considered an urgent Bill.

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

House divided on motion:

Ayes, 58

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

Maclean, Mr
Maughan, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Perton, Mr
Pescott, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A.F.
Plowman, Mr S.J.
Reynolds, Mr
Richardson, Mr
Rowe, Mr (Teller)
Ryan, Mr
Smith, Mr E.R.
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tanner, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Turner, Mr
Wade, Mrs
Weideman, Mr
Wells, Mr

Noes, 24

Andrianopoulos, Mr
Baker, Mr
Batchelor, Mr
Leighton, Mr
Loney, Mr
Marple, Ms (Teller)
The children of Victoria deserve more than a government that uses its numbers in this narrow and crass way to limit debate on the fundamental philosophy of the Bill to 1 hour — 1 hour!

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The House will come to order. I remind the honourable member for Carrum that he has been in this place long enough to know that he should address his comments through the Chair. Yelling across the Chamber only invites interjections. I ask the honourable member to come back to the debate, and I remind other honourable members that they are responsible for their conduct within the Chamber.

Mr SANDON — The government had the opportunity to debate the legislation last week. That was discussed with the Acting Leader of the House at that time but the government chose not to go ahead with the debate.

The Bill is a significant piece of legislation that will establish the way the curriculum of Victorian students will be developed, formulated and introduced. It is totally inappropriate for the government to say that the opposition has 1 hour to debate legislation that is central to education. The government obviously has something to hide!

Last Thursday I spoke with the Minister's political adviser and the director of his department about the serious problems with the Bill. In good faith I gave them my amendments so that they could see the problems the opposition had disclosed. I was waiting to negotiate with them!

The opposition supports the Bill in principle, but there are problems with it. Because of its commitment to education the opposition was prepared to work with the government to improve the legislation. Catholic, independent and other school organisations have responded to the opposition's requests for their views.

There are enormous difficulties with the Bill, and I shall use the time I have to debate it in a constructive way. Once again I had to go to the Deputy Ombudsman before I could get a briefing from the Minister on the Bill. That reflects badly on the Minister and the government, as does the adversarial way in which the House is now debating the Bill. It should be objectively debating how to improve the legislation in the interests of Victorian
students. Sadly, the government has turned its back on them.

Motion agreed to.

Second reading

Debate resumed from 1 April; motion of Mr HAYWARD (Minister for Education).

Mr SANDON (Carrum) — It is a disgrace in every sense for the government to impose a guillotine on the Board of Studies Bill and to suggest that its many aspects can be discussed rationally in the remaining 46 minutes allocated for the second-reading debate. It is a sad reflection on Parliament, on the Minister for Education and on the people responsible for that decision. That reflects badly on the government, especially when one considers the way in which the opposition has worked with it in an endeavour to enhance the Bill.

In February I wrote to the Director of School Education to ask for a briefing on the legislation. When I did not receive a response I went to the Ombudsman. After the Ombudsman intervened we had a meeting at which I was forthright about the amendments I regarded as necessary to improve the legislation. Although the Minister’s adviser and the director promised to get back to me — we were to have further discussions about how the legislation could be improved — they failed to do so.

When I was Minister for Police and Emergency Services I did not refuse the opposition access to the police, public servants or prison officers, because I had nothing to hide. Under the Westminster system it is the right of the opposition to receive proper briefings. When one considers how this legislation has been dealt with one must ask: what is the government frightened of? Why is it frightened to discuss the Bill? Why does the government not want to have an objective discussion about the Bill? Perhaps the opposition might find something!

Because I do not have a background in education I have taken a different attitude to discussion on the Bill. I have tried to understand the government’s logic. I have listened to teachers and parents and I have seen what is has happening in the schools I have visited. I have endeavoured to apply that experience to the legislation in a practical way — but I will be denied that opportunity today.

The Bill establishes the Board of Studies and repeals the Victorian Curriculum and Assessment Board (VCAB). The Board of Studies will develop guidelines and procedures for each of the 13 years children attend school. The Bill gives added
prominence to the primary curriculum. I agree with that, because I believe a more integrated approach to curriculum development is a step forward. However the opposition disagrees with many of the clauses which give unprecedented power to the Minister and which will ensure that he has a greater involvement than before. The Minister will have a greater involvement in the activities of the board and the subcommittees and in decisions concerning who will chair them. The Bill should be amended because it smacks of political interference.

The opposition supports the emphasis on literacy and numeracy but disagrees with the strategies employed to achieve those goals and the level of resources to be made available to the board. The opposition supports the expansion of accreditation to all areas of schooling. As honourable members will be aware that was the direction in which the former Labor government was heading.

The most pleasing aspect of the Bill is that it covers all school students and creates a cohesive and integrated system of school studies. However the Bill turns its back on the education partnership that was the hallmark of education Ministers of all persuasions over two decades, from the Liberal years of Alan Hunt and Lindsay Thompson to the Labor years of Robert Fordham, Joan Kirner, Caroline Hogg, Barry Pullen and Neil Pope. They were all committed to legislation that involved parents, teachers, principals and non-teaching staff working in partnership to various degrees and in various ways. Sadly the legislation undermines that approach.

During the 10 years of Labor government there was a period of unprecedented cooperation among the various education partners, the aim of which was to improve schooling in Victoria. Teachers, students, principals, parents, public servants and government members worked together to promote major reforms in the public education system. When one compares that situation with what has occurred since October, one finds no partnerships, no cooperation, and no consultation; only division and destruction, which has occurred every day. Class sizes have increased and curriculum studies have been reduced. There are fewer teachers and few, if any, physical education programs. Library facilities and music and art classes have all become optional extras — if parents can afford them. A disastrous situation has occurred with emergency teachers.

The government has a so-called mandate to expand the rural school facilities yet it has charged parents $25 for the mobile area resource centre (MARC) program. But kids are cleaning schools, parents are maintaining schools and bus services are being reviewed, which will mean more services will be closed down — and additional costs for parents.

Teachers and parents have worked hard to build a quality education system. That is why VCAB consisted of representatives from the tertiary sector, school councils, parent organisations, teacher unions, independent schools and Catholic schools as well as the three political parties. The Bill cuts the representation of those groups on the Board of Studies from 22 to 11. Who will bear the cost? Will it be parents and the teachers or will it be the students?

The Bill stands condemned because of its failure to identify the interests that will be represented on the board. The Minister or any subsequent Minister — we should not lose sight of the fact that the Bill will give the Minister of the day enormous powers — will have intrusive powers, and board members and subcommittees will represent the Minister, not education. They will certainly not represent the kids!

Victoria needs a Board of Studies that is not political and that represents the community. If there is to be a successful implementation of its policies the government must ensure that those who will be affected are consulted and their views represented — but the legislation does not provide that. It is poor management to have a board that has little to do with the implementation of its decisions and to deny those who must implement them the ownership of the decisions.

The Minister for Education or his successor will be able to exert enormous control over the board, which should be independent. The Minister of the day should not have the sort of power provided by the Bill. Politicians and politics should be kept out of the debate on school curriculum.

The opposition would understand if the Minister were to say, “I need that direct control because of my commitment to the national curriculum guidelines”. In that case the opposition would accommodate the government through amending legislation so that the Minister’s powers specifically allowed the board to carry out its responsibilities and duties independently.

The fact that the Bill is virtually silent, all-encompassing and all-embracing about independence means that the Minister has carte
blanche over the board. Later I shall move appropriate amendments.

The Governor in Council will approve membership of the board upon the recommendations of the Minister. The Bill does not oblige members to attend meetings. At any time the Governor in Council may remove a member from office. The legislation provides no legal obligation to consult with or to appoint teachers or parents to the board. The absence from the legislation of such provisions means the Minister is free to remove anyone whom he does not wish to have on the board, for whatever reason. The Minister will not be accountable in any way.

The independence of the board is called into question because of the provisions in the Bill. In its comment on the proposed legislation, the Catholic Education Office (CEO) states:

In relation to comments re representation on board we would obviously expect to be represented. The concern is that no representation is specified in the Bill.

... concern that the Act politicises education significantly. A sudden change of government would bring another violent change of direction.

The CEO is most concerned about a future Minister making "violent change" to them when the board should be free of Ministerial control and direction. The board must ensure that curriculum is its primary focus and that, when raised at whatever level, issues should be beyond the direct control of the Minister of the day.

The centralised control inherent in the Bill has been commented on by members of the press and the subject has been discussed in newspaper and radio interviews. I had intended to quote from those interviews but, because of time restraints, I shall not do so.

The Association of Independent Schools of Victoria (AISV) has complained that the Minister will have increased control. The association's correspondence is another example of a sector of the education constituency expressing its concern about the autonomy of the board and about the level of political intervention allowed under the Bill.

On the autonomy of the board, the association says:

Under the proposed staffing arrangements where the chief executive officer is responsible to the Director of School Education for personnel, budgetary and administrative matters the autonomy of the board is brought into question.

I do not have regular contact with that area of the education constituency but I have consulted them, as all constituent units within the education forum should have been consulted about the legislation. That letter is yet another example of the concern of an arm of the education constituency about the powers and the lack of autonomy of the board.

In its haste to produce the legislation, and without consulting with the education community, the Minister has introduced a flawed Bill. He says the Board of Studies will apply to all students and not only students in government schools, yet in his second-reading speech he states:

The decisions of the board are not binding upon the non-government school sector.

The CEO has doubts about those relevant legislative provisions, and presumes the Bill will apply to Catholic education. It has detected a conflict between the second-reading speech and the provisions of the Bill.

The AISV has clearly stated that it does not wish curriculum from preparatory to year 10 levels, nor at years 11 and 12, to be controlled by the board — rather, that the courses should be accredited.

The organisations representing independent schools and Catholic schools talk about control. Both organisations understand what is implicit in the Bill and are concerned about central control.

Later I shall move an amendment to ensure that the legislation applies only to the government sector of education. If the issue of coverage is not clarified, according to representatives of the non-government education sector, problems will exist in the interpretation of clauses 9, 10, 14 and 15. Based on what constituent units within the education field have said, discussions were held between the Minister's adviser, his director, and me so that I could demonstrate the conflict that is of concern. The Minister's second-reading speech should reflect the purposes of the Bill, but it does not.

The Bill lacks any statement of principles. One would have expected the primary principle to have been espoused in the objectives of the Bill, namely, a commitment to the State education system. Instead, the objectives are largely confined to more technical
issues. The words “State education system” are not mentioned.

Ms Kirner — They are trying to get rid of it.

Mr Sandon — When one considers what system the Bill replaces, it is imperative that the principles underlying the State education system should be spelled out. They should include the fact that education must be accessible and of high quality, that the system should enhance the opportunity of all students to succeed in education, and that the system needs to recognise that not all students are the same — some have special needs that must be met. The board must have a specific role to ensure that the needs of kids with abilities and disabilities are met, and that the needs of the disadvantaged by reason of location, ethnicity, gender, disabilities or social conditions are met.

The CEO is very concerned about the Minister’s approach. It is concerned, for example, about the move to make information collected by the board about the results of schooling available to the general public. They worry about such procedures and say there is a free market approach with little regard to factors such as isolation and race. That is not taken into account in the Bill. I foreshadow amendments to incorporate in the Bill objectives to provide for a commitment to a State education system.

I turn to the functions of the Board of Studies. The Bill advocates standardised testing for all students and the publication of results. The government is obsessed with testing and has an ideological commitment to it. It sees the administration of testing as an end in itself. That ideology commits the government to the expenditure of enormous amounts of money to ensure that every child is tested and ranked, yet the legislation does nothing to require the board to do anything with those test results. Why would one commit a board to carry out tests across the system and at the same time not direct it to do something with the results? The opposition tried to assist. Although the opposition disagrees with the government on the ideological commitment and obsession with testing, the government should at least demonstrate that the board has to be accountable. Statewide testing and the publication of results is expensive; it requires long-term data on each student and a database being established. Comparisons would have to be made and a database would have to be kept to allow standard movements between schools.

Who would mark the tests? It would require a large team of independent teachers or markers. The validity of the tests is reduced if they become shorter or multiple choice. How many subject areas would be tested — would it be only English or maths? There is the possibility that the teaching curricula of schools would become unduly narrow if the test results were published.

Questions are raised by the commitment to testing, yet there are no answers in the second-reading speech or the Bill. They raise issues about what is a good school. Does a good school try to work with all the students to maximise each student’s potential? The answer to that problem under the common testing program would be to unload difficult students before they adversely affect the school scores. That would inevitably lead to social division and ghetto schools, and schools prepared to take on such students would risk being labelled as inferior. To enable schools to keep their numbers they would have to take on such students. Their political scores and public image would decline in the resultant snowball effect.

The accreditation of all courses from prep to year 12 is a huge task. The Bill defines the course as meaning educational subjects, and it includes study design, program structures and support material. The Victorian Curriculum and Assessment Board was given years 11 and 12 and had more than 100 public servant teachers seconded to it. How many teachers and public servants would be required to become involved in testing at all levels? Where is the commitment from the Minister that the board will fund programs designed to ensure that all children reach their potential? That is the core, yet the Minister wants to focus on is testing.

The opposition foreshadows amendments that will require the board to act on the information by devolving and funding educational programs designed to address the educational needs of students identified as not meeting satisfactory standards.

I am committed to improving the standard of literacy and numeracy, but all the testing in the world will not do that; all it will do is provide resources in schools to run programs such as reading recovery. They are the programs that have been axed since the October 1992 election. The programs are under threat again.

In my younger days I was influenced by A. S. Neil. One should be talking not about academic
excellence, pursuing degrees and diplomas, but about an education that will produce well-rounded individuals with the capacity to leave school and be able to cope with life and the inevitable changes that life brings.

All of us are aware of the scope that exists in our community for change. What is of concern to me is that the Board of Studies will concentrate on testing academic excellence. I remember the words of A. S. Neil when he said, "I would rather have a well-adjusted garbage collector than a neurotic doctor". Our education system should not be designed solely for those people who will become professionals and will move on to post-secondary institutions. We should be considering an education system that allows young people to question, to inquire and to examine areas in an objective way to enable them to cope with the enormous difficulties that adulthood brings. I hope there is a broader framework and understanding of these issues, but the Bill and the second-reading speech do not give any hope; they have a narrow telescopic focus on testing in the pursuit of academic excellence. Not all students can get there. We are all affected by the parameters of our experiences.

When I examine the Bill I cannot help but reflect on the position of my own son, who is doing his VCE. I looked at his legal and Australian studies, and it is a pleasure to see the way that curriculum has been broadened. He is examining how laws are made, how legislation is introduced into Parliament and the nature of our laws. That is proper because it reflects not only the technical processes but also the implications of, say, the Employee Relations Act, what a contract is, what an award is and what those terms may mean to young people joining the work force.

The curriculum is formulated to equip young people with the knowledge of what may happen to them when they go into the workplace. It is not only a narrow focus on passing an examination at year 12. The legislation is turning back the clock to an examination at year 12 to prepare students solely for university, not for a broader understanding of what is happening in life; not for a broader approach in their education to meet the social and cultural contributions they will have to make in our society. I regret that narrow focus. We have a responsibility to all young people, not just those who go on to tertiary study.

The Bill is also flawed because it does not require the board to consult with those who will implement the decisions or with those whose children are clients of the system. Parents, teachers, administrators and principals are locked out. The opposition will move an amendment to require the board to consult with those groups, which will be in the interests of better decision making.

Clause 9 provides for the board to operate within a charter. This clause should be deleted because it is too vague. A charter should be a mission statement that outlines the underlying educational philosophy of the government. It should outline what the approach of the Board of Studies and the government will be to education. Nothing in the Bill indicates that.

I have been told that the Minister is devising a charter for the future. What has he been doing for the past couple of years? The Minister should explain what his curriculum charter is and include it in this Bill. Either it is not ready to be released, or it is being kept hidden. If the Minister intends to introduce a charter, its details should be debated in Parliament.

Dr Vaughan — If it is not sinister, it should be in the Bill.

Mr Sandon — That is absolutely spot-on. Everyone should know and understand what the Minister's philosophy is. If there is nothing to fear, why is he hiding it?

The Bill also provides that the board must comply with the Minister's written advice and the charter, and that the Minister can change the charter without reference to the board. The opposition opposes these provisions.

The Bill will provide for the establishment of a body which will implement set functions rather than provide educational leadership or expert advice to the Minister. The Catholic Education Office has said that the board will have little independence.

The Bill will also introduce a new certificate for year 10. This move smacks of political interference and shows that the Bill is prescriptive in the extreme. The Minister has pointed out that those whom he places on the board will be there because of their expertise, yet they are being told that they will be required to award a year 10 certificate before they have been allowed to consider the issue. The Board of Studies is the centrepiece of the Minister's educational leadership, yet it will be told what to do. The removal of the requirement that the board shall
award a year 10 certificate will require legislative change; yet, at the same time, the Minister has the power to direct the board on any matter and can act without listening to the advice of his experts.

The Minister should have consulted all the players in the education system. The concept of a new year 10 certificate has been universally condemned. The government and non-government sectors regard it as unnecessary. I shall propose an amendment to delete this function for two reasons: firstly, it signifies political interference, because the Minister is telling his own expert committee what to do; and secondly, it is unnecessary, given the broad powers the Minister has given himself to direct the board on any matter.

The membership of the board is not stated in the Bill. Neither the Bill nor the second-reading speech sheds any light on who will be on the board. However, the press has reported that it will include business, university, independent, Catholic and government school representatives.

The Minister has pointed out that expertise, not representation, will be the criteria for membership. Why should they be mutually exclusive? The membership of the Victorian Curriculum and Assessment Board was based on partnership and representation of those involved in developing a quality public education system. That is why it was comprised of representatives of tertiary institutions, school councils, parents, teachers, unions, government, independent and Catholic schools and the three political parties.

Parents, teachers and principals are key components of the State education system, yet the Minister has failed in this Bill or in any public comment to assure them that their interests will be represented on the board. In private enterprise jargon, parents are the clients, and the successful business must deliver what the client wants. In order to do this, the business must know what the client wants. Representation of parents' interests on the board is essential.

The Minister has referred to the professionalism of teachers. He wrote to individual teachers at the end of the school closures and staff cuts to thank them for their professionalism, yet he does not trust them to elect someone to represent them. The same applies to principals. They are the educational leaders who know which of their number have the best curriculum expertise.

It is essential that the board include a principal, a teacher with primary school expertise, a teacher with secondary school expertise, a parent and a school counsellor. By failing to grant this, while giving himself unprecedented power, the Minister is provoking a great deal of unnecessary antagonism among parents, teachers, principals and school councils.

Therefore, I shall propose a number of amendments. One amendment will seek to increase the number of board members from 5 to 16. This is justified on the basis of the workload of the board and will allow those groups to be represented on the board without changing the balance that the Minister wants for the board. At the same time, it would give those who do the work and the clients of the system a role in this important decision-making process.

My second proposed amendment will specify who shall be represented on the Board of Studies. It will remove the secrecy provisions. It will not specify the actual members but will identify certain groups such as parents, principals, teachers and representatives of school councils. I propose to include both government and non-government sectors as well as representatives of post-secondary institutions. I have not included representatives of business, but it appears from press reports that the Minister wants representatives of the business community to be included on the board and I am happy to do that if he supports my proposed amendment.

My proposal is reasonable. It does not refer to the organisations that the Minister, unfortunately, has difficulty in dealing with, but it does ensure that the interests of school committees will be considered. If the aim of the legislation is to ensure access to education of the highest quality, board members should have expertise and experience, together with a legitimate interest in the education system.

My third proposed amendment will require the Minister to consult with the appropriate school community organisations before nominating members to the board.

My fourth proposed amendment will ensure balance in terms of practitioners and gender. It is important in developing policy for the people implementing the policy to be involved. That is the only way the community can be assured that the right decisions will be made. It is sad that the interests of women have not always been given the priority they deserve, and gender balance can address this problem. There is no shortage of women in the
education system, so it should not be difficult to find competent people. Unfortunately, many capable women teachers, especially at the senior levels, have left the Teaching Service through staff departures.

The Minister must act decisively to ensure adequate representation on the board. As a consequence of those comments I move:

That all the words after “That” be omitted with the view of inserting in place thereof the words “this Bill be withdrawn and redrafted to ensure that — (a) its membership reflects partnership in education of principals, parents and teachers and expertise in and commitment to the State education system; (b) the board acts as an expert committee independent of the Minister and accountable to the public of Victoria through Parliament; and (c) adequate staffing and resources are provided to the board to allow consideration of all courses from preparatory to year 12 in spite of the current economic climate.”.

I shall move further amendments during the Committee stage that will provide the grounds for removal from office; restrict the political involvement of the Minister in the internal workings of the board; secure the smooth running of the board; ensure that schools are represented on subcommittees; ensure the independence and autonomy of the board by making the chief executive officer responsible to the chairman; and ensure that the board is accountable to the people of Victoria and not to the Minister.

I now refer to the Victorian certificate of education (VCE) and the verification process. In the time allotted I am unable to cover these issues in depth, which is a disgrace, because the House should have a rational, objective discussion about the VCE, its future direction and the verification process. They are essential components of the system and it is hoped that education will not suffer the jackboot approach that has gone on today.

The SPEAKER — Order! The time allotted for the second-reading debate has now expired. The Minister for Education has moved that the Bill be now read a second time, to which the honourable member for Carrum has moved a reasoned amendment that certain words be omitted with the intention of substituting new words. Those who support the reasoned amendment should vote no.

Amendment negatived.

Motion agreed to.

Read second time.

Committed.
Mr HAYWARD (Minister for Education) — I thank the House for its support of the second reading of the Bill. In dealing with the purposes of the Bill the honourable member for Carrum stated that he considered there were inconsistencies between the second-reading notes and the Bill, especially as they concerned non-government schools.

The Bill is not intended to cover non-government schools in the sense that the government does not seek to give the Board of Studies the power to determine what is taught in those schools. That can be contrasted with the powers given to the Director of School Education to determine what is taught in government schools through directions or instructions to those schools and their teachers. In saying that I make the point that government schools have always had a large degree of autonomy in setting their curriculum, and the government wishes that to continue. The Board of Studies will set guidelines and directions, but it will enable schools to use their own creativity in meeting the varying needs of students.

The statement that the Bill applies to all students refers to matters such as certificates. The board must provide certificates to all students from all schools, government and non-government alike, who the board decides have satisfactorily completed either year 10 or the requirements for the Victorian certificate of education. Again that does not mean that the Board of Studies can tell non-government schools what they should teach, nor is there any requirement that non-government schools should teach a specific course of study.

One of the purposes of the Bill is to repeal the Victorian Curriculum and Assessment Board Act 1986. I take this opportunity of thanking the members and staff of VCAB for their dedicated efforts. I thank the staff of the board for their cooperation in the preparation of the Bill. I also thank the chairperson of the board, Mr Howard Kelly, for the leadership he has given to the board in difficult times.

The honourable member for Carrum raised the question of briefings and the purposes of the Bill. I make it clear that I am more than anxious for the honourable member for Carrum to receive briefings when he requests them, as has been done in respect of two further pieces of legislation.

On this occasion the honourable member asked the Director of School Education for a briefing on this Bill. The director followed a practice which was put in place under the previous government that all requests for briefings should be made to the Minister’s office. I do not understand why the honourable member did not ask me for a briefing. Immediately I was advised that he had asked for a briefing, I directed that he be given one.

Ms KIRNER (Williamstown) — The purpose of the Bill is stated to be the establishment of the Board of Studies and the repeal of the Victorian Curriculum and Assessment Board Act. However, the underlying purpose of the Bill is to re-centralise education in Victoria.

Approximately every 10 years in Victoria since the 1950s a major debate takes place about curriculum, and usually major changes associated with a new curriculum board or institute occur. In every decade since the 1960s a full debate has taken place about the direction in which curriculum was heading and all participants in education had a real chance of debating that direction in legislation such as the Bill before the House. That happened in the 1960s, when one of the most visionary educators the State has ever seen, Mr Ron Reed, the then director of secondary education, developed what many thought were brilliant reforms in secondary education.

Mr Reed established a Curriculum Advisory Board that was broadly representative and had two purposes. The first purpose was in the first four years of secondary education to provide general education rather than a pale reflection of years 11 and 12 or a limited extension of the primary years. The second purpose was to break the stranglehold the universities had on secondary education in Victoria.

Under the then Minister for Education, the Honourable Lindsay Thompson, by and large the first but not the second of those important objectives was achieved. The second objective was not achieved until the 1970s and a further debate developed in the intervening period. In 1976 the Victorian Institute of Secondary Education was established.

Although not everyone agreed with the establishment of the institute, unlike the situation in respect of today’s debate on the Board of Studies Bill, everyone had a real opportunity to contribute to the debate and a guaranteed opportunity as parents, teachers and members of universities, government and non-government schools and research institutions to be members of the institute.
Does it not strike honourable members as a little strange that in the 1990s we are not as progressive in curriculum with the Bill before the House and the provisions of the membership, purposes and functions of the Board of Studies as the Liberal Minister Lindsay Thompson was in the 1970s when he introduced the Victorian Institute of Secondary Education Bill? I suppose “strange” is a polite word for it — I find it extremely disappointing. This Bill is one of the most disappointing steps backward I have experienced in my 25 years as an activist in education.

Following the passage through this House of the Victorian Institute of Secondary Education Bill, the people appointed to the institute proceeded appropriately to broaden the curriculum, particularly for year 12. A far better dialogue on what secondary education, and particularly year 12 education should be about was developed and the stranglehold of the universities was ameliorated but not broken as a result of that Bill.

By the 1980s economic demands had altered to such an extent that it was time to rethink the purposes of secondary education, particularly post-compulsory education. A former Minister for Education, the Honourable Robert Fordham, set up the Blackburn committee, headed by my good friend and colleague, Dr Jean Blackburn. It is universally agreed that Dr Blackburn is one of the world’s great educators. The Blackburn committee produced one of the most far-reaching reports ever published in Australia or overseas on post-compulsory education. For the first time in Australia — there had been reports of the Organisation for Economic Cooperation and Development on the matter — that report linked education, employment, curriculum and assessment. The report said that any certificate issued at the end of post-compulsory education ought to do two things. The first was to provide an opportunity for students to undertake further study if they wished and the second was to ensure that students had the ability to undertake and succeed in the world of work. The report also said that the certificate should be undertaken over two years, in part to accommodate the breadth of the curriculum required to enable all young people to successfully enter tertiary education or the employment sector.

Secondly, the report said the method of assessment ought to be changed so that the emphasis was not on the end-of-year exam but on producing students of excellence who had effectively learned the skills necessary to accomplish further learning.
I wish to place on record my thanks not only to the Victorian Curriculum and Assessment Board and to the Chairs, Professor John Legge, Dr Peter Hill and Mr Howard Kelly, but also to the people who have been members of the VCAB teams.

I also place on record the achievements of VCAB because mention of them was missing from the second-reading speech of the Minister. I believe VCAB ought to have been mentioned. It is a great pity that whoever wrote the second-reading speech for the Minister did not have the courtesy or appreciation of the traditions of education to include those matters.

First, I congratulate the board on being a very effective curriculum broker. In a time of great dissension and discussion on education — and it is fine at any time to have dissension and discussion — it is important to have a group of people who can act as brokers so that dissension and discussion can be directed towards a progressive end rather than falling apart.

The board was certainly given a difficult task. It has used its position to establish the Victorian certificate of education — to make it a reality. Through excellent consultation it has enabled teachers to participate in shaping and teaching the VCE. VCAB has also through excellent consultation with tertiary institutions — sometimes at their demand, I would have to say — ameliorated the view of tertiary institutions of their right to control the schools agenda and forced them into rethink their curricula in secondary schools and considering whether they are the same thing. In my view they are not.

The board has developed a valued VCE curriculum — a curriculum that is 85 per cent there. The groundbreaking curriculum work done in technology studies and three other studies — psychology, drama and health education — is putting Australia in the lead in these curriculum areas. Over the next few years it will be seen that VCAB's work, particularly in technology studies, is extraordinarily important in the development of Victoria.

I hope the government will provide the facilities, as we were unable to do, as the curriculum is now excellent, to ensure that technology studies can be delivered in all schools. VCAB has opened up the learning experience of students through common assessment tasks or CATs. VCAB values tests, but also values the development of students' abilities to research and to gain the skills essential to ongoing learning which combine the theoretical and the practical. Indeed, it was the way many of us learnt at University High School back in the 1950s and it is the preferred way of learning in all good schools.

VCAB has enhanced the professional understanding of teachers through widespread consultation on the verification processes, which I agree needed streamlining. Most of all, VCAB has valued the work of teachers, and that is something the current Minister does not seem to be able to get into his head. It was interesting to read the article in the education section of the Age this morning in which the current Federal Minister for Education made the point that unless teachers feel they are valued by Ministers and governments, there is no way that education reform will move forward.

The saddest thing about education in this State at the moment is that many principals and teachers in Victoria feel devalued in the work they do in schools because they are no longer partners: other people are above them in command. The VCE made teachers and principals, parents and students partners in education. It put many demands on all parties but they were partners.

The board served the community well, and I place on record my thanks, as a previous Minister for Education and Premier, and the thanks of the opposition to the board members and the staff. The work it did will go up — not down — in history as a very important part of education in Victoria, as will the contribution of the Victorian Institute of Secondary Education.

In discussing the purposes of the Bill it is important to try to tease out why the Board of Studies is important. The opposition does not oppose the Bill. It believes the Board of Studies is important and congratulates the Minister on deciding to have a Board of Studies for the whole curriculum. That is appropriate. The focus on years 11 and 12, for example, does not deliver literacy or numeracy in schools. If that is not provided in schools and homes — in the early years of education it is a partnership — by and large, it will not eventuate, so the opposition is pleased to see the broader focus of the Board of Studies, as our shadow Minister said.

The opposition has read very carefully the document Schools of the Future. It agrees with the thrust of giving schools a greater ability to determine their educational programs and not simply to manage
their budgets. I cannot for the life of me understand — and I hope the Minister is able to convince us, although unfortunately there will not be a proper second-reading debate so there will not be the chance to debate these very important issues, and I regret that — how the Minister can claim to support decentralisation of education through the Schools of the Future program and at the same time re-centralise education through this centralist and political Board of Studies Bill.

In this Bill the Minister's power is not simply a reserve power, which would have been appropriate; there cannot be a State system of education unless the Minister has a reserve power, and certainly the same power exists in the VCAB legislation. But the Board of Studies Bill takes the Minister's reserve power out of the bottom drawer and makes it the centrepiece of the legislation.

All curriculum could become the Minister's plaything or the Minister's production line. Worse still, it could become the plaything of the Director of School Education. Imagine how many faxes he could then send to schools in a day! Schools will be totally confused by attempts to keep them informed. FaxStream would drive them further up the wall.

The central point I want to make in my limited time to speak on the Bill is that if the Bill's central intention was to empower school communities to advance excellence and equity in education at the school level, it would not be written in the way it is. It is written in this way because the Minister, whether he knows it or not, is about to be commanded by somebody to deliver the narrow ideological demands of the Liberal Party in the State education system.

Mrs Peulich interjected.

Ms KIRNER — No, they are ideological. If they were educational demands they would be spelt out in the Bill, but the government has not spelt out the educational objectives in this Bill, nor has it given the opposition the required briefings on the Bill. If you had written it, Inga, some of my fears may have been relieved!

The CHAIRMAN — Order! The honourable member for Williamstown should refer to other members by their correct titles.

Ms KIRNER — I am sorry; I should have said the honourable member for Bentleigh. It is important for people to realise that because this Bill does not spell out its educational purpose or objectives Victoria is about to have thrust on to it a Board of Studies which appears to decentralise education but which in fact is a vehicle for the implementation of the ideological views of the Liberal Party.

Mr DOYLE (Malvern) — The purpose of this Bill is to establish the Board of Studies. I too would like to tease out, as the honourable member for Williamstown correctly put it, why it is important to establish the Board of Studies.

The board replaces the Victorian Curriculum and Assessment Board (VCAB), which was established in 1986 to oversee years 11 and 12, in other words, the Victorian certificate of education (VCE). As the members of the opposition have said, it is important to broaden and extend that oversight to take into account all education.

The natural progression from VCAB is to develop an entity such as the Board of Studies to cover all students. First, there is a need to strengthen the curriculum, and the Board of Studies is the means to do that, by addressing the question of standards.

"Standards" has been a dirty word in education during the past 10 years. The proposed legislation is about how different subjects will be covered and how different skills will be developed. The second thing schools always need to consider is to cater for the individual skills and needs of different students. The third thing they must do is provide a comprehensive and reliable assessment of what students do. I suggest members of the opposition have no argument with the three needs I have outlined, but I believe there will be disagreement about how to make it happen. The government has chosen to implement change through the Board of Studies, that is to work through the curriculum of schools.

The House is debating what should be taught in schools. Everyone has an opinion about what should be taught in schools; what should constitute the curriculum.

It may be considered strange that as an ex-teacher I believe designing a curriculum requires no special expertise. Educationalists would have it that that is not so, but I believe otherwise. Only two basic requirements are necessary to design a curriculum: a clear idea of the aims of the school system and a willingness to test and question its assumptions and conclusions — to constantly ask "why".
During the second-reading debate the honourable member for Carrum talked a little about subjects and made some comparisons between useful subjects and those subjects which are not. To some extent that distinction is spurious. All subjects are useful, but perhaps, to paraphrase the words of George Orwell in *Animal Farm*, some subjects are more useful than others, and that is where I would start to define a curriculum.

How does one evaluate a subject's usefulness? I believe one must look to the aims of the education system. It is no good arguing that children need to learn an instrument or a foreign language unless one is clear how that skill will contribute to the aims of the education system. There is no point saying that all children should study mathematics without having regard to the topics that should be covered and at what age level they should be covered.

What are the aims and concerns of the curriculum and education system? I acknowledge the debt of some of my thinking to a number of people, including the Vice-Chancellor of the University of Melbourne, Professor David Penington, John Rae and Sir James Darling, the great educationalist. More than anything else, however, my thinking has been shaped by conversations over the years with colleagues in government and non-government schools.

What are the aims of education in Victoria? The first aim is to develop the abilities of individual children so that they become independent-minded adults. That means encouraging intellectual capacity, social skills and physical development. The second aim is to teach all children all the skills and attributes that they will need to find employment and therefore contribute to national and State prosperity.

The third aim is for all children to understand the language, history and cultural values by which our society has been formed. That is why this Bill allows for the timely formulation of the Board of Studies. With those aims in mind the Bill offers positive opportunities for Victorian education.

We should bear in mind that different students have different abilities and we must help all of them to reach their full potential. We must bear in mind that we have to provide feedback to students about what they are achieving, and that is done through assessing standards. We must also bear in mind, as the honourable member for Williamstown said quite correctly, that good education motivates students to learn for themselves and to strive to achieve. One commendable thing the VCE achieved for education was the encouragement of that motivation.

I turn to the purposes, objectives and the functions of the Board of Studies, the establishment of which is the purpose of the Bill. Its objectives and functions are to develop, accredit and evaluate courses of study, to assess and certify student performance and to develop and promote subject choices including pathways to further education and work.

I shall refer to the first objective. We need to be able to accredit all courses and areas on which there is national agreement, for example, the eight key curriculum areas covered by the Hobart declaration. That means we must establish a standards framework and set levels of student performance in each major curriculum area. We must provide the criteria for knowledge, skills, competencies, achievement, performance and assessment tasks against which courses can be accredited.

The board will develop profiles for achievement for agreed curriculum areas. All schools will have the opportunity to design curriculum within the board's standard framework; they will either teach courses accredited by the board for all schools or teach courses they have developed and which have been accredited by the board. That may go some way to answering some of the concerns of the honourable member for Carrum. The government expects the board to appoint curriculum committees covering prep to year 12 and to provide advice on those curriculum areas.

Educationalists have a case to answer for what has happened over the past 20 years. The Bill moves the education system away from the swinging pendulum. As the honourable member for Williamstown pointed out, not so long ago too much emphasis was placed on the traditional subject curriculum, which concentrated on static, isolated chunks of information which were memorised and regurgitated for examinations held at the Exhibition Building. That system had to go, and I believe it has gone forever. When procedures were applied they were applied only by rote, and no-one would call that education.

Recently, however, the pendulum swung back too far the other way and learning content was regarded of little value or account. Skills of inquiry or processes were all that were valued in problem solving; they became all that mattered. I stress that mastery of significant content and method of inquiry and critical reflection must be balanced. The
preoccupation with content or process alone is not conducive to good education: to paraphrase Professor Brian Crittenden’s adaptation of Kant’s dictum:

Process without significant content is trivial; content without process is sterile.

The second objective of the board is to assess and certify. Objectivity, validity and reliability are the watchdogs of assessment; without them students will not be treated equally or fairly. That means a balance at year 12 between external and internal assessment; it means assessment procedures for VCE — that is years 11 and 12 — and it means guidelines for years prep to 10.

The Board of Studies will allow the Minister to conduct assessment for school review or national monitoring. The Board of Studies guidelines will assist schools to report student achievement and performance to students, parents, employers, post-secondary education bodies and any other body, none of which will be new or startling to any honourable members on the other side. It is important that we get the assessment right — that is what students want. The honourable member for Carrum may wish to consider what Associate Professor Jeff Northfield said about balanced assessments.

Mr Sandon — I would have quoted it if I’d had time!

Mr DOYLE — He said:

[The students] want every kind of feedback to [their work] — written feedback, verbal feedback and a grade. If they do an assignment they want to know how well they performed. They want to know how to improve next time. They want to know where they stand in relation to the rest of the class. Students are not convinced they are always getting this feedback.

A critical role for the board will be in helping schools to measure students’ knowing, doing and making. Such a tripartite model is appropriate from the earliest to the final years of schooling. It must be understood that, without the recognition of achievement, effort does not continue: it either weakens or dies away. The abilities of students will not develop fully. The board will have to assist teachers and schools to evaluate students’ knowing, doing and making by considering record keeping, assessment and reporting — the three key components of student evaluation.

The third objective of the board is to develop and promote student pathways to further education and work. All students must have opportunities for schooling, training, higher education and work. The board’s role will be to promote the articulation of courses between school, vocational training and higher education sectors. It is important that any curriculum have flexibility for all types of students. Some students may want to go directly into the work force and, therefore, a year 10 certificate may be of more benefit than anything else. Students who want to enter the work force directly must be catered for. Students who wish to go on to higher education require preparation for the rigours of higher education. The curriculum must provide for them. The curriculum must also provide for students who do not know which pathway they will take: whether for work or post-secondary education and training; it must provide for the needs of all students. That approach ties in with my view that education should help students find employment, a vocation or profession and should help them contribute to their own and society’s prosperity. The secret of the relationship between education and students’ pathways and economic opportunities is in achieving a higher level of education across society. That must be a board responsibility. I am sure opposition members agree that the VCE can be a valuable tool in achieving a higher level of education across society.

Finally, it is vital to our society and to each individual that all students, whatever their socioeconomic background, have the opportunity to achieve their full potential. Society must make the most of our most precious resource — the intellectual potential of our young people. If we value that through the curriculum the Board of Studies can provide, we will protect a standard of living for them and for their children. One significant concern of society today is that individuals will not be able to hand on to their own children the same standard of living that they themselves have enjoyed. As the honourable member for Williamstown said, education is now going through a further change, an evolutionary change, which is part of a natural cycle. At the beginning of this change in education we cannot afford to get things wrong. If we do, the students whose careers and lives are seriously damaged will never forgive us.

I am concerned that any young person might have his or her potential or ability wasted. For that individual it would be a lost future. For the
community it would be a waste of talent: something it can ill afford.

In considering the future of the Board of Studies it may be beneficial to consider the lessons of history. I am sorry the honourable member for Sunshine is not in the Chamber because he often points out to honourable members the lessons of history. I remind honourable members that the French revolutionaries grappled with the same problems we are facing today. Their various curriculums were practical. They determined that students should learn mathematics for commerce; the French language for unity; and study their Constitution to make them good citizens of the republic. Their curriculum was dictated by what they perceived as the aims of education.

I return to the point at which I commenced my contribution. The Bill will help the education community to spell out the aims of education. Curriculum is not a hit-and-miss affair where, with luck, good effects will flow. Curriculum is a means to an end, and that is where the Board of Studies can be so effective.

Mr HAMILTON (Morwell) — The Board of Studies Bill is one of the most important measures to come before the Chamber for some time. It proposes to replace the Victorian Curriculum and Assessment Board with the Board of Studies. I will concentrate on the significant challenges facing the new board and will not empty buckets over it because at this stage it would not be logical to do so.

I hope all honourable members will agree with the statement that "State schools are great schools" because, over the years, throughout Victoria and Australia our school systems have overcome almost insurmountable challenges and those challenges appear to be increasing.

The honourable member for Malvern referred to the significant challenges facing education. I expect members on both sides of the House agree that there are challenges ahead, but they may differ on how those challenges should be tackled. With respect to the Board of Studies, the proof of the pudding will be in the eating. It is a pity honourable members will not have more time to debate the proposed legislation because concerns raised by opposition members may relate to interpretations of what the Bill will or will not do. As with many pieces of legislation, eventually it will be left to the legal eagles to decide what the Bill means.

The Minister for Education has taken on his shoulders a tremendous challenge, and the bureaucracy — and I know many officers who have spent a lifetime in education — is taking on an equal challenge. Those people have been part of the changes that have occurred in education over several decades, but in recent years the changes have occurred even more rapidly. It is interesting that every time there seems to be a problem in our society the trite answer is —

Mr Elder — Have a change of government!

Mr HAMILTON — No, the answer is, "Give it to the educationalists to fix up". It was only last week that honourable members, on a bipartisan basis, discussed racism. The obvious suggestion was that the only solution to racism is through education. Whenever that suggestion is made, another load is imposed on our schools. I am not suggesting that the issue should not be addressed from preschool through to tertiary education, but it is just another example of the load being imposed by society on schools.

Driver education is another area where schools have become involved in assisting our young people. The authorities were quick to blame young people for many of the problems and accidents on our roads and decided that education was the answer. To their credit, the educationalists and the deliverers of education — the teachers — have responded magnificently over a period.

I resent the strident attacks that have been made on the teacher unions, because the leadership and membership of those unions are as committed to good education as anyone else in the community. They understand what schools and education are about and their commitment should never be derided. It is important that the government recognise that teacher unions can make a contribution to schools, and that contribution should be encouraged.

The Bill takes an holistic approach to school education from preps through to year 12. The opposition has no difficulty with that position, but it is aware that the current educational structure will be challenged. In many ways the primary and secondary education sectors are autonomous, but a good argument can be made for melding them so that there is a continuum that recognises that not all children progress through school at the same rate. Currently that does not occur.
I am pleased that the non-government sector will not be forced to comply with the legislation. However, it is well known that non-government schools take a keen interest in what occurs in government schools. In many ways government schools provide an excellent lead in curriculum development. I ask the Minister to tell the Committee whether the current curriculum Frameworks document will be thrown out or whether it will be used as a basis for the Board of Studies; it would provide a good basis for curriculum development. The good relationship that has been established between the government and the non-government educational sectors should be fostered. When dual systems exist it is important that good relationships be fostered so that both systems have an opportunity of learning from each other.

Mention has been made of the standards of accreditation. The honourable member for Malvern used jargon common to the elite independent school sector, but he did not deal with the most difficult problem, which is the establishment of a reliable system of assessment. In my early days of teaching when students were streamed into secondary school — they were the days when there were 48 children in each class, which is too horrible to remember — I recall a student who, although assessed as completely hopeless at maths, went through his school career in the minimum time and obtained a doctorate in mathematics. Assessments are made of students at various points, but because of the unreliability of the techniques used up to 1993 mistakes were made. The challenge is to have an assessment system that recognises the ability of a student to learn.

I am concerned about the wording of the Bill because it does not focus on the most important goal of education, which is to measure and enhance the ability of children to learn. The Bill focuses on an externally imposed set of curriculums that will be used to make that determination.

The debate about standards has continued for many years. The honourable member for Malvern, who has a background of attending an elite school, spoke about standards that are a luxury for many. However, because government schools must take every student that comes along, it is difficult to ensure that each student has the chance to reach his or her full potential. It will be a sad day when a student reaches year 6 but has not achieved the required standard for that year. That will be difficult to define and more difficult to measure — if we are talking about the ability of a child to learn in an internal system where he or she is required to regurgitate information at a written examination. Currently, that appears to be what the government thinks education is about.

Mr E. R. Smith — It must be an embarrassment to have a Leader who went to Scotch College!

Mr Hamilton — I shall ignore interjections because they are disorderly. One would think that with those sorts of backgrounds government members would know better than to interrupt.

The CHAIRMAN — Order! The honourable member for Morwell should ignore interjections, difficult though that may be.

Mr Hamilton — The structure of the board is critical. I am sure the Minister does not underestimate the difficulties he will have in ensuring the selection of appropriate people from a broad spectrum who can cope with a society that is making more demands of school education. Many of the responsibilities of parents and other members of the community have been duckshoved onto schools. That should not happen because it puts too many demands on teachers.

I support the remarks made by the honourable member for Williamstown, who said that our most precious resource is our children. Those who educate our most precious resource must be encouraged, recognised and appreciated, because they have seemingly never-ending demands placed upon them. Of all the professions teaching is the most derided by the general community. It is easy to throw mud at teachers; but not too many doctors, lawyers and managers could sit down with a class of children, understand the precious resource they are working with and encourage each one of those children to reach his or her potential.

It is easy to deride teacher unions while failing to recognise the important contributions teachers make to the ongoing development of our society and to its becoming more understanding and more tolerant. That is the challenge facing the Minister. I wish him luck, and I hope with all my heart that the Board of Studies serves the purposes that are so important to every Victorian.

Mrs Peulich (Bentleigh) — I commend the Minister not only for his Schools of the Future program but also for the concept of the Board of Studies, which is fundamental to the visionary plan
for schools; it promises to offer Victorian education a rewarding and enriching future.

It was gratifying to hear honourable members opposite endorse substantial parts of the Bill; I think the Bill has broad support. The honourable member for Carrum offered some red herrings — but they will not stop the reform of Victorian education during the next decade.

Mr E. R. Smith interjected.

Mrs PEULICH — No, he is not because even his contribution about and knowledge of the number of members on the board was lacking.

Research and experience on school effectiveness and improvement demonstrates there is wide support for a further devolution of responsibilities to the school level within a central framework. The Board of Studies Bill provides that central framework for curriculum development, accountability lines, provision of information, services and other functions to develop and promote student pathways to future education and the workplace.

For the first time in the history of Victorian education we will see a duly appointed board with responsibility for providing leadership to schools across all levels. As a parent and a former educator, I applaud the Minister for his initiative.

The Bill will mean a far more effective and challenging curriculum for students within the State as well as nationally, because the changes must be seen in a broad perspective. The State education system must be responsive to certain important national and State imperatives. This Bill will mean increased confidence in the State education system for parents and members of the community — something that has been lacking for much of the past decade.

Mr Hamilton — Rubbish!

Mrs PEULICH — There has been a substantial lack of confidence in the education system and many concerns have been repeatedly ignored rather being than dealt with in the interests of our children.

In particular the Bill will provide coherence to prevent the disruption to education emanating from merely transferring from one school or region to another. That sort of framework will provide schools with a clearer direction — and I assure the House that schools are awaiting that guidance with bated breath. Schools will be provided with guidelines for teaching and learning activities. As a parent, I can say that those initiatives are long overdue. The fact that my eight-year-old son attends a State school may be a novelty for members of the opposition, many of whom send their children to private schools, but I have faith in the State education system, where I taught for 13 years; I intend to work hard to improve the system so that all children can benefit from the opportunities it should offer.

Although my son attends what I would term a rather nice or good school, I am often disillusioned about the quality of the education he receives. He has a very keen interest in natural science, music and sport.

Mr Hamilton interjected.

Mrs PEULICH — The honourable member for Morwell has interjected a little too early.

The CHAIRMAN — Order! The honourable member for Morwell has had his opportunity and he should restrain himself.

Mrs PEULICH — My son’s interests have been sponsored by the parents. His school — which I regard as good in many respects — has done little to further his interests in those specific areas, or to extend his interests and knowledge, or to offer him challenges. It is tragic that a child who has a curiosity and a desire to learn when only eight years old can be denied those opportunities.

I welcome the comprehensive framework that the Minister will implement in establishing the Board of Studies. Primary school education in Victoria is provided on a rather ad hoc basis. Our children are too important for us as a community and as parents to rely on pot luck — and often it boils down to just that!

I agree with the honourable member for Morwell that some form of continuity between primary and secondary education is long overdue, and no doubt the Minister will take that comment on board.

An important function of the proposed board is course development and accreditation, and a coherent framework to improve the quality of education in Victoria, as indicated by the honourable member for Williamstown, is required. I was pleased that the honourable member welcomed such
a move despite her expressed scepticism about other areas of the Bill. Schools will have the opportunity not only to decide their own curriculums within the board's standard framework but also to teach their own courses, which may be accredited by the Board of Studies.

Schools which have been denied meaningful and worthwhile courses and which have in the past been successful with the students they teach will welcome the reforms. For example, schools offering the tertiary entrance certificate, the tertiary orientation program and other year-12 courses that unfortunately have been sorely missed by many schools can be included in new curriculums. The Victorian certificate of education has failed to deliver that type of choice and diversity in education.

There is no doubt about community support for the concept of self-managing schools and for a further devolution of responsibility to on-site responsibility. However, to do so without establishing accountability lines would be incredibly irresponsible of any government and anyone with a genuine interest in education. Literature and research indicate that movement towards self-management without establishing accountability lines is not on. The honourable member for Williamstown should look at the most recent research on school effectiveness, both here and abroad, to appreciate the need for accountability lines or the accountability of schools to bodies such as the Board of Studies and the Directorate of School Education, accountability in subject areas to school councils, and schools' accountability to the people they serve. The last aspect is probably the most important line of accountability.

The honourable member for Malvern was concerned about the need for feedback in schools. As a working mother, I am appalled at the practice of some schools, including my son's school, of providing only one written report — at the end of the year. As an educator and a parent, it is pointless for me to find out at the end of the year about the sorts of problems and concerns my son has faced during the year.

Ms Kirner interjected.

Mrs PEULICH — I take a keen interest in school education, but without regular feedback and accountability lines we cannot hope to improve the quality of our education system. Accountability is the important ingredient in the delivery of quality education, and the Board of Studies will establish a standard framework in each of the major curriculum areas to provide criteria such as knowledge, skills, competencies, levels of achievement and performance, assessment tasks and assessment procedures for courses undertaken within the VCE and to provide guidelines from prep to year 12.

Schools will be accountable to the school system via the Minister and school councils' agreements or charters which set out the schools' education ethos, goals and planning as well as the accountability processes.

Schools will provide information on the extent to which goals, policies and priorities are being addressed and intended outcomes are being realised. Above all schools must remain largely accountable to their communities.

A further function of the Board of Studies will be the development and promotion of student pathways to further education and work. A lot of work must be done in that area.

The board will play a key role in the provision of information services. The movement towards self-managing schools will mean that school administrators will need to have skills to design and implement an ongoing, collegial and cyclical approach to goal setting, policy making, planning, budgeting, implementing and evaluation.

The board plays an important role in providing advice at a professional level. Schools must continue to nurture a vibrant culture in the local educational community. One of the functions of the board will be precisely that.

To put it into a broader perspective I shall quote from a policy information paper dated August 1991 released by the Honourable John Dawkins, the former Federal Minister for Employment, Education and Training. It says with regard to literacy policy:

We cannot afford to be complacent. About 1 million people in all, or up to 10 per cent of the Australian population, do not possess effective English literacy skills, and this includes many who speak it as their first language.

There are many migrants who acquire English as a second language, but there are many native English-speaking people whose skills have been deficient in that area who have been ignored and denied assistance. That is an indictment of the
education system we have had over the past 10 years.

The policy document continues:

The literacy difficulties encountered by so many Australians have not received sufficient public attention. Yet the demands of our society for higher levels of proficiency in English literacy are increasing all the time, especially in the workplace. Language and literacy development is a responsibility of the whole community.

The concept and approach of the Board of Studies in providing a coherent curriculum framework will put us in a better position to address such community concerns.

The Literacy Challenge, a report of the House of Representatives Standing Committee on Employment, Education and Training, states:

It is estimated that as many as 700,000 English-speaking background Australians have difficulty in carrying out everyday literacy tasks.

How will that problem be addressed? The honourable member for Carrum obviously has a lot of research and reading to do on self-managing schools and on decentralisation of education to realise that the best and most effective way of making use of existing and declining resources is by ensuring that most of the decisions are made at the site level. Clearly the honourable member is not suited to his shadow portfolio. The honourable member for Williamstown did a far better job and was more interesting to listen to than the misguided, unenlightened honourable member for Carrum.

Ms MARPLE (Altona) — I am disappointed that time to debate an important Bill that will have an effect on everybody in the State has been limited. Education is the most important area for all who are concerned about the future of our State and our children. The challenges are enormous as we move out of the industrial era into what could be called the service era. The changes are painful, and we must look to education to help us through that change.

The statement that State schools are great schools is fundamental to the education of our children. Over the years I have been involved in education I have observed the various levels and been fortunate enough to move through the primary and secondary areas of both private and State schools. All the teachers have impressed me. Often teachers are run down by some people in the community who are looking for answers to their disappointments in life. Nobody can claim that every teacher is the most outstanding teacher of all. As members of a caring society we must continue to put education at the forefront to ensure that everybody has the opportunity of receiving the best education to enable them to make the most of their ability and to return it in kind to society.

Many people are afraid that the Bill will turn back the clock. An education system with an emphasis on testing worries people. Numeracy and literacy should be a high priority, but we should not return to overtesting. What are we testing for? Many of us can remember the days of being tested every month by the principal and the yearly visit by the inspector, who would put fear into the heart of the best of teachers. That is not sufficient for these days. People are concerned about turning the clock back to that type of testing of literacy and numeracy skills. I am not saying that there should be no testing. Much research has been done in this area, and one only has to look at the education system in the United Kingdom to see that that type of testing and grading has failed to produce what is needed.

The opposition does not oppose the Bill or the setting up of the board, but the Bill should not turn education back to the 1950s. The opposition acknowledges that standards should be set so that people know where they are heading and what will happen in the future. But the opposition is concerned about the power given to the Minister.

The board will have fewer people than the Victorian Curriculum and Assessment Board had. Who will be represented on the board? Who will have the power to do what? The power will go to the Minister, but is the Minister accountable?

Mr Hamilton interjected.

Ms MARPLE — It is likely that the power will be given to the bureaucracy. The Minister should have reserve powers, but the number of people on the board will be limited and the Bill does not say who will be members of the board. It does not say whether they will represent various school groups, teachers or parents, but it does say that the power will go to the Minister and that behind the Minister are some very well paid, powerful bureaucrats.

Mr Hamilton interjected.
Ms MARPLE — They would never have got to those positions if they had not been through the system. The Bill will centralise power; this is being done by a government that claims it wants to decentralise power out to schools.

I do not object to a curriculum that sets broad parameters because, if schools had to make all curriculum decisions, we would have different levels of education in different areas. How will schools deliver proper services when they are reliant on money from the community? How will schools in poor suburbs provide the same services as those schools in wealthy suburbs?

Mr Hamilton — What about the rural area?

Ms MARPLE — The recession is hitting rural families hard. They are even being asked to pay for library vans. They will have to find money for that service as well as money to run school buses.

Mr Elder — That is not true.

Ms MARPLE — How do we know that? Do we have your word on that? I hope the Minister considers those factors when he makes his decisions.

The Bill does not detail what will be taught in schools. The charter does not set out the basis of the curriculum, which will be overseen by the Minister. The board has already been told by the Minister that there will be a year 10 certificate.

Mr Hamilton — They got rid of that in 1968.

Ms MARPLE — Every year students in years 10, 11 and 12 had to march to the Exhibition Building for external exams. I was one of those who went there for my external exams. I hope we are not seeing a return to that situation. I hope people are not told that if they have arrived at a certain level they will stay at that level for the rest of their lives. I hope the Bill will not produce those results — but it seems that is what it is saying.

What status will the year 10 certificate have? Until now schools have been capable of assessing their students and providing them with a year 10 school certificate. The students are satisfied because they know what level they are at; they do not need a Statewide certificate.

Mr Hamilton — What about the ones who don’t?

Ms MARPLE — Everyone knows that children learn at their own pace and that they become insecure if they think they are not achieving at the same pace as their peers.

The government has already abolished the reading recovery program — an excellent program that has been able to get to the core of problems early in primary school. What will happen now this excellent program is cut? The government will probably say it will be brought back magically.

The government talks about cutting and is always saying it cannot afford this or that. How will you deal with the learning difficulties of young students? You will tell them that they are not good enough. You have done this in the private schools over the years — you have dismissed them!

Honourable members interjecting.

The CHAIRMAN — Order! Interjections across the Chamber are disorderly. I remind the honourable member for Altona that she should direct her comments through the Chair and not across the Chamber because that incites interjections.

Ms MARPLE — I will contain myself, Mr Chairman, although it will be difficult.

The honourable member for Bentleigh spoke about literacy. It is important that we know exactly what literacy means. The definition of literacy has been debated at length by many educationalists. The Bill does not define literacy. The definition of literacy by the National Consultative Council for International Literacy Year is:

Literacy involves the integration of listening, speaking, reading and critical thinking; it incorporates numeracy. It includes the cultural knowledge which enables a speaker, writer or reader to recognise and use language appropriate to different situations. For an advanced technological society such as Australia, the goal is an active literacy which allows people to use language to enhance their capacity to think, create and question, which helps them to participate effectively in society.

We would all agree with that. Some educationalists suggest there should be a literacy level so that students can read and write sufficiently to complete functional examinations. An example often given is that they should be able to read a recipe, but do we know if the reader understands how to apply it? There is much discussion among educationalists in
the teacher education area on functional and critical literacy.

If honourable members want to know more about critical and functional literacy they should read *Getting it right is hard: redressing the politics of literacy in the 1990s* by Colin Lankshear from the University of Auckland, who says:

This approach —

that is functional literacy —

has obvious appeal to politicians and policy makers since it appears to offer at least the beginnings of a practical agenda for tackling pressing concerns without requiring wholesale surgery on the social fabric. From the critical literacy perspective, however, these bases for the appeal of the functional literacy and human capital approach constitute its major drawback and make it dangerous.

Unfortunately, functional literacy has the tendency to keep people at a certain level and limit their ability to develop their critical skills.

I appeal to the Minister and the government to examine the intent of the Bill because it is possible for it to be interpreted in that way. It would be disastrous if it had the effect of dividing society into groups, as has occurred in the United Kingdom and in the United States of America. Australia does not need to go through that experience — it has proved disastrous in those countries. We need to ensure that our young students can look critically at what they need and develop their critical educational skills so they can take their place in society as fully functional, aware adults.

Functional literacy skills will not get them jobs. They need to have the necessary skills to feel comfortable about themselves, to develop a strong self-esteem, but that will not occur if they do not have the ability to question written material they come across throughout their lives.

The government is asking people to examine their own workplace agreements, which requires appropriate critical literacy skills. The opposition is questioning the Bill to ensure that it does not have the effect of taking education back to what it was 40 years ago: having tests every month to the extent that students lived in fear of being branded failures.

The Board of Studies should build on the work done during the 1980s, when the Victorian certificate of education was developed, which has meant that students can research, question and examine the material presented to them.

The young people I have worked with now know that they can complete years 11 and 12 and are not turning their backs on the system. We do not want a divided society. It is imperative that we develop a highly skilled, educated society, not one that is divided, as this Bill may suggest.

Mr ELDER (Ripon) — The Bill is a key plank of the coalition’s education policy and is the result of 18 months of consultation with various groups in the community.

An honourable member interjected.

Mr ELDER — The coalition may not have spoken to members of the opposition or the Australian Labor Party branches in Carlton or other inner suburbs of Melbourne, but it has consulted widely. The policies have been on the table for 18 months, so the Bill is not being rushed through. That is a smokescreen being created by opposition members to denigrate what the government is doing.

I thank the opposition for its bipartisan approach to the Bill. It is fantastic that the opposition is supporting the Bill because it acknowledges that what the former Labor government did to education during the past 10 years was hopeless. Opposition members are admitting, by their support of the Bill, that their past policies were a mess.

The Bill will coordinate the curriculum — something the former Labor government could never do. All it wanted was social engineering at years 11 and 12. That is what was said in the *Labor Star*, copies of which have been hanging in my backyard toilet for years — that is all they are good for!

I thank the opposition for supporting the Bill because it is recognising at long last — it has taken 10 years — that its education policy was a failure. The opposition is telling the community that for the past 10 years it messed up education. The coalition has been waiting a long time for that admission. It accepts it and asks the opposition to apologise to the people of Victoria, particularly the children who were the guinea pigs in education.

I hope honourable members opposite have read what a former Labor Minister of Education said about the coalition’s policy. The Honourable Ian Cathie is a person I respect. He had his finger on the
pulse. He supported Schools of the Future program and said he wanted to implement that policy but he was rolled by the unions and the tomato left — people like the honourable member for Williamstown. The former Minister of Education said that the development of the VCE was hijacked by teacher unions and left-wing parent groups. He said that many educationalists were opposed to testing of any sort.

The government has the support of a former Minister of the Labor government — what more does it need! It is doing the things that the opposition should have done in government.

Ms Kirner interjected.

Mr ELDER — Physical education is part of the curriculum. Members of the opposition say that the children of government members all attend private schools.

The Leader of the Opposition was born with a silver spoon hanging out of every orifice. While he was going to Scotch College, I was going to a State school in Broadmeadows.

The CHAIRMAN — Order! The honourable member used an unparliamentary term, and I ask him to contain himself. This might be an opportunity for the honourable member to collect his thoughts.

Sitting suspended 6.30 p.m. until 8.3 p.m.

The CHAIRMAN — Order! I hope the tranquillity of the dining room has subdued the honourable member.

Mr ELDER — I shall recap what I said prior to the suspension of the sitting. The opposition says it supports the Bill. That is an indictment of the Labor Party, because it is an admission that everything it did in education during its 10 years in government was basically wrong. What I say is supported by a former education Minister, the Honourable Ian Cathie, and I congratulate him on his bipartisan approach. He has not sided with the Labor Party; he has said that what the coalition government is doing in education is correct. He has said he would have done the same thing, only he was hamstrung by the tomato left — the unions and all the other minority groups that handcuffed the Labor government and prevented it from doing what it really wanted to.

Under the Labor government students and parents were not informed of students’ progress. I shall refer back to my working-class roots. In working-class suburbs people have a grave distrust of teachers. I have spoken with former Labor Ministers who say that the Labor government got it fundamentally wrong. Polling after the last election showed that the Labor government’s policy on education gave it more trouble than any of its other policies. The working class, which the Labor Party pretends to represent, has a grave distrust of teachers because they did not inform parents how their children are going at school. The blue-collar workers in Broadmeadows, Sunshine and Williamstown want to know how their kids are going compared with children in the rest of the State — just as I want to know how my kids are going.

The second area in which the Labor government was wrong was in its politicising of the curriculum. There were editorials against the Labor government in the Sunday Sun.

Honourable members interjecting.

Mr ELDER — The opposition may laugh, but the Herald-Sun and the Sunday Herald-Sun have wider distributions and sell more newspapers to free-thinking Victorians who want newspapers that give them an unbiased view of society than the Age, the Spencer Street Soviet newspaper. They want the truth, they do not want the left-wing jargon of the Spencer Street Soviet newspaper rammed down their throats. The only way to get a job at the Sunday Age is to be a card-carrying member of the ALP or a Trotskyite!

An article written by the honourable member for Williamstown in the May 1984 edition of the Labor Star, headed “Tackling education: one viewpoint”, shows how the curriculum was politicised. It has a lovely photo of the honourable member — even though she has more bangles than a bazaar shop in Iraq. She is reported as saying:

A ruling class stays dominant both in education and in the shaping of our political economy. Their “new” education system will provide sufficient well-educated, employable people to reshape the past industrial capitalist society in ways which continue to exclude people — the underclass — from learning, work, creative leisure and power.

That is how our system was politicised. That was Labor’s agenda when it was previously in opposition, which it carried through into
government. I am not saying everything the Labor
government did was wrong, but the majority of
what it did was wrong. I am an even-handed
individual who is prepared to recognise that the
Labor government got some things right —
although, off the top of my head, I cannot think
what they were!

One need only talk to members of Parliament on
both sides of the House and to educational leaders
such as Professor Penington to discover that under
the Labor government the community lost
confidence in education, and that showed up in the
polling. Parents and students became pawns in an
ideological push to change education in this State.

Tonight I have listened to previous speakers who
have more or less attacked the government for
having some right-wing agenda for educational
change. If honourable members opposite care to
check Hansard, they will find that in the past the
opposition has implied that we have tried to
introduce a new right educational philosophy. That
is completely wrong.

I was educated in the State school system and my
children are enrolled in the State education system.
Many opposition members have had a
non-government school education, which is
probably why their views on State education are so
perverse. For example, one might ask where the
children of the shadow Minister for Education go to
school. My children go to Learmonth Primary
School, which is a great State school. I went to Jacana
Primary School and studied for my higher school
certificate at Wycheproof High School. The shadow
Minister for Education has lost faith in State
education in Victoria, because he sends his children
to a non-government school.

Ms Kimer interjected.

Mr ELDER — The honourable member for
Williamstown says that they cannot make those
decisions. The parents federation has also made that
sort of comment to me. Last year I visited Chicago in
the United States of America where the schools in
black areas have a type of Schools of the Future
program that devolves power from a centralised
bureaucracy to schools. That system is working well
in those schools and the parents and students I
spoke to wanted it that way — they wanted to be
empowered at a local level in respect of curriculum.
Students in those schools were gaining much from
subjects such as Afrocentric studies.

In an article headed “Tackling education: one
viewpoint” at page 5 of the May edition of the Labor
Star, the honourable member for Williamstown says:

We also need to emphasise the importance of studies as
yet not central to the curriculum in Victoria: the study
of labour ...

Everyone has seen how the Labor Party studies
labour. The Labor Party told students through
history books that people who went to war were
“harm workers”. That is the way the Labor Party
took over the curriculum in this State — it was an
absolute disgrace! The article continues:

... its importance; its contribution; its culture; its
organisation; its conflict and cooperation with capital;
the study of the role of women; multicultural and
community language studies; Aboriginal studies; peace
studies; technological studies. These studies are not to
be seen as optional frills but part of the centrality of learning for our future society.

The comments of the honourable member for Williamstown are reported in the Labor Star, which is not a best-seller in the community. It makes its main sales in the Carlton and Williamstown branches of the ALP. When in government the Labor Party pushed through its left-wing ideology and for the past 10 years education in Victoria has been railroaded.

Part of the debate has centred around the issue of students leaving school after completing year 10. The Labor Party says that its greatest achievement in government was increasing school retention rates — that is, keeping all students on until year 12.

Ms Kirmer interjected.

Mr ELDER — When I grew up in Broadmeadows, and when I taught in Broadmeadows only a few years ago —

The CHAIRMAN — Order! The honourable member for Ripon seems to be having some difficulty in addressing his remarks through the Chair; he is wandering all around the Chamber and is avoiding the Chair. I ask the honourable member to direct his remarks through the Chair.

Mr ELDER — A more fantastic goal to achieve, rather than regarding the keeping on to year 12 of thousands of students as a major achievement, would be to have students finish their education in the State education system with high numeracy and literacy skills and better equipped to seek employment.

Ms Kirmer interjected.

The CHAIRMAN — Order! The honourable member for Williamstown is out of order.

Mr ELDER — Keeping students on to year 12 is not a great achievement. Many students in Broadmeadows and Sunshine want to go only to year 10; they then want to go out into the real world to seek jobs.

The coalition government’s coordinated curriculum from prep to year 12 and from prep to year 10 will give students the skills necessary to compete for jobs in the real world in preference to baby-sitting them through further school years, as the former government did.
the school level and at the more formal level of curriculum planning through the State board and earlier through regional boards.

The number of speakers who have mentioned the national framework is interesting. They have mentioned how the system has to fit into the national framework, national benchmarking and national profiles. Some of those people should think for a minute about where some of policies have come from.

The profiles that have been adopted nationally in large part are profiles developed in Victoria. National curriculums were also in large part developed in Victoria. Is it not somewhat shameful to listen to a Minister and assistant Minister who are not prepared to give any credit to their own system of curriculum development implemented over a number of years? Curriculum development in Victoria has been of a very high standard.

We do not hear from members opposite about curriculum development or what should be taught in schools; instead we hear about what should be tested in schools. Certainly the honourable member for Ripon spent a large part of his time speaking on that. He spoke about testing, testing, testing, but what was the purpose of that testing?

An Honourable Member — It is diagnostic testing.

Mr LONEY — Is it diagnostic testing? The honourable member for Ripon raised a good point. A person who has had something to do with the education system would fully agree with diagnostic testing if it is used for a purpose. That is the important thing about diagnostic testing: not that it is done, but that it is used for a purpose.

Testing was linked very closely to literacy in the speech of the honourable member for Ripon and in other speeches. It is suggested that somehow testing will overcome illiteracy. This interesting proposition is not a new one. One of the key people putting forward the theory that testing is somehow allied to literacy and can overcome illiteracy is the new Director of School Education, Mr Geoff Spring. He ran that agenda 10 years ago or more in the Northern Territory.

An Honourable Member — It worked.

Mr LONEY — Did it? I will come to that in a minute. Literacy rates in the Northern Territory have not changed over the 10-year period that Mr Spring was conducting tests. That was the situation when the new director in Victoria came to power. I quote a person whom even members opposite will probably take as an expert, Mr Geoff Spring. In an article printed in the Northern Territory News dated 16 December 1990 he is reported as saying:

In 1981 the department instituted a standard series of tests for years 5, 7 and recently year 10.

He said the figure of illiterate Territory students was 20 per cent in 1988 and had remained constant since.

Under Mr Spring's program of testing, literacy rates have remained constant. So after a 10-year experiment in the Northern Territory that did not work the Victorian government has decided to bring Mr Spring down here to run another experiment that will have an equal lack of success because it is based on a flawed idea.

Testing on its own does not work; it is what is done with testing results that is important. There is no mention in the Bill of what is to be done with test results, so the premise is false.

Mrs Peulich — It is not about testing.

Mr LONEY — Nearly every speaker on the other side has picked up the point that the Bill is about testing. Certainly the contribution of the honourable member for Ripon was largely about testing.

The honourable member for Malvern spoke at some length on testing, too. I note his background. I shall refer to something the honourable member for Malvern would certainly be aware of. I am not sure whether the honourable member for Ripon and other honourable members would be aware of this. I refer to the works of Charles Dickens and particularly his novel Hard Times. Hard Times is appropriate in this context. The honourable member for Malvern would know that one of the central characters in this novel is Mr Gradgrind.

Mr Doyle — Facts, facts, facts!

Mr LONEY — "Facts, sir, teach them facts." This Bill is about the Gradgrind philosophy of education: the only things that count are facts — "teach them the facts, sir". It may be that the Minister for Education, who is at the table, is the Gradgrind of education in Victoria these days. I am not sure where that leaves the honourable member for Ripon. It may be that he is the Choakm'child. The central